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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

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

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

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House of Lords

Thursday 23 June 2022

11 am

Prayers—read by the Lord Bishop of Blackburn.

Diabetic Prevention Programme Question

11.06 am

Asked by **Lord Brooke of Alverthorpe**

To ask Her Majesty's Government what was the business case for not recording the percentage of patients who joined the Diabetic Prevention Programme between 2018 and 2019 but failed to complete the course; and whether this information is now recorded.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Kamall) (Con): Data on completion rates is collected for specific reference periods. Rather than looking just at a yearly comparison, completion is analysed to understand the impact of changes to the programme, such as providing a digital option for consumers. Data collected at specific reference points, such as from January 2017 to March 2019, shows a completion rate of 53%.

Lord Brooke of Alverthorpe (Lab): My Lords, I am grateful to the Minister for that. He may not know it, but I have been on the diabetes prevention courses, as I am on the cusp of diabetes. I was amazed by the rate of drop-out on the course that I was on. It ran for nine months. I wondered about the cost and so asked a Written Question on the details, which the Minister has now given me. With a nearly 50% drop-out rate, surely there is something wrong with the course. I want to see more courses but they should be run properly. Can we get the NAO to look at this to see if we can have some improvements and get better returns?

Lord Kamall (Con): I thank the noble Lord for the question and pay tribute to him for his work in this area over many years. He is absolutely right. One of the challenges of this programme is that it is a nine-month course. Clearly, like many things, it was impacted by Covid, with a lack of in-person consultations and appointments. However, the silver lining to the cloud was the digital service. The course was able to move some patients on to digital services and to self-referring. One impact of that has been more people signing up to this programme.

Lord Hamilton of Epsom (Con): My Lords, is it possible that it is not the course that is at fault but the people who go on it? Has the department not considered charging people a refundable attendance fee to ensure that they roll up?

Lord Kamall (Con): I thank the noble Lord for his question but what is more important is that we get people who have diabetes on to the programme in the first place. As we adjust the programme to take account of the pandemic, for example, and digital offers, we

are also looking at different ways to work with different communities. For example, I was talking to a young girl of Bengali origin in my department the other day. I said, "What do we do about getting to the heart of the communities, given that we are in Westminster and Whitehall?" She said that one of the problems in her community is that, "We love ghee—we love clarified butter, in our curries and our rotis." We are looking at alternative recipes and menus so that people can still have the same food but it can be healthier.

The Lord Speaker (Lord McFall of Alcluith): The noble Baroness, Lady Brinton, is contributing remotely.

Baroness Brinton (LD) [V]: My Lords, the observational study by academics of the 2018-19 wave of the NHS diabetes prevention programme, published by BMC Health Services Research, observed disengagement within sessions when patients reported that information was difficult to understand, and when there were very large group sizes and problems with session scheduling. This is all before Covid. Problems with the course will inevitably make patients more likely to drop out but 50% is shocking. Now that this diabetes prevention programme has been rolled out across England, have these specific problems been addressed?

Lord Kamall (Con): The noble Baroness makes an important point about what we have to learn from these programmes. In many of these programmes we are in a process of discovery. You try things—some will work and some will not. Those which do not work, we want to learn the lessons from. Clearly, the length of the programme, nine months, has put some people off and led to the dropout rate. We are looking at shorter programmes, digital access and self-assessment, and at community-led initiatives rather than top-down government initiatives. To give another example, I met someone at a meeting yesterday who told me that his mosque in Accrington was running healthier-diet programmes for worshippers. We need to see a lot more of those programmes as well.

Baroness Merron (Lab): My Lords, the national paediatric diabetes audit shows that the impact of type 2 diabetes and the cost-of-living crisis is disproportionately felt by children living in the most deprived areas. What preventive measures specifically geared towards children are in place so that they may avoid type 2 diabetes? What are the Government doing for the almost 4 million children, and their households, who are struggling to access and afford enough fruit, vegetables and other healthy foods to meet official and basic nutrition guidelines?

Lord Kamall (Con): One of the NHS programmes that will be repeated by integrated care boards when we have them is the eight annual diabetes checks for people of all ages. Certain factors—HbA1c, which is your average blood glucose level, or your glycated haemoglobin; blood pressure; cholesterol; serum creatinine; urine albumin; foot surveillance; BMI; and smoking—are checked for patients of all ages to identify early onset of diabetes.

Lord Grocott (Lab): My Lords, further to my noble friend Lord Brooke's Question about the drop-out rate and his suggestion of an independent review, what mechanism is there for assessing courses that clearly are not as successful as they might be if there is such a high drop-out rate?

Lord Kamall (Con): The point is about what we learn. For example, some noble Lords will have seen stories about the impact of minimum alcohol pricing in Scotland. Clearly, it did not turn out as intended because the review found that people from poor communities were spending more on alcohol, rather than the alcoholism rate being affected. In this case, we have learned that the nine-month programme and some of the other processes behind it clearly lead to a drop-out rate. We are looking at other programmes. One of the great stories we have seen is the use of digital and other forms of access. If we can roll that out as well with community programmes, it might be a better way of doing things.

Lord McNicol of West Kilbride (Lab): My Lords, following my noble friend Lady Merron's question regarding children, could the Minister say a little more about schools and what work the Government are doing to raise these issues there? We all know that the earlier we can prevent onset the better. Schools are a great place for this to be done.

Lord Kamall (Con): The noble Lord makes an important point. When I speak to experts, policy officials and people working on diabetes, one of the things they say is that the Government cannot reduce obesity alone; efforts also have to include businesses, health professionals, schools, local authorities, families, individuals, community groups and civil society. We all have to come together collectively. There clearly are programmes in schools to encourage people to eat more healthily, but I am sure the noble Lord would recognise that, when we were children, we had programmes about not smoking, sex education and people not drinking alcohol. We would come out of them and say, "I'm never going to drink alcohol or smoke cigarettes again." Two years later, we were all at parties and what were we doing? We have to make sure that it is impactful all the way through life, not just at that time.

Lord McColl of Dulwich (Con): My Lords, does the Minister agree with the recently published scientific evidence that fasting is actually good for you and that missing an occasional meal would be a good thing, especially for preventing diabetes?

Lord Kamall (Con): As my noble friend will be aware, there are always debates in scientific circles on this. There are different types of fasting regime as well. For example, during Ramadan lots of mosques expounded it as a great example of something that is not only spiritual but good for your physical health. It does depend. Other studies show that it depends on who is doing it and their other circumstances.

Lord Scriven (LD): My Lords, could the Minister say what is being done regarding the latest statistics, which showed that just 34% of people in the north of England who have diabetes have access to the eight health checks that they should have?

Lord Kamall (Con): The noble Lord makes an important point. The Office for Health Improvement and Disparities is looking at a number of these areas and where the health service or the ICS locally has to target more resources. Clearly, one of the big concerns is disparities. The noble Lord has given the example of the north-east; as he rightly said, there will be parts of the country where those checks are not happening. It is vital that we tackle those disparities.

Lord Brooke of Alverthorpe (Lab): I am sorry to be so persistent, but we are spending millions on these programmes. Since some work is being done to try to improve them, could the Minister give the House a report in six months' time to tell us what progress is being made and give us some targets that are being delivered?

Lord Kamall (Con): I am not entirely sure that I can give the noble Lord what he asks for, but I suggest that he asks me a Question about progress in six months' time. Given that the noble Lord asked this Question, I will go back to the department and see what answers we can give.

Lord Hain (Lab): My Lords, is there any link between patients with diabetes and other ailments and the drop-out rate? Can the Minister give any evidence for that?

Lord Kamall (Con): I apologise, I did not hear what the link was: between diabetes and what, sorry?

Lord Hain (Lab): Patients with other ailments or conditions and the drop-out rate.

Lord Kamall (Con): I am not entirely sure of the answer to that. I will check and write to the noble Lord.

Disabled Children: Support Services *Question*

11.16 am

Asked by Lord Touhig

To ask Her Majesty's Government what assessment they have made of the barriers preventing families with disabled children from adequately receiving support services.

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): My Lords, we recognise the challenges that families of disabled children face in getting the right support. In the past three months we have published the special educational needs and disabilities and alternative provision Green Paper, and the independent review of children's social care published its final report. We will publish proposals to improve support for young people with disabilities and their families. Investments in family hubs and local health join-up will all improve support services for families of disabled children.

Lord Touhig (Lab): My Lords, many of the ambitions in the SEND Green Paper are welcome and offer real hope to those of us who want reform. However, the proposal to allow parents of disabled children to pick a school only from a pre-defined list, rather than allowing them to specify one that meets their child's needs, is plain wrong. I know many carers who have had to fight tooth and nail to get the right school for their child and this change will make it harder. I will ask the Minister one specific question: have the Government made an assessment of whether this policy, if adopted, could create even more barriers for families with disabled children than exist already?

Baroness Barran (Con): I understand the spirit in which the noble Lord asked this Question. It is an extremely important one that families with disabled children all around the country are asking. He also hinted at the very confrontational system that we have at the moment. The point of our consultation is to understand and listen to families with disabled children. We have a big hill to climb to build trust and confidence with our families but we are absolutely committed to doing that.

Lord Holmes of Richmond (Con): My Lords, by key stage 2, at the age of only 11, only 22% of children with special educational needs or disabilities achieve the requisite levels of literacy and numeracy. What is the Government's plan to address this iniquitous situation and close the SEN and disability attainment gap?

Baroness Barran (Con): My noble friend rightly points to the gap in outcomes for children with special educational needs and disabilities. He will be aware of the proposals we set out in the schools White Paper, with the aim that 90% of children should leave primary school with the required standard in reading, writing and maths. That can happen only if children with special educational needs see much better outcomes. That is behind the commitment that we set out in the Green Paper, but also the financial commitments we have made in terms of capital and revenue for those children.

Lord Addington (LD): Does the Minister agree—I think she has—that the current system is overly legally confrontational and has primarily benefited lawyers? Having said that, what is the Minister going to do to make sure that those with low frequency problems or high needs—by definition there are few places that can support them—can travel in the new regime or have their needs met by people coming to them? That is a real problem for a very few and one that the Government must deal with if they are to get this right.

Baroness Barran (Con): I absolutely agree that the system is overly confrontational. I cannot comment on the benefits to lawyers, being surrounded by so many of them. Parents tell us that it is overly confrontational. The noble Lord makes a good point. It will be important, and I invite the noble Lord to hold us to account on how we address those issues when we report back on the Green Paper.

Baroness Uddin (Non-Aff): Short and long-term care services are broken according to organisations led by the Disabled Children's Partnership, which is reporting families suffering a litany of physical and mental health issues as a result of the adversarial system we have talked about. Can the Minister assure the House that parents will not be forced to supplement health authorities and local authorities with funding of the advocacy services during the SEND process?

Baroness Barran (Con): I am not able to reassure the noble Baroness at the Dispatch Box because her question covers such a multitude of different potential situations, but the spirit of our reforms is that we have heard loud and clear from parents about the stress and pressure that this causes them, sometimes including financial pressure, and we are absolutely committed to addressing it.

Lord Alton of Liverpool (CB): The Minister will be aware that in April the Down Syndrome Bill, promoted in another place by the right honourable Dr Liam Fox MP and promoted here by my noble friend Lady Hollins, completed all its stages. What progress is being made on implementing the terms of that legislation, and will there be an opportunity for the House to be properly advised about that progress?

Baroness Barran (Con): I will have to write to the noble Lord setting that out, together with my colleagues in the Department of Health and Social Care.

Lord Lucas (Con): My Lords, I congratulate my noble friend on the respite innovation fund, which is an excellent example of the right way of tackling the challenges faced by families with disabilities. Can she reassure me that it will be evaluated to high standards, that families will not be allowed on to the scheme unless they understand that evaluation is an important part of it, and that a comprehensive survey will be conducted by a reputable organisation at the beginning, at the end of the intervention and six months later, so that we can learn from this and build on it?

Baroness Barran (Con): As my noble friend knows, my right honourable friend is a great fan of data and transparency. We have commissioned an independent process and an early outcome evaluation of the first year of delivery to assess the impact of the scheme. It will obviously seek the views of parents and children who are in receipt of the support, as well as those of local authorities and other delivery partners. The evaluation will assess the feasibility of conducting a robust impact assessment of the type my noble friend outlined, for years two and three of delivery.

Lord Watson of Invergowrie (Lab): My Lords, I must press the Minister in respect of the answer she gave to my noble friend Lady Uddin a few moments ago. Surveys by the Disabled Children's Partnership found that three-quarters of parent carers had suffered a deterioration in mental health due to the fight they were required to undertake to get the right services for

[LORD WATSON OF INVERGOWRIE]

their children. In the light of that, can the Minister say how the Government intend to use the SEND Green Paper to reduce the burden of admin and advocacy that currently rests on the shoulders of parents with disabled children?

Baroness Barran (Con): I think I mentioned our starting point in response to the original Question asked by the noble Lord, Lord Touhig, which is that part of our challenge is building up trust with parents who have children with a disability. We believe that by having much clearer bandings around provision, so that we reduce some of the regional inconsistencies in the system, and by requiring mediation as part of this, we will reduce confrontation. That is absolutely our intention, but we do not have a closed mind on this. We have held more than 153 consultation events and they are growing all the time. We are very keen to hear from parents on what they think will work.

Baroness Bull (CB): My Lords, the Disabled Children's Partnership, to which many noble Lords have referred, points out that the Green Paper does not answer what may be the biggest question for many families: how will councils, schools, the health service and others be held to account if they do not meet their legal duties to provide appropriate support for disabled children and their families?

Baroness Barran (Con): The noble Baroness is right, and she will be aware that just over 50% of councils inspected by Ofsted got written statements of action, which means they have significant weaknesses in their arrangements for children with special educational needs and disabilities. Obviously, we are planning to improve the system, but we are also planning to improve accountability through new inclusion dashboards for 0 to 25 year-old provision. We hope that that will give us a timely picture of performance that can be used to create a self-improving system.

Baroness Chapman of Darlington (Lab): My Lords, the Government's national strategy for disabled people was described by them as a strategy to remove barriers and increase participation, but it was judged to be unlawful by the High Court earlier this year because of the dire state of the consultation. Does the Minister agree that overcoming barriers to access is best achieved alongside disabled people, with their full involvement? What is she going to do to make sure we never get into that situation again?

Baroness Barran (Con): Many disabled people's groups welcomed the strategy at the time, and we are deeply disappointed and strongly disagree with the finding of the court. The Secretary of State concerned has sought permission to appeal the High Court's decision. In relation to the Department for Education, the actions that we had in the national strategy are not impacted by the High Court's decision and we are continuing at pace with all of them.

European Convention on Human Rights Question

11.27 am

Asked by **Baroness Chakrabarti**

To ask Her Majesty's Government what plans they have to encourage compliance with the Convention on Human Rights (1) in the United Kingdom, and (2) across Europe.

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bellamy) (Con): My Lords, the Government are fully committed to abiding by their obligations under the convention, in line with the Brighton declaration of 2012, agreed under the UK's chairmanship of the Council of Europe's Committee of Ministers. We will continue to lead efforts to ensure the effective implementation of the convention by all state parties, in accordance with the principle of subsidiarity and the margin of appreciation afforded to them under that declaration.

Baroness Chakrabarti (Lab): I welcome the Minister to his very well-deserved new role.

Noble Lords: Hear, Hear!

Baroness Chakrabarti: I thank him for his Answer, but I am afraid what Amnesty International has called the "rights removal Bill", which was published yesterday, tells a rather different story. Its provisions drastically dilute the positive obligations on the police to protect the public from sexual and violent crimes, and it attempts to break the vital link between our domestic courts and the European Court of Human Rights in Strasbourg. How can Ministers get on aeroplanes to talk about human rights elsewhere in the world while promoting such a hatchet job at home?

Lord Bellamy (Con): I thank the House for its welcome. As the House knows, this afternoon we have an Oral Statement during which we can go into some of these questions in more detail. If I may at this stage confine myself to general terms, the Government's view is that this Bill will strengthen our human rights framework in this country, in particular—and these are the key words I would like to introduce—by introducing a better balance in the human rights framework, a better balance between the judiciary and the legislature, a better balance between UK judges and Strasbourg, and a better balance between rights and obligations. We stay in the convention; the rights in the convention are still there in UK statute; but we seek to rebalance and clarify, in the words of the Act, and thereby restore public confidence in our human rights framework.

Viscount Hailsham (Con): My Lords, I also welcome my noble and learned friend to his present place; he is very welcome. Would he agree that in a parliamentary democracy there is a great deal to be said for leaving to the Supreme Court of this country the ultimate interpretation of the meanings of rights and their applications? If Parliament happens to disagree with that interpretation, Parliament can reverse or modify

it, whereas if the ultimate arbiter is the European court, that is not possible. Is that not a serious democratic deficit?

Lord Bellamy (Con): My Lords, I respectfully agree with my noble friend.

Lord Anderson of Swansea (Lab): My Lords, Article 46 of the European Convention on Human Rights is very clear:

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

This is more fundamental than subsidiarity or a margin of appreciation, because now the Government plan to make our own courts the final court of appeal. How do the Government reconcile this with the clear obligations under Article 46 of the convention?

Lord Bellamy (Con): My Lords, the United Kingdom remains bound by Article 46 of the convention. In the unlikely and relatively rare event, let it be hoped, that the United Kingdom is found in breach of the convention, it will be a matter of political discussion and settlement in the context of the Committee of Ministers, as has happened from time to time in the past—for example in relation to prisoner voting. That situation remains unchanged. It is the Government’s view that, within this framework, we are achieving a better balance in the mechanics of the convention rather than the fundamental principles.

Lord Singh of Wimbledon (CB): My Lords, would the Minister agree that, by definition, there can be no hierarchy of human rights and they should be exactly the same whether for those in Europe or Britain, or for those seeking refuge and asylum in small, leaky boats?

Lord Bellamy (Con): My Lords, the convention recognises a margin of appreciation and the principle of subsidiarity as to how each of the member states implements their duties under the convention. There is no hierarchy as such, but there are going to be variations in the way those rights are secured. In particular, this Bill redefines and promotes the right to freedom of speech, which lies at the heart of our democracy.

Lord McNally (LD): My Lords, the Minister will be aware that the European Convention on Human Rights will for ever be linked to David Maxwell Fyfe who, supported by Winston Churchill, was one of its principal authors. It is implicit in the Question asked by the noble Baroness, Lady Chakrabarti, that, over the years since its passage, we have been both a leader by example and an influencer in Europe. Is the Minister really satisfied—I am sorry to say this in welcoming him—to continue to be a member of a Government who are quite clearly using civil liberties, human rights and the convention itself as what is described as a wedge issue to inflame and enthuse the right wing of the Tory party, instead of giving the moral leadership that all parties have taken pride in since its inception?

Lord Bellamy (Con): My Lords, respectfully, I do not accept the characterisation put forward by the noble Lord. The approach in this Bill is balanced, as I have just explained, and is described in this morning’s *Times* as a “constructive and sound” approach—a

phrase that I would readily adopt. I fully accept that the great tradition of this country by great lawyers such as David Maxwell Fyfe should, and does, continue. The UK is one of the most active members of the Council of Europe. We have not only promoted the Brighton declaration I referred to a moment ago, which finally came into force last October, but we have recently been party to a further recommendation on better dissemination of human rights information across the Council of Europe and to a declaration to revitalise Articles 5 and 6 on liberty and the right to a fair trial. We have taken a lead in dealing with the situation regarding Russia and on generally improving the mechanics of the court. That leading role will continue.

Lord Ponsonby of Shulbrede (Lab): My Lords, I welcome the noble and learned Lord to the Dispatch Box. When the Human Rights Act was incorporated into the ECHR in 1998, I was a delegate to the Council of Europe. I remember many speeches in this Chamber and in the Strasbourg assembly about the importance of that incorporation process. Many of the speeches were directed to our new eastern European friends about the importance of the ECHR. My noble friend’s Question is about the impact of this proposed legislation in Europe. Does the Minister believe that the Bill of Rights Bill introduced yesterday will enhance or detract from compliance with the convention in Europe?

Lord Bellamy (Con): My Lords, I thank the noble Lord for his welcome. The Government believe that, when we have cleared away the fog surrounding this Bill, and fully understood it and together analysed it in detail, it will be seen to be a reinforcement of human rights. It will not detract from the framework of human rights or have any adverse effect on our friends and allies in eastern Europe and other members of the Council of Europe.

Lord Moylan (Con): My Lords, it is a convention right that one should have a vote for the legislature that makes one’s laws. Can my noble and learned friend say whether he considers that that right is being vindicated in Northern Ireland at the moment, which is subject to laws made by a foreign power with no democratic say, or is democracy simply a matter of a margin of appreciation?

Lord Bellamy (Con): My Lords, I anticipate that that question is somewhat outside the ambit of the present debate. I can add that, in relation to Northern Ireland, the Government are satisfied that this Bill complies with the Good Friday agreement, the withdrawal agreement and other relevant enactments affecting Northern Ireland. I think that is as far as I can go today.

Transport for London: Funding Question

11.38 am

Asked by **Lord Davies of Brixton**

To ask Her Majesty’s Government when they expect to announce the details of any further Extraordinary Funding and Financing Agreement for Transport for London (TfL) for the period after 24 June; and when they expect that there will be a long-term solution to funding TfL.

Viscount Younger of Leckie (Con): My Lords, the Government have repeatedly shown their commitment to supporting London's transport network since the start of the pandemic, providing almost £5 billion in emergency funding to Transport for London. The Government have committed to consider a longer-term settlement, and we continue to discuss further funding requirements with TfL. However, any future support provided will focus on getting TfL back on to a sustainable financial footing in a way that is fair to taxpayers across the country.

Lord Davies of Brixton (Lab): My Lords, I regret to say that I cannot honestly thank the noble Viscount for his reply. I was hoping that the Government would take the opportunity to end the uncertainty facing Londoners, both passengers and staff. Of course, it is not just Londoners; people across the country depend on work from TfL and on London as a key powerhouse of the UK economy. What we face is managed decline, making a mockery of the Government's purported policy of levelling up. Will the Minister give a specific commitment to support the necessary capital expenditure that the Transport Secretary has acknowledged will be required in London as well as in the rest of the country?

Viscount Younger of Leckie (Con): To the extent that the noble Lord is right, he makes a very important point: the London Underground transport system in particular is one of the best in the world, and is recognised as such. It is important that we continue to fund it wherever and however we can. But this extraordinary funding, so defined, was meant for a specific purpose, as a result of the revenue shortfall due to the Covid-19 pandemic. I am well aware that tomorrow is 24 June, although I regret that I am not able to tell the House what extension, if any, can be announced today.

Lord Fox (LD): My Lords, the Minister knows that clouding this process is the absolutely appalling relationship between the Prime Minister and his successor as mayor. As a result, the absence of long-term funding is hitting not just passengers but business, as we have heard, because TfL is not able to enter into the proper procurement processes with companies all around the United Kingdom. Without that, they are losing business. Will the Minister join me in calling for the Prime Minister to step back from this feud and enable a long-term deal to be done for TfL?

Viscount Younger of Leckie (Con): The noble Lord knows full well that this is a matter for the mayor and Transport for London. The department works closely with TfL on a range of operational and policy issues, but negotiations with trade unions and averting further industrial action on the London Underground are a matter for the mayor and TfL. But the noble Lord makes a good point; we are keeping a close eye on this because it is important that Transport for London is funded properly.

Lord Moylan (Con): My Lords, many of us who have a close and long association with Transport for London would be deeply keen to see a long-term

settlement that covered both operating costs post Covid and the necessary capital investment. But will my noble friend agree that the games that have constantly been played by the Mayor of London since this began, his failure to engage seriously with any responsibilities, and his refusal to take difficult decisions are at the heart of the failure of trust between him and Ministers? Does my noble friend agree that TfL and its fine workforce are suffering as a consequence?

Viscount Younger of Leckie (Con): My noble friend makes a good point; supporting TfL and the staff that work so hard for it is important. I say again that we remain committed to supporting London's transport system, but only on the basis that TfL is returned to a position of financial sustainability in the interests of the UK taxpayer. We are giving some help, but it is important that outdated methods of working are closely looked at. My noble friend is right that trust is the main mantra.

Lord Harris of Haringey (Lab): My Lords, is it not a fact that it is the Government who have been playing political games with TfL's budget, as they do in so many other areas? They are playing games by drip-feeding resources and not engaging in good faith in the negotiations that they say they want. When will the Government stop that and instead provide the necessary funding to deliver the transformation that the mayor, this House and all the passengers in London look for?

Viscount Younger of Leckie (Con): I totally take issue with the noble Lord; what he said is simply not true. As I said earlier, this is a matter for the mayor and Transport for London, and we have been helping where we can. I say again that the matter is linked to financial sustainability and TfL moving towards updating outdated issues—driverless trains and other matters are being looked at.

Lord Aberdare (CB): My Lords, what, if anything, is happening that might lead to the reopening of Hammersmith Bridge in due course?

Viscount Younger of Leckie (Con): I can give my noble friend—I think I can call him that—an update. The Government remain committed to supporting both the London Borough of Hammersmith and Fulham and TfL in the repair of Hammersmith Bridge. A first business case was approved, but there is another stage whereby a further business case that is compliant with Treasury rules has to be presented. It is important that we remain committed to the reopening of Hammersmith Bridge.

Lord Tunnicliffe (Lab): My Lords, the situation we face is extremely serious. This is not just some transport issue; it is about London. London's integrated public transport system is absolutely crucial. We are talking not just about domestic use but about London's international reputation: it is why firms are willing to locate here in the financial district. I was involved in recovering London transport from the managed decline of the 1970s—it took three decades. This is not just about whether the mayor and Prime Minister can agree with each other; it is about recognising that we

cannot be allowed to slip into that syndrome again. Can the Minister assure me that this is the central objective of government?

Viscount Younger of Leckie (Con): I regret that I am not able to give an announcement on funding beyond tomorrow, but the noble Lord is right that investment in London benefits the economy and supply chain outside London. The Government recognise the need for certainty and stability in Transport for London's capital investment programme, and remain committed to supporting London. But TfL's income for 2021-22, including revenue from fares, road user charging, business rates and council tax—and our emergency support—is about the same as it was in the last year before the pandemic.

Baroness Altmann (Con): Will my noble friend join me in congratulating the staff of, and those working in, Transport for London on keeping the service going so brilliantly during the pandemic, and on the way on which it has been recovering?

Viscount Younger of Leckie (Con): Most certainly. My noble friend is absolutely right: about 26,000 staff work for TfL, and they work extremely hard on our behalf. As she pointed out, the difficulties that have arisen over the pandemic have been quite extraordinary, and I pay tribute to the staff on behalf of the Government.

The Lord Speaker (Lord McFall of Alcluith): My Lords, we will now move on—oh, I am sorry, the noble Lord, Lord West, wants to ask a question.

Lord West of Spithead (Lab): My Lords, one of the areas that has not received sufficient investment is transport on the river, which I used during the Tube strike the other day. It worked brilliantly, but there are not enough boats—

Noble Lords: Ships!

Lord West of Spithead (Lab): Those are boats; ships are rather different. I will have to give a seminar on that. But will there be any more investment in river transport? In particular, will the Government not pass legislation, given that rules implemented by the MCA are making it impossible for some older and most marvellous heritage craft to use the river?

Viscount Younger of Leckie (Con): I also wish the river were used more; I am the beneficiary of it, in that I use what I would call a ferry from Battersea Power Station up to the London Eye. My understanding is that this service is privately owned and not funded by the Government. The noble Lord makes an extremely good point; it is a valuable service, particularly during the strikes, when more people have needed to use it. I hope that more people will look at the river as a permanent means of transport.

The Lord Speaker (Lord McFall of Alcluith): My Lords, I apologise that we have fallen behind the time, but I am delighted that the noble Lord, Lord West of Spithead, asked his question.

Polio

Private Notice Question

11.48 am

Asked by **Baroness Merron**

To ask Her Majesty's Government what action they have taken in response to the national incident declared due to the polio virus being found in London sewerage systems.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Kamall) (Con): The established UKHSA public health response mechanism has been stood up in line with national polio guidelines. This national incident means that a national team has been set up to manage and co-ordinate these actions across areas, which is standard procedure for many of the health threats that the UKHSA foresees and manages. Although samples have been detected in London, the UKHSA is working to ensure that other areas are aware and are taking actions necessary to protect populations, including encouraging people to take the vaccine.

Baroness Merron (Lab): My Lords, while the risk to the public is considered low, the declaration of a national incident will of course give cause for concern, so the Government need to communicate swiftly and clearly about the situation and to ensure that children in particular are vaccinated against polio, especially as there is lower vaccine coverage in London among younger children. What is being done to address this situation and how will the Government roll out their messaging, working with local authorities, schools, the NHS and GPs, who already have added pressure from being contacted in greater numbers by the public who are concerned about vaccinations? Can the Minister reassure your Lordships' House that he is working closely with the Treasury to ensure a properly funded communications and vaccination campaign?

Lord Kamall (Con): We should start by being clear about what has been found. As part of routine surveillance, the MHRA analyses sewage from a number of treatment works and looks at what may be identified—it is world-leading in this. We should pay tribute to the UKHSA for its world-leading work and for being ahead of the game in spotting potential health risks early. It is normal for one to three vaccine-like polio viruses to be detected each year in UK sewage samples, but those are usually one-off findings. In this case, a vaccine has been detected; it is probably related to someone having had the polio vaccine and having shed it as part of their faeces. A couple of things will now happen. First, the MHRA will go further down the system to see whether it can isolate where that came from. Secondly, the messaging is quite clear: you must get your vaccine. Most people get their vaccines as part of a routine. They get it twice in preschool and then at school at 14 as their final booster. However, there are some areas of low vaccination, and we are making sure that we are rolling out that message along all the channels mentioned by the noble Baroness.

Lord Herbert of South Downs (Con): My Lords, the World Health Organization pronounced Europe free of polio 20 years ago, but that was clearly not the case globally. Its emergence here is surely a reminder that a highly infectious disease anywhere can become a highly infectious disease everywhere. Is it not also a reminder of the need therefore for vigilance against such infectious diseases, which are not beaten until they are fully beaten globally? There are other diseases such as TB where there is not even a vaccine. Will my noble friend consider the importance therefore of renewing the UK's commitment to the Global Polio Eradication Initiative to ensure that, once and for all, this beatable disease is beaten?

Lord Kamall (Con): My noble friend makes a very important point. Even though a number of countries have been declared polio-free, including the UK because of our high level of polio vaccination, we should be clear that it has been detected and it has derived from someone having had a polio vaccine, probably an oral vaccine—the sugar cube that many of us will remember from our youth, rather than the injection that a person receives now as part of their 6-in-1. That has the potential to spread, and it is why the UKHSA is monitoring it. The important message is to remind everyone: check your red book, check your medical records, check your vaccination record. If you have not been vaccinated against polio or have not had the booster, go to your GP and get it as quickly as possible.

Baroness Jolly (LD): My Lords, what is unusual about these detections is that several positive ones have come from the same sewage facility over a few months. It is worth noting that this kind of polio virus community transmission in London has not been detected since the 1980s. Genomic testing has subsequently revealed that these positive samples are all related, suggesting the virus has been spreading through one or more individuals in London over recent months. Can the Minister give us more detail and tell us what action is being taken by local public health scientists and local authorities? Does the department consider it may be part of a trend? Many noble Lords can remember polio vaccinations—I had a vaccination and then my younger brother had a sugar lump, which I thought was distinctly unfair. Is there a plan to start vaccinations in the area?

Lord Kamall (Con): Vaccination is already part of a national plan. People should be vaccinated at certain ages—I think it is in the first few months, and then in preschool and then at about the age of 14, when they get their booster at school. A couple of things could have happened. Someone may have travelled overseas, had the oral polio vaccine and then excreted it into the system—and it has happened on more than one occasion. On top of that, the important message is: check your records and make sure that you are vaccinated. It is not a matter of trying to get a new vaccine; it is already part of NHS routine. We encourage more people to come forward.

Baroness Watkins of Tavistock (CB): Can the Minister clarify further what we will do to encourage vaccinations,

while schools are still open, for 14 year-olds and for the 11% of under-twos in Greater London who are not vaccinated at the moment?

Lord Kamall (Con): Part of the public health message has been focused on making sure that people come forward, even before this was detected in the sewage works. One thing we saw as a result of lockdown was that some parents in some areas had not taken their young children to their doctor to have the vaccine. Let me be clear: at eight, 12 and 16 weeks, a child gets a 6-in-1 vaccine; at three years and four months, as part of the 4-in-1 preschool booster, they get it; and at 14 years they get one at school as a teenage booster. Some of those are pre school. We are encouraging people to check their red book, check their vaccination record and make sure they take their child in for their vaccine.

Lord Reid of Cardowan (Lab): My Lords, one of the paradoxes of ministerial Statements on issues such as this is that the more transparent Ministers are, the more the risk that it will create a sense of concern in the public. The history of public health problems over the past 50 years gives us the knowledge that the best way to deal with these issues is the maximum transparency at the most regular and immediate opportunities. That is the way ultimately to relieve concern and I recommend it to the Minister. On a specific issue, can the Minister give a little more detail on the decline in vaccinations throughout the country, particularly in London, during the Covid pandemic? I assume that the natural concern with vaccination for Covid led to a fairly substantial decline in vaccinations for other diseases. Can he give us a little more information on that?

Lord Kamall (Con): First, I thank the noble Lord for his recognition of one of the challenges of ministerial office, as he will know from his own experience. It is important that we recognise that vaccine-derived polio has the potential to spread, but it is rare and the risk to the public overall is limited. The majority of Londoners are fully protected against polio and will not need to take any more action, but the NHS will begin reaching out to parents of children under five in London who are not up to date. But we are asking for it both ways and for parents to check their records. Let us be clear that the UK is considered to be free from polio, but we recognise a potential risk given our world-leading surveillance of sewage.

On the noble Lord's specific question, we are quite clear that people must come forward for all vaccines. Sometimes during lockdown people were unable to see a doctor or nurse in person, and the NHS is catching up with that anyway, but the NHS will keep sending the message to try to identify people who have not been vaccinated. At the same time, we are encouraging people to check their records. Let us be clear: we detected this very early in the chain, and it has perhaps come from someone who took an oral vaccine overseas and has excreted it into the system.

Baroness McIntosh of Pickering (Con): I congratulate the UKHSA and the Environment Agency on the investment they have made. When was the polio first

detected—there are reports that it was detected as early as February—and when might they be able to narrow down the area in which it has been found?

Lord Kamall (Con): I thank my noble friend for that question. There is routine surveillance that happens anyway. However, in this case they have detected it in more than one surveillance. Quite often, it is seen as a one-off and then not seen again for some time; in this case, it has been detected at each interval of the surveillance. We know it is from the Beckton Sewage Treatment Works—in that part of London. I must be careful about the words I use here: clearly, it is mixed up with a lot of other stuff, and we must now work out how we go along the pipe, as it were, and investigate individual pipes to see whether we can locate the source. In theory, it might be possible to find individual households or streets but it is too early to do so. What we are doing here is really world-beating: it is a first and shows that we are ahead. However, one issue in being ahead is that we detect things that would not have been detected earlier, and people are worried about them.

Lord Walney (CB): My Lords, does the Minister recognise the stark difference at the moment in the quality of vaccine records' availability? I declare an interest in that a consultancy of which I am a director works with Palantir, which has been part of the extraordinary change in the Covid vaccine records. Does he recognise the need to update the rest of the NHS so that the information on hand to patients, which has been so valuable in the system here, is more widely available for polio and other vaccines?

Lord Kamall (Con): The noble Lord makes a really important point about the future of the NHS and our health services. Last week, the Government published the *Data Saves Lives* strategy, which is what it says on the cover. One of the first issues we must tackle is digitising the NHS as much as possible. Digitisation is one of my three priorities, alongside sharing data. First, this will ensure that we can identify population health issues and patterns in conjunction with AI; secondly, giving appropriate access to researchers allows us to continue to be world-beating in identifying such issues. In future, it may well be that we can get a sample, use a bit of AI—thanks to other data sets—and locate more accurately. At the moment, we are really at the cutting edge of this. What will be vital to it is the digitisation, sharing of and access to data across the system.

Baroness Masham of Ilton (CB): My Lords, is it known how many countries are using the live vaccine, which is different from the vaccine we are using?

Lord Kamall (Con): I am aware that there are still some countries that use the oral polio vaccine, as opposed to the IPV we use in this country. I do not have the exact numbers with me. If the noble Baroness will allow me, I will go back to the department, see if that information is available and then write to her.

Baroness Uddin (Non-Affl): My Lords, water quality in east London is appalling enough without this scare. I spoke with three of my neighbours yesterday, all with very young children, and not one was aware of

this campaign. What steps are being taken to ensure sufficient and urgent awareness is created among East End multilingual communities, who are already struggling with a daunting array of health and well-being information?

Lord Kamall (Con): As it happens, I was at an event yesterday at which a GP from east London was present; we were talking about the whole range of issues, not just this specific issue. Let us be clear: no one has got polio and no cases have been identified. We have found it in the sewage, and it probably came from someone who had the oral vaccine overseas, came to the UK and excreted it into the system. There are no cases of polio at the moment—we should be absolutely clear about that—but we are saying that this is a warning that people should ensure that they get vaccinated and check their records.

The noble Baroness makes a really important point about health disparities and there are lots of issues we must tackle. I have said many times that we must see how we can work on a community-led solution, rather than having someone in Westminster or Whitehall who thinks they have all the answers. To be honest, we have to show due humility and say that people sitting in this House can sometimes be out of touch with those communities.

Lord Sterling of Plaistow (Con): My Lords, as my noble friend has said, the polio disease still exists in other parts of the world. When immigrants come from different parts of the world—not just from Europe—are they examined, checked and given polio injections immediately, or does it take time?

Lord Kamall (Con): I thank my noble friend for that question. I am not sure of the exact details on when they are informed but let me go back to the department and ask. What I do know is that, when immigrants come to this country and register with their local GP, there is a health check and, quite often, a questionnaire to raise awareness about what vaccines or treatments they may have had and to ensure that they are as up to date with their vaccinations as the existing populations.

Business of the House

Motion on Standing Orders

12.04 pm

Moved by Lord Ashton of Hyde

That, in the event of the Social Security (Additional Payments) Bill having been brought from the House of Commons, Standing Order 44 (*No two stages of a Bill to be taken on one day*) be dispensed with on Monday 27 June to allow the Bill to be taken through its remaining stages that day.

Lord Ashton of Hyde (Con): My Lords, on behalf of my noble friend the Leader of the House, I beg to move the Motion standing in her name on the Order Paper.

Motion agreed.

Standards of Behaviour and Honesty in Political Life

Motion to Take Note

12.05 pm

Moved by Lord Morse

That this House takes note of the impact on the democratic process of any reduction in the standards of behaviour and honesty in political life.

Lord Morse (CB): My Lords, first, I thank the Cross-Bench Peers who voted for this Motion. I am very much indebted to them for doing so.

I begin by looking back to the early phase of the pandemic. A lot of people were getting sick and dying. Health professionals were not well protected and a lot of them were getting sick also; they showed great courage in sticking to providing care for those who were suffering. Do noble Lords remember that we were applauding the NHS on our doorsteps every Thursday night? Out there, I was making use of a saucepan to amplify my praise. The country showed that it could come together, help protect the NHS and accept—and largely comply with—tough and long-enduring restrictions. People were losing loved ones, to whom they were not able to say goodbye, while still obeying the rules and remaining a cohesive community.

This is why, when we heard that 126 fixed penalty police notices had been issued to 83 individuals, including the Prime Minister, for holding parties in Downing Street it feels, notwithstanding the successes of the vaccine programme, more than a simple misdemeanour. It feels like a breach of trust. This is reflected in the very low current approval and trust ratings for the Government and the Prime Minister.

Levels of trust in politicians have been at a low level for more than a decade, roughly since the time when the Iraq war inquiry report was published. They represent a serious threat to our democracy. During the pandemic, trust in politicians started low and fell sharply lower as it continued. However, the pandemic was a public health crisis and much of the communication and detail came from scientists and doctors. Both groups came into the pandemic highly trusted and largely maintained that trust, while trust in politicians fell. That may be explained by contrasting styles of communication: the evidence-led scientists admitted to uncertainties, shared risks and assumed that the public were capable of drawing sensible conclusions from evidence; the politicians had a communication style reflecting the legacy of being on message, using news management designed for the political battlefield rather than for informing and involving the listener.

We are likely to face future national emergencies where we need to come together and they may well not be of the public health kind, but rather the threat of war or economic crisis, which both look possible at the moment. So we cannot rely on Professor Chris Whitty, Patrick Vallance or even Professor Van-Tam to inject, if your Lordships will pardon me, credibility into the Government's leadership. We need that credibility to be rebuilt, if we are to face a future crisis with the

strength of national unity and not slide towards the deeply divided state we observe in the US, which relies on post-truth and very deep divisions of opinion.

Since distrust has a long half-life, we need a programme that is pursued over the long term but to start by setting very high standards of behaviour and delivering them. A good start would be a truly independent regulation of conduct at the top of government, a sweeping change in communications strategy and a firm rejection of the smug attitude that says, "Do what I say, not what I do", without expecting to be challenged for it. I beg to move.

12.09 pm

Lord Wolfson of Tredegar (Con): My Lords, I am grateful to the noble Lord, Lord Morse, for introducing this debate about standards of behaviour and honesty in political life. It is a pleasure to follow someone who has worked so hard to maintain those standards in public life. However, I note that, in the terms of the Motion, we are talking about political life and not public life. That seems to me correct. We do not, and cannot reasonably, expect from our politicians the standards of behaviour we would expect from, for example, our faith leaders. I am not a faith leader, nor do I really consider myself a politician. I am a lawyer, and it is from that vantage point that I approach this important topic.

One of the fundamental principles that underpins standards of behaviour and honesty in political life is that of the rule of law. Noble Lords may be aware of a letter I sent to my right honourable friend the Prime Minister earlier this year on this topic, which gained, let me say, some degree of publicity. In that letter, I noted that the rule of law means that everyone in the state, and the state itself, is subject to the rule of law. This is an ancient principle; it appears not only in the work of Dicey in the 19th century and Locke in the 17th century, but even as far back as the writings of Aristotle, who wrote:

"It is more proper that law should govern, than any one of the citizens".

Although the rule of law is therefore a central feature of our constitution and plays an essential role in maintaining the highest standards of behaviour and honesty in political life, noble Lords may be surprised to learn that the judicial oath does not refer to the rule of law at all. Judges swear

"to do right by all manner of people after the laws and usages of this realm, without fear or favour, affection or ill will",

but there is no reference to the rule of law itself. In fact, that is not really surprising, because the rule of law is not a law but a constitutional principle. I suggest, given the terms of this debate, that it is a principle that underpins high standards of behaviour and honesty in political life.

While judges do not take an oath which refers to the rule of law, there is someone who does, and that is the Lord Chancellor. I should state clearly that what I am about to say is said from a position of principle, and is not directed at any individual Lord Chancellor, let alone the current officeholder. I worked closely with Sir Robert Buckland, the previous Lord Chancellor, and the Deputy Prime Minister, who now holds the

office. Both are lawyers for whom I have a great deal of respect. My focus is on the position of Lord Chancellor and our current constitutional settlement.

The Lord Chancellor takes an oath with three distinct parts. The first references respect for the rule of law; the second underpins the independence of the judiciary; and the third deals with the provision of resources for the efficient and effective support of the courts. Those three parts are of course interlinked. The rule of law becomes fragile to the point of invisibility if the independence of the judiciary is not respected and, when necessary, defended—and that may mean defended in public and in unambiguous terms. The rule of law will become mere words without any content if the resources made available are inadequate to enable the courts to fulfil their function.

A lot changed with the Constitutional Reform Act 2005, which declared in Section 1 that nothing in the Act adversely affected the existing constitutional principle of the rule of law. So far as constitutional theory is concerned, I am prepared to accept that. But I regret that the same Act, which denuded the position of Lord Chancellor of significant parts of its historic and political authority, did adversely affect the practical and day-to-day implementation of the principle of the rule of law. I do not want to tread on the toes of the Constitution Committee, which is looking at the position of the Lord Chancellor and the law officers. Suffice it to say, as the committee puts it on its own website, the 2005 Act “fundamentally altered” the role of the Lord Chancellor—and, I would suggest, not for the better.

Historically, the Lord Chancellor wore three hats: he was the head of the judiciary and presided over the appellate committee of this House, which was the Supreme Court until it crossed Parliament Square. He was a member of the Cabinet, and headed a department dealing with the courts, legal aid and constitutional affairs. He was also a Member of this House, and sat, if I may put this somewhat anachronistically, as the Speaker. I am prepared to accept that reform was needed. In this day and age, I do not think you can really have a member of the Cabinet as a sitting judge. But it is undeniable that the reforms in the 2005 Act led to a diminution in the role of Lord Chancellor. The creation of the role of Justice Secretary two years later, in 2007, while understandable, further undermined that office. This is compounded by the statutory requirements for the person who holds the position of Lord Chancellor, who need not be a lawyer at all, never mind a senior lawyer.

The undeniable consequence, it seems, is that the role of Lord Chancellor has changed from being an office which would conclude a career—a destination job, if I may put it that way, or a grand terminus—to being little more than an intermediate station stop, a resting point before the political journey continues on to greater things. I do not suggest that we can return to the status quo ante. That metaphorical train, unlike many real trains today, has left the station. But I do not think that we have gained from a system in which you can be Lord Chancellor on Monday, but then be promoted—and it will be seen by many as a promotion—to be Secretary of State at Defra or DCMS on Wednesday. I have nothing against Defra or DCMS,

but the fact is that the Secretary of State at neither department takes an oath to respect the rule of law, and it is the rule of law which underpins standards of honesty and behaviour in public life.

I would like us to consider returning to a system in which the Lord Chancellor is again one of the great things in our constitutional settlement. The role could encompass responsibility for the rule of law, the judiciary, our constitutional settlement, devolution, human right and international law—all things, in other words, which are part of the rule of law in its broadest sense and underpin our constitution. An enhanced and reinvigorated role for the Lord Chancellor would for those reasons be a helpful and important step in maintaining what we all want: the very highest standards of behaviour and honesty in political life.

12.17 pm

Lord Anderson of Swansea (Lab): My Lords, I follow the noble Lord in his paean of praise for the rule of law and congratulate the noble Lord, Lord Morse, on his speech, which was more in sorrow than in anger. The debate is very timely, because of increasing concern in our country about standards in public life at a time when the second of the Prime Minister’s ethics advisers has resigned when asked to advise on a proposed breach of international law.

Such is the concern about moral standards that I felt the need for a text, as a rather lapsed lay preacher, and I have chosen a well-known passage from the fourth letter of St Paul to the Philippians:

“Finally, beloved, whatever is true, whatever is honourable, whatever is just, whatever is pure, whatever is pleasing, whatever is commendable, if there is any excellence and if there is anything worthy of praise, think about these things.”

We have all, of course, heard that before, and fairly recently. That is the gold standard of honesty and, even if it is an impossible ideal, it is highly relevant at a time when there is an increasing disconnect between principle and practice and questions are asked about the quality of our democratic practice and leadership. We need a lively and informed Opposition, and the leadership should be examined critically and often. We have come a long way since Plato’s concept of leadership—the aristocracy, the best in the pure sense of the word. That is no longer possible in our populous societies, where the ordinary citizen has no real and direct means of assessing the quality of leadership. All is influenced by social media and the press as intermediaries.

Historically, heavens on Earth have not lasted very long—the Parliament of Saints barely merits a footnote. The worm of corruption, alas, intervenes in our democratic societies. We should be protected against corruption and totalitarian temptations, both by a free press and institutional checks and balances.

Enough about the principles, the values and the safeguards—what about the practice? We must recognise it in the real world. As Carlyle wrote, we cannot “measure by a scale of perfection the meagre product of reality”, but we can aspire, nevertheless, to the best.

On the whole, we in the UK have been most fortunate in the quality of our leadership. I have been in Parliament since 1960 and have been in government in that time. I

[LORD ANDERSON OF SWANSEA]

have had contact with many Prime Ministers, all of whom I have admired as people of principle, even if I disagreed with their policies. Among the leaders over the past century, Lloyd George, though a great war leader, had big faults. On a personal level, though unfaithful to his wife, he was not a serial philanderer, and money given from the sale of honours through Maundy Gregory did not enrich him personally. I like the slogan of US President McKinley, who campaigned on

“The man without an angle or a tangle”,

which is not a bad slogan for any politician.

Alas, I cannot follow in that same praise for our current Prime Minister, who often shows himself to be a total stranger to the truth, from partygate and pledges on international law which have been broken to his cavalier attitude to a number of other matters. He has shown some of the same trends as Maundy Gregory—indeed, he could teach Maundy Gregory a lesson or two by his ennobling of friends and party donors. I still await with interest the contribution in the many debates on Ukraine in your Lordships’ Chamber of the Russian Member who was appointed—and who has been rather reticent about these matters.

The Philippians extract is, in my judgment, highly relevant. Noble Lords will recall that this was the passage read by the Prime Minister during the wonderful service at St Paul’s to mark Her Majesty the Queen’s jubilee. The cleric who chose that passage for the Prime Minister to read clearly has a very profound sense of humour. As was said of Lloyd George,

“Count not his broken promises as a crime. He meant them, oh he meant them at the time.”

If one looks at the Prime Minister’s record on Northern Ireland and other matters, one wonders whether he even meant what he said at the time—certainly, it has been ignored since. I asked a Conservative colleague in the House why, given that history and the untrustworthiness, the Prime Minister was still supported. The answer was, “We factored that in.” I remind your Lordships that almost 60% of the Conservative Members of the other place endorsed the Prime Minister recently, and I remind them of the tar-baby: if you touch the tar-baby you will be tainted in the same way.

The principles in this Motion are clear. They have a very contemporary relevance but, today, the practice is very different. To return to the Good Book, “the good that I would I do not”.

12.24 pm

The Lord Bishop of Blackburn: My Lords, I am grateful to the noble Lord, Lord Morse, for this debate because it gives us the opportunity to speak here about what the country is talking about: a general concern about behaviour and honesty in political life, and I trust, therefore, about the institution of Parliament and democracy. It raises the key question: are there standards and values that govern and guide our way of life and our dealing with one another? If so, what are they are where do they come from? Or is there a vacuum in which everyone decides what is right in their own eyes? I would argue that, without a moral framework, we are bound and dictated to by those who shout the loudest and make their voices heard. That is a dangerous path to go down.

This week, there was big, cross-party support for the amendment of the noble and right reverend Lord, Lord Harries, to include in the Schools Bill a reference in the curriculum to teaching on the values of being a British citizen. Five were outlined: democracy; the rule of law; freedom; equal respect for every person; and respect for the environment. Children and the next generation need to learn to operate within this framework for the common good and for the future, but I would argue that so too do adults—and that applies now. If children and young people do not see these values modelled and lived out by those who are older and by those in public life, they will not see them at work or see the good difference that they make and the wisdom they impart, and they will not see a path which they themselves can follow. I believe that it is incumbent on all in positions of authority and influence, whether as royalty, celebrity, faith leader, parent or politician, to consider what impact they are having by their attitudes and behaviour on the next generation.

Our culture so promotes the rights of the individual that the consequences of our actions for others are often forgotten or ignored. In many minds, “my truth” has taken prior place over any sense of absolute or objective truth; I decide, rather than allow someone, some group or some institution to rule on what is true. Truth is a category that is being sidelined more and more in our generation—a casualty. Generation Z is said to trust what social influencers say more than what politicians say in terms of what is true. Lying and fake news are increasingly not challenged, and it is increasingly more difficult to do so. How can we trust when we are unsure about the reliability of the information that we are given? Trust is something that builds as confidence grows; it is something earned, and cannot be assumed because of a position or a role.

We face an opportunity in our nation to fill the vacuum caused by the growing absence of a moral compass. As a result, we find ourselves drifting according to the prevailing current of the day. One consequence is that our hard-won liberalism is becoming illiberal, where it is unacceptable to hold certain opinions, and cancel culture and no-platforming have taken over. The values of our liberal society arose out of Christian convictions, but now those underpinning attributes are no longer adhered to as they were in the past. As a recent article in the *New Statesman* declared, liberalism will decline as it has lost its foundation.

We are in a fascinating period of change, all of which argues the case for stronger adherence to a moral framework to steer us through the complexities of modern life. How easy it is to be tossed to and fro by the waves, and blown here and there by the wind. This diagnosis of our current plight needs to be challenged. While there will always be resistance to guidelines, directives and values, because they place the authority to decide what is true outside the individual, we must maintain that we are truly free when we know and live within certain boundaries and frameworks. To that end, I support any move to raise and uphold standards of behaviour and integrity in political life.

12.30 pm

Lord Butler of Brockwell (CB): My Lords, this is the second successive Thursday on which the House has called on the noble Lord, Lord True, to demonstrate his skill at the Dispatch Box in batting on a sticky wicket. Without dissenting from anything that has been said in the debate, I may surprise him by offering the Government some support about the mechanics of upholding ministerial standards, albeit with a major qualification.

I do not think any of us would challenge the proposition in the Motion in the name of the noble Lord, Lord Morse, that a

“reduction in the standards of ... honesty in political life”

has an

“impact on the democratic process”.

Various studies, including one reported by the Committee on Standards in Public Life, indicate the public view that Ministers and MPs have poor ethical standards in comparison with others who deliver public services, such as doctors, teachers, judges and local government officials. Such a loss of confidence between the Government and the governed is very serious.

However, here is my support for the Government. The Government’s response, published on 27 May, to the Committee on Standards in Public Life’s recommendations on the Ministerial Code, seems to me largely right, despite criticisms in the media. The Government have taken a measure to introduce gradations in the penalties for breaches of the Ministerial Code. I have long felt that the view that any breach of the code, however trivial, requires a Minister’s resignation, is wrong. The Government have now said that minor breaches can be dealt with by lesser sanctions such as loss of salary or even an apology. I welcome this. The Prime Minister mishandled Sir Alex Allan’s report into alleged bullying by Priti Patel. Instead of rejecting his conclusion that there was a degree of bullying for which there was ample evidence, the Prime Minister could have accepted that but not required such a severe sanction as her resignation. If he had, the complainants could have had a remedy and the Prime Minister could have retained the services of Sir Alex Allan.

The second recommendation in the committee’s recent report on ministerial interests, which the Government have partially accepted, is that the adviser on ministerial interests should be able to initiate investigations. The Government have accepted this, subject to the adviser consulting the Prime Minister. Many have criticised the requirement for the Prime Minister’s approval, but it seems realistic. The adviser’s investigations are unlikely to make progress in government if the Prime Minister has not authorised them.

The Government rejected the recommendation that the various regulators of ethics—the independent adviser on ministerial interests, the Commissioner for Public Appointments, and the Advisory Committee on Business Appointments—should all be put on a statutory basis and their powers backed by legislation. The Government do not like that recommendation because they want these matters to be governed in the political sphere. Legislation would bring the courts and judges in on

the act. Again, I have sympathy with the Government’s view, but this is where I have an important proviso. The public will accept that allegations of ministerial misconduct should be dealt with in the political sphere only if they have confidence they will be dealt with fairly and rigorously. I am afraid that the Prime Minister has lost the public’s confidence over this, through his handling of the cases of Priti Patel and Owen Paterson, and through his own behaviour.

Since the Government’s Statement of 27 May, we have had the resignation of the noble Lord, Lord Geidt, and the Prime Minister is reported to be considering whether and how the post needs to be replaced. I am sure that a replacement is needed because, if a Minister’s conduct has to be investigated, the Prime Minister cannot convincingly do it himself. There is a need for an independent person or body to carry out the investigation if its results are to carry confidence. I speak with some experience when I say that it should not be the Cabinet Secretary, or any other civil servant, who carries out that investigation. Sue Gray was put in a very difficult position when she was asked to investigate whether the Covid rules had been broken by the Prime Minister or her own Civil Service boss. It has become apparent from the Geidt episode that if the Prime Minister’s own conduct is under scrutiny, judgment on it cannot be made by his own adviser. The outcome is bound to be unhappy: either the Prime Minister goes, or the adviser does. The Prime Minister’s conduct has to be dealt with by his own party, by the Cabinet or, ultimately, by the electorate.

In terms of the Motion in the name of the noble Lord, Lord Morse, I have no doubt that recent events had an impact on our democratic life, and it is a damaging impact. I also believe that no system of regulation will be adequate unless our leaders themselves demonstrate high standards. There is an old saying that a fish rots from the head; that is why we need to be concerned about the matters we are discussing today.

12.36 pm

Baroness Meacher (CB): My Lords, I applaud my noble friend Lord Morse for enabling this House to have a debate on this important issue, which affects our democratic process. These standards affect the reputation of this country across the world, which is why this debate is so important.

I will focus on two aspects of the Government’s behaviour, and I declare my interest as a member of the Delegated Powers and Regulatory Reform Committee. My first issue is to do with its work. It is the relentless growth in the ways by which Ministers avoid parliamentary scrutiny of their policies, and an increasing use of these parliamentary “avoidance mechanisms”, as I would call them. Of course I am talking about secondary legislation.

The House has just considered the Schools Bill, and I must apologise to those directly involved in it because they will be familiar with what I am going to say initially. The Bill is the most extreme power grab by Ministers in recent memory. As a member of the Delegated Powers Committee, I ought to say that the Bill is an outlier, but an increasing number of Bills use these mechanisms and indeed other new mechanisms

[BARONESS MEACHER]

created by Ministers—and maybe their civil servants—to avoid parliamentary scrutiny. One basic mechanism is the skeletal nature of Part 1 of the Bill, bolstered or compounded by Clause 3 with its incredible list of Henry VIII clauses, which gives Ministers carte blanche to change Acts of Parliament on pretty well any aspect of the school system. Part 1 is the core part of the Bill, albeit that there are other important issues in later parts.

Due to a drop in government Ministers' recognition of the importance of the supremacy of Parliament, our very democracy is at stake and under threat. As noble Lords know, the House of Commons pays no attention to regulations, and this House is not permitted to amend them so these regulations are outside our powers. We do have the power to reject a regulation, as I know to my cost when I put forward an amendment to the £4.4 billion cut in tax credits, which this House wonderfully passed. But it led to threats to close down this House; I was lined up and threatened that the House would lose all its powers if I were to pursue that amendment—so we do not really have the power to reject a regulation.

If we cannot reject regulations and cannot amend them, Ministers are left with inordinate power. As we know, power corrupts—and absolute power corrupts absolutely. So, in my view, this is a very worrying situation. The Delegated Powers and Regulatory Reform Committee recently undertook a 30-year review of delegated legislation, the report of which was published last November. I have touched on just two issues in that report; there are many more, and it does not make for happy reading.

For me, even more concerning than the drop in public standards domestically has been the willingness of our Foreign Secretary to consider breaching international treaties. Her readiness to breach international law by taking unilateral action, for example, on the Northern Ireland protocol not only undermines Parliament but brings the entire country into disrepute internationally and, in my view, is going to cause untold problems with the European Union. It was clear when we signed the protocol that it involved a border between Northern Ireland and the rest of Britain, but the difficulties were deferred. They should have been much more clearly sorted out at the time of negotiations. The Irish Taoiseach made it clear that the protocol is in fact working pretty well for many industries, and that for those where there are problems, these could be sorted out by negotiation. Sinn Féin argues that the protocol is working fine. I find that a little difficult to believe, but the middle way certainly sounds sensible. The Foreign Secretary's rush to make it clear that she would be taking unilateral action is just another example of the contempt for the maintenance of standards in public life.

We have had a drop in standards at both the domestic and international level, and the people responsible for standards are acutely conscious of it. This is where I part company a little with my noble friend Lord Butler, with whom I normally agree. We have had at least four significant reports from independent bodies and individuals on the need for public standards reform, three of them in 2021. In particular, I want to mention

the landmark report of the Committee on Standards in Public Life, published in November 2021. As my noble friend Lord Butler said, the Government did indeed respond on 27 May, but I have a slightly different view about their response.

In my view, the Government avoided any reform of key issues. I have just a couple of examples. The report recommends that the Government should pass primary legislation to place the Independent Adviser on Ministers' Interests, the Commissioner for Public Appointments and the Advisory Committee on Business Appointments on a statutory basis, as my noble friend Lord Butler said. Sadly, the Government have rejected this recommendation, which could have resulted in real improvements in standards. In my view, that is why the Government rejected it: they do not want to be challenged. As my noble friend Lord Butler said, the Government agreed to another important recommendation: that the independent adviser should be able to initiate investigations into breaches of the Ministerial Code, but only if the Prime Minister is basically in agreement—which, of course, immediately undermines the power of that provision.

We have a major issue, both domestically and internationally. If it is not dealt with, we parliamentarians will continue to lose respect, and this country will continue to lose the respect of countries across the world.

12.44 pm

Lord Cormack (Con): My Lords, it is a very great pleasure to follow the noble Baroness, Lady Meacher. We are all indebted to the noble Lord, Lord Morse, for giving us this opportunity.

I begin by referring to a character mentioned by the noble Lord, Lord Anderson of Swansea, because it helps to put this all into context. The problems we are facing at the moment—I shall come on to these in more detail—are very real, but to have rogue politicians is not new. Most of your Lordships will know the famous story of Maundy Gregory. Sentenced to a prison term, he was sewing his mail bags when he was visited by one of his former colleagues, who asked, "Sewing, Gregory?" "No—reaping", he replied.

Of course, there have been rogue politicians through the ages, but we are in a different context now, because until relatively recently, we all accepted the basic ground rules. The right reverend Prelate the Bishop of Blackburn also referred to this. Whether believers or not, we had a fundamental Christian structure to our society, where almost everybody accepted that certain things were right and certain things were wrong—certain things were done, and certain things should not be done—although there were those who transgressed. We think perhaps of John Profumo, but what an extraordinary comeback he had by devoting his life to Toynbee Hall and being properly recognised—I think here of the Christian doctrine of redemption—by being given a CBE.

But we are in a different context today. Again, the right reverend Prelate referred to this when he talked about my truth and your truth, rather than the truth which we all held to and accepted. Almost every politician now seems to think that as long he thinks what he is doing is all right, it does not really matter—

whether it is telling a fib on the Floor of the House of Commons or watching questionable material on an iPhone. But it does matter, and it is important that we recognise that. We must have a machinery, a structure, for supervising and, to a degree, policing that. I was taken by the very thoughtful speech and suggestion of my noble friend Lord Wolfson, whose dignified letter of resignation is, I hope, framed on the walls of 10 Downing Street.

Lord Wallace of Saltaire (LD): Not a chance.

Lord Cormack (Con): I live in hope. My noble friend talked about the Lord Chancellor, and about having a Lord Chancellor who is in a destination office. He used the analogy of the station. We are shortly going to be saying goodbye to the noble and learned Lord, Lord Mackay of Clashfern, one of the most distinguished and distinctive Lord Chancellors we have had. He was always in residence in King's Cross or St Pancras, but his successors have all got off at Adlestrop. It is very important to recognise that a Lord Chancellor, in a high and exalted position, having taken the oaths to which my noble friend Lord Wolfson referred, can be in a position, to a degree, of moral guardian of the ethics of the Cabinet. Although he would never put it that way, the noble and learned Lord, Lord Mackay of Clashfern, fulfilled that role to a degree. It is very important that we try to restore public confidence in those who hold high office. If we do not, our very democratic structures are at risk.

There has been a great change in the other place since I entered it 52 years ago last Saturday. There were not enough women then, but there were a number of colleagues who had fought in the last war with great distinction and had MCs, and almost everybody in the House had had a successful career somewhere. Even I, entering at the age of 31, had done 10 years in the real world as a schoolmaster, a deputy head and so on. There are far too many these days who come in without having had any experience at all of the real world. They come in very often at the first time of asking—their first election—and many have done nothing outside the party-political arena. They have been spads or assistants to MPs, but they do not properly understand the real world. Because of that, what was a vocation to public service has become a job and a career in itself.

That is really what is behind much of what we are talking of today, but it is not only that. They have dispensed—as I hope we will not in your Lordships' House—with the hours that enabled the House of Commons to have a collegiate structure. I was sitting in my office last night and at five-something the House was up and they were gone. That did not use to happen and because of that, we were together, collegiately, talking and mixing, as we do in your Lordships' House at the Long Table. A fortnight in advance of a very important debate, I urge your Lordships to remember what happened in the House of Commons when it lost its collegiate structure and gave up the scrutiny of legislation because of timetabling. All these things are enmeshed, but above all, we have to have standards in public life which enable the electorate to respect those whom they elect.

12.52 pm

Viscount Stansgate (Lab): My Lords, it is a pleasure to follow the noble Lord, Lord Cormack, whom I congratulate on his 52 years last Saturday. He made many good points with which I agree. The basic ground rules to which he referred remind me that we miss in this debate the contribution of the noble Lord, Lord Hennessy of Nympsfield. I much regret that he is not here, because a debate such as this is one in which he would play a very constructive part.

It is also a pleasure to follow my noble friend Lord Anderson, who has served with such distinction here and in another place. It was also a pleasure to hear the first Back-Bench speech of the noble Lord, Lord Wolfson of Tredegar, because, in the short time I have been here, I have seen him only at the Dispatch Box. There is someone who, in my view, speaks with great authority, because he gave up office, rather than continuing to represent the Government in the capacity he had, on principle. It made me think that resignations are a sort of miner's lamp, warning of the health of the democracy at any one time.

I congratulate the noble Lord, Lord Morse, on securing this debate and those Cross-Bench Peers who apparently voted for it. It is of course extremely timely. I shall make a brief contribution from these Benches. When the noble Lord, in reference to the Covid pandemic, referred to the distinction between political figures and other figures, such as the Chief Scientific Adviser, it reminded me of something that took place at the height of the Covid lockdown when a gas engineer had to come to my home. In the course of him undertaking the work, I happened to ask him what he thought of the government press conferences that were being held daily. He said, "I don't believe a word of what they say. Not a word of it." I pressed him further and he said, "The Prime Minister? I wouldn't believe him." I did not want to get into a discussion about that, but I said, "So what about Sir Patrick Vallance, the Chief Scientific Adviser?" His view suddenly changed: "Oh, I believe him." There is a problem here. This debate is about political life; the public support figures such as Sir Patrick Vallance, Sir Chris Whitty and Sir Jonathan Van-Tam—I am very glad to see that they do—but we have a problem in the political sphere.

We know what the standards should be because they are set out in the Nolan principles: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. However, there is plenty of evidence to suggest that things are falling short. The British Social Attitudes survey reported that, in the space of about 35 years, between 1986 and 2020, the proportion of people who trust the Government had fallen by half. Understandably, at the time of the expenses scandal in 2009, the greatest number of people ever was recorded as distrusting the Government. I cannot say I am surprised.

These circumstances and this lack of trust degrade a healthy parliamentary democracy and have the following effects. They corrode public trust in political processes and encourage public cynicism—the idea that they are all the same, which is in the interests of some powerful people. This plays into the hands of those—I include elements of the mainstream media, as well as key

[VISCOUNT STANSGATE]

social media platforms—who want to sow confusion and are content to weaken public participation in the democratic process. The House discussed the Elections Bill. A lot of concern was expressed that the effect of the measures in that Bill might depress the public's enthusiasm for voting. We will have to wait and see, but I hope the Minister will at least acknowledge that those concerns were deeply felt. It would be more than a shame if declining trust in the political process, plus the provisions of that Bill, lead to an even lower turnout. Of course, this also weakens the UK's position in the world at large.

It is not my job to stand here and do the work of the Standards Committee in another place, but the House knows the seriousness of the issue with which it is dealing; whether or not the Prime Minister misled the House. I will not prejudge the outcome, but I notice that the vote of confidence carried out by the MPs in the Prime Minister's own party and its outcome show a degree of great unease about the position of trust at the top. In relation to that, I found the comments made by the noble Lord, Lord Butler, including his reference to fish, of great interest. As I said earlier, it made me think about some of the resignations in political life. I shall take a couple.

As the House will know, Hugh Dalton resigned in 1947 because a throwaway remark made to a journalist in the Lobby before he went in to give his Chancellor's speech was enough to have him instantly dismissed, with alacrity. It is unthinkable that that would happen today. I am sorry to say this, but the only person at risk of being sacked in a similar situation today would be the Chancellor's spin doctor, who the Chancellor might feel had not sufficiently briefed the press in advance about what was in the Budget—the idea that nobody knows what is in the Budget until the Chancellor gets up at the Dispatch Box is a fiction. Hugh Dalton returned to public life; he was Chancellor of the Duchy of Lancaster and served in one other capacity, but I choose him as an example because that really would not happen today, which is a pity in some ways.

Mention was made of the resignation of John Profumo. Whatever one may think about the personal circumstances, we must remember that he resigned because he misled Parliament. That was the key touchstone on which he was judged. Then you have other resignations on principle, such as that of Peter Carington. Again, I do not think that type of resignation happens any more. We all know the circumstances, but he took responsibility for things which some may say he knew nothing about at the time. Nevertheless, he took the decisions that he did.

Time prevents me going on to talk about a range of other resignations of Labour Members of Parliament and others, but I will mention just two more. One is the resignation of the noble Lord, Lord Agnew. I was sitting here as a relatively new Member, listening to him answer a Question at the Dispatch Box, when it became clear to me and others that there was something in the way he was answering it that made it clear that he did not agree with the argument he was putting forward officially on behalf of the Government. Then, before you knew it, he expressed his own dissatisfaction with the Government and resigned on the spot. He

took out an envelope and gave it to the Whip on his right, then proceeded to walk out of the Chamber. It was a very dramatic episode.

In a way, I find that a resignation like that rather helps restore trust that not everyone's removal from office is as a result of a dragged-out process, which we have seen in many cases. Then there is the resignation of the noble Lord, Lord Geidt, which brings me, very quickly, to the final point I want to make.

The committee proposed that the Independent Adviser on Ministers' Interests should be on a statutory basis, as should COBRA, but I am afraid that we are a very long way away from that ever happening in the case of the present Government. I notice that the Government dismissed the idea that it should be legislated for because it would “undermine the constitutional settlement”. I hope that when the Minister comes to reply he might explain a bit more about what it is thought that means.

In conclusion, I feel that, looking back, many Members on all sides of the House, and maybe especially on the Benches opposite, will look back and later on express their unease about what they know has been happening recently. We must not wait too long, because the democratic process—to use the words of the Motion in the name of the noble Lord, Lord Morse—is fragile, and in every generation democracy has to be fought for. It is our turn now.

1.01 pm

Baroness D'Souza (CB): My Lords, our thanks go to the noble Lord, Lord Morse, for his prescience in addressing this issue.

Democracy is the best protection we have for liberty, but as we know, democracy is not a given state but a process. In order for it to fulfil its task of upholding the rule of law and implementing mechanisms for collective self-government, it requires the institutions of democracy to be in good working order; these include a freely elected Parliament strong enough to hold the Executive to account, an independent judiciary, freedom of expression and of the media, trade unions and a host of other traditional means of tolerating dissent and maintaining order. In turn, democratic institutions also require trust—in the institutions themselves and in the people who run them.

It is also a truism that ultimately all democracies fail. John Adams wrote in 1814:

“There never was a democracy yet that did not commit suicide”,

and that that failure comes from within. Although Adams was referring mainly to democracies of the ancient world, his view that people simply lost interest in democratic government in favour of authoritarian leaders who promised safety at home and triumphs abroad in return for their acceptance of autocracy is interesting in our present context.

The point I wish to emphasise is that, unless we are vigilant, democracy can fade away silently, by incremental evasions of uncomfortable freedoms and truths. Democracy is not exactly abolished but redefined to become a set of values rather than a method of government. This is where standards of behaviour come to the fore. A freely elected Government have

responsibility for what is in the public interest and the public good, not simply for what is in the immediate interest of the relevant political party. Yet in the last few years we have countless examples of government actions and statements that confuse, contradict and often mislead the public in order to accrue power and reduce public and parliamentary accountability. For example, despite recent criticisms of the two cases brought by Gina Miller, far from being undemocratic, they succeeded in returning to Parliament the right to be consulted on major issues of the day.

A 2019 Hansard Society survey concluded that 54% of people in the UK believed there to be a need for a strong leader and less attention to parliamentary debate and votes. But this was in the context of “getting Brexit done”, and today might show a widespread concern about the undermining of our democratic processes while holding a kind of defeatist view that nothing can be done. There is a great deal that can be done and, in particular, that can be done by your Lordships’ House. We must turn our democratic values to confront those currently in power.

Recent actions that question the public trust in government are many. On the one hand, there is the seemingly blithe acceptance by the Government that they can freely override obligations under international treaties, and at the other end government spokesmen happily broadcasting entirely incorrect information, as did the Attorney-General this week in asserting that the so-called Northern Ireland protocol was causing Northern Ireland to lag behind—the truth being that, apart from London, Northern Ireland is the best-performing region in the UK. Or there was the Prime Minister announcing that a new and friendly relationship with Europe had been achieved at the same time as the EU began legal action against the UK. Of course, there were also the embarrassing 24-hour U-turns on categorical decisions made during the pandemic; the overriding of due process in awarding contracts to personal contacts; and the proclamations of excellence of the test and trace system, proved to be an abject failure by the evidence. Let us remember that once executive orders of these kinds are used, it is that much easier to repeat and extend them in the future.

More egregious still is the Executive’s increasing tendency to introduce Christmas tree Bills adding significant new policy clauses on Report in this House, as was the case during the passage of the Police, Crime, Sentencing and Courts Act, or the much-discussed use of secondary legislation, so eloquently condemned by the noble and learned Lord, Lord Judge, in a previous debate. These actions do not foster trust, and nor do the actions of senior Ministers and their advisers in flouting emergency regulations.

Your Lordships’ House comes under severe scrutiny for its efforts to amend some of this legislation—more often than not, unsuccessfully. That said, the Lords succeeded in passing 129 amendments in the last parliamentary Session. This is impressive, and yet if trust in the Government to be acting in the best interests of people is waning, the chances are that people will simply opt out.

Research indicates that trust, once lost, is very difficult to regain. Trust is essential for a Government’s ability to govern effectively, and this vital component

is undermined by the perception of a lack of competence, corruption—however minor—misleading information and reluctance to be fully accountable. The absence of wider deliberation and scrutiny and the concentration of decision-making in the hands of a small elite encourages loyalty at the expense of wisdom, flattery at the expense of objective advice, and self-interest at the expense of the public good.

So, in answer to the question implicit in this debate, a reduction in standards and honesty has a profound, lasting and utterly destructive impact on the democratic process and it is the duty of Parliament, including this House, to do everything in its power to reverse it.

1.07 pm

Lord Hastings of Scarisbrick (CB): My Lords, gratitude goes to the noble Lord, Lord Morse, for allowing us to have this debate. We all hope that in the end, the Minister will be truer to his instincts than to his brief. So, we wait.

A week ago, the former US Secretary of State Hillary Clinton gave an interview to the *Financial Times*, where the banner headline read:

“We are standing on the precipice of losing our democracy.”

She went on to say that

“everything that everybody else cares about then goes out the window.”

We know what she is referring to: the hearings on Capitol Hill for the next few months will reveal the extent to which the events of 6 January 2021 were not the response to a wind-up speech from the former President wanting to get his supporters to go and upset the balance but were pre-planned. The evidence now revealed shows that those who are supporters of QAnon and the Proud Boys had planned their insurrection many months in advance. We are told on the latest evidence I looked at this morning that somewhere between 20 and 30 million Americans are still active supporters of QAnon and believe that its views about the Democrats are to be held as a truth worthy of re-electing the former President on. These are frightening realities, not just because they will affect America but because they affect us. The tone of all democracy is fragile.

I came across the assessment of the journalist, HL Mencken, rated as one of America’s leading political analysts, writing in the *Baltimore Evening Sun* 100 years ago, on 26 July 1920. He said:

“As democracy is perfected, the office of the President represents, more and more closely, the inner soul of the people ... On some great and glorious day, the plain folks of the land will reach their heart’s desire at last, and the White House will be adorned by a downright fool and a complete narcissistic moron.”

You have to wonder: how did he know? It lies in the phrase

“the inner soul of the people”.

What had been allowed 100 years ago to begin this erosion of understanding, this wiping away of principles, that would lead us to this moment?

We all wish that the noble Lord, Lord Geidt, was here in the Chamber so that he could explain what was especially “odious” about the dealings he was having in Downing Street. It leads one to one obvious conclusion.

[LORD HASTINGS OF SCARISBRICK]

There is no point having an ethics adviser if the key person either seeking or receiving the advice has no proven core of ethical conduct. We do not need purity and perfection, but we need what is captured in the Nolan principles: honesty, truth-telling and integrity of purpose.

I noted that in a number of the briefings sent, at least to me, in preparation for this debate was the inevitable series of demands for more regulation, more accountability, more committees and more assessment bodies—all with good intent. The answer is not to add to the weight of those objectively assessing the behaviour of individuals: that just adds cost; it does not bring clarity. Simply to rely on regulations, structures and even laws is to miss the point.

I uncovered an article written by one of the great former Members of this House, who sadly passed some years ago, Lord Sacks, on 8 September 2011, 10 years on from the events in New York City. The article was headed:

“Bin Laden saw that the West was in decline”.

The subheading reads:

“The attacks are linked to a wider moral malaise, including the loss of authority, integrity and family unity”.

If our great friend Lord Sacks was here, I am sure that what he wrote then is what he would say today. To bring his words back to life, I shall quote them. We all had profound respect for him as an individual and for his wisdom. He wrote:

“all great civilisations eventually decline, and when they begin to do so they are vulnerable. That is what Osama bin Laden believed about the West and so did some of the West’s own greatest minds ... If so, then 9/11 belongs to a wider series of phenomena affecting the West: the disintegration of the family, the demise of authority, the build-up of personal debt, the collapse of financial institutions, the downgrading of the American economy, the continuing failure of some European economies, the loss of a sense of honour, loyalty and integrity that has brought once esteemed groups into disrepute, the waning throughout the West of a sense of national identity ... These are ... signs of the arteriosclerosis of a culture, a civilisation grown old. Whenever Me takes precedence over We, and pleasure today over viability tomorrow, a society is in trouble ... The West has expended much energy and courage fighting wars in Afghanistan and Iraq abroad and defeating terror at home. It has spent far less, if any, in renewing its own morality and the institutions—families, communities, ethical codes, standards in public life—where it is created and sustained. But if I am right”,

says Lord Sacks,

“this is the West’s greatest weakness in the eyes of its enemies as well as its friends ... Our burden is to renew the moral disciplines of freedom.”

That is why we have debates of this nature: we want those disciplines renewed—who would not? I must ask members of the governing party, when many said, as they did to me as friends, as I am sure they did to many of us, that they stood aside from what they knew to get Brexit done: are they still content that that win was worth it all?

1.16 pm

Lord Balfe (Con): My Lords, I join many others in thanking the noble Lord, Lord Morse, for initiating this debate, which is certainly timely, and I thank the noble Lord, Lord Hastings, for his enlightening quotes, which are very interesting.

We have to follow standards in public life which are out there and can be seen by other people and tested. I have always thought that the standards called on for politicians are, rightly, somewhat higher than you might find in the general public. We are nearer the right reverend Prelate, who has just left his place, in that we have to abide by a set of standards that people expect, which are higher than many follow in their day-to-day life.

During the Second World War, when Britain was under great strain and the House of Commons had been bombed, there was a survey that asked people, “Do you trust MPs?” Something like half the people surveyed said no. That was at the height of the war, when everyone was fighting for their life. The significant thing was that when the question was, “Do you trust Mr Jones, your MP?”, the results were quite different. Most people said, “Yes, well, he’s a bit different, you know.”

The conclusion to draw is: if you actually know the person and they are doing a good job in your locality, you are likely to think more highly of them than if they are abstract figure who appears from time to time in the papers. I have always argued that, to an extent, we have created our own problems—not so much in this House, but certainly down the Corridor, where MPs have failed to face up to the fact of being public representatives.

Whenever there is a pay increase, there is always an MP who will get up to say, “I’m not taking it. We shouldn’t be paid this much and we want to give it back.” But my MP is paid two-thirds of what my GP is paid. That does not seem quite right to me. Part of our problem, which translates to this debate, is that, instead of paying MPs, we let them go out on the dinner circuit and earn a lot of extra money. We should be paying them properly and stopping them earning anything other than a token amount on top of their pay. Then we would have accountable MPs.

We have heard a bit about resignations, including from the noble Viscount, Lord Stansgate, but there is a bit of difference. Now, we seem to have got to a position where you need a report to get a resignation. When I look back over my political life, which has been quite long—not as distinguished as that of my noble friend Lord Cormack, although it has been as long, in that I was first elected to the Greater London Council in 1973, a bit after him—I see the names of resignations as they came up. Dalton has been mentioned. Thomas Dugdale resigned over Crichel Down. John Profumo resigned over lying to the House of Commons. Lord Carrington resigned over the Falklands. Cecil Parkinson had a not very distinguished resignation, but it was one none the less. Then there was David Mellor, and the various resignations in the Blair Government and afterwards.

Most of them resigned because they felt that they should. They did not resign because they had waited for a report or an ethics adviser had come up with a report. They resigned because, in the light of the feelings of the day, they had gone too far and should surrender their seals of office. That is quite right. I have a lot of sympathy with the point made by the noble Lord, Lord Butler. There should be a gradation between resignation and holding on and refusing to

say anything at all. A minor infraction of the rules should get a minor slap on the wrist, but it should not need a committee to do that. I hope that the noble Lord, Lord Geidt, or someone else in his place is reappointed but I do not acknowledge that they have the job that should be done because people should have enough honour to police the system themselves.

I have said this privately; I say it now publicly. I am afraid that our present Prime Minister was well known before he got the job. No one ever pretended that our present Prime Minister knew much about truth, veracity or anything else. Let us not hide this. This is not something that we discovered last week. It has been present ever since he was working on the *Times* many years ago, when his first career came to a somewhat juddering halt.

I want to disabuse both my party and the Opposition of another thing: the Prime Minister won the election because, first, people were fed up to the back teeth with the Brexit debate and wanted to get Brexit done; and, secondly, the leader of the Opposition was widely perceived as not being wanted on voyage. It is as simple as that. You cannot heap all the honours on the Prime Minister without looking at who he beat and how he beat them. The truth of the matter is that the biggest asset the Conservative Party had was the market gardener from Islington, also known as the then leader of the Opposition.

The fact is that—having been a member of both parties, I know them reasonably well—Labour is perceived as having abandoned that essentially conservative, working-class base. That has been Labour's difficulty for many years. Its base is essentially conservative. The people I grew up with in Methodist Sheffield, who went out and voted Labour because they thought that Hugh Gaitskell would be the best person to run Britain, were not revolutionaries. I would argue that they were not even socialists. They were good people who wanted change and thought that the Labour Party would bring it. When Labour has excited people—I have seen them excited twice, by Harold Wilson and Tony Blair—the people vote it in. People were not excited at the time of the last election. I am sorry but, if they were excited, it was probably in the wrong way.

I finish with this: I welcome this debate but we need to look at our own area first.

1.24 pm

Baroness Wheatcroft (CB): My Lords, I am grateful to the noble Lord, Lord Morse, for giving us the opportunity to debate this important issue. I am delighted to follow the noble Lord, Lord Balfie, and grateful to him for reminding us about the characteristics of the current incumbent of No. 10.

I must begin by declaring an interest. I am proud to be a Member of this House, and proud of the vital work it does in our constitution. I am devastated by what this Government are doing to trash the reputation of this Parliament. I spent most of my career as a journalist. In the eyes of the general public, there are few who come lower than journalists but here I am, and it is even worse.

I begin by talking about the trickle-down effect—but not in relation to wealth, where the idea is that if the people at the top make lots more money, everybody

will be better off; this does not work. When it comes to corruption, the trickle-down effect is dramatically successful. Take the example of Putin's Russia. According to the Ukrainian Research Institute's intelligence, 90% of the tanks that the Russians are currently trying to get out of mothballs are unusable because vital parts have been taken away and sold; the circuit boards are worth something on Alibaba. The generals have decided that, if it is right for Putin and Co. to make their millions, they too deserve a cut. That is one reason why things are going more slowly than the Russians would like in Ukraine.

The tone comes from the top. As others have said, the fish rots from the head. We know where the rot started with this Government. Franklin D Roosevelt said:

“The Presidency is not merely an administrative office ... It is pre-eminently a place of moral leadership.”

In his private life, he may not have been a perfect moral character, but, in his leadership of the States, he was. Whatever personal failings there may be in our Prime Minister, sadly, they also translate into his leadership of the country. That reflects badly on all of us, damages the way this country operates and trashes its reputation abroad.

Others have referred to the Nolan principles. I cannot resist going through them again, slowly, and thinking about them in the context of the No. 10 we have today. They are: selflessness; integrity; objectivity; accountability; openness; honesty; and leadership. If it were not so sad, it would be laughable. All those characteristics are discernibly missing from what goes on at No. 10 at the moment.

The effect of that on our democracy—the subject of this debate—is already being felt. Our Civil Service has been badly damaged by the way it has been treated by Ministers who will not take responsibility but expect civil servants to carry the load for them—Ministers who bully their civil servants but do not resign, even when they are told that they should. Of course, nobody now wants to take on the senior Civil Service roles. Why would they? Who can blame them?

Equally, voters are looking at what is going on and being turned off democracy. Earlier this year, an IPPR report found that 53% of adults believe that donors, big business and lobbyists are more powerful in influencing government policy than voters. Only one in 20 people believed that voters had the most influence on government policy. The democratic process is undoubtedly being damaged badly by what is going on at the moment.

That disillusionment is particularly pronounced among young people. The Bennett Institute for Public Policy in Cambridge published research, 18 months ago, that led it to the conclusion that those in their 20s and 30s are the first generation in living memory to have a majority who are dissatisfied with the way democracy works. It is a global phenomenon but in the UK, it is far more pronounced.

Is it surprising, though, when only today in the *Times*, the Conservative former Solicitor-General, the noble and learned Lord, Lord Garnier, writes that the proposed Bill of Rights will further bolster the concerns of those who believe, with some justification, that this Government have a reckless disregard for

[BARONESS WHEATCROFT]

domestic and international law? That is the verdict of a Conservative former Solicitor-General. No wonder people are disillusioned.

What is to be done about it? I listened to the noble Lord, Lord Butler, and his reluctance to legislate, but things have reached a stage where legislation is the only way. Perhaps I have become far too disillusioned. The noble Lord says that he would like to see the gradation of penalties being proposed, but surely this Government would see everything as just a minor infringement rather than one that deserved a significant penalty. Would we feel confident that this Government would do the decent thing? Of course, there may be those in the future who would, but we are dealing with a very difficult state of affairs.

We have the Boardman recommendations, which would certainly be distinct improvements. There are 19 recommendations and five suggestions, and the Government have yet to respond in full to them. Can the Minister tell us when we will hear a full response to the Boardman suggested regulations and when they might be implemented? That would at least be a start towards improving what is currently looking like a very sorry state of affairs.

1.32 pm

Lord Brown of Eaton-under-Heywood (CB): My Lords, I join in the tributes to my noble friend Lord Morse.

Plainly, the standards of behaviour and honesty in political life bear on the democratic process and a reduction in those standards weakens democracy, because reduced standards lessen public trust and confidence in our rulers and our governing institutions. As a result, people are less willing to participate in the political process, less willing to turn out to vote and then less inclined to accept and comply with the laws Parliament enacts. We surely have a perfect recent illustration of that: as a result of partygate, if there was some future pandemic and Parliament was to enact further hugely restrictive laws, it may be doubted that the public would so readily obey them. All that is pretty obvious.

I want to focus on the position arrived at here and my essential point may not be popular. While I hold absolutely no brief for our Prime Minister, I contend that his flaws, his deficiencies, are a quantum leap away from those not only of murderous autocrats such as Putin but of purported democrats such as Trump.

It is pure nonsense and an illustration of the fallacy of false equivalence to suggest that any useful comparison can be made between Trump and Johnson. Johnson is not Trump-lite, as he is sometimes described. He is not in the same league. Trump is plain wicked. It is almost impossible to exaggerate his monstrous conduct, which in numerous respects is plainly criminal. Not so Johnson's: his fixed penalty notice was not, of course, for criminal conduct any more than a speeding fine is. His misbehaviour, which I do not understate, is political, not criminal. Those political sins were indeed catalogued by Clare Foges in her characteristically admirable piece in Monday's *Times*. She demonstrated truly that our Prime Minister has belied the "good chap theory"

of government from the noble Lord, Lord Hennessy: our unwritten constitution's historical reliance on our rulers recognising where the boundaries of acceptable political conduct properly lie and, as the noble Lord, Lord Balfé, pointed out, knowing when they ought to resign.

I agree with almost all the points that Clare Foges made, but I make one important exception: the Prime Minister's unlawful Prorogation of Parliament in 2019. There are some who go so far as to suggest that that act puts the Prime Minister on a par with Trump as an unlawful attempt to remain in power by escaping parliamentary control. I, for my part, regard that as nonsensical. Although I accept the Supreme Court's judgment as correct on the narrow facts of the case—this is no occasion to go into all that—it is surely absurd to treat it as comparable to Trump's attempt to force his Vice-President to refuse to recognise the United States election result. Trump, one recalls, and one sees it now in the congressional report, was advised forcefully and repeatedly that Pence had no lawful option but to certify Biden's election victory. By contrast, Boris Johnson was not merely advised, as clearly he was, by his law officers that Prorogation in the context that it was enacted was lawful; that too was a view fully shared by a strong and unanimous Divisional Court.

In short, therefore, while recognising as I do the Prime Minister's character flaws and his intrinsic tendency towards dishonesty, he really cannot usefully be compared with Trump. True, his principles can be regarded as somewhat fluid, flexible, elastic and perhaps rather Marxian, in the sense of Groucho rather than Karl—"These are my principles, but if you don't like them I have others"—but the threat he poses to democracy is in no way comparable to the actual damage now being so obviously inflicted by Trump on democracy and the democratic process in the United States. One has only to watch the nightly reports on, for example, the 6 January insurrection, the storming of Capitol Hill and, before that, Trump's attempt to suborn the returning officers in the various individual states that he narrowly lost to find him the missing votes to recognise the catastrophic impact of his stolen election lie on America's faith in democracy. The point has already been made as to the extraordinary numbers who subscribe to the Trump approach.

I end with this: I suggest it is a mistake to say, as a recent letter to the *Times* did, that the United Kingdom is no longer a functioning democracy. Of course I look forward to the day when, once again, our political leaders can be seen to occupy the moral high ground that is now all too often vacated, but in the meantime it is most unwise to run ourselves down to the point where our international reputation as a sound democracy could indeed be put at risk.

1.40 pm

Viscount Colville of Culross (CB): My Lords, I fear we live in an age of visceral prejudice. Many of us wake up every morning, tune into the radio or television and read the news websites in the hope of having those prejudices polished, and, when they are not, of being outraged. In our hyperpartisan age, any questioning of our own political position is seen as "having a go," so we attack the messenger when these

prejudices are not reinforced and are infuriated when they are questioned or criticised. In fact, I suggest that many politicians hope every day to be infuriated by several items that they come across on their trawl through the media.

In the digital era, we are all constantly reassured by likeminded digital friends or in the echo chambers of social media. In these places, our views are bolstered and those we oppose denigrated. The resulting fractures in our society are deeper than ever and make the democratic process more scratchy and less open to compromise. I fear that the arenas for a proper discussion of policy, in which people actually listen to others' points of view and engage with their concerns to build a national conversation, are diminishing. This conversation cannot take place if not enough people are prepared to listen to each other. Part of the problem is that many of our party politicians are rarely prepared to engage in an open discussion of policy questions and generate a true conversation in which the nation can engage.

The solution needs to come from the top of our society. We need true engagement on policies which affect us all—our own version of the ancient Greek agora. In the past, our leaders were prepared to subject themselves to lengthy questioning and explanation of policy. The audiences would agree or disagree, but at least they were part of the conversation that must be the foundation for consent in a successful democracy. Mrs Thatcher was a divisive politician, but she was a politician of the highest quality. She was on top of the details of her brief and unafraid to answer questions. She saw it as her democratic duty to subject herself to long interviews on policy with the great interviewers of her day, such as Robin Day of the BBC and Brian Walden of ITV's "Weekend World".

I contrast her with the paucity of true policy discussion in the public arena by our leading decision-makers today. There are some honourable exceptions: Michael Gove gave helpful and engaged answers to Tom Newton Dunn on TalkTV the other day, and Jacob Rees-Mogg was prepared to go on the new Andrew Neil show on Channel 4. Andrew Neil is no enemy of the present Government, yet I notice that no other top-level Cabinet Ministers are being booked for the show. Surely, when there is so much at stake in our national life, it would benefit democracy if the Prime Minister or the Home Secretary were to open themselves to a considered discussion about where this Government are going. Instead, we get the "Minister of the day" put up by Downing Street and condemned to tour the media outlets in the morning. Much of the audience is infuriated that the Minister will come on to talk about one specific policy area in which they are expert, and then find themselves bombarded by a range of questions outside their purview. The required omniscience demeans both them and the show on which they are appearing. Of course, they cannot know everything. Instead, they are equipped with a brief of answers which they are told to repeat, whatever the question. This is partly the fault of the broadcasters in expecting too much and being so eclectic in their questioning, but it is also a result of a lack of a true engagement with the media by the political classes.

However, it is important to continue the national discussion, even if many politicians will not engage. One of the very few places where independent thought and discussion can take place is through our public service broadcasters—television, radio and online. These are arenas for the nation to hold a mirror up to itself. We in this country, through the foresight of political predecessors and the hard work of journalists, are fortunate enough to have institutions that are the envy of the world. In the words of my noble friend the great Lord Hennessy, they are "pearls beyond price", yet a typical trait of our country is to want to nag away at these great British institutions, despite the global admiration they attract.

Across the political spectrum, there are warm words for public service broadcasters: we hear their war reporters lauded, their jubilee coverage described as unifying, and the local public service information outlets described as crucial conduits for information during Covid. Yet these words are not met by actions; the latest BBC licence fee settlement is frozen for two years, at a time when inflation is projected to reach double digits by the end of the year. This will lead to a financial loss of £250 million for the corporation, on top of the 30% cut over the last 10 years.

Just as important is the threat to alter and shrink the programme remit of PSBs. Their universality makes them a valuable forum for the nation in a world of digital cubbyholes in which we listen only to ourselves. For all its benefits for public service broadcasting, the media Bill is an attack on Channel 4's ability to be a British voice to discuss British values. Its present remit is to make British content that is innovative and edgy and that reflects underrepresented audiences, and its news has to be transmitted for an hour at prime time. There is a danger that the new remit required for privatisation will dilute the British and regional content and allow the news and other areas of genuine discussion about our nation to be hived off to a little-watched digital channel. How can this be allowed to happen at a time when we need open discussion across the country more than ever before?

To compound this attack on the PSBs, a drum-beat of complaints about a lack of impartiality echoes through the corridors of this place and beyond. There has been an orthodoxy of liberal metropolitan bias in the past, but public service broadcasters are increasingly recruiting individuals from a wider background of the population, both geographically and socioeconomically. The diverse background of production staff will contribute to a change in culture.

Ofcom and the BBC have made extensive reports on the problem of a lack of impartiality. The former said that audiences had complained about the lack of impartiality that they saw in the corporation, but it admitted that its research

"illustrates the complexity of the issue".

Ofcom found that

"different audiences reach diametrically opposing conclusions when judging the due impartiality of the same news content".

The new Dilnot review will further assess impartiality and accuracy at the BBC, and it will ensure that a breadth of viewpoints is heard.

[VISCOUNT COLVILLE OF CULROSS]

I fear that, in this hyper-partisan political environment, it will be impossible for any political organisation to satisfy demands for impartiality. Contrast the situation in our country with what is happening in America, where it seems that all media outlets are editorialised. There is nowhere for genuine national political discussion in the American media; in this partisan media ecosystem, there is only alternative truth and alternative facts. As the noble and learned Lord, Lord Brown, said, it is not surprising that a large proportion of the American population still believes that the election was stolen, despite repeated denials by Republican officials and even President Trump's own daughter, Ivanka. It does not take much to realise that, in a post-truth world, the foundations of a democracy and civilization quake.

America must be a warning for all people who believe in the democratic process. Unless we have national fora for discussion and debate that can be trusted and believed, we will descend into a world of multiple truths and alternative facts that leave audiences unable to make the basic decisions that are needed for civic society. At this time of turmoil, both across the world and in this country, it has never been more important that we bolster the institutions that allow all citizens to engage in the great process of deciding in which direction to take our country and who should lead that mission.

1.48 pm

Lord Desai (Non-Afl): My Lords, it is a great honour and pleasure to follow the noble Viscount, Lord Colville of Culross. I learned a lot from his father when he was here, so I am grateful for the sober and informative statement that he has made—I shall come back to this later. I also thank the noble Lord, Lord Morse, not just for choosing a brilliant subject but for perhaps the shortest speech that I have heard the mover of a Motion make. Like Morse code, he was very succinct and short.

I have sat here and felt like a complete foreigner after a very long period of time. I was born in India, and then I went to America before arriving here. The idea that politicians are honest is completely alien to me. There is some sort of miasma here that, once upon a time, politicians were good and honest. When my friend the noble Lord, Lord Hennessy, talks about the “decent chap” theory, he is being slightly ironic, because remember that they were all chaps; they all wore bowler hats and suits, and they were all gentlemen. There was a time when, even if gentlemen told lies to each other, the *Times* never had to publish it. The press was very obedient and guarded secrets.

The idea that Prime Ministers or politicians do not tell lies is a very great surprise to me because, in the 56 years I have lived here, I have frequently seen politicians not tell the truth. Sir Edward Heath lied on television about the stocks of coal in this country, and drove the country into a three-day week. It was a totally false number, and was shown to be so by Tony Benn—who some people may remember. Within 24 hours, Tony Benn was able to show that the coal stocks numbers quoted by Edward Heath were totally wrong. Anthony Eden lied about Suez, and they all hid the stroke that Churchill had when Prime Minister so that

he could continue as Prime Minister. Harold Wilson went on television and said that the pound in your pocket was safe, after having devalued it by several percentage points. Tony Blair lied about the 45-minute gap in which Saddam's missiles could launch and land—they would have landed in Cyprus, but he implied that it would be an attack on the British homeland.

We have been here before. Having a drink in No. 10 Downing Street is not as great a crime as people seem to think, and we have no need to take the moral high ground. Politics has not been honest. If you do not believe that, talk to anybody who was part of the empire and they will tell you what British politicians did abroad. I will not go into that—it would take me eight days, not just eight minutes.

We must understand that the idea that we had a moral code that everybody obeyed was an in-class conspiracy of a certain class. Everybody knew each other; they were all chaps, as there were no women in those days; and they all agreed with each other. Now, as the noble Viscount, Lord Colville, implied, we no longer have that world. We now have open media, which has become more democratic; the world may or may not be democratic, but the media has become much more democratic. Given the way that news travels, anything that any politician does is no longer a secret.

It is very interesting that Maundy Gregory was mentioned, but he is not the only one. We have had the selling of honours in the House of Lords for I do not know how long. As we sit here, we know that political parties sell honours and that that is how they are financed. Sometimes you have to take the money away when people turn out to be oligarchs but, until they are found to be oligarchs, they are alright—they are good chaps.

What we need to be clear about is not whether or not Boris Johnson took a drink—he did. As the noble Lord, Lord Balfe, said, who expected him to tell the truth? At least he is not a hypocrite. What I like about the Prime Minister is that he is not a hypocrite; he lies and lies openly, smiles and thinks he will get away with it. He has got away with it for a long time.

What I would focus much more on is not that he broke his own law but the other things that this Government have done. For example, they reneged on the triple lock and left pensioners suffering last year; they took away universal credit, which made a lot of people suffer; and in the middle of the most serious stagflation, they are still talking about tax cuts—and, let us face it, mean tax cuts for the rich and not for the poor. That they are about to break the Northern Ireland protocol and get out of the European Court of Human Rights are serious things to criticise—not having a drink after work in No. 10 Downing Street.

Let us get our perspective clear: let us criticise the Government for the things they do that actually harm the majority of people. A lot of those things are going on. Yes, there is a breach of standards, but getting out of the European Court of Human Rights—a court that we established to begin with—and to claim that it is to do with Europe and not us, is a serious thing. It is not like discussing whether various people had drinks in the afternoon in No. 10 Downing Street.

Democracy has changed—it is much more open and the world is much more democratic. After all, until 1928 we did not have universal franchise. Democracy is still young in this country; it did not start with the Magna Carta. Let us get it into perspective and criticise real policy damage and not trivial political misbehaviour.

1.57 pm

Lord Mann (Non-Afl): I rise simply to ask who determines truth. I read the resolution and look at the House of Lords, and know that lots of voices out there will say that the House of Lords once voted to give them a referendum on the European Union, and then repeatedly voted to try to undermine the decision that was made when people were given that power. When we look at why people are increasingly cynical about politicians and use the language of truth, we see that there are many aspects of it, but surely part of our duty here is to look at and examine our role and ability to improve our democracy.

We have a mishmash of rules, regulations and laws that are available to us to use. Let me give an example: the Phil Woolas election court case in 2011. A sitting MP stands in an election and is taken to an election court over issuing a false statement. It is one line in a leaflet and an election court deems that it is a false statement and a breach of law—a law that is over 100 years old, created in a time when precisely that discussion was going on. He is debarred from Parliament—thrown out with no jury and no right of appeal. That is one level of law, and we could bring in identical laws for sitting politicians, be they Ministers or otherwise, if we chose. We have that power; we have the powers to do what we choose, and we have the power to pontificate generally. But the cynicism of the people is increasing.

One of my predecessors as the MP for Bassetlaw in Nottinghamshire was a gentleman called Sir Fred Bellenger. He was the MP for 35 years. Sir Fred was a barrister, practising in London. He had a home—I believe a rather nice one—in Chichester. He visited the constituency of Bassetlaw once a year for his annual dinner at the Olde Bell Hotel. Sir Fred may have been a great MP; he may have been a scoundrel. On balance, it would appear that he was a good MP—not great, but reasonable—but the voters of that constituency had no idea. How could they make a judgment? Where was the information available to them? There was none. They knew he came once a year, but the Olde Bell is not big enough to accommodate that many people, and that was it. But at least he turned up for his elections; his predecessor, Malcolm MacDonald, son of Ramsay, sent his sister to fight one election.

The idea that there was some golden era of integrity, honesty and decency is mythology. What there is today is information: people can find out more. Our big weakness is not grasping that what we therefore need is not more information but transparency. They will find out what people do one way or another—not everyone or everything, but far more than ever before—so we should grasp transparency as an asset for us.

It is not just No. 10. There are MPs in jail or just getting out of jail; there are MPs on trial who might or might not go to jail, depending on the courts. That is current, and it is cross-party. MPs being barred from

the Commons is cross-party. There are so many transgressions going on that people hardly even notice them. If we want this place to survive, and if we are, as we claim, this great authority of wisdom and should through our collective wisdom be able to influence the laws of the country on behalf of the people, we should ensure that we set the standards ourselves. We have the power to set standards on behaviour and standards on transparency. It is not just for each and every one of us. The honour-based system is precisely the system of MPs' expenses that led to quite a number going to jail, plenty more who were lucky, and a large number who resigned their seats and had their careers ended. It was a system based on honour, and it did not work.

This is an opportunity for us to collectively create systems of transparency here, recognising that we are in the information age, and to open ourselves up to criticisms. Let us set standards in the House of Lords. It would refresh our democracy. If we wish to survive, before the tempest arrives that blows us away—because it certainly will do, one unexpected day when we are not looking—we might give ourselves a future in that democracy. That is my hope for the conclusion of this debate today.

2.03 pm

Lord Wallace of Saltaire (LD): My Lords, I am reminded listening to this debate of the opening words of Francis Bacon's essay on truth:

“What is truth?” said jesting Pilate, and would not stay for an answer.”

We know that democracy depends on an open debate about what truth is, and respect for reasoned argument and for evidence. It is partly the move away from that recognition of and respect for reasoned debate, and the search for the appropriate and correct outcome—and I say to the noble Lord, Lord Mann, that one has to admit that the whole debate over Brexit has fed a lot of that movement—that has taken us to where we are now.

It is highly appropriate that this debate should be led by a Cross-Bencher and dominated by Cross-Benchers. They have a role in being non-party and in asking questions about evidence and the quality of the argument which the Government are putting forward. It is part of the deterioration even in this House over the last few years that I have heard senior Conservatives saying, “Well, you know that all the Cross-Benchers are systematically left wing”. I will not name the senior Conservatives who have said that, but some Cross-Benchers know them well.

Of course, that is a general label used to close down political debate. The Higher Education (Freedom of Speech) Bill, which has its Second Reading next Tuesday, is based on Policy Exchange papers which at one point state that 80% of the academic teaching in British universities is left wing. This would puzzle the nearly 35% of scientists who work in universities and many others, but that is what Policy Exchange and the *Telegraph* have stated on a number of occasions. When judges disagree with the Government, they are dismissed in the *Daily Mail* and elsewhere as “lefty lawyers”. BBC and Channel 4 public service broadcasters are regularly attacked; I am bored by the number of occasions every week that the *Times* runs anti-BBC

[LORD WALLACE OF SALTAIRE]

stories. This also happens when the Bishops say anything which is deemed to be political. It seems to have escaped the new right-wing consensus, as it were, that the gospel is systemically left wing in a number of ways, particularly in its clear bias towards the poor and against the rich—but the Bishops are told that they should not mention that.

Dismissal of reasoned argument damages democracy. We have skirted around the issue of written constitutions versus unwritten constitutions. I recall that, when I used to teach the American constitution as a graduate student in an American university, we talked about the importance of having a Government of laws and not of men. However, what we are seeing in the United States at the moment is a Government of laws being tested to the extreme by the politicisation of the courts, by bending the rules and by challenging what the rules have promoted. Good and honest Conservatives in Britain, and there are many, should look across the Atlantic and be as concerned about what is happening there—the damage to democracy and to the idea of a national community—as they are about developments in Poland and Hungary.

A democratic Government depends, ultimately, on the self-constraint of those who lead it. Laws and institutions strengthen these constraints and add transparency and external pressure. Where the self-constraint of political leaders weakens, the case for strengthening and institutionalising external constraints becomes stronger. That is why I support the recommendations of the Committee on Standards in Public Life to institutionalise some of these constraints further.

We all recognise that some politicians are rogues—in all parties. My party has suffered, as well as others. Lloyd George has been mentioned; I had severe problems with Jeremy Thorpe when he was our leader; I did not know enough about Cyril Smith. The importance in every political party is that there are enough people who are concerned about the maintenance of standards, and enough influential people in public life to resist the rogues when they appear.

Since we are talking about public life, this also applies to the role of the media, which in Britain has contributed to the decline in our standards. The *Daily Mail* has become the Fox News of British life in its denunciation of anyone who disagrees with whatever the government line may be at the present time. The *Telegraph* is a pinnacle of English nationalism, owned by people who escape British tax by living in the Channel Islands. Culture wars, the dismissal of experts and the constant attacks on the BBC are all damaging the quality of the idea of democracy as a process in which we argue and disagree with each other while also respecting each other's opinions. The right reverend Prelate the Bishop of Blackburn mentioned the importance of civic education and ensuring that we encourage our public to take an informed approach to politics and public life, not treat them as spectators of a game that is simply played in Westminster.

There has been mention of the role of the House of Commons, the decline of the independent Back-Bencher and the rise of the political professional parachuted into safe seats by central office. Part of what we see

has gone wrong is that the Government now have 20% of the membership of the House of Commons on their payroll—140 people. The majority of Conservative MPs who are not on the government payroll voted to dismiss the Prime Minister but, when the King's friends—to use the 18th-century phrase—are as large a group as that, the Commons ceases to be an effective check on the Government.

Then we come to the role of Ministers and Cabinet government, in which each Cabinet Minister has his sense of responsibility—shared responsibility—from the Government. Ministers should recognise that governing is different from campaigning. Part of what is wrong with this Government is that they seem to think campaigning is all that matters—“Promise them what they like, and forget about it next year.” Patronage is to be used responsibly, not simply to reward friends or donors. Political leadership requires putting hard choices to the public from time to time, not simply relying on easy promises. Responsibility is held to the country and the national interest as much as to the party and the Prime Minister. The acceptance of advice and evidence, even when unwelcome, is a necessary part of a Minister's role.

The noble Lord, Lord True, is himself a Minister and shares that responsibility, collective and individual. I have listened to him defending each constitutional twist and turn of this Government. I have watched him pushing through the Elections Act, and I am sure that he is aware that the chairman of the Electoral Commission has just stated that the Act makes the Electoral Commission no longer an independent regulator. It is a real weakening of our democratic constraints on an unscrupulous Government in power, and the noble Lord was complicit in that. I have heard him sweeping aside concerns about PPE and test and trace—I have read his reply to the noble Lord, Lord Strasburger, on that subject—and defending inappropriate public appointments. I am sure that the Minister recognises that his responsibility as a Minister is not to be too complicit in allowing standards of public life to decline. I hope that he examines his conscience from time to time on that very point and asks himself what contribution he is making towards restoring higher standards of behaviour and honesty in public life—because, I repeat that, in the last resort, democracy is sustained only by the leadership of those who hold responsibility at the top and their willingness to open and maintain dialogue with their public.

2.13 pm

Lord Collins of Highbury (Lab): My Lords, I too thank the noble Lord, Lord Morse, for initiating this debate. Trust and confidence are, as we have heard, built and sustained by adherence to rules—rules that are applicable to all, without exception. As the right reverend Prelate correctly stated, they have a moral foundation but, like our constitution, they have developed over time. They have developed because of circumstances and issues—sometimes bad apples, but sometimes something more systematic. That is what this debate is really about.

My noble friend Lord Stansgate referenced the Nolan principles, which are themselves relatively new in the development of our constitution. At the time, I

felt, “Why should the obvious need to be stated?”, but those principles were important not only because of the odd bad apple but because there was a problem with the system. We developed proper structures arising from that.

My noble friend also talked of resignations. One of my abiding memories from doing my A-level in British government is my teacher constantly banging on about Crichel Down. The underlying case appeared trivial but the subsequent public inquiry exposed a catalogue of ineptitude and maladministration. My teacher said that its significance was that it was taken as a precedent on ministerial responsibility. As we heard in the debate, the case resulted in the resignation of the then Minister of Agriculture, Sir Thomas Dugdale. As the noble Lord, Lord Butler, reminded us, it became a convention. We do not need rules and regulations: we have conventions that we can adhere to and support.

Of course, when Sue Gray’s final report exposed industrial rule-breaking at the heart of government, the person who said he took full responsibility suffered no consequence. That is something that really hits you in the face. Her report should have been a catalyst for change—an opportunity to introduce reforms to strengthen integrity and ethics in our politics, as proposed by the Committee on Standards in Public Life in its November 2021 report. The committee is absolutely right to suggest placing more of the ethics regulators on a statutory footing, covering ministerial interests, public appointments and business appointments for former officeholders, thus giving them clearer accountability and greater independence from the Executive they regulate.

I do not agree with the noble Lord, Lord Butler, on his assessment of the Government’s response to that report. I think that it required a much more positive response than the Government were prepared to give. The Prime Minister’s response was to cherry pick the recommendations, weakening the Ministerial Code and concentrating power in his own hands. He ended the long-standing principle that breaking the Ministerial Code should be an automatic resigning offence and failed to introduce the committee’s recommendation that resignation should be the outcome of the “most serious breaches”, setting a dangerous precedent in which Ministers who commit offences such as bullying, sexual assault or bribery would not automatically have to resign.

This week, in the other place, Labour proposed an Opposition day Motion backing the full package of recommendations from the CSPL’s 2021 report. Sadly, that Motion was defeated by government MPs. Labour’s proposal is to restore standards in public life by introducing an ethics and integrity commission: a single, independent body, removed from politicians. It would have powers to launch investigations without ministerial approval, collect evidence and decide sanctions.

Although we support the introduction of graduated sanctions for minor breaches of the Ministerial Code, as the committee recommended, they will be meaningful only if full independence is granted to the adviser to open investigations. Without that, it is left to the whim of the Prime Minister. The noble Lord, Lord Evans, described these two changes as “inextricably linked”. He said:

“Graduated sanctions and greater independence for the Adviser were ... part of a mutually dependent package of reforms, designed to be taken together.”

More graduated sanctions are meaningless without an independent adviser.

Boris Johnson also confirmed that the noble Lord, Lord Geidt, before his resignation as the independent adviser, would still require approval by the Prime Minister to launch investigations. The Prime Minister will also retain a power to veto investigations—in contravention of the recommendations of the committee. One has only to look at the difference between the previous foreword and Boris Johnson’s diluted version: integrity, objectivity, accountability, transparency and honesty have all disappeared, as has the reference to the public interest. The Ministerial Code is not supposed to be a reference guide; it is supposed to be a rulebook to protect the highest standards.

The noble Lords, Lord Geidt and Lord Evans, have both warned of the Prime Minister’s “low level of ambition” in his handling of the Ministerial Code and his failure to grant more independence to investigations. I hope the Minister will be very clear about why the Prime Minister went against the advice of the noble Lord, Lord Evans. It would be good to have a clear response on that. We have also seen that the PM’s own anti-corruption tsar John Penrose walked out on him, accusing him of breaking the code of which he is both author and protector.

What we have seen from the Prime Minister in recent times is a pattern of degrading the principles of our democracy, a pattern of dodging accountability and a pattern of demeaning his office. He has now driven both of his own hand-picked ethics advisers to resign in despair—twice in two years. The noble Lord, Lord Geidt, described resignation as a “last resort” to send

“a critical signal into the public domain”.

He said that the Prime Minister had made a “mockery” of the Ministerial Code and that he would play no further part in that.

It was not about steel. I was on a BBC political programme the day the resignation letter came out, and I could hear the spin from the Prime Minister’s office: “Oh well, this is about a trade agreement; it’s about steel.” It was not. When I read the letter, particularly the last paragraph, it was clear to me that the Prime Minister is prepared to break the rules. What I am concerned about is that I have no doubt that he will do it again, and that is why the noble Lord, Lord Geidt, resigned. That is a very powerful message that people should take account of.

The truth is that this Prime Minister behaves as though there is one rule for him and another for the rest of us. During the Lords debate on the Urgent Question repeat, the Minister said it would be ensured that

“any work being undertaken by the independent adviser continues and is completed.”

Is that still the case? Can the Minister give us that answer? In response to my noble friend Lady Smith’s question about what will happen now, the Minister said that

[LORD COLLINS OF HIGHBURY]

“the noble Lord, Lord Geidt, raised a number of issues about the role of the independent adviser, as indeed did PACAC in its session earlier this week. As was said this morning, it is right to consider those carefully and take time to reflect on them before moving forward. However, this role has been important in public life.”—[*Official Report*, 16/6/22; cols. 1747-48.]

How long will it take the Government to reflect, and does the Minister still think that this role is important in public life?

2.23 pm

The Minister of State, Cabinet Office (Lord True)

(Con): My Lords, I am very grateful for the opportunity to hear this important debate. At one point in what I thought was a very interesting and wide-ranging speech from the noble Viscount, Lord Colville of Culross, he referred to politicians being infuriated by things that they hear and by each other. I am never infuriated by your Lordships—certainly never at the Dispatch Box. One is always improved by hearing debates in your Lordships’ House, and I thank noble Lords for their contributions. They will not be surprised that I have not agreed wholeheartedly with all of them, but I thank all those who have spoken. Indeed, I thank the noble Lord, Lord Morse, for moving the Motion on this important topic, which I believe should be a topic of universal agreement. Who does not want to see the highest standards of behaviour and honesty in public life?

It would not be unreasonable to note that it was one minute and 15 seconds into the speech of the noble Lord, Lord Morse, when he moved from the general to the particular and launched an attack on my right honourable friend the Prime Minister. This remained a theme in his speech, and it seemed to be a theme that is quite congenial to many noble Lords who spoke. Noble Lords will not, with all respect, expect me to agree with that. I understand some of the criticisms, which the Prime Minister has acknowledged, which allude to faults and mistakes. Some ventured into hyperbole. The noble and learned Lord, Lord Brown of Eaton-under-Heywood, and the noble Lord, Lord Desai, in a characteristically fresh and interesting contribution, added some useful correctives.

I feel there was a sense behind some of the speeches that if one could somehow remove, without election, an elected Prime Minister with the confidence of the House of Commons, then we would all emerge as chevaliers sans peur et sans reproche, and public life would be wonderful. The noble Lord, Lord Mann, in the opening of a powerful speech, had a strong response on this: issues of trust are very wide, and I think the House was silent when he made what some might have felt was a shocking reference to this House’s performance in regard to the referendum result.

The standards for public servants in the United Kingdom, including those who serve in public life, are expected to be high, and I agree with my noble friend Lord Balfe and others, that we bear a particular responsibility, and that is the focus of today’s debate. Although we beat each other up, those standards are rightly regarded as among the world’s strongest still.

In relation to my right honourable friend the Prime Minister, there is, as noble Lords know, an upcoming Procedure Committee inquiry into subjects which some

have alluded to, and I am not going to pre-empt the conclusions of another place. I acknowledge that the Government asked the country to make extraordinary sacrifices in the Covid pandemic, into which there will be a full and, I hope, searching inquiry which will reflect the principle of transparency—which, I agree with the noble Lord, Lord Mann, is very important. The Prime Minister has acknowledged, in the other place, people’s anger and hurt, and offered a full and unreserved apology for the mistakes made. I do not propose to repeat the Prime Minister’s words, but I reiterate that he has been clear he is committed to making changes to address the issues raised, and learn from those mistakes, which is one of the points that the noble Lord, Lord Collins, raised.

The Government have already been taking steps since the Second Permanent Secretary’s interim update to address some of the specific shortcomings identified in the report and ensure that there is stronger and more professional leadership. This includes appointing a new Permanent Secretary to lead the new leadership team in No. 10, charged with applying the highest standards of governance, as well as ensuring that every government department has a clear policy on the consumption of alcohol in the workplace.

I acknowledge your Lordships’ impatience to hear a response to all the very important reports that have been put to the Government. My erstwhile noble friend Lady Wheatcroft asked about the Boardman review. The Government are carefully considering both the Boardman review report and the other reports that have been referred to, such as the CSPL report on upholding public standards. They are wide-ranging reports.

Some of the recommendations from the CSPL report have already been responded to, as has been alluded to, in terms of the Ministerial Code. On the Boardman report, some changes have been implemented and made public. For example, the Treasury has issued revised guidance on the use of supply chain finance and the Government have recently made changes to the independent adviser role and the Ministerial Code, which are also alluded to in that report, in response. The Government will respond to those reports. Again, I have to disappoint your Lordships by saying that this will be in due course, but these are important matters. Your Lordships have rightly underlined their importance, and I will take that message back.

The seven principles of public life are woven into the codes of conduct for Members of this House and those of another place. The noble Lord, Lord Collins, complains that the seven principles are not in the foreword. They were put in the foreword of the previous version by the current Prime Minister, and I believe they are in section 1 of the Ministerial Code. The principles are central to the code, which sets the standards of behaviour expected of those of us who have served, do serve and will serve in Her Majesty’s Government, which I hope Her Majesty will oversee for many more years to come. The seven principles of course apply much more widely too. They apply to all civil servants, to those in local government and across public life.

There were some interesting references and thoughts in the debate on honour and a moral framework. The noble Lord, Lord Mann, said with a touch of regret that the time when honour was enough has passed.

The right reverend Prelate spoke of the need for a moral framework, as did my noble friend Lord Cormack. It is certainly true that, long before the seven principles, there was a good and simple principle that reigned in your Lordships' House which did not, in those days, have an army of institutions to police: that every Peer should stand on his or her honour. That may not be the whole answer, but I believe it is for each of us. The noble Lord, Lord Wallace of Saltaire, talked about conscience. Each of us must stand on what we believe is our honour and I will certainly always try to be truthful at this Dispatch Box.

I reject the assertion that standards of behaviour and honesty across public life or in other areas have declined to the degree that some of your Lordships have asserted. I would argue that there are some areas of public life where standards are higher and enforced more firmly, by both colleagues and opponents, than they ever were. All of us have the overriding duty not to betray the trust of the people, returning to the point made by the noble Lord, Lord Mann. There are big issues. The noble Lord, Lord Desai, reminded us that policies and politics are also things we are all judged on. We are not complacent about matters of ethics and conduct, or about upholding the principles of public life. We should all remain vigilant about the need to hold ourselves to the high standards the public expect of us, and to account for our behaviour.

There is another side to that. I have been guilty in the past and doubtless will be again of lashing out with criticism of people in other political parties who strive in all honour to do their best for the public and the public polity. I challenge the remark of the noble Lord, Lord Wallace of Saltaire, when he perhaps impishly said that the Church could not be Conservative because of a concern for the poor. Does he not believe that Conservatives strive to elevate the condition of the people and have ever done so since the days when Disraeli spoke of the two nations in our country? We should not throw so many stones at each other so furiously that perceptions, which many noble Lords have alluded to, that standards of behaviour have deteriorated become self-fulfilling prophecies.

We must be held to account. The noble Viscount, Lord Stansgate, made some interesting remarks on that, saying that we perhaps place ourselves at the mercy of powerful interests outside the House if we criticise each other when it is not justified. I do not challenge justified criticism. He also made some interesting remarks about resignation, which is of course the ultimate weapon—the ultimate resort—and he gave some very good examples.

Turning to some of the specifics in the debate before I run out of time, many noble Lords addressed the role of the independent adviser on Ministers' interests and the Ministerial Code. The noble Lord, Lord Butler of Brockwell, in a thoughtful and in some places challenging speech, said that there is a balance here. There are difficult issues which must be reflected on. The reforms recently made represent the most substantial strengthening of the role of the independent adviser since its creation in 2006. I will not go through all the changes that were made but I will touch on a couple of the most important, which some of your Lordships alluded to. The independent adviser's role

has been expanded to include a new ability to initiate investigations in relation to allegations where there has been a breach of the code. That is a significant change. Some say that the long-stop demur of the Prime Minister is unacceptable. I have given instances where that might be necessary. The noble Lord, Lord Butler of Brockwell, added his own insights on that. However, it is a move forward.

The Ministerial Code now also includes new detail on proportionate sanctions for a breach of the code. I agree with what the noble Lord, Lord Butler of Brockwell, said on that. That was a recommendation, which we supported, of the Committee on Standards in Public Life. The Government have agreed that the independent adviser will also be consulted about revisions to the code, again as recommended by the Committee on Standards in Public Life. It was the opinion of the former independent adviser that this new regime was workable but now, in light of the recent resignation of the noble Lord, Lord Geidt, the Government have further committed to considering the adviser's role and to reviewing how best this important function can be delivered.

Last week, the noble Lord, Lord Geidt, raised a number of issues in relation to the role of the independent adviser, as did the PACAC, to which he gave evidence just prior to his resignation. It is right that these comments be carefully considered, which means that time will be taken to reflect on them before a decision is taken on how best to fulfil the Prime Minister's commitment to ensuring rigorous oversight and scrutiny of ministerial interests. I know that some concern has been expressed about the timing and potential outcome of this review. Let me echo the commitment made by my right honourable friend the Minister for the Cabinet Office earlier this week in the other place. The Government will undertake this work in good time. The independent adviser's role is an important one and our commitment is that it should continue.

Be in no doubt that we remain fully committed to making sure that all Ministers maintain high standards of behaviour and behave in a way that upholds the highest standards of propriety, as the public rightly expects—and, frankly, carefully watches. Woe betide those whom the public conclude are irredeemable. We want to ensure that whatever arrangements are made, they are workable and can be trusted by Parliament and Ministers alike.

I reassure noble Lords that during this period of review, the process of managing ministerial interests will continue, in line with the Ministerial Code. I heard what the noble Lord, Lord Butler of Brockwell, said about Permanent Secretaries. In the interim, the code sets out that Permanent Secretaries in each department and in the Cabinet Office can provide advice to Ministers and play a role. We published transparency information just two weeks ago, in the form of the latest list of ministerial interests. I assure the noble Lord, Lord Mann, that transparency information is a key part of accountability. Accountability is one of the issues that one must reflect on in talking about creating statutory bodies which have oversight of elected officials or Ministers. To whom are such bodies ultimately accountable, in the way that the Prime Minister is accountable for the conduct of matters?

[LORD TRUE]

I agreed with what the right reverend Prelate the Bishop of Blackburn said about the need to adhere to a moral framework and with his remarks about a growing illiberalism in our society. That is not a comment about the Liberal party but about how a sense that one has to think one way appears to be emerging—he referred to the so-called cancel culture. That is a form of intolerance which is unattractive.

I was asked about the Northern Ireland protocol, and some noble Lords referred to breaking international law. We will have opportunity to debate the Northern Ireland protocol and indeed, shortly, matters relating to retained European law and the Bill of Rights proposals. The Government's position as to the Northern Ireland protocol legislation is that it is lawful under international law, and the Government's legal position is set out in the policy paper that the Foreign Office published online on the Government's website on 13 June.

On secondary legislation, I accept that there is a widespread feeling in your Lordships' House that this is a thorny topic. It is the position constitutionally that delegated powers are granted only by Acts of Parliament, each one of which will have been thoroughly scrutinised in both Houses of Parliament. Your Lordships' Delegated Powers Committee rightly challenges the Government, and the Government will seek to make sure that there is an appropriate balance between measures that are put in a Bill and those which, for various reasons, will need to be delegated. Ultimately, however, it is for Parliament and your Lordships' House in the passage of legislation to consider these matters. For example, the Schools Bill was referred to as being currently scrutinised in Committee in the Lords; the Government are listening carefully and engaging closely with Peers on these important debates.

My noble friend Lord Wolfson, in an opening speech which one could not forget although it was quite early in the debate, made a powerful contribution on the rule of law. He recalled the events of 2005, which I think were a great sadness to many of us who were either working here or Members of the House at that time, when, I believe, ill-considered reform led to the changes in the office of Lord Chancellor which have taken place. He made no criticism of successor Lord Chancellors, and I endorse what he said about my right honourable friends Sir Robert Buckland and Mr Raab—I assure the House that their intent and desire to uphold the rule of law is absolutely clear. I will reflect carefully on my noble friend's speech, but it is not a current priority for the Government to assess whether further legislative changes to the office might be necessary. The Ministry of Justice submitted evidence to this effect to your Lordships' Constitution Committee inquiry into the role of the Lord Chancellor, which is published on the committee website.

I finish by saying that the Government continue to regard standards in public life as of paramount importance and the seven principles of public life as the bedrock of ethical conduct and integrity. The whole Government, from the Prime Minister down, are committed to making sure that all Ministers are held to account for maintaining high standards of behaviour and behaving in a way that upholds the highest standards of propriety, as the public rightly expect. As part of that commitment,

we continue to consider carefully the recommendations of the Committee on Standards in Public Life and the other committees that have been referred to, and will update your Lordships' House on this work in due course.

2.44 pm

Lord Morse (CB): My Lords, briefly, I thank your Lordships very much for this debate and the fantastic quality of all the speeches. I do not see how I can pick out any particular ones to praise, because there were so many very impressive contributions that, as a relatively new Member of the House, I took note of. I will mention only the comments of the noble Lord, Lord True, for two reasons. He showed imperturbable resolve at the Dispatch Box, and it came as a bit of a surprise to me to find that repeating facts was regarded as an attack on the Prime Minister. But with that, I thank your Lordships very much for participating in this debate.

Motion agreed.

Social Security (Additional Payments) Bill

First Reading

2.45 pm

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

Bill of Rights

Statement

The following Statement was made in the House of Commons on Wednesday 22 June.

“With your permission, Mr Speaker, I will make a statement on the publication and introduction of a UK Bill of Rights as we take the next steps to fulfil our manifesto commitment and deliver human rights reform across the country.

We have a proud tradition of freedom under the rule of law in this country, and I remind honourable Members on both sides of the House that it dates back centuries to Magna Carta, not just to 1998. This Bill of Rights, published today, is the next chapter in the evolution and strengthening of our human rights framework, and it is available online and in the Vote Office.

I now turn to the key strands of our reforms. First, as I said when we launched the consultation back in December, the UK intends to remain a state party to the European Convention on Human Rights. It is a set of common-sense principles, and the problems we have encountered stem from its elastic interpretation and expansion, absent meaningful democratic oversight, particularly as a result of the procedural framework set out in the Human Rights Act.

The key objective of our reform is to reinforce quintessential UK rights such as freedom of speech, the liberty that guards all the others. We will also recognise the role of jury trials, mindful of how they operate in different parts of the United Kingdom. Jury trials are not prevalent on the continent, but they are very much part of this country's heritage and

pedigree. These liberties are part of our proud history, but they are also critical to strengthening our place in the world as an open, vibrant and rambunctious democracy.

We will also strengthen the separation of powers in this country, affirming the supremacy of the Supreme Court and making it explicit that UK courts are under no obligation to follow Strasbourg case law and, indeed, are free to diverge from it. I am proud of our world-beating judiciary, and what is the point of a Supreme Court if it bows in subordination to a European court?

We have seen the goalposts on human rights shift over time through expanded judicial interpretations, licensed by the Human Rights Act, which has tended to magnify overweening rulings from Strasbourg, although it is worth noting in fairness that there has been more judicial restraint in Strasbourg on occasion in recent times. Nevertheless, what ebbs may flow, and we will ensure in our Bill of Rights that any expansion of human rights law—as opposed to its interpretation—is subject to proper democratic oversight by elected Members in this House. Our reforms to Sections 2 and 3 of the Human Rights Act in particular will squarely address the flaws in the current framework.

We will be crystal clear that when it comes to the laws of the land, and the legitimate, necessary and constructive dialogue we have with Strasbourg, it is Parliament that has the last word. Much has been said by the judiciary in Strasbourg about an age of subsidiarity, with greater respect for the will of domestic democratic institutions, particularly since the 2012 Brighton declaration, which the UK spearheaded to promote reform. Our approach is crafted with that in mind in order to facilitate that dialogue between the UK and Strasbourg, and to avail ourselves of the margin of appreciation within the bounds of the convention. Equally, as a matter of basic democratic principle, we will reaffirm and reinforce the democratic oversight and control exercised by this House.

Our Bill of Rights sets out a range of important reforms, including a permissions stage in the UK courts to assert greater checks over frivolous claims at an earlier stage, reflecting the Strasbourg Court itself, which has an admissibility stage. We have included provision to ensure that the behaviour of anyone claiming a breach of their human rights is taken into account when our courts consider compensation; it is a principle of law in this country that those who come into equity do so with clean hands, and I think that should be reflected in human rights claims.

We will expressly provide for greater weight to be given to Parliament's determination of the public interest, as set out in primary legislation, when considering the interpretation of rights in order to ensure that we are better equipped to protect the public. That will reinforce our ability to, for example, deport more foreign national offenders, particularly those claiming ever more elastic interpretations of article 8 on the right to family life to frustrate the deportation process.

Our Bill of Rights will ensure that we can deliver our reforms to the parole system, so that when it comes to finely balanced assessments of risk in decisions on the release of potentially dangerous offenders, public protection is the overriding priority. It will also prevent well-meaning but counterproductive and onerous

straitjacket regulatory burdens from being placed on our public services as a result of rulings determined by lawyers in court rather than regulation on such sensitive matters being set by elected lawmakers in this House. That is particularly important with respect to finely balanced assessments of social policy, and matters with a financial impact—the bread-and-butter issues that it is for this Parliament to decide.

We have consulted and engaged widely across the whole United Kingdom, and will continue to do so. This is a UK-wide reform, but we want to work with all the devolved Administrations on these essential reforms, so we will be seeking legislative consent motions—noting, nevertheless, the status of the Human Rights Act as a 'protected enactment' under the devolution settlements, meaning that reform, replacement or revision can take place only from Westminster.

Our Bill of Rights will strengthen our proud tradition of freedom, demarcate a clearer separation of powers, ensure greater respect for our democratic institutions, better protect the public, and restore a healthy dose of common sense to the justice system, which is essential for commanding greater public confidence. Ultimately, it will make us freer and help to keep our streets safer. I commend this statement to the House."

2.45 pm

Lord Ponsonby of Shulbrede (Lab): At Oral Questions earlier today the noble and learned Lord, Lord Bellamy, described the Bill of Rights as a better balance between the judiciary and the legislators, between UK judges and Strasbourg and between rights and obligations. We will have ample time to test that aspiration when the Bill comes before this House, probably in September, but this is more than a rebalancing of the scales; it is potentially a practical reduction in the ability of victims to get a remedy through the ECHR framework.

I shall start with one practical example, which is the Worboys case. Over six years, the black cab rapist John Worboys raped and sexually assaulted more than 100 women. Relying on the positive obligations under Article 3—the right not to be treated in an inhumane and degrading way—two of his victims challenged the Metropolitan Police's failures to bring Worboys to justice and stop his attacks. A UK court held that, thanks to the Human Rights Act, the police are under a legal duty to take reasonable steps to investigate credible allegations of serious crime. The question for the Minister is: why does the Lord Chancellor want to remove these positive obligations that have been used by victims of crime to seek justice?

There are other examples, but it is right to focus on the victims of this proposed legislative change. The other examples that are very much in the public domain are the Hillsborough disaster, Deepcut Barracks and the issues raised about "Do not resuscitate" notices. There is real fear that this so-called rebalancing of the scales will lead to a diminution of the remedies practically available to victims.

There are other serious implications of this legislation. The situation in Northern Ireland was alluded to earlier today. This is an in-depth and complicated question, but is the Minister willing to go further and reflect on the potential implications of the Bill for the Good Friday agreement?

[LORD PONSONBY OF SHULBREDE]

The chairs of the Public Administration and Constitutional Affairs Committee and the Justice Committee in the other place, the Joint Committee on Human Rights and the Constitution Committee have all written to the Lord Chancellor asking that he submit the Bill of Rights for pre-legislative scrutiny. Can the Minister explain why the Lord Chancellor is refusing to use this legislative opportunity?

The Lord Chancellor claims that these proposals will put the Supreme Court in the driving seat, but, if the UK remains a signatory to the ECHR, it will follow the Strasbourg court's rulings, within the margin of appreciation afforded to all national courts. Given that we will still ultimately have to follow the ECHR within the margin of appreciation, what do the Government's proposals actually change?

There are a lot of questions about this legislation. There is huge expertise in this House, and I am sure that the noble and learned Lord himself has considerable expertise in this matter. But there are profound questions about the practical impact on victims and their ability to access the human rights framework.

Lord Paddick (LD): My Lords, I hope the House will forgive me, but I am neither a lawyer nor a historian—I gave up studying history at 1066—so I would be grateful if the Minister could correct me if any of my observations are erroneous.

In his 1859 book *On Liberty*, John Stuart Mill talked about the tyranny of the majority—an inherent weakness in majority rule, in which the majority of an electorate pursues exclusively its own objectives at the expense of those of the minority factions. As I understand it, the origins of the European Convention on Human Rights are from when the democratically elected German Parliament passed the 1933 enabling Act, which enabled the Chancellor to bypass the system of checks and balances in the Government and the laws created under them, allowing actions that could explicitly violate individual rights prescribed in the Weimar constitution. Perhaps more accurately, it could be said that the Chancellor decreed that certain people were no longer citizens and therefore did not have the rights given to them under that constitution. After the war, this led Winston Churchill to ask predominantly British lawyers to draft the European Convention on Human Rights, not least because the sovereign will of a democratically elected parliament needs a backstop of universal human rights to protect the individual from the state and the tyranny of the majority. Churchill reportedly said that

“it has been said that democracy is the worst form of Government except all those other forms that have been tried from time to time”—

this was presumably before he knew about proportional representation.

I also welcome the Minister's appointment to the Front Bench. He will no doubt say that the UK will not leave the European Convention on Human Rights but will just ensure that it is interpreted in accordance with what Parliament says it means and how British courts interpret it. This is where I get somewhat confused. My understanding is that the Government propose to allow British courts to ignore European Court of

Human Rights case law, if they disagree with it, but that individuals will still have the right to take their case to the European Court of Human Rights, which will take account of its own case law. Other than wasting thousands of pounds of taxpayers' money on fighting cases in Strasbourg that could have been settled in UK courts, what is the point of UK courts ignoring the European Court of Human Rights, if the next stop in the appeal process is the European Court of Human Rights?

The whole purpose of international conventions, and of sovereign countries signing up to them, is to ensure that the rights that they confer are universally applied. The UN refugee convention is slightly different, in that there is no court of arbitration or international court to adjudicate where different sovereign countries interpret the convention in different ways. But, in the Nationality and Borders Act, the Government effectively said, “This is the British Parliament's interpretation of the UN refugee convention, and British courts must abide by what Parliament says the convention means.” The Government have said that rights conferred by the UN refugee convention do not apply to class 2 refugees—that is, to those whom Parliament, through the Act, has said are excluded from those rights.

In the absence of the equivalent of the European Court of Human Rights for the UN refugee convention, it will be for British courts to decide on the legality of the Nationality and Borders Act. However, that approach will not work—or that is my understanding—with the European Convention on Human Rights, because there is an international court that arbitrates on ECHR cases. How does the approach work—that the UK Parliament is sovereign and British courts will interpret the European Convention on Human Rights in accordance with what we say—if the UK remains a signatory to the European convention and subject to the rulings of the European Convention on Human Rights? Can the Minister also say whether the UK Parliament being sovereign means the Westminster Parliament or the Scottish and Welsh Parliaments? What happens if those Parliaments refuse to pass legislative consent Motions?

One of my favourite expressions is that of the late Magnus Magnusson, the former host of “Mastermind”, who described a difficult question as one you do not know the answer to. Perhaps we should now add that the European Court of Human Rights going beyond reasonable interpretation of the convention is a case where the British Government disagree with that court. In other words, is this Bill of Rights without any real substance, or the end of universally applicable human rights in the UK? This Government have tried to end universally applicable human rights for refugees. Is this the Government's attempt to extend that ban to every citizen?

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Bellamy) (Con): I thank noble Lords for those remarks, which are very sincerely put forward and entitled to deep respect on this side of the House. In due course, if and when the Bill reaches this House, we need to grapple with all those points. If I may, I should like to deal quickly with the points made and

then see whether I can expand a little on what I was saying this morning about the constructive balance that this legislation seeks to achieve. In response to the noble Lord who asked whether this was the end of human rights as we know it or whether the Bill did not do anything, I think the answer from the Government's side is that we are trying to strike that constructive balance in the middle.

Forgive me if I omit some points, but I shall take them very quickly. On the Worboys and Hillsborough points, and those related matters, the Government take Articles 2 and 3 extremely seriously and it is not the intention to weaken them. In relation to positive obligations, the focus of those provisions is what one can call the extended jurisprudence, which extends into what one can call socioeconomic rights—social benefits, clean air and all those related matters, which in the Government's view are primarily a matter for Parliament and not the judiciary or to be addressed under this human rights legislation.

I am sure that we will come to Northern Ireland in more detail in due course. The Government are quite satisfied that the provisions of the Bill are compatible with the Good Friday agreement and other relevant Northern Irish considerations. As for pre-legislative scrutiny, the Government have consulted fully on the Bill; the consultation included draft clauses, and it seemed appropriate for the Government to proceed as they are now proceeding. A main emphasis of the Bill is to underline, and encourage UK courts to take advantage of, this margin of appreciation. As a result of the initiative taken by the UK in establishing the Brighton declaration, which took effect only in August last year, the principle of a margin of appreciation and subsidiarity are written into the convention.

It should be appreciated that, in 1950, Winston Churchill and the others who were engaged in this matter did not think that they were abandoning parliamentary sovereignty; they just did not. They thought that they were conferring on a court the ability to interpret a convention but they did not by any means reach the point that this Parliament was surrendering its sovereign right to legislate as it saw fit. We can get into detail with John Stuart Mill, what happened in the 1930s and all that sort of thing, but we are now in 2022 and faced with the present legal situation.

Having made those brief comments on the points already made, I would like to see whether I can make good my earlier point on constructive balance. First, let us take the things in this Bill that do not change. We remain in the convention. The convention rights are still protected in domestic law. Public authorities continue to be obliged to act in accordance with the convention unless there is superior primary legislation to the contrary. People will still be able to rely on their rights in any court or tribunal; if there is a question later about the so-called permission stage, I will deal with it then. UK domestic higher courts are still able to give a declaration of incompatibility with the convention; it will then be for Parliament to resolve what will happen next. Claimants who have exhausted all their local remedies in the domestic jurisdiction are still able to go to Strasbourg. It may not happen very frequently—

personally, I suspect that it will not happen—but that opportunity is still there. Article 46, which was mentioned this morning, is still there.

In the occasional case where there is a finding that the UK is in breach of the convention, there is necessarily a political settlement through the Committee of Ministers procedure to find ways of ensuring compliance with the convention. In this context, I do not use the word “enforcement” because one does not really talk about enforcement of the convention; ways of compliance are traditionally found through political action in the Committee of Ministers.

All that remains as it has been. So what is changing? That is the second part of my explanation. In the Bill, it is clarified that the domestic courts are not bound to follow the jurisprudence of the Strasbourg court. As far as I know—I am happy to be corrected—it has never been the case that the decisions of Strasbourg are considered binding in a general sense. They may be binding in an individual case against an individual state but the general jurisprudence is not binding and the ability of domestic courts, whether in the UK or another member state, to diverge from the jurisprudence is recognised and established under the convention.

That was certainly the position of Sir Peter Gross in his independent review. That distinguished review and the panel who assisted Sir Peter, to whom I take this opportunity to pay tribute, recommended that UK law, including common-law legislation and Scots law, should take centre stage—that was the phrase used—and that it should be recognised that UK courts have the right to diverge from the generality of Strasbourg jurisprudence. That is something that the Government are acting on; it is what is currently in Clause 3 of this Bill and is in Section 2 of the Human Rights Act. So that is the first thing.

Secondly, the courts will not be required to rewrite legislation as they are required to under Section 3 of the existing Act to make it compatible with convention rights. Thirdly, and of great importance, particular weight is attached to freedom of speech under this Bill and there is greater protection for journalistic sources. Courts will not, however, be able to impose new positive obligations on public authorities and will have to consider carefully the impact on such public authorities by applying existing ones. We can come back to that. There are other protections but I am already beginning to run out of time. It will be more difficult for foreign criminals to invoke Article 8 on the right to private and family life. There will be a permission stage and there will be various other procedural changes.

The final thing to mention in this list—I am sorry it is a long list—is that the Bill is excluding extraterritorial jurisdiction or military operations abroad, subject to there being in place comparable legislation to give effect to all our obligations under the laws of war and related points. This Bill is not abolishing human rights. It is preserving, strengthening and increasing democratic oversight. That is the Government's case and I look forward to further detailed debate.

3.06 pm

Viscount Hailsham (Con): My Lords, I have a great deal of sympathy for the general position articulated by my noble and learned friend, and I expressed my

[VISCOUNT HAILSHAM]
 reasons earlier. If we transfer to the Supreme Court the role of the ultimate arbiter of the convention rights, what impact does that have on obligations overseas and international obligations we have already undertaken? Would he give this House, either today or more fully later, a fairly comprehensive statement on the impact on our international obligations so that noble Lords can take a considered view on where the balance of advantage lies?

Lord Bellamy (Con): I thank the noble Viscount and gratefully accept his invitation to give such a considered and more detailed view at a later stage.

Baroness Chakrabarti (Lab): I welcome the Minister once more. He spoke at some length, rightly, on the interpretation provisions, which are obviously incredibly important given the relationship between our continuing commitment—as I understand it—to the Convention on Human Rights and the need to enforce these at home. Clause 3, which he referred to, quite rightly says:

“The Supreme Court is the ultimate judicial authority”,
 as the noble and learned Lord agreed is the current provision. Yet, the Supreme Court is told in Clause 3(3)(a) that it

“may not adopt an interpretation of the right that expands the protection”

beyond the Strasbourg court. In other words, the Strasbourg court may not expand human rights and nor may the Supreme Court, which looks a little bit like the Government telling courts over there and over here what their limits should be in protecting people’s human rights.

Lord Bellamy (Con): I thank the noble Baroness for that question, which will require further and detailed thought as we go along. The essential purpose of this part of the Bill and the provisions to which the noble Baroness refers is to incorporate into legislation the test recently enunciated in the Supreme Court by the noble and learned Lord, Lord Reed. He said essentially that the UK courts should not go further than the Strasbourg court under human rights legislation unless they are satisfied that the Strasbourg court would. This is not intended to do any more than incorporate in statutory form what the Supreme Court has already said.

Lord Faulks (Non-Affl): My Lords, I welcome the noble and learned Lord to his place and congratulate him on his appointment. I declare an interest as having been one of the members of the Commission on a Bill of Rights, which the coalition Government set up. The majority, which included the late Lord Lester, concluded that there should be a British Bill of Rights. It has now been nearly 25 years since the Human Rights Act. I do not think there was any pre-legislative scrutiny of that Act, nor was there a Green Paper or a White Paper. I respectfully agree with the Government that it is time to look again at how the Human Rights Act has worked in practice, so I welcome this opportunity. We will no doubt scrutinise carefully what is in the Bill and whether it makes an improvement.

I welcome the emphasis on freedom of speech—I declare an interest as the chair of the Independent Press Standards Organisation—in particular the protection of the disclosure of journalists’ sources, which I ask the noble and learned Lord to comment on. Could he help me at all in what way they will be further and better protected, or may be, by this Bill, while entirely applauding what lies behind those clauses?

Lord Bellamy (Con): I thank the noble Lord for his comments, with which I respectfully and very largely agree. Freedom of speech is, of course, a keystone of our constitution. That is what the Act is intended to reinforce. On journalistic sources, the Bill’s wording is intended to make it plain that when a balance has to be struck, as it occasionally does, on revealing journalistic sources, then “great”—I think that is the word— but predominant weight is given to the protection of journalism, which is so essential to free speech in our society.

Baroness Hamwee (LD): My Lords, I wonder whether the Minister, whom I too welcome to his position, can unpack a sentence in yesterday’s press release, issued at the time of the Bill’s publication. It says:

“The Bill will ensure courts cannot interpret laws in ways that were never intended by Parliament”.

That seems to be about something different from compatibility. It is not about ambiguity in legislation, where there might be a *Pepper v Hart* issue. Is this a suggestion that the courts should be reading parliamentarians’ minds if they have not managed to express themselves properly?

Lord Bellamy (Con): It is always difficult to read parliamentarians’ minds; that is absolutely true. I think the noble Baroness is referring to Section 3 of the present Act, which specifically asks the court to rewrite legislation—to change what Parliament intended. That power is being repealed.

Lord Garnier (Con): My Lords, I join others in welcoming my noble and learned friend to this House and to his new responsibilities as a Minister. With all due respect, I ask him to persuade his colleagues in government when advancing the cause of this particular legislation not to rely, when seeking to knock down Article 8 points, on factually inaccurate case law, such as that somebody was allowed to remain in this country because they had a relationship with a cat. Far too many of these silly examples are often used by Ministers to denigrate the European convention. It does not add to the advance of any discussion.

Can my noble and learned friend please tell me the policy reason behind why the provision in Clause 8(5)(c) describes a “qualifying child” of a person who is under threat of deportation to be someone who “has lived in the United Kingdom for a continuous period of seven years or more”?

That suggests that a child under the age of seven who, although not a British citizen, has lived all their life in this country does not qualify as a qualifying child. That does not sound very civilised to me.

Lord Bellamy (Con): If I may respectfully agree, this legislation should not be based on the kind of fairy tales which the noble and learned Lord just mentioned.

As for this House, we will progress on the basis of the forensic and evidence-based analysis of the situation. I confess that, on the hoof, I am not immediately able to help him with Clause 8(5). If I may, I shall take that away and, if I am able and it is appropriate, come back to the House on the point he makes.

Lord Anderson of Swansea (Lab): My question concerns the precedent set by allowing our national courts to trump the European Court of Human Rights. The Minister will be aware that one of the great problems of the Council of Europe is the number of serial defaulters: countries that refuse to accept the judgment of the court. I speak as someone who was once a Foreign Office adviser to our delegation and served on the legal affairs committee of the Council of Europe for 10 years. In the past, we have spoken from a position of strength, even when we disagreed with the judgment or reached a compromise, as we did over the Hirst case on prisoners' rights. Will we not in future, because of this position, give support to those countries who wish to default and lose our high status as a country which honours its obligations?

Lord Bellamy (Con): The noble Lord makes a fair point. My reply is that we have no reason to suppose that the UK's exemplary record in Strasbourg will in any way weaken as a result of this legislation. As the noble Lord knows, we have far and away the best record of compliance—certainly in recent years. In 2020, of the 268 cases brought against the United Kingdom, in only two were breaches found. Our record, plus our very active and continuing involvement in the Council of Europe, in which the noble Lord was previously involved, continues, and will continue. That is why I use the word “constructive” together with the word “balance”.

The Lord Bishop of Blackburn: I support the provisions in the Bill that strengthen the right to free speech and the freedom to believe, and the expression of that belief. I have a concern over Clause 20 and the Secretary of State's ability to make a decision which limits the right to appeal, regardless of the will or good processes of the court. What assurances can the Minister give that interventions will happen only where the will of Parliament can be reasonably understood on a matter? Without such assurances, I fear we will find ourselves hostages of the political will and aspirations of the particular Secretary of State that we have at the time, and cannot be sure that decisions are made for the good of the law over the good of politics.

Lord Bellamy (Con): I thank the right reverend Prelate. Perhaps I may take that question under advisement and place a response in the Library in due course, or whatever is the proper mechanism, to reassure the right reverend Prelate on that point. I take this opportunity to mention that the freedom of practice of religion is also specifically mentioned in the Bill, as he just pointed out.

Lord Wolfson of Tredegar (Con): First, I warmly welcome my noble and learned friend to the Front Bench. Although he has achieved the giddy heights of the Front Bench, I have not yet seen him on legal

Twitter—which, of course, is a wonderful place. Some lawyers on Twitter were able to pass comment on the Bill before it was even published, which is indeed a remarkable feat. The response so far seems to be that some people regard the Bill as doing nothing very much and just tinkering on the margins, while others see it as the death of human rights in this jurisdiction. I am sure that the Minister will agree on one point: that they cannot both be right. Against that background, does the Minister agree that what we really need in this country, especially in this House, is a proper debate about human rights? Public law is too important to be left only to public lawyers. Therefore, does he look forward, as I do, to proper debate on this very important Bill, which I warmly welcome?

Lord Bellamy (Con): Indeed, my Lords, I warmly welcome the prospect of the full, frank and very free debate we shall have in this House—an informed and instructive debate. The Government will be listening very carefully to the points made.

Lord Bruce of Bennachie (LD): My Lords, is the ability to appeal to the Strasbourg court for very many people more theoretical than real? The court is understaffed; it takes a great deal of time to get there and a great deal of money to process a case. In reality, are many people not being denied their human rights, in all practical purposes, because the right of appeal is only theoretical for them?

Lord Bellamy (Con): My friend—the noble Lord—is quite right that the European Court of Human Rights in Strasbourg is grappling with enormous problems. That is why the Government take the view that the vast majority of cases are better dealt with in our own jurisdiction, which is familiar to the general public and in which the public and the Government have confidence. The orientation towards cases being dealt with here in the UK is both pragmatic and right in principle.

Baroness McIntosh of Hudnall (Lab): Will the Minister momentarily set aside his ministerial responsibilities and address us in his capacity as a very distinguished lawyer? On the subject of the potential of the Bill to fall into the hands of those not of good will, I think it could be damaging in future to the human rights which he clearly supports personally and wishes to see protected. I think that he will agree that it is a constant worry to anyone watching the progress of any legislation that it might be capable of being misused by those who come after. Does he see any danger of that happening with this legislation?

Lord Bellamy (Con): My Lords, it is a danger to which we need to be alert. As I am presently advised, I do not see that danger. The convention rights are in the Bill; we are still in the convention and those protections have not changed. It is very difficult to imagine a situation in which a future Government might take us out of the convention—they might, but that is not the position of the present Government. So far as I can, I give the noble Baroness the assurance she seeks.

Lord Hannan of Kingsclere (Con): My Lords, when the European convention was promulgated in 1950 and enshrined in 1953, this country already had strong and trusted laws in place that guaranteed free speech, religious pluralism, habeas corpus and so on. Will my noble and learned friend the Minister confirm that charters of this kind are not so much about the creation of new rights as about appointing a different set of people to arbitrate rights or to come and interpret between competing claims? Can he identify any specific advantages that have come to this country as a result of our adherence to the European convention?

Lord Bellamy (Con): My noble friend is quite right that the rights in this country go back many years. I will not, as a cliché, invoke Magna Carta, but it is perfectly plain that this country has a long and proud history of freedoms—they were not called human rights then—over very many years. When the Human Rights Act 1998 was introduced, the Government of the day described it as bringing rights home. I agree with my noble friend that they never actually left in the first place.

Viscount Waverley (CB): My Lords, freedom of speech is to be a central pillar of the UK Bill of Rights. Article 8 has been referred to on multiple occasions this afternoon. Is it anticipated by the Government, in light of this statement on the protection of sources, that the case of Mr Assange could indeed centre around that right under a future UK Bill of Rights?

Lord Bellamy (Con): I will resist the temptation to refer to a pending case. I hope noble Lords can forgive me.

Lord Brown of Eaton-under-Heywood (CB): By reference to the question of the noble Lord, Lord Hannan, does the Minister remember a time when, for example, prison staff read all prisoners' correspondence to stop them petitioning? There were a number of practices with regard to prisoners, but it was only under orders of the Strasbourg court—orders which the Home Office was happy to lose; I was arguing them—that our prison regime was brought into an acceptable state and prisoners were allowed any rights at all.

Lord Bellamy (Con): Historically, of course, the noble and learned Lord is completely right, as one would assume. At this point, I take my ministerial hat off and put my personal hat on and take this opportunity to pay tribute to the European Court of Human Rights over the years, and indeed to the Council of Europe. In answer to my noble friend Lord Hannan, I say that the very fact of our membership and the dissemination of rights through the Council of Europe that it has enabled is a very positive element for Europe in general, in my humble, respectful and personal view. That does not mean that everything is necessarily fine, and the Government's view is that it is time, after over 20 years of the Human Rights Act, to look at it again and do some rebalancing.

Lord Faulks (Non-Aff): My Lords, is it not right, in fact, that we will gain a great deal by still looking at decisions of the European Court of Human Rights in the future, but that we should also look at other courts in other jurisdictions? There has perhaps been a danger of the common law developing since the Human Rights Act based almost exclusively on Strasbourg jurisprudence, while there is wisdom elsewhere in the world as well.

Lord Bellamy (Con): I respectfully and fully agree with my noble friend; there are many other sources. The Canadian charter of rights is a prime example of what he says. Having worked personally in both the civil system and a common-law system in other lives, no one is more convinced than I am of the strengths of the common law on which we should draw for our freedoms.

United Kingdom: The Union

Motion to Take Note

3.27 pm

Moved by Lord Lisvane

To move that this House takes note of the stresses upon the Union of the United Kingdom.

Relevant document: 10th Report, Session 2021-22, from the Constitution Committee

Lord Lisvane (CB): My Lords, I am grateful for the opportunity to raise once again the issue of the integrity of the union of the United Kingdom and its resilience against increasing stresses. I am afraid I cannot emulate the wonderful brevity of my noble friend Lord Morse in introducing the first debate this morning, but I do not intend to take up the whole of the very generous allocation of time I have been given. I am very sorry that this is to be the valedictory speech of the right reverend Prelate the Bishop of Blackburn, and I look forward very much to hearing what he has to say during the debate.

I was fortunate to secure a debate on the same subject in January 2019. The union was then faced with a number of uncertainties—principally, perhaps, the effects of Brexit. As your Lordships' European Union Committee said at the time,

“the European Union has been, in effect, part of the glue holding the United Kingdom together”.

More than three years later, those uncertainties remain, and in some respects they have become more threatening. Brexit is done, we are told. I have no wish at all to return to those damaging and divisive times in our history. We have to make the best of things but the present situation is, to say the least, untidy.

A brief survey will suffice. There is the extraordinary behaviour of the Government over the Northern Ireland protocol, which they negotiated and which the Prime Minister trumpeted with such enthusiasm. Now the Government wish to take powers to renounce significant parts of the protocol. This is against the background of Sinn Féin becoming for the first time the largest party in the Northern Ireland Assembly, and the

movement towards a border poll that might, in due course, thereby come closer. In the meantime, there is no functioning Executive, and the clock is ticking on the 24-week deadline for the Secretary of State to appoint a date for new Assembly elections.

In Scotland, the devolved Administration's Cabinet Secretary for the Constitution has said that a second independence referendum is planned for October 2023. Whether that is possible in any form which would be legally binding without a Section 30 order is yet to be determined. That seems unlikely, but the prospect of an advisory referendum is one which Mrs Sturgeon will want to keep constantly in the public eye, if only as a distraction from her Administration's less than perfect delivery of public services. The UK Government have set their face against a second referendum, which is a conflict that Holyrood will try to use to its advantage. The opinion polls seem to be a little less favourable to independence than they were, but the hazard remains.

In Wales, the Welsh Government have established the Independent Commission on the Constitutional Future of Wales to consider and develop durable options for fundamental reform of the constitutional structures of the UK and to strengthen Welsh democracy. The co-chair of the commission, Laura McAllister, has said that the commission

"has a licence to be radical"

and that it will

"explore options for governing Wales as a distinct nation within the UK",

and also, significantly,

"the options for a future for Wales outside the Union."

The noble Lord, Lord Wigley, who is unable to be in his place this afternoon, asked a Question for Short Debate in Grand Committee on 9 June on the possibility of a new constitutional relationship for the four parts of the United Kingdom. He listed reasons why Wales was becoming less in sympathy with the current constitutional settlement, including the ignoring of recommendations such as those of the Silk commission for devolved police powers and those of the noble and learned Lord, Lord Thomas of Cwmgiedd, for changes in the legal framework; he also alluded to a perceived unfairness in the deployment of structural and social funds. Of course, the noble Lord spoke from his Plaid Cymru point of view, but as a Welshman by birth and title, I can appreciate the force of those points and their unhelpful bearing on the cohesion of the United Kingdom.

In that debate Lord Wigley proposed a confederal approach in which the three nations and the Province agree to pool their sovereignty for certain purposes. This has something in common with the approach of the Constitution Reform Group, convened and chaired by the Marquess of Salisbury, a former distinguished Member and Leader of your Lordships' House. The group produced the Act of Union Bill, an earlier version of which I introduced in the previous Parliament, and an updated version of which was published last year. This seeks to replace the present top-down method of devolution with an approach in which the constituent parts of the United Kingdom would decide which powers they wished to pool for greater solidarity and effectiveness. This is to suggest not a new written

constitution but a way of dealing with what I describe as the imperial condescension of Whitehall towards the constituent parts of the United Kingdom.

For as long as the concept has existed, doing devolution has been difficult, requiring as it does the accommodation of ancient national pride and aspiration within structures of robust and effective co-operation. Some of the problems were set out with great clarity by your Lordships' Constitution Committee in its excellent report *Respect and Co-operation: Building a Stronger Union for the 21st Century*, which is tagged on the Order Paper for this debate.

Incidentally, if I may digress just for a moment, I noted that the committee depended for its definition of parliamentary sovereignty—strictly, legislative sovereignty—upon the words of AV Dicey, even though his definition was almost the same as that of my learned predecessor Thomas Erskine May in the first edition of his *Parliamentary Practice* in 1844, when Professor Dicey, although no doubt precocious, was only nine years old.

The inherent difficulties of devolution have been exacerbated by the way in which devolution has been done, and this reflects our approach to constitutional change. Administrations of both colours have adopted a short-term, patchwork approach, in which changes are made with inadequate forethought and preparation, and, more especially, without consideration of wider effects and often, later, with buyer's remorse. So it is with relationships between the different parts of the United Kingdom. A theme of the Constitution Committee's report might be summarised as "mutual respect"; in other words, an end to the imperial condescension in which Whitehall knows best and decides how any cake is to be cut.

As to the future, there are a few—a very few—reasons for restrained optimism. It is possible that improved intergovernmental relations, drawing on the excellent work of the noble Lord, Lord Dunlop, might be a factor, but that depends crucially on political will, and, as the Constitution Committee says,

"achieving shared objectives, rather than simply managing—or taking opportunities to accentuate ... differences."

Interparliamentary co-operation, in which our own Lord Speaker has taken a leading role, has a part to play. It may not have executive power, but it can bring powerful influences to bear on those who do, and if it can improve mutual understanding and make differing approaches compatible, it will be very well worthwhile.

However, what is needed above all from the Government is steadfast, clear direction and genuinely co-operative working in a constitutionally stable environment. That is exactly what we do not have, and it seems that we have precious little hope of it. The last two and a half years have been desperately difficult in so many ways, and the economic and cost of living crisis seems likely to be with us for some time. But it is precisely in such circumstances that we look to government for calm proportionality and fixity of purpose.

Instead, we have government by announcement; frequent policy U-turns, sometimes within the span of a single day; constant shoot-from-the-hip legislation, with sweeping powers given to Ministers for often unspecified purposes; shredded standards of conduct,

[LORD LISVANE]

as was clear from the earlier debate; an unlawful Prorogation; the taking of powers to override international law and solemnly concluded international agreements; and wild and ignorant suggestions, such as your Lordships deploying to York, which was roundly and rightly condemned by the noble Lord, Lord Norton of Louth, and others who spoke in his debate last week.

At the same time, our fears are meant to be assuaged by news such as the return of imperial measures—perhaps to go with the imperial condescension I mentioned a moment ago. Incidentally, I should tell noble Lords that I have been drinking excellent Herefordshire cider in imperial pints for very many years, EU or no EU.

If any theme can be made out in this maelstrom, it is one of greater centralisation and indeed presidentialism—although the fact that the Prime Minister is also Minister for the Union may strike your Lordships as one of those things which are beyond parody.

Thanks to the noble Lord, Lord Wigley, we may have had a sneak preview of the Minister's reply to this debate, as he spoke on this subject on 9 June. I hope that it will not be exactly the same, tempting as that may be, because in its centenary year and in its present form, much more has to be done to preserve the union and all that it can deliver for the citizens of this United Kingdom. That is a task of which the Government have to show themselves not only worthy but capable. I beg to move.

3.38 pm

Lord Strathclyde (Con): My Lords, it is a great pleasure to follow the noble Lord, Lord Lisvane, in this debate. It is an important debate, and one that takes place from time to time because it is right we should look at the stresses and strains that exist within our constitution and within the different parts of the United Kingdom.

I join the noble Lord in looking forward to the speech of the right reverend Prelate the Bishop of Blackburn, and his valedictory few words; no doubt that will entertain all of us, and I am very keen to hear it.

We have had nearly 25 years of devolution—enough time for us to get used to it and for it bed down with our constitutional arrangements. But as the noble Lord has just pointed out, we have not done so. The stresses and strains are only too visible and too complicated, and it is clear that it will take considerably more time for them to bed down into a workable proposition.

The noble Lord mentioned his Act of Union Bill, which I regard as a good draft that we can all spend a great deal of time discussing. It is something that Governments should take seriously, because it points to a different intellectual approach to the governance of the country, rather than the one we have now. However, it is extremely hard to pursue that kind of debate politically when, in Scotland at any rate, we have a political party in power which is trying to tear up the United Kingdom as we speak and has so recently pledged itself to having a referendum in the next 12 months.

I will concentrate on Scotland, because I know and understand Scotland better than other parts of the United Kingdom, but some of what I will say has a

read-across to the other parts. I will start with the need for co-operation, flagged up very much in the title of the Select Committee's report. Co-operation seems to me fundamental to the workings of the British constitution, more so than mutual self-respect, which it goes without saying is important.

On co-operation—talking to each other and not doing things deliberately to undermine each other—I will give a very simple and personal example. As we overcame Covid through the use of vaccines, I went to my local GP and received two vaccines, several months apart. I received a certificate in the shape of a letter and then, miraculously, an app appeared on my phone. That was all very well and is an experience shared by most Peers. When it came to the third vaccination, the booster, I was spending a bit more time in London. I walked past a walk-in centre and, seeing no queue, I had it done quickly here. I explained that I was from Scotland and had a Scottish app, and they said, "That shouldn't be a problem. I'm sure they're all talking to each other." No, they were not. There was no hint of co-operation at all and it took another two and a half months to get my Scottish app to recognise that I had already been boosted in England.

Translated many thousands of times, this all undermines the union we are talking about in very practical ways that are very visible to people in Scotland. The census was done differently in Scotland from the rest of the United Kingdom—how utterly daft. The whole point of a census is that it is all done together, yet in Scotland we decided to do it rather differently and have been unable to achieve the kind of results achieved in the rest of the United Kingdom. The price of non-cooperation is unnecessary, expensive and bureaucratic processes, letting down people and affecting how they live. People are crying out for co-operation and that is what we should champion as much as possible.

People such as me who opposed devolution did so because we feared that there would be centralisation in Scotland. I am afraid to say that that is exactly what has happened. Local authorities have had their powers taken away to Edinburgh and the central belt dominates. None of this has done much good for the people of Scotland. Other parts of the United Kingdom can perhaps recognise what has happened.

I should say something about the SNP at this point. The noble Lord, Lord Lisvane, mentioned the noble Lord, Lord Wigley. I have said in the past and say so again today that it would be good for us to have a member of the SNP here. I know the SNP generally have a view that they should not send people here, but I wonder if it is not time for our Prime Minister to seek to do that. It is a voice that we do not hear in the House, but one that we really should have.

I therefore very much welcome the steps taken by the office of the Secretary of State for Scotland to try to fund local authority projects directly, looking at special instances where central money can be spent more wisely, so that devolution would mean real devolution down to local institutions.

There is another outstanding issue, that of tertiary education. If you are a Scottish student, it is very hard to be educated anywhere but in a Scottish university

because of the way the funding works. In other words, Scottish students are excluded from the rest of the United Kingdom. This is not a sensible way of going forward. I do not offer a solution to that today, but central government should look at ways for students throughout the United Kingdom to be dealt with fairly.

My time is up. I very much hope that this debate will be taken seriously by the Government and that they will look at ways to strengthen the union.

3.46 pm

Viscount Stansgate (Lab): My Lords, I welcome the debate and congratulate the noble Lord, Lord Lisvane, on securing it. It is very timely, because it enables us to step back from the day-to-day business of Parliament and government and take a view on what may be happening and what may be going wrong. I agree with him, and it was said also by the previous speaker, that the stresses and strains are, if anything, getting worse. I congratulate the noble Lord on the way in which he introduced the debate. I know that there are many distinguished speakers still to come. I wish the right reverend Prelate all the very best in his valedictory speech and I hope he has enjoyed the time that he has had in this House.

About 30 years ago, a historian called Francis Fukuyama wrote a book called *The End of History and the Last Man*, in which he argued, as Members will know, that the progression of human history as a struggle between ideologies was largely at an end and the world was settling on liberal democracy after the end of the Cold War and the fall of the Berlin Wall. However, like reports of Mark Twain's death, this was very premature, and the debate today takes place against a backdrop of global tensions between democratic and autocratic states, and it is by no means certain how things will play out. I mention that because I have the same feeling about the future of the United Kingdom. I am not at all clear yet how it will turn out.

I welcome the report by the Select Committee and congratulate its chair, members and staff on producing it, because it is a very important source as background for this debate.

Nations are capable of self-harm. I do not want to be too provocative, but it may be that in the future people will come to look back on the referendum of 2016 in that light. In the context of today's debate, it strikes me as interesting that this is a Government and a Prime Minister who say that they got Brexit done, but I am not at all clear that that is the case. It is somewhat ironic that the party whose official name is the Conservative and Unionist Party should be presiding over the stresses and strains already identified by the two previous speakers and which, as I have said, are getting worse.

There are other aspects too. I want to mention just one. Every day, I submit a Question in the hope that I will be selected, and each day I fail. I will never be selected for the England cricket team on the basis of my batting average. The Question that I have been submitting is about the future of Horizon Europe and the extent to which our scientific community can co-operate internationally, which is at risk at the moment, as Members may know. I worry that if we are excluded,

the shared scientific venture that helps bind the union together will also be at risk and may disappear—that is just one element of what I might call the collateral damage of current government policy. Of course, we know that the Government's proposed Northern Ireland legislation to deal with the Northern Ireland protocol, which to some extent is unsolvable, contributes to these tensions.

To take Northern Ireland for a moment, the stresses on the union caused by the unresolved Northern Ireland protocol are plain to see. Only this week in this House, we had a debate about access to medical services for women in Northern Ireland. What was interesting about that debate was that a lot of Members—including those who supported the amendment to the Motion—argued that devolution was not being allowed to work properly and that the Government were imposing their view. That was the tension. I also looked into the Grand Committee yesterday to catch a glimpse of the Identity and Language (Northern Ireland) Bill being discussed. I heard more than one noble Lord regret the fact that it was not the Northern Ireland Executive who were discussing the Bill.

I can understand that point of view, but we all know why, despite the recent elections, the Northern Ireland Assembly has not yet even been able to elect a Speaker and get itself established as a working Assembly. The apparently intractable issues of the Northern Ireland protocol—which, in fairness, were foreseen when John Major and Tony Blair went together to Northern Ireland in 2016 to warn against the possible difficulties of a certain outcome—are still with us. I do not yet claim to know how things will turn out, but the House will be aware of the possibility that, over time, the views of the people in Northern Ireland might change so that, one day, unification with the Republic may seem preferable to a problematic life within the UK. We will have to see.

To take Scotland, which has already been mentioned, the stresses put on the union by the outcome of the referendum are very clear. We know that Scotland voted to remain in the EU, and the Scottish National Party has been able to use that result ever since as the single biggest reason why Scotland should have another independence referendum and vote to secede from the UK. We know that the current Government have stated that they have no intention of allowing indyref2 but I do not know how much longer their position can be sustained, and it may go ahead anyway in one form or another. If there is another referendum, it would be good to have a really honest debate about the realities of the choice.

As for Wales, the history is different. I have often been to the Senedd myself and I think it has established its own method of devolution, which was emphasised by the Covid experience that we all lived through. The leader of the Welsh Assembly emerged as a figure who had perhaps not previously been appreciated. References have been made to the Independent Commission on the Constitutional Future of Wales, and we will wait to see what the outcome of that is.

In the short time I have left, I am not sure that I can suggest any long-term solutions, although I find myself agreeing with the noble Lord, Lord Lisvane, that imperial condescension by the centre is unlikely ever

[VISCOUNT STANSGATE]
to be the solution to anything. Our constitution has of course grown in a very different way from that of other countries—such as when a politically motivated group of people gathered together in Philadelphia in 1787 to create a new constitution. Ours is strengthened by its flexibility, but one problem—I must finish now—is that the form of devolution that we have is what you might call asymmetric.

I end by saying that my fear for the long-term future of the UK is partly about the UK's standing in the world. If we ever did break apart, our position would be for ever and fatally weakened, as indeed would our self-esteem. In those circumstances, if we were to break up as a country, could we imagine retaining a seat on the Security Council of the United Nations? I do not think so.

I do not think that history has ended. We still have our future in our hands, but this Government have to take the future of the union a lot more seriously than they are doing now. The Prime Minister in particular needs to live up to the responsibilities that he has.

3.54 pm

Lord Wallace of Saltaire (LD): My Lords, with the evolution of the three devolved Governments, the United Kingdom has become a very unbalanced and insecure centralised country. I mention in passing that the question of whether the UK includes the Crown dependencies is left deliberately ambiguous. The Council of the Isles was set up with representation from the Isle of Man, Jersey and Guernsey. The Procurement Bill with which we are currently dealing contains a clause that says that UK suppliers include suppliers from the Crown dependencies. However, I recall very well that the last commission on the constitution, in the 1970s, made it clear that the Crown dependencies are not part of the United Kingdom. I will leave that aside for this debate, although we will no doubt continue to address this, with all of the intricacies of tax avoidance that are involved.

The stresses upon the union are clearly growing, but I will talk mainly about the stresses being caused within England. In passing, I say that I am conscious that not all Conservatives below the leadership are still unionists: some English nationalists—the Ukipers of the Conservative Party—would be quite happy to see Scotland and Northern Ireland go, although they have not really thought about Wales. They think that it would save on tax transfers, but it would leave a very discontented north of England dominated by southern England and suffering as a result. That is not an impossible prospect, and we need to be very carefully aware of it.

Mention has been made of the Whitehall mindset, but it is also the ministerial mindset and what one has to call the Diceyan mindset—namely, that Parliament only temporarily devolves powers and may take them back whenever it feels like it. That is clearly not compatible with the continuation of the union. I keep reminding Ministers that Dicey wrote his doctrine on the constitution at the same time that he was writing violent pamphlets against any devolution to Ireland, and this clearly biased and influenced the way he wrote about UK sovereignty.

England has the most centralised democracy in the developed world. What is more, successive Governments muck about with local and regional structures. The Constitution Committee's report on a stronger union says:

“we believe continued and frequent restructuring will risk undermining Whitehall's capacity to manage a fundamental part of the United Kingdom's governance arrangements.”

The latest example that I am aware of is the enforced dislocation of the governance of North Yorkshire by the abolition of district councils and the imposition of a single council, which means that some councillors will have to spend over two hours driving from the ward that they represent to the basic unit of local government to which they will now belong. I note that district councils still exist in Surrey, and I hope that they are about to be abolished in the same way; if the Government believe in single-tier local government, they have to impose it everywhere.

This change was made in the face of all but one of the 19 councils in Yorkshire saying clearly that they preferred an overall Yorkshire structure which would represent the clear identity of the region and its 5 million people—twice as many as in two of the three devolved Assemblies. This was overruled by the Government, with the imposition of metro mayors—some even wish to impose a metro mayor on North Yorkshire somehow. This is not a competent way to restructure local government or rebuild public trust in democracy as a whole, particularly when Governments mistrust metro mayors and very infrequently consult them on arrangements.

What do we need to do? We need to think hard about how we devolve powers within the dominant country of the United Kingdom. We need to think about how we make the necessary fiscal transfers much more transparent, and about how we build that into our union structures. I increasingly believe that the second Chamber should be based on representation of the nations and regions of the United Kingdom, which is part of what would build in the checks and balances of the United Kingdom as a whole. For the clearly neglected regions of England—they feel even more neglected now—it would also symbolise that they are represented and seen in this disunited country.

We must worry about Scotland and we have to worry about Northern Ireland, but we must not forget that there are many parts of England which are now fundamentally discontented with our current Government. No doubt the voters of Wakefield will demonstrate that today, but I read in the *Financial Times* yesterday a very good interview on the sense of betrayal at the abandonment of most of Northern Powerhouse Rail; at the refusal to build an underground station in Manchester even though they are building one at Old Oak Common; and at the abandonment on the grounds of cost of putting a new tunnel through the Pennines even though they are putting a large and much longer tunnel under the Chilterns for HS2. All those things build distrust and discontent at the local and regional level. This very southern-based Government need to be aware of that, and as we look at the problems of maintaining co-operation with the Scots, the Welsh and the Northern Irish, it should not be forgotten.

4.01 pm

The Lord Bishop of Blackburn (Valedictory Speech):

My Lords, I am grateful to the noble Lord, Lord Lisvane, for this opportunity to make a brief contribution to this debate on our union, although I have learned a new meaning of the word “brief” while I have been in your Lordships’ House: it does not always mean “short”. I am sorry if I disappoint the hopes of the noble Lord, Lord Strathclyde, about my valedictory speech.

My time in your Lordships’ House has been limited—just over two years—partly because it has been right for my female colleagues to take precedence in joining your Lordships’ House and partly because it has been constrained by the pandemic. There has been a lot to learn as well as to admire in a place of such expertise and wisdom, but I regret that I have not been able to become more involved in the serious business of your Lordships’ House.

My nearly nine years as the Bishop of Blackburn are drawing to a close and I shall be moving from the special red rose county of Lancashire, where it has been a joy to live and serve and where we celebrate Her Majesty the Queen as the Duke of Lancaster in our singing of the national anthem. The north has been more than welcoming to a complete southerner, and, as with all places where clergy serve, a bit of my heart will remain there.

In our diocesan vision for 2026, the 100th anniversary of the creation of the diocese, we have set out to make the church community a healthy influence in every situation, not cutting back but planting new gatherings in places where Christian witness and worship have been absent, most notably on urban estates. We have been blessed by generous grants from the national Church and it has felt like a time of God’s favour, as God has given us a great team and we have sought unashamedly to make the person of Jesus Christ more widely known and believed.

It has been an honour when on duty here to lead the reading of scripture and the praying of the Prayers at the beginning of each Sitting here in your Lordships’ House, which signal something of our accountability and dependence on another: the one who is the source of all life and who sets the boundaries of how we should relate to one another, those standards and values that we were discussing a little earlier this afternoon—that Christian heritage that underpins so much of our national life.

I was intrigued to read in this report about the union the strains currently experienced in governance, accountability and finance between the four nations of the union, largely because of Brexit and devolution. I wonder, if a referendum is pressed for, whether so major a decision with consequences for the whole union should be decided by only one part and not take into account the view of the whole. But I know that is controversial.

It was especially good to see reference to the importance of the levelling-up agenda, reducing the gaps in our society in terms of wealth and aspiration, something we in the north-west are desperate to see taken forward. Government support for the Eden Project North in Morecambe Bay is one example of what will bring massive transformation in terms of jobs and the growth of the local economy in Lancashire.

However, I found two things missing from the report. First, there was very little about the monarchy as one of the key strengths and bonds across the union. The recent services of celebration for Her Majesty’s Platinum Jubilee and the thousands of street parties that gathered whole communities together in positive ways, across all kinds of social and ethnic divides, spoke volumes about something and someone who holds us together. In Blackburn Cathedral, we handed out 900 copies of a booklet, *The Faithful Queen*, telling the story of her humble service as a Christian to the union and the Commonwealth. She is a worthy recipient of the most reverend Primate the Archbishop of Canterbury’s gift of the Canterbury Cross for unstinting service to the Church of England, as well as to the union.

Secondly—noble Lords would expect me to say this—I could not find any reference to the role of the faith and charity sectors in strengthening life and co-operation across the United Kingdom. Obviously, in the past, the established Church has played a key role in this nation, with Lords spiritual present in this House. However, over time, the churches in Wales, Scotland and Northern Ireland have become independent; new churches have also emerged. What is more, the presence of strong other-faith communities in the United Kingdom now challenges that Christian heritage as we make this country a place in which all faiths can practise without fear or favour.

In spite of all that change, I do not want us to lose a formal and recognised place for faith in our national life. It provides a crucial underpinning of who we are in being fully human—body, mind and soul—as this House carries out its vital roles of scrutinising legislation and commenting on the complex issues of the day. The Prayers at the start of each Sitting for wisdom and right judgment will continue to be my prayer for your Lordships’ House, although I will no longer have the privilege of being present. I am grateful to you all for your good wishes.

4.07 pm

Lord Cormack (Con): My Lords, it is a real honour and privilege to follow the right reverend Prelate’s short but moving speech. This is a bittersweet moment for us all because, as he said, he has been with us for only two years. It is less than two years since he made his maiden speech, which I read again this morning. It was referred to then by the noble Lord, Lord Alton, who followed the right reverend Prelate, as

“a thoughtful and exemplary maiden speech”.—[*Official Report*, 8/9/20; col. 687.]

It clearly was.

This afternoon, we have heard an exemplary valedictory speech from a man who is both genuinely humble and totally determined. He really does live his faith, both in his diocese and here. He has led us in Prayers every day this week. He will be much missed because, although he has been with us for such a short time, he has made it plain that he is a campaigning bishop who is passionate about Christians and those of other faiths who are being persecuted around the world. We will long remember him. I wish him every possible happiness and success; I know that I speak for the whole House in saying that. He will now have more time for gardening, reading,

[LORD CORMACK]
cycling, DIY and the other things he lists as his recreations in *Who's Who* and *Dod's*. Godspeed—come back and see us often.

It is a privilege to speak in this debate. I thank and congratulate my long-time friend and noble friend Lord Lisvane, who was such a wonderful clerk of the other place and who has made this one of his subjects. I want to concentrate on two aspects. I was one of those who fought against devolution, with George Thomas in Wales in the early 1970s and the late, great Tam Dalyell, my great friend; I had the privilege of giving an address at his memorial service. Both of them strongly and passionately believed that devolution would weaken the unity of the United Kingdom.

We lost that battle and devolution has happened. We must, of course, do all we can to make it work, but we have to recognise that there is one fundamental problem. One of the nations of the United Kingdom, Scotland, has had a Government for many years now who are utterly determined on independence. They are not really interested in working together to make the United Kingdom a success because they are passionately keen to have an independent Scotland—they have every right to their views. What can we do about that?

I want to put one idea to your Lordships' House. We have had a lead recently from our Lord Speaker, who has been liaising with the Presiding Officers in Edinburgh and Cardiff, and the Speaker in Belfast. I believe we should build on that as a United Kingdom Parliament. I agree with everything my noble friend Lord Strathclyde said about the desirability of having a Scottish equivalent of the noble Lord, Lord Wigley, in this House, but I hope we can try to have a working group of Peers and Members of the other place, and elected Members of the Scottish Parliament, the Welsh Senedd and the Northern Ireland Assembly. What is of absolute importance, whatever the ultimate future, is the united prosperity of the United Kingdom. I believe that the elected representatives and your Lordships' House can make a contribution.

One of the things I have valued about this place in my nearly 12 years here has been the way in which, in spite of all the tensions of Brexit, which have been unpleasant on occasions, we in your Lordships' House disagree agreeably rather more effectively than in other places. I hope we can perhaps, with that accumulated wisdom for which we are supposed to be renowned, try to take a lead in bringing together parliamentarians from around the United Kingdom to see whether we can find a way forward in this very difficult time. After all, we could face a European or a world war within the next two years. We face terrible economic strains and difficulties, partly as a consequence of that war. We have a duty to those on whose behalf we seek to work to try to preserve prosperity, unity and peace. That is the prime duty of us all, whether we sit in Edinburgh, Cardiff, Belfast or Westminster.

I hope that, following this debate, we can try to bring together a group of parliamentarians who will work for this prosperity. My noble friend Lord Lisvane, as a former clerk of the other place, would be well placed to do so. Then, if in due course a referendum comes, as it might well, I will fight with my son in

Scotland—we are a united family—to keep the United Kingdom, but at least I would hope to do so against a background of prosperity, not of fractious division. I hope that is how we can work.

4.14 pm

Viscount Waverley (CB): The noble Lord has made an excellent suggestion which is worthy of note, and we should consider it further.

I can identify with many of the remarks already articulated, but had anticipated building on the theme and questioning whether the UK is, or even can be, governed effectively with the complex structure to which we adhere. That has been touched on by the noble Lord, Lord Wallace. We set out from a single premise—the break-up of the union as we know it is not unthinkable. We do not need to go far back in time to find an example: Yugoslavia comes to mind. Preparing remarks for today has presented a quandary as to whether drawing attention to the challenges, complexities and inadequacies goes counter to the future of unionism. I am of the camp that recognises the positive contribution of today's debate, but with it the responsibility and indeed necessity of listening and understanding by government.

Keeping the union relevant by changing the attitude towards the state of the union is essential and should be asked with greater urgency. Care should be taken that malaise, with the many competing priority policy areas requiring attention, does not place consideration of this on the back-burner. The union has proved durable and flexible over the centuries, evolving to meet the needs and aspirations of the people with its significant strengths and benefits. Devolution in the United Kingdom has been much more oriented towards the idea of self-rule by the devolved Governments and much less focused on the importance and practice of shared rule by the four Governments across the United Kingdom.

Over recent years, Brexit and the pandemic have exposed the inadequacy of the established ad hoc and reactive approach to handling relations with the devolved Governments. The practical and existential question as to whom in the 21st century the United Kingdom serves requires a definitional and careful response. Brexit was an assertion made up mostly by the English, and for the most part this Government are considered to be an English one, and only occasionally a British one. In understanding that it was the English community living in Wales that tilted that country to leave the European Union, should we be reflecting on why the devolved nations voted therefore to remain in the European Union, and in varying degrees to exit the union of the United Kingdom? What is it about one state of a union that does not apply to the other?

An effect of Brexit has been to loosen the social contract binding Britain's union of nations together, revealing the union as of the English, by the English, for the English. Taken as a whole, there is no example of a federal state anywhere else where one of the components of the federation is so large. Northern Ireland is on the Brexit front line, and the only part of the UK with a land border with another EU state. Brexit affects Northern Ireland more directly than any other part of the UK, so too affecting the Republic of Ireland more directly than any other member state of the European Union.

The UK exhibits one of the world's most centralised governance systems, at the same time exhibiting among the highest inter-regional productivity and income inequalities of any industrialised country. Relations are overly informal, ad hoc, hierarchical, statist and ill equipped for dealing with contemporary policy challenges. It is this overly centralised governance that places the union in greatest jeopardy—and so the ultimate break-up of the union. The urgent rise of the levelling-up agenda is, I trust, more than simply a badging exercise. If we are serious about levelling up, we need to deliver by fundamentally recalibrating the lines by which our governance is drawn, making better and more creative use of the powers and potential of the constitutional settlement we have. This requires delivery through a world-leading Civil Service, as has already been touched on. Whitehall must take a leadership role with civil servants in each Government, spending time learning about how the other Governments work by developing and extending practices such as joint training events, shadowing schemes and secondments, all of which would help to promote mutual understanding of the different contexts across the UK.

It is not just leadership that must change but also the mentality that the Civil Service must bring to its work. A good understanding of UK governance and devolution should be a prerequisite for promotion within the senior Civil Service by direct experience of governance outside Whitehall, either in devolved or local government. Some say that further constitutional change is the only way to address the problems confronting the union of the United Kingdom. This is not the solution. The supporters of devolution in 1998 said the measure would not only strengthen the union but also kill support for Scottish independence. The argument essentially was that Scotland would have the best of both worlds—self-government and unionism—and so never feel the need for formal secession.

I end with this single conclusion. The more you give heed to devolved structures, the more you stoke the embers of eventual independence and, with it, profound constitutional change.

4.20 pm

Lord Norton of Louth (Con): My Lords, I too congratulate the noble Lord, Lord Lisvane, on securing this important debate. Stresses now exist in all four nations of the United Kingdom. My purpose is not to examine the specific stresses, but rather to focus on what needs to be done in response. There are four points I wish to make. In so doing, I will be reinforcing conclusions drawn by the Constitution Committee and the noble Lord, Lord Lisvane, in his excellent opening speech.

First, the challenges created in each nation require bespoke responses that are considered and evidence-based. There is a danger of rushing in with a policy that does not meet people's needs or expectations. A clear example of this was seen during the 2014 referendum on Scottish independence. When an opinion poll showed a slight lead for independence, all three main party leaders rushed to Scotland to promise more devolution if Scotland voted to remain in the union. That was clearly premised on the assumption that that was what those who may vote to stay in the union wanted.

Survey evidence suggests several different reasons for voting against independence, but that of favouring more devolution hardly figured. The biggest influence was the economic consequence of leaving the union.

Secondly, a reactive approach to the challenges in each nation must be complemented by a proactive UK-wide approach stressing the value of the union. As the Constitution Committee noted in its 2016 report, *The Union and Devolution*, the Government's ad hoc approach to devolution had not been matched by any counterbalancing steps to protect the union. The four nations are stronger together. Each one benefits from being part of the kingdom. As the committee emphasised:

“The Union has brought stability, peace and prosperity to the United Kingdom”.

It is vital that the Government stop being on the back foot in dealing with stresses on the union. It must address them but, most importantly of all, if the union is to hold together, the Government must make the case for the union and the benefits it brings to all within it.

Thirdly, picking up on a point that has been stressed already, there needs to be complementarity, or rather comity, in relations between Whitehall and the Administrations in Scotland, Wales and Northern Ireland. There is a tendency for Whitehall to act in what has been termed a “grace and favour” way, rather than in one of mutual esteem and participation. As Sir Jeffrey Donaldson told the Constitution Committee, Whitehall tends to see UK issues from an English perspective. There has always been a problem in communicating and in resolving any differences.

When I chaired the Constitution Committee in 2003, we produced a report on inter-institutional relations in the United Kingdom. We argued the case for ensuring that the mechanisms for resolving disputes, not least through the Joint Ministerial Council, remained in working order. Unfortunately, our recommendations were not acted on.

Fortunately, following the Dunlop report, there has now been progress in the form of the review of intergovernmental relations. Reform, though, must extend beyond structures to attitudes. What is needed is encapsulated in the Constitution Committee's report of this January—to which we have already had reference—appropriately titled *Respect and Co-operation: Building a Stronger Union for the 21st Century*. As the report says at paragraph 279:

“To deal effectively with and respond to the challenges of governing the United Kingdom in the 21st century, significant culture change is required in Whitehall, including the end of its top-down mindset.”

There needs to be much earlier and more constructive engagement. There needs to be comity.

Fourthly, although the stresses in the four nations require bespoke responses, those responses need to be co-ordinated by a Cabinet Minister with responsibility for the union. As it is, having a Secretary of State for each of the three nations lends itself to seeing their departments as occupying silos—the Constitution Committee has expressed concern at the Government's tendency to “devolve and forget”—and at times it may not always be clear what the purpose of each department is. I appreciate that there is now a Cabinet committee, the Union Strategy Committee, chaired by the Prime

[LORD NORTON OF LOUTH]

Minister. The fact that he chairs it signifies its importance, but the Prime Minister has many other responsibilities, including chairing eight other Cabinet committees. I appreciate that the Union Policy Implementation Committee is chaired by the Levelling Up Secretary, but he too has other responsibilities. The Dunlop review recommended a Secretary of State for intergovernmental and constitutional affairs. Such a Secretary of State would ensure that a holistic approach was taken to the union and that the needs of the union were heard in Cabinet. The more senior the Minister in the pecking order, the clearer it would be that the Prime Minister is committed to the union.

The stresses facing the union are considerable. By tackling some, there is the danger of creating others. As the noble Lord, Lord Wallace of Saltaire, emphasised, we have now to address the English question as much as the Scottish one. To tackle the stresses, we need to be on the front foot to take the lead in making the case for the union. We need to be proactive and confident, not reactive and defensive. These are all points made in various reports of the Constitution Committee. The Government should act on them. I trust that my noble friend the Minister will explain in more than broad aspirational terms the Government's plan to make the case for the union and how leadership will be provided in government, ideally by a Secretary of State for the constitution.

There are obviously other challenges facing the Government, but they cannot afford to take their eye off ensuring that the union of the United Kingdom remains exactly that.

4.28 pm

Lord Desai (Non-Affl): My Lords, I too thank my noble friend Lord Lisvane for suggesting this topic. Going back to what I said earlier this afternoon and, again, talking about where I come from, India was supposed to have been acquired in a fit of absent-mindedness by the British. I think we have devolved in a fit of absent-mindedness. We have not devolved systematically; we have devolved by bits and pieces. That is the way we do things.

Let me start at the beginning: we are a union, not a federation. The problem is, can we become a federation while maintaining the unity of a union that is now coming apart? Because we do not do things formally, because we do things by bits and pieces and because our constitution is not unwritten but scattered all over the place—as the noble Lord, Lord Norton, has often reminded us—we have a very unsystematic way of doing things, but that is the way we do them. I think the time has now come to say that our unique pattern of doing things no longer works. The world has changed; people are very conscious of their rights across all classes. Therefore, it will not be possible for a few good chaps to come together and settle the problem.

At some stage, something formal will have to be done, if possible. The noble Lord, Lord Cormack, and other noble Lords have made suggestions. The Government will not do anything formal and systematic in this. They have absolutely no interest in starting all sorts of controversies that they cannot control. The only agency which can do anything about this is your

Lordships' House. The suggestion made by the noble Lord, Lord Cormack, is one that we should follow very seriously: to construct a meeting of the Parliaments of all the devolved Administrations, and your Lordships' House, though not the other place, which has its own problems to deal with. Let us try to emulate what Scotland did: it had a convention which was informally and socially created, and which was discussing the problem of Scottish devolution ages before Scottish devolution was legislated. We need something like that.

Obviously, it would not have government authority or government sanction, but we ought to find ways of doing it informally, privately or whatever, meeting regularly to say, "This is a problem that we can all settle only jointly." We must have serious lawmakers, lawyers and constitutional experts in our gathering, chosen from the already elected Members of the various legislative assemblies. A document of some sort could then be put forward that would prod any Government in power by then to do something systematic and thorough about preserving the union, and going from a union to a healthy federation of some sort. A union is too centralised a concept. India has become a union rather than a federation. I could bore all your Lordships on the difference between the Government of India Act 1935 and the Indian constitution, but that is for another day. It should be a federation, not a union.

I end by saying one small thing. When there was a proposal to reform your Lordships' House during the coalition Government, we had a consultation by a Joint Committee chaired by Lord Richard. I submitted a note to that Committee, which is in print, suggesting that we should have a new version of your Lordships' House, elected by single transferrable vote, from 10 regions of England and the three devolved Assemblies, with 30 Members each. If we had the House of Lords made up of people who were representing all the devolved nations and England, then we would have a federal Chamber.

We need the composition of a body as suggested by the noble Lord, Lord Cormack, to reflect that kind of balance. It should have people from each of the devolved agencies and from your Lordships' House. It should work in its own time to propose a solution to the problem of the union. If we can do that, this alone will prod the Government of whichever party is in power to do something about it. Otherwise, Governments at the other end have no incentive to do anything about the union, because they have all the power and they are not going to give any of it up.

Viscount Waverley (CB): My Lords, before the noble Lord, Lord Desai, sits down, I apologise for breaking in at the end of his remarks but if we were to agree and able to implement the suggestion of the noble Lord, Lord Cormack, this grouping should contain members of Sinn Féin and the SNP, so that we deal with all this in the fullest manner possible.

Lord Desai (Non-Affl): I must confess that I am deaf, and the acoustics are absolutely terrible in here. I ask the noble Viscount if I can answer his question later on.

4.35 pm

Lord Bruce of Bennachie (LD): My Lords, this has been an excellent debate and we should all be grateful to the noble Lord, Lord Lisvane, not only for initiating the debate but for the work he has done in bringing forward practical suggestions as to how we might carry out reform. He has also triggered clear enthusiasm in this House for it to take initiatives which might propel thoughtful measures of reform to secure the future workings of the United Kingdom. I think we would all commend that, but I hope that we can find some way of organising a committee that will take it forward. I speak as someone who was a member of the Scottish Constitutional Convention for quite a few years, and I honestly believe that the Scotland Act—imperfect as it was—was infinitely better because of the convention than the previous example of the Labour Government’s attempt to do it without such background work. I believe that it was an extremely good initiative.

We are all grateful for the contributions of the right reverend Prelate during his two years here and in his valedictory address, which was short and sweet, but very much to the point. We wish him well in his future.

The noble Lord, Lord Strathclyde, made one particular point of detail which I need to take him up on: it is not true that Scottish students cannot study outside Scotland. In fact, it is worse than that: many Scottish students must study outside Scotland, because, although tuition fees are free, the number of places have been capped by the Scottish Government so that the vast majority of Scottish students cannot get into Scottish universities and, indeed, have to move. My own son has chosen to move; he is matriculating at a London university this coming year, having been disappointed about his participation in the Scottish system—

Lord Strathclyde (Con): I thank the noble Lord for making my point considerably better than I did earlier on.

Lord Bruce of Bennachie (LD): It was a valid point, nevertheless.

It is also important that the dimension of England is addressed. We recognise that England is very much the largest component of the union, but it is also very diverse. The shortcomings of governance in England are real, and part of the tensions we are talking about, but a federalism based on English regions is not something that anyone really believes is the way forward.

I am sorry to say this, but it is clear that the union is in no way safe in the hands of this Government under their dysfunctional, incoherent and—frankly—careless leadership—or rather lack of it. As I have said, we all know that a tidy federal solution to the governance of the United Kingdom is not easy to achieve, even if there were a will for it, which there is not. However, that does not excuse us for not striving for a relationship among the component parts of the UK based on consensus, mutual respect, fair shares and, as has been said repeatedly, co-operation—all ultimately reinforced by a legal constitutional settlement and dispute resolution mechanism.

I agree with the noble Lord, Lord Norton, that it is not about more power; it is about attitude and engagement. However, there must be a backstop with some kind of recourse and dispute resolution mechanism, because we have seen how the UK Government behave without one in relation to the devolved Administrations. I for one, privately, did not think that the vow at the end of the referendum in 2016 was necessary or helpful. I agree that lots of people were voting to stay in the United Kingdom as it was, without necessarily requiring change.

It is also an inescapable fact that the glue—the word used, I think, by the noble Lord, Lord Lisvane—provided by the EU helped in regard to agreed rules and to secure the Good Friday agreement; after all, the EU is one of its guarantors. It also gave the devolved Administrations and the UK Government a degree of clarity and security. That has all been swept away by the return of EU powers to the UK. I am not trying to reverse that, but it has been aggravated by a ham-handed application, for example, of the internal market Act and, to a lesser extent, the Subsidiary Control Act.

I am also a member of the Common Frameworks Scrutiny Committee, which is about to agree its final report. When first set out, it appeared that common frameworks offered the way to achieve the kind of partnership within the UK that would build confidence, and they still could. However, it is clear that they are in danger of being downgraded into a simple process rather than being rather more substantial policy agreements allowing for divergence.

Thanks to the excellent report by the noble Lord, Lord Dunlop, we have new inter-government agreement, set out this year, which appears to offer a positive way forward, but, again, it depends on the will of the UK Government to apply it in spirit as well as in letter. It depends on that, and the UK Government, as always, have the upper hand. Frankly, the qualities needed are sadly lacking, and when they are not applied, there is no redress. But—and it is a big but—the strains on the union are not all one-way. The agreement signed by the Prime Minister to give appearance to his claim to get Brexit done was flawed at the outset, in terms of Northern Ireland in particular.

The Government’s own website made that clear. On the day during the election campaign when the Prime Minister was categorically denying that there would be extra bureaucracy between Great Britain and Northern Ireland, the website showed exactly how much bureaucracy there would be. That was the price for no border on the island of Ireland, and the Government and the Prime Minister knew that. The intransigence of the DUP and the belligerence of the UK Government have aggravated a situation which could be substantially alleviated by an agreement, so the governance of Northern Ireland is stalled and the Good Friday agreement is at risk. I may be biased, but there is one glimmer of hope in this situation, which is the stagnation of support for the two more extreme parties and the strengthening of the middle ground in the form of Alliance—I must point out that it is the Liberal Democrats’ sister party.

It is true that in Wales we have an Administration who clearly want devolution to work—it is important that we acknowledge that—but are frustrated by the

[LORD BRUCE OF BENNACHIE]

attitude of the UK Government to the extent of taking legal action. They have set up their own constitutional committee, and I hope it will come forward with positive proposals designed to secure devolution, not independence. However, if the Government cannot carry opinion in Wales, what hope do they have elsewhere?

Respect needs to be a two-way process. The DUP's refusal to go back into government lets down the majority of people in Northern Ireland, who require a Government to take decisions. In Scotland, the SNP has shown scant regard for public opinion. Twice in a democratic vote, the people of Scotland have, in effect, supported the devolution settlement which has evolved, yet the SNP has shown no interest in making devolution work. Of course, as has been said, the nationalists campaign for independence, and that is their right, but Scotland has not voted for independence, and by undermining and trashing devolution and United Kingdom co-operation, the SNP is betraying the people of Scotland and letting them down.

The SNP claims it has a mandate for independence, but that is not the case. When the question was asked, independence was rejected, and opinion appears to be settled at about the same level. The coalition with the Greens has a majority and both parties support independence, but it is questionable whether that is really a mandate. The SNP appears to be a champion of first past the post at the moment and has questioned the legitimacy of pro-UK MSPs who are elected from the list, seemingly missing the irony that the Greens are entirely elected from the list. Is the Scottish Green Party a surrogate nationalist party or an environmental campaign party? Either way, its mandate is very unclear.

This raises another strain on the United Kingdom in the shape of an outdated, flawed and less than representative voting system. The SNP secured 3.88% of the UK vote in 2019 and 9% of the seats. The Conservatives secured 43.63% of the vote and 56% of the seats. Labour fell only six seats short of that vote share, and, yes, the Liberal Democrats, with 11% of the vote, secured less than 2% of the seats. This is important because it means that, with its sister party the Alliance, a UK-wide political grouping with three times as many votes as the SNP is severely squeezed in its participation in UK parliamentary business in the House of Commons, and that distorts the balance of the House of Commons, in which SNP MPs, on 45% of the Scottish vote, secured 81% of the Scottish seats. That is neither proportionate nor healthy.

In conclusion, I want to ask the SNP and its followers: "Do you speak Belgian?" I know noble Lords will appreciate the subtlety of that question. The SNP is suggesting to the people of Scotland that they have more in common with a country that has three languages, none of which is English or Belgian, than they do with their fellow citizens elsewhere in the UK. To reinforce this to nationalists, all things British are demeaned and vilified. That is easy when talking about the current Prime Minister, but when applied to values across our culture, it is insidious, nasty, divisive and unjustified.

The by-election today could well demonstrate that the character of the government of the United Kingdom is heading for a change. Destroying a centuries-old arrangement that has served us well, for all its strains, should not depend on the short-term vicissitudes of changing political colours. Politics should be more than demonising your opponents. The SNP has denied the obvious benefits of being part of the UK, and however compromised those are currently, it needs to recognise that a majority still wants the United Kingdom to thrive.

4.45 pm

Baroness Hayman of Ullock (Lab): My Lords, I thank the noble Lord, Lord Lisvane, for bringing this excellent debate to the House. It has been extremely interesting and was very much enhanced by the valedictory speech of the right reverend Prelate the Bishop of Blackburn, and we wish him good luck for the future.

I draw the House's attention to the Conservative manifesto for the 2019 general election, where it said that

"strengthening the great Union between the United Kingdom's four nations"

was one of the ways the Conservatives intended to

"unleash our country's full potential."

In a recent QSD, the Minister repeated the Government's commitment to strengthening the union, by

"protecting and promoting its combined strengths and the values that we all share, and ensuring that the institutions of the United Kingdom are used to benefit people in every part of the country".

I am sure, having heard this debate, that we would all agree with those sentiments. He said also that the Government were "great believers in devolution", and that the new IGR arrangements would

"herald a new era for collaboration across the United Kingdom".— [*Official Report*, 9/6/22; col. GC 122.]

I am sure we would all like to see more collaboration, but, as the noble Lord, Lord Lisvane, said, devolution is not always that easy.

I thank the Select Committee for its excellent report, which helped us understand many of the issues.

I turn to some of the issues raised in the debate. A common theme was that the stresses and strains are getting worse. The departure from the European Union has clearly affected relationships within the union of the United Kingdom, as well as with the EU. I thank the noble Viscount, Lord Waverley, for going into quite considerable detail about this. As the noble Lord, Lord Lisvane, said, the present situation remains untidy; there is much to be done. We know that the common frameworks process was set up following Brexit, but that led to disagreements between the devolved Administrations and the UK Government. The House of Lords Constitution Committee concluded, in a report earlier this year, that implementing Brexit had placed the Sewel convention "under great strain".

Disagreements have also arisen between the UK Government and the devolved Administrations over post-Brexit funding arrangements, so no wonder there are stresses and strains, and it seems that the situation is getting worse.

A number of noble Lords talked about the particular issues around Northern Ireland. We know that the DUP's response to the protocol has had an impact on the functioning of the devolved Administration in Northern Ireland in recent months. I will not go into detail about this as it was covered excellently by the noble Lord, Lord Bruce. But the issues around the protocol are clearly very serious, and the Government, as the noble Lord said, have to take this much more seriously, and not make quick decisions based on politics rather than the likely outcomes of those decisions.

We know that non-unionist parties in Northern Ireland have expressed their strong objection to the Government's approach to the protocol, and wrote a joint letter—which is very unusual for those parties—to the Prime Minister sharing their concerns. The noble Lord, Lord Bruce, explained the situation further, referring to the Government's inability to sort out the problems we now have in Stormont. We will never move forward until we can resolve these issues.

One thing that has come through strongly in this debate is the importance of co-operation, collaboration and engagement, which has been mentioned on a number of occasions, and the fact that this Government have seemed incapable of doing that in a constructive way, particularly regarding the problems with Northern Ireland. If we are going to resolve these issues, surely that is what we need to do with all our devolved Administrations and with the EU, where appropriate.

Scotland has also been mentioned by a number of noble Lords. The current point of tension regarding the Scottish Government's intention to hold a second referendum is clearly very difficult as we look at how the union is going to survive going forward. The noble Lord, Lord Cormack, in particular talked about the stresses this policy of independence is placing on the Scottish Government. Nicola Sturgeon is arguing that Brexit represents

“a significant and material change”

to the circumstances in which independence was voted on back in 2014. She will push very hard for this, and the Government need to think about how they will manage and handle this going forward.

There was also discussion about Wales. The noble Lord, Lord Lisvane, mentioned that Wales is becoming more and more unhappy with the current constitutional arrangements. The Government really need to tackle this early on. They need to talk to the Welsh Government, councils in Wales and so on about how they want to see the constitution going forward, so that we can move forward together.

Interestingly, the noble Lord, Lord Wallace of Saltaire, talked about England, particularly Yorkshire. We must not forget that the rest of the UK is a critical part of strengthening our union. Right across our country, there are local communities who feel they are being denied a voice in the decision-making which affects their day-to-day lives. The noble Lord, Lord Bruce, said, absolutely rightly, that many areas of the UK are very different. There is a widespread feeling that the UK is not working for everyone at the moment. The Government's lack of enthusiasm for delivering power to nations and regions could also put the union under threat.

We feel that Ministers must properly examine our democracy, constitution, future direction and future purpose as a country as a basis for any new constitutional arrangements. The noble Lord, Lord Wallace of Saltaire, talked about the fact that we are the most centralised democracy. That is not healthy for the union. However, any new devolution must be delivered by working with communities—with the metro mayors, mayors, local leaders and councillors—so decisions are made together.

We also feel that the stresses on the union have been exacerbated by the economic policies we have seen recently, which have levied disproportionate public service cuts and amounted to a sense that we have not all been in this together. For this reason, the UK also needs a new and transformational economic settlement to properly level up the country and show that the union can exist to reduce regional inequalities. The right reverend Prelate the Bishop of Blackburn talked about the importance of levelling up. This must be central to any constitutional work going forward.

From this debate we have seen that there are concerns right across the UK as to the genuine desire, ability and political will of this Government to live up to the manifesto commitment I referred to at the start, to truly strengthen our union and unleash our country's great potential. It does not seem to be happening at the moment. As we have discussed, co-operative working is really what is needed, along with—as the noble Lord, Lord Norton, said—calmness and purpose. We need a sense of the importance of making thought-out, considered decisions regarding the union and any devolution and, above all, to have respect for each other.

I am really looking forward to the Minister's response. This has been an excellent debate, and I would particularly like to hear his thoughts on the proposed committee idea. It is good to have a debate in which there has been real, constructive thought on how we can move forward.

4.54 pm

The Minister of State, Home Office and Department for Levelling Up, Housing & Communities (Lord Greenhalgh) (Con): My Lords, I thank the noble Lord, Lord Lisvane, for securing this debate on such an important topic. I also enjoyed the valedictory speech of the right reverend Prelate the Bishop of Blackburn. He raised two important issues in a succinct contribution: the role of the monarchy in holding the union together, which is fundamental—we saw this with the Platinum Jubilee—and the role that faith communities, communities of all faiths, play in our lives. For a time, until the first reshuffle, I was the Communities Minister and had responsibility for faith. I was able in my last few days to launch the Faith New Deal, which was a way to put money into projects to work with faith communities to improve the lives of everybody in this United Kingdom.

The United Kingdom is a family of nations and a nation of families, standing up for and embodying in its institutions liberty under the law, respect for all, fair play, free trade, parliamentary democracy and progress. In response to the points made by my noble friend Lord Norton, the union is very much a living political, cultural and economic success story. As he

[LORD GREENHALGH]

pointed out, there is so much to gain from the union. When we act together as one United Kingdom, we are safer, stronger and more prosperous.

The union also provides safety and security, allowing all parts of the UK to benefit from the economies of scale offered by our shared resources and our ability to influence on the international stage. It enables us to protect the values we hold in common across our United Kingdom. I think a noble Lord called into question whether we would retain a seat on the Security Council. Clearly, that is somewhere where we gain great stature as a United Kingdom.

I also reaffirm that we are absolutely committed to devolution. Devolution offers citizens the best of both worlds. It allows decisions to be taken closer to the communities they affect, while still benefiting from the broad shoulders the union provides. The noble Lord, Lord Wallace, mentioned the English question, but we recognise that it is important to celebrate devolution. That is why we launched the levelling up White Paper with a commitment that, by 2030, every part of England that wants a devolution deal will have one. Devolution is critical to delivering levelling up, supporting local leaders so they can more flexibly and innovatively respond to local needs, whether on transport, skills or regeneration.

We are also committed to working collaboratively with the devolved Governments in Scotland, Wales and Northern Ireland. Many noble Lords mentioned that in January 2022, we marked a new chapter in intergovernmental relations with new principles and structures for working together, agreed after a joint review. Each Government have agreed to operate under the improved arrangements and to move forward together with implementation of this new system. I point out to my noble friend Lord Norton, who called for comity, which, I believe, is an association of nations for mutual benefit, that we are absolutely committed to translating both the spirit and the content of the new arrangements into consistent approaches and actions. Already, more than 10 portfolio-level inter-ministerial groups are fully up and running, and the two middle-tier inter-ministerial standing committees have each met at least once. We have a Minister for Intergovernmental Relations; I am in his department, and that is why I am at this Dispatch Box. The Minister has had 80 meetings, I think, in the past year on aspects of the union, and there have been 440 inter-ministerial meetings with Governments. We show a real commitment to working collaboratively with the devolved Administrations.

It is hard to characterise the working relationship as one of imperial condescension when the facts are that we are providing 20% more funding per person as part of the spending review. That is 26% more per person for the Scottish Government, 20% more per person for the Welsh Government and 21% more per person for the Northern Ireland Executive. These are substantial sums of investment into the other nations.

I return to the point raised by the noble Baroness, Lady Hayman, about taking forward my noble friend Lord Cormack's idea. We believe that interparliamentary relations were strengthened by structures such as the Interparliamentary Forum on Brexit, and the Government

will consider further developments in this area. Should the Speakers of each House wish to explore setting up such a forum, we will consider supporting it. We will take that away from this debate and consider it in due course.

One of the comments of the noble Viscount, Lord Waverley, was on Civil Service capability. We have implemented the vast majority of the recommendations of the Dunlop review, and we have a programme to enhance the devolution knowledge and intergovernmental working of civil servants, enabling them to deliver more effectively when designing and implementing policies—it is important to have that underpinning.

Further to getting devolution to work, we started the process of city and growth deals, which began in 2014, with a joint agreement between the UK Government and the relevant devolved Governments, local authorities and partners from the public, private and education sectors. The UK Government have so far committed almost £2.9 billion in funding across 20 such deals in Scotland, Wales and Northern Ireland, including almost £1.49 billion in Scotland, £791 million in Wales and £617 million in Northern Ireland. We continued this good work by reaching a landmark agreement with the Scottish and Welsh Governments to work together to deliver two new freeports in Scotland and one in Wales.

Comment was made on the common frameworks that have been developed. The common framework programme is an integral part of our consensual approach to the union. Throughout its development, the programme has embodied the spirit of openness and transparency with the devolved Governments. It has enabled us to manage regulatory divergence covered by the programme in a way that works for consumers and businesses in the union. We are working closely with colleagues in Scotland, Wales and Northern Ireland to publish the six remaining frameworks for scrutiny by Members of this House and the devolved legislatures. Ministers within the UK Government and the devolved Administrations play an important role in scrutinising and approving those frameworks.

I turn to Northern Ireland. It is vital that the parties form an Executive as soon as possible—that continues to be this Government's central message. Northern Ireland has the best of both worlds when it has a stable Northern Ireland Executive backed up by the support and strength of the UK Government. The *New Decade, New Approach* agreement previously restored the devolved institutions after a three-year impasse. As set out in legislation, this agreement provided for a period of up to 24 weeks for Northern Ireland's political representatives to restore functioning devolved institutions. The Government expect the parties to make full use of this time to engage with one another in earnest to restore fully functioning devolved institutions at an early stage. The people of Northern Ireland need a stable and accountable Government who deliver on the issues that are important to them, which is why we continue to urge the parties to come together and form an Executive as soon as possible.

The noble Lord, Lord Lisvane, the noble Viscount, Lord Stansgate, and the noble Baroness, Lady Hayman, all mentioned the proposed legislation introduced last

week, which aims to fix the practical problems that the Northern Ireland protocol has created. We believe that the legislation avoids a hard border, protects the integrity of the United Kingdom and safeguards the EU single market. However, it is our preference to resolve this through talks; our door remains open, but the EU has so far not been willing to change the protocol, which is necessary to deliver the solutions needed for Northern Ireland.

The union's strength and its value have been displayed time and again over recent years, from providing up to £400 billion in Covid support to individuals, businesses and public services, including 1.7 million jobs in Scotland, Wales and Northern Ireland, to having regular meetings with devolved government Ministers to discuss the illegal and unprovoked invasion of Ukraine and agreeing the UK-wide approach for settling Ukrainian refugees.

Now more than ever, we should pool our collective efforts in addressing the most pressing problems of the day. That is why our citizens expect our focus not to be on divisive activities that threaten our union. As the noble Lord, Lord Bruce, said, Scotland has not voted for independence. I am pleased that my noble friends Lord Strathclyde and Lord Cormack stand firm in preserving the union and, in the case of my noble friend Lord Cormack, campaigning through his son against Scottish independence. As the Government have said many times, this is not the time to be talking about referenda. The people of Scotland rightly expect both their Governments to work together and place their full focus on the issues that really matter. That is what is important at this time.

Last year's Autumn Budget provided the largest annual block grants in real terms of any spending review settlement since devolution in 1998—that is real commitment—and included the first allocation of the UK-wide funds, including the levelling-up fund and the community ownership fund. The Spring Statement set out measures to support citizens across the United Kingdom with shared challenges, not least the cost of living. Since then, families and businesses across the UK have benefited from a 12-month cut in fuel duty, and millions of UK households are eligible for access to a £15 billion package of targeted support.

We are taking specific action in Scotland, Wales, Northern Ireland and England, including putting local voices at the heart of decision-making through the UK shared prosperity fund, launching an innovation accelerator in Glasgow City Region and establishing a UK national academy to provide a first-class education to all children in the United Kingdom.

Levelling up is a national effort that will require all levels of government to use the levers at their disposal. We look forward to ongoing collaboration with the devolved Governments on this crucial work and will support our citizens to take advantage of opportunities wherever they may live, for that is in the best interests of our union.

I hope that I have made it clear that this Government are doing what we believe to be in the best interests of the union and the citizens who live in every part of it. We will continue the mission to deliver a strong, prosperous and united kingdom, one which stands strong on the world's stage.

5.07 pm

Lord Lisvane (CB): My Lords, I shall not attempt a retrospective of this afternoon's debate—given the scope of opinion and experience involved, that would be an entirely impractical idea—but I am very happy to thank the Minister for his detailed reply. Like other noble Lords, perhaps I may single out the right reverend Prelate the Bishop of Blackburn. I entirely endorse the eloquent words earlier of the noble Lord, Lord Cormack. When the right reverend Prelate leaves us, perhaps to embark on a new career as stellar as his present one, he will know that he takes with him the warmest good wishes of every Member of this House.

I am very grateful to all noble Lords who have taken part in this debate, and to my Cross-Bench colleagues who voted for this as one of the topics to be debated. I hope that your Lordships will see fit to approve the Motion.

Motion agreed.

EU Retained Law *Statement*

The following Statement was made in the House of Commons on Wednesday 22 June.

“With permission, Madam Deputy Speaker, I will make a Statement about EU retained law.

Earlier this year, my right honourable friend the Prime Minister set out that:

‘The United Kingdom's uncoupling from the rules, regulations and institutions of Brussels was never simply about the moment of our departure; the act of Brexit was not an end in itself but the means by which our country will achieve great things.’

Now that we have left the European Union the sovereignty of Parliament has been restored and we are free once again to legislate, regulate, or deregulate as this sovereign Parliament *redux* pleases. As we maximise the benefits of Brexit and transform the UK into the most sensibly regulated economy in the world, we must reform the EU law we have retained on our statute book. Only through reform of this retained EU law will we finally be able to untangle ourselves from nearly 50 years of EU membership.

In September 2021 my predecessor, the noble Lord, Lord Frost, announced a review into the substance of retained EU law. The purpose of the review was to catalogue which departments, policy areas and sectors of the economy are most saturated by European law—law that was imposed upon us in a time when Parliament was unable to refuse consent. The road to reform remains a long one; not all Brexit freedoms can be grasped at once. I am pleased to report that Whitehall fired on all cylinders to complete this review. As a result, Members across the House can properly appreciate the extent of EU law on our statute book and the extent of the opportunities that reforming this law provides.

In the 2022 *The Benefits of Brexit* announcement, the Prime Minister committed to making the outcome of this review available to the public. It is right that the public know how much retained EU law there is and that they should be able to hold the Government properly to account for reforming it. The public have already shown great interest in the EU law that remains on our statute book, as evidenced by the huge amount

of correspondence I received in response to my request for details of EU legislation that still burden them—and I am grateful to readers of the *Sun* and the *Sunday Express* for their many replies. I am also encouraging some competitiveness between my right honourable friends in the Cabinet, and hope that this spirit will inspire rapid reform, with returns published every quarter by departments.

Therefore, I am pleased to announce that today we publish an authoritative catalogue of over 2,400 pieces of legislation, spanning over 300 individual policy areas. This catalogue will be available on GOV.UK through an interactive dashboard. It will be updated on a quarterly basis so the public can count down retained EU law as the Government reform it. I commend the Cabinet Office officials who developed this dashboard; it is a fascinating resource in its own right, and is of both political and—in my view—historic constitutional importance.

The pertinence of publishing the dashboard today should not be missed. Six years ago tomorrow—that day of legend and song—the United Kingdom voted decisively to leave the European Union. The public voted to take back control, and while it took some time to get there—two general elections and some constitutionally fascinating parliamentary prestidigitation between 2017 and 2019—the Prime Minister has delivered such control in spades. His Brexit agreement, which guaranteed regulatory autonomy for Britain, means that the publication of this dashboard offers the public a real opportunity: everything on it we can now change.

The author EM Forster once said:

‘two cheers for Democracy: one because it admits variety, and two because it permits criticism.’

Therefore, as I did earlier this year, I am inviting the public from across the country—whether in Wakefield or in Tiverton and Honiton, or in other places selected at random for the purposes of illustration—to once again share their ideas of reform and to look further into pieces of retained EU law that have an impact on their lives. By using this dashboard, the public can join us on this journey to amend, repeal or replace retained EU law. Together we will make reforms that will create a crucial boost to productivity and help us bring the benefits of growth to the whole country.

Of course, Her Majesty’s Government are legislating to seize the opportunities of Brexit and have been since 2020. From introducing our points-based immigration system and securing the integrity of the United Kingdom’s internal market to boosting growth and innovation by allowing gene-edited crops and recognising high-quality professional qualifications, we are already showing—among others—the benefits of Brexit to the British people.

There are countless other opportunities for reform ahead of us. Members will know that the recent Queen’s Speech was full to the gunwales with the opportunities of Brexit, ranging from financial services to agriculture, data and artificial intelligence, transport, energy, and restoring sense to human rights law. This Government will work to develop a new pro-growth, high-standards regulatory framework that will give business the confidence to innovate, invest, and create jobs.

Those are the big, headline-grabbing issues, but the dashboard is, I hope, an opportunity to tackle hundreds of matters. They may seem marginal on their own, but all these measures in the margin will combine to usher in a revolution: not a French-style revolution with blood running in the streets and the terror of the guillotine, but a British-style revolution whereby marginal improvements move inch by inch so that soon we will have covered the feet, and the feet will become yards, and the yards will become chains and then furlongs and miles, until the journey is complete. With inflation running high, we need to search everywhere—under every stone and sofa cushion—for supply-side reforms that will make products and services cheaper, will make things easier for business, and, ultimately, will grow the economy and cut the cost of living.

The dashboard, therefore, is the supply-side reformer’s El Dorado, and, naturally, I am pointing to the treasure trove of opportunity that this publication represents. It highlights unnecessary and disproportionate EU regulations on consumer goods, such as those regulating the power of vacuum cleaners—why should that trouble Her Majesty’s Government?—and the expensive testing requirements mandated by REACH—the regulation on the registration, evaluation, authorisation and restriction of chemicals—for the plastics that make up items we use every day, requirements that shut out the newest and most innovative materials. Thankfully, we left the EU before it decided to mandate what sort of phone chargers we can have, a typically short-termist and anti-innovation measure which will only have a long-term negative effect for consumers.

The dashboard includes the overbearing reporting requirements which add costs to businesses and slow down progress, whether by building new developments in areas that need housing the most or by making it more expensive to hire people at a time of a labour shortage and to respond to militant strikers. We will continue to work with departments to cut at least £1 billion of business costs from EU red tape to secure greater freedoms and productivity. Ensuring that we have the right regulation is crucial. Excessive and unnecessary regulations which burden business or distort market outcomes, reduce productivity, pushing up prices and negatively affecting everyone’s cost of living. Using our new-found freedom to address the over 2,400 retained EU pieces of legislation on our statute book, the Government will be able to remove and amend regulation that is not right for the UK. This will make a real difference to the process of reducing the number of unnecessary EU regulations that contribute to the cost of living.

Some—perhaps dozens—of these rules we might wish to maintain. That will be a decision for the Queen in Parliament, our Parliament, rather than the European Commission. We will preserve retained EU law that is required for our international obligations. We will preserve high standards, such as those for water, and we may even be able to go further in some ways to move ahead of the European Union.

The publication of this dashboard will mark a pivotal step towards reform of our statute book and those 2,400 pieces of retained EU legislation, ahead of the introduction of the Brexit freedoms Bill. That Bill will allow the United Kingdom to take the next step in

reclaiming the sovereignty of Parliament. It will address the European Union (Withdrawal) Act 2018, which preserved and incorporated too much EU-derived law at too high a status, giving much of it the same status as an Act of Parliament. That is clearly mistaken, and means that many changes to retained EU law require primary legislation.

Undoing this vandalism to our constitutional order policy area by policy area would dominate the legislative agenda for Parliaments to come, which would affect the Government's ability to deliver more fundamental domestic reforms and the opportunity for the UK to reap the benefits of Brexit. The Brexit freedoms Bill will create a targeted power to allow retained EU law to be amended in a more sustainable way, and will go with the grain of the British constitution. This will help us to deliver the UK's regulatory, economic and legal priorities.

Ahead of the Bill's introduction, I invite Members to review the dashboard themselves, and to delve into the legislation that affects the communities that they serve."

5.10 pm

Baroness Chapman of Darlington (Lab): I am grateful to the Minister for being here to answer questions on this Statement. We wonder about the Government's priorities in the light of it. After all, yesterday was the day on which the Office for National Statistics announced that inflation had reached 9.1%—the highest level in over 40 years. We think that is of far greater concern for the country than anything in the Statement.

However, perhaps with today being the sixth anniversary of the EU referendum and the Conservative Party desperate not to lose its safe seat in Tiverton and Honiton, we can see why Jacob Rees-Mogg was deployed. The Government have long stated their intention to review retained EU law, and we await further details about the so-called Brexit freedoms Bill, which I am sure many across your Lordships' House will take an active interest in. It was suggested that this was to be done via a default sunset clause that would delete laws unless Ministers prevented it. Has this madcap plan now been dropped?

Although there will be areas where it will make sense to amend or repeal retained EU law, we should remember that the framework in the 2018 withdrawal Act fed into negotiations on the withdrawal agreement and the TCA. We should have flexibility, yes, but we should also act in good faith.

In another place, the Minister failed to answer questions about the cost of this project, so could the Minister confirm what the costs are? Was the build of the dashboard put out to tender, for example? If so, have details of the contract been published in the usual manner?

In recent years, we have passed the Agriculture Act, the Fisheries Act, the Environment Act, the Subsidy Control Act and many other post-Brexit pieces of legislation. Each of these Acts presented the ideal opportunity to strip away retained law, but Ministers repeatedly chose not to do so. Is that not a sign that much of that body of law is actually highly technical and therefore not as contentious as the Government would like to make us believe?

The Statement speaks of identifying "supply-side reforms" to combat inflation. Have the Government calculated the likely economic benefit to be derived from this programme? If so, perhaps the Minister could share that figure with us. How does it compare to other measures the Government could take to support the economy?

Finally, could the Minister explain how the Government will balance economic and other considerations, such as animal welfare, consumer and environmental benefits? What principles would be applied? The Government lack direction, so how will Ministers know how to approach this task? This whole exercise looks like a gimmick. There is no detail about the Government's intentions. All we have is a list—calling it a dashboard is stretching it. The best advice we can give Ministers is to focus their energy on interventions that would make a tangible difference to people who are struggling every day to make ends meet.

Lord Wallace of Saltaire (LD): My Lords, I was not sure whether to laugh or cry when I read the Statement. It takes us into a surreal world of fantastical Government, in which, as the Minister for Brexit Opportunities declares,

"our country will achieve great things."—[*Official Report*, Commons, 22/6/22; col. 866.]

That is like Donald Trump promising he will make America great again—just as windy and as empty of content.

There is no evidence behind this Statement. I challenge the Minister to find any. A great deal of evidence was gathered and analysed on exactly this issue between 2012 and 2015 in what was labelled the balance of competences exercise. Eurosceptic Conservatives in the coalition Government believed that an extensive survey of business, sector by sector, would produce a long list of unnecessary Euro regulations that the UK Government could then demand to be renegotiated.

Three Ministers oversaw this exercise: David Lidington, Greg Clark and myself—two Conservatives and a Liberal Democrat. Sector by sector the responses came in, saying that companies were happy with the current balance between domestic and European regulation. Several transport companies argued for greater emphasis on common European regulation rather than less of it. The Scotch Whisky Association, whose then chief executive was David Frost, now the noble Lord, Lord Frost, was particularly enthusiastic about the advantages of common regulation with the European single market. Of course, that was before the noble Lord's damascene conversion from evidence-based argument to embittered opposition to everything European.

Can the Minister tell us what consultations the Government have conducted in the past year with large and small companies before committing themselves to diverge from EU regulations in the way Mr Rees-Mogg plans? My understanding is that UK exporters, both large and small companies, would much prefer the Government to maintain close alignment between UK regulations and those in our largest overseas market. Does the Minister have any recent evidence to the contrary? Does he understand that the Government have any recent evidence to the contrary?

[LORD WALLACE OF SALTAIRE]

The chimera of making a bonfire of regulations has appealed to the ideological right ever since Friedrich von Hayek and Milton Friedman. Belief in the superiority of unregulated markets has survived through stark evidence to the contrary, as in the loose regulations that led to the Grenfell fire. Margaret Thatcher understood that a well-regulated market is fundamental to a thriving economy, which is why she pushed for the common regulatory structures of the European single market. British Ministers and officials played a major role in creating that common single market. Many of the regulations that Mr Rees-Mogg is now denouncing were shaped by UK efforts, not imposed by foreign Governments on a powerless UK, as he is now suggesting—but Mr Rees-Mogg's career has been entirely in finance rather than the real economy of production, marketing and exporting, and much of it offshore in Hong Kong, Singapore and other low-tax financial jurisdictions.

Mr Rees-Mogg is also the Minister for Government Efficiency. He notes in his Statement the extra work that Whitehall officials have undertaken to grasp these “Brexit freedoms”, as he puts it. He does not note that leaving the EU and setting up a range of national regulatory agencies to replace those we shared with our European partners has required a substantial increase in both the number of officials and the costs involved. Part of our contribution to the EU budget went towards funding those common agencies; some of them, such as Europol, were led by British officials. Yet at the same time as being Minister for Efficiency—that wonderfully odd phrase—Mr Rees-Mogg is pushing for a sharp reduction in Civil Service numbers, without regard to the additional tasks that it is taking on. Can the Minister explain how the Government propose to manage this additional effort while slashing the number of staff?

There are more windy comments in the Statement about restoring the sovereignty of Parliament, followed by the declaration that most of this will be pushed through under secondary, even tertiary, legislation, without effective parliamentary scrutiny. The illusion that we now stand imperially sovereign in the world, freed of the European yoke, is punctured by the letter that the noble Lord, Lord Grimstone, circulated yesterday, announcing that we are opening trade negotiations with the Gulf Cooperation Council—in which we will not mention civil or political rights so as to avoid offence. This Government are willing to negotiate and compromise with the GCC but not with our democratic neighbours. Can the Minister explain how giving concessions to the Gulf autocracies avoids limiting UK sovereignty while Mr Rees-Mogg insists that any compromise with the EU infringes on UK sovereignty?

Last night, I wondered whether the Minister might revolt as he attempted to justify this irrational ideological waffle and follow the example of the noble Lord, Lord Agnew, by walking out of the Chamber and the Government mid-Statement. However, I fear that he has not yet reached that point, despite the nonsensical Statement that he is forced to defend.

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, there has been a rather obsessive theme from the noble Lord, Lord Wallace, today, who

seems excited at the prospect that I might walk out of the Government. I can absolutely disabuse him of his expectation of that prospect. Unless the Prime Minister decides otherwise, I shall be extremely content to remain here and take the Brexit freedoms Bill through your Lordships' House.

Having listened to the noble Lord, on the sixth anniversary of the Brexit referendum, I am inclined to say that the Liberal Democrat Party does not know whether to laugh or cry. His sneering response tells me that the Liberal Democrats, like the Bourbons of Naples, have learned nothing and forgotten nothing in their desperation to keep the United Kingdom in line with the European Union's orders.

Lord Wallace of Saltaire (LD): My Lords, I talked about what companies are saying to the Government, and that is about evidence. We are six years down the line from the Brexit referendum; by now we ought to be talking about what sort of relationship we have with the European Union.

Lord True (Con): My Lords, the noble Lord has had one go, and I think I characterised his party's position perfectly accurately. The party opposite gave a much more measured response and asked me some specific questions. He asked me one which I shall answer. Again, I am disappointed that, on this sixth anniversary, the Labour Party is still saying that it is not important, in effect, to examine these 2,400 elements of retained EU law, which have a status equal to United Kingdom Acts of Parliament. It is perfectly reasonable that those matters should be examined. My right honourable friend Mr Rees-Mogg made it very clear that it is not necessarily the expectation that all these will be swept away, as the noble Lord said. These matters will be looked at on their merits. Frankly, one of the examples that my right honourable friend gave in the other place was the power of vacuum cleaners. Perhaps if we had more powerful vacuum cleaners in this place, we would not have mice running around the place, gorging themselves on all the bits and pieces of crumbs that are left.

There is a serious issue here, despite what was said opposite. It is perfectly reasonable that departments examine the case for the continuation of this mass of regulations. This is the expectation of departments, in concert with interested parties. The noble Lord asked whether we had done consultation. We have engaged with a range of organisations with interest in retained EU law. We have worked closely with all departments, and their stakeholder groups through them across Whitehall. That engagement has included lawyers, academics, universities and other non-governmental organisations. More recently, it is well known that the Minister for Brexit Opportunities also issued a call to the British public, not I think through an organ widely read on the Benches opposite, on the regulations that they might wish to abolish—particularly focusing, as I think we should, on those that make life harder for small businesses, which shut out competition or simply increase the cost of operating. Through a large number of small changes, we can enact real economic change.

The noble Baroness asked about sunseting, as she called it, and reports on that matter. The issue to which she referred is still subject to consideration of

how the reforms will be carried forward in that respect. So far as the cost is concerned, I assure her that the dashboard was built by Cabinet Office officials using the Tableau software, and was created with no additional cost to Her Majesty's Government.

As for the benefits, I give an undertaking to the noble Baroness on her perfectly reasonable and proper question that there will be an impact assessment published with the Brexit freedoms Bill when we bring it forward, and that will obviously be laid before your Lordships' House.

5.23 pm

Baroness McIntosh of Pickering (Con): My Lords, I thank my noble friend for taking questions on the Statement. Of the 2,400 items of retained EU legislation, 570 come from the Department for the Environment, Food and Rural Affairs. I imagine that most of those of relate to phytosanitary, plant health, animal health, hygiene and welfare. If that is the case, does he not agree that most of those will in fact be retained as UK law after this exercise is completed?

Lord True (Con): My Lords, I am not anticipating either way but as I said in my opening response, in reviewing retained EU law, Defra will obviously, as my noble friend asks, ensure that environmental law is fit for purpose and able to drive improved environmental outcomes while ensuring that regulators can deliver efficiently. It is an important piece of work that will make sure that the UK regulatory framework is appropriate and tailored to the United Kingdom. We have been very clear about our environmental goals and we do not resile from them. They are set out in the 25-year environment plan, the Environment Act 2021 and the net-zero commitment in the recently published *Nature Recovery Green Paper*. Any changes to environmental regulation in this context or any other will need to support those goals.

Lord Bellingham (Con): My Lords, is it the intention of HMG to reform the EU Solvency II rules, which restrict investment by insurance companies to fixed-interest instruments, such as bonds? If we really do want to unlock further wealth and job creation, surely we need to allow insurance companies to invest in, for example, projects such as social housing and wind farms.

Lord True (Con): My Lords, my colleagues in another department will have to answer on the specifics, but my noble friend is absolutely right to highlight that the area of financial services broadly is something of fundamental importance to the national economy, and indeed the Scottish economy. I assure him that my colleagues will continue to examine the areas of regulation to which he has referred, with a view to keeping our financial services sector dynamic and effective and a place where people from all over the world would wish to come and work.

Viscount Stansgate (Lab): My Lords, I thank the Minister for the Statement. In the light of the remarks he has just made about consultation, and in advance of the Bill, can he tell the House what proportion of the measures that the Government hope to introduce will be promulgated by secondary, or indeed tertiary, legislation?

Lord True (Con): My Lords, we are at the stage now where the dashboard has been published; submissions and comments will be made on it, and it will be refreshed quarterly. We will then have to consider the mechanisms. If it is decided that the regulation needs to be either repealed or substantially altered, we will have to consider the legislative mechanism, which would have to be case by case. When we publish the Brexit freedoms Bill, it will include elements that allow for the Government to implement their policies. At that stage, noble Lords will obviously be able to debate the appropriateness of the proposals that we put before them.

Baroness Neville-Rolfe (Con): It is agreed by everyone that we have a productivity problem in the UK. As we have seen from history, one way of dealing with that is to sweep away anti-competitive legislation, including some that has been referred to in the debate. Does my noble friend the Minister agree that some operators benefit preferentially from their very existence and that it is essential to have the toughness needed to face them down? That can help small businesses, as my noble friend has said, and growth, and can, I hope, reduce bureaucracy. I am in danger of speaking for too long, but I mention that I have worked for most of my career in business and particularly welcome the promise to the noble Baroness, Lady Chapman, of an impact assessment on the Bill.

Lord True (Con): My Lords, I am very grateful to my noble friend. It seems quite a long time ago that we were working in Downing Street on the aspiration of reducing regulation. She makes interesting points which one does have to bear in mind in consulting on and considering the way forward.

It is important that we make it easier for small businesses, and it is also true—I am not criticising anybody or any organisation in particular—that familiar regulatory environments, particularly complex ones, are not necessarily as perturbing to very large organisations which have large departments to deal with them as they are to small businesses and would-be innovators and entrants. That is a balance one has to consider across the regulatory environment, including in this exercise before us today.

Lord Lilley (Con): My Lords, I recall that when I went to Brussels as a Treasury Minister or as Secretary of State for Trade and Industry, my brief to discuss forthcoming legislation and regulations invariably said, "Minister, we don't really want this, but we can't stop it. Could you try to seek at least one or two of the following half dozen amendments to it?" If we did achieve one or two, that was counted as a great triumph. Will my noble friend insist that departments go back to the briefs that were given to Ministers at the time the regulations went through and look for the changes that we wanted to secure but did not at the time? Will he also reflect on the irony of the Liberal Democrats complaining that secondary legislation will be used to change some of the regulations we inherited, given that they were all introduced under secondary legislation, which gave no option for Parliament to reject them at all?

[LORD LILLEY]

Finally, since there is time for me to go on, will my noble friend reflect on the fact that the one thing we could do in the past was to gold-plate regulations, which we did? I pay tribute to my noble friend Lord Hailsham, on the privy counsellors' Bench, who introduced a system to try to limit gold-plating of regulations when we implemented those of the EU. Will my noble friend the Minister make sure that when we modify these regulations, we do not succumb again to the temptation to gold-plate them and that we go back to the Hailsham dashboard—it was called something like that—to make sure that we do not make them more regulatory, rather than less?

Lord True (Con): My Lords, a lot was wrapped up in there. I agree with what my noble friend said at the end and with his tribute to my noble friend

Lord Hailsham. There is an eternal tendency, partly because of some of the factors I referred to in my previous answer, to gold-plate and overregulate, and it constantly has to be held in check. Perhaps one of the many benefits of this exercise is that it is departments that will have to make the responses, take the work forward under the supervision of the Brexit Opportunities Unit and consider the kind of points that my noble friend makes.

Finding the papers from the past is an interesting challenge. I am sure that most of those have now been publicly released. I read today that the papers of the Blair Government were being released by the National Archives, so I am sure that the briefs to my noble friend are available to all and sundry. Perhaps we should all go and have a look at them.

House adjourned at 5.33 pm.