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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

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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

Tuesday 5 July 2022

2.30 pm

Prayers—read by the Lord Bishop of Manchester.

Nigeria Question

2.36 pm

Asked by Baroness Cox

To ask Her Majesty's Government what assessment they have made of the humanitarian and security situation in Nigeria.

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con):

My Lords, rising conflict and insecurity across Nigeria are having a devastating impact on all affected communities. The principal causes are complex and varied but include violent extremism, criminality and resource competition. We are deeply concerned about the level of humanitarian need in Nigeria. *[Interruption.]* I will not comment on the musical accompaniment from that mobile phone, but coming back to my script, we are concerned about the level of humanitarian need in Nigeria, including in the north-east, where tragically 8 million people need life-saving humanitarian assistance. We are working with Nigeria to respond to rising insecurity and are a leading donor in the response to the humanitarian crisis.

Baroness Cox (CB): My Lords, is the Minister aware that I have visited Nigeria twice this year, once on a parliamentary visit and once with my NGO, HART, and obtained direct evidence of the horrific escalation of killings, atrocities and abductions in middle belt, where at least 3,000 predominantly Christian civilians have already been murdered this year and millions are displaced? I therefore ask: what steps are Her Majesty's Government taking to prevail upon the Government of Nigeria to fulfil their responsibilities to end the attacks on civilians and to call the perpetrators to account?

Lord Ahmad of Wimbledon (Con): My Lords, I agree with the noble Baroness: the primary responsibility of any Government anywhere in the world is the security of their citizens, irrespective of who they are or what faith they may follow. I assure her that, bilaterally as well as through multilateral fora, we continue not only to condemn these kidnappings and the violence that occurs but we are also working, through our security and defence partnership with Nigeria, to try to build capacity to respond to the kidnaps and bring communities together.

Lord Anderson of Swansea (Lab): My Lords, the Minister used the phrase "resource competition". Is that, in fact, a euphemism for population increase that is becoming unsustainable, and are we able to help Nigeria at all in terms of family planning?

Lord Ahmad of Wimbledon (Con): The noble Lord makes an important point about the broader issues of population growth. I referred to resources because it is often the issues that occur over land that cause further disputes, and those who are seeking to divide—particularly extremist groups—then use that very basis to cause further communal violence against different groups and, indeed, to take up arms and commit acts of extremism against vulnerable communities.

Lord Alton of Liverpool (CB): My Lords, in this week of the International Ministerial Conference on Freedom of Religion or Belief, Article 18, which the Minister himself has done so much to facilitate and entrench—and we are all grateful to him for that—will he reflect on the remarks of the Bishop of Ondo, who saw 40 of his own parishioners in his diocese murdered in their church only last month, and also on the continued abduction of Leah Sharibu, a teenager who was abducted, raped, impregnated and told that she must forcibly be made to convert to a different religion? Surely, this is a time to uphold freedom of religion or belief, Article 18, which insists on the right to believe, not to believe or to change your belief.

Lord Ahmad of Wimbledon (Con): My Lords, I agree with the noble Lord. That is why the United Kingdom Government are hosting the conference across the road. We are seeing not just government but, importantly, faith leaders and, most importantly, civil society leaders and survivors who have now become powerful advocates against religious persecution at the forefront of the discourse. Equally, we condemn the atrocities that have taken place repeatedly in Nigeria, including the recent attacks on the church, which caused further fatalities, and the shocking abduction and ongoing captivity of Leah Sharibu. I hope that there will be a focus on Nigeria when we host the PSVI conference on conflict-related sexual violence later this year. I look forward to working with the noble Lord, Lord Alton, and the noble Baroness, Lady Cox, in this regard.

Lord Cormack (Con): My Lords, on behalf of the House, will my noble friend salute the intrepid bravery of the noble Baroness, Lady Cox, who time and again goes to dangerous places to report back to your Lordships' House? Can he assure me that Nigeria will be high on the agenda at the next meeting of Commonwealth Ministers? We have to reflect on the credentials for membership of the Commonwealth. Persecuting and killing people for religious reasons does not march well with being a member of it.

Lord Ahmad of Wimbledon (Con): My Lords, I certainly associate myself with my noble friend's remarks on the courage of the noble Baroness, Lady Cox, and her endeavours to keep this issue on the front burner. The Commonwealth is now a group of 56 states; it provides the ability to tackle the very issues that my noble friend has raised and to determine how we can work constructively to improve human rights.

Lord Collins of Highbury (Lab): My Lords, I welcome the conference starting today and the noble Lord's speech, for which I was present. Nigeria's constitution

[LORD COLLINS OF HIGHBURY]

contains very positive words about prohibiting discrimination on the basis of religion or belief, yet in the sharia states, particularly in the north and centre of the country, these are frequently disregarded. I have raised with him the case of Mubarak Bala, a humanist who has been sentenced to 24 years despite these guarantees of freedom. Can the Minister tell us just how he engaged with the Nigerian Government at this conference—I did not notice their presence—and what he will do to raise this issue in a more public way, particularly for the rest of this conference?

Lord Ahmad of Wimbledon (Con): I think the noble Lord was eavesdropping on my conversation with my private secretary as I dashed over from the conference—I was asking who was here from Nigeria. I await that answer, but I assure the noble Lord that I am seeking to engage quite directly with the Nigerians. I have been in various back-to-back bilaterals this morning. He raises the important case of Mubarak Bala, which we have talked about previously. It is condemned; he is quite right to talk about constitutional protections, but in every country, no matter where it is in the world—Nigeria is no exception—constitutions are there for a reason: to provide all citizens with protection and security. Governments need to ensure that they are practically applied.

Lord Purvis of Tweed (LD): My Lords, I had the pleasure this morning of chairing the first of the parliamentary parallel events supporting the FoRB ministerial. I chaired a panel of women, including representatives from Nigeria. I will ask the Minister a question I asked the noble Lord, Lord Goldsmith, a month ago. Why is UK support for Nigeria being cut by two-thirds going forward? In particular, there is no guarantee that projects for supporting women in violence and conflict which have been cut would be protected. The noble Lord, Lord Goldsmith, said that he could not answer my question. A month on, can the Minister be clear? Are projects being protected which support women and children in Nigeria in the very difficult circumstances in which they find themselves, or are the Government cutting them?

Lord Ahmad of Wimbledon (Con): My Lords, when my right honourable friend became Foreign Secretary, she made very clear that the budgets on issues relating to women and girls would be restored to previous levels. That is a priority for my right honourable friend and for me. On the specific area of women and girls within Nigeria, I welcome the noble Lord's feedback. There is also a session at the conference focused on the issue of freedom of religion or belief for women and girls. That will not be recorded; the tragic reasoning behind that is that there are courageous women there who will endanger their own lives if they are filmed. I look forward to talking with the noble Lord.

The Lord Bishop of Guildford: My Lords, I add my congratulations to the noble Lord, Lord Ahmad, for an excellent start to the FoRB conference down the road. In the spirit of that conference and this terrifying escalation in communal and religious tensions in Nigeria

in the build-up to the 2023 elections, will the UK use its seat at the UN Security Council to seek a resolution that significantly enhances the security given to communities in Nigeria at risk of attack, including Christian farms and villages in the middle belt that have already been attacked by Fulani militia?

Lord Ahmad of Wimbledon (Con): My Lords, I thank the right reverend Prelate for his kind remarks. In terms of the UN Security Council, it depends very much on who is chairing a particular session during a given month of presidency. The issue of religious freedom is high up the United Kingdom's agenda, and I will certainly take on board his suggestions when it comes to Nigeria, and indeed other countries.

Viscount Waverley (CB): My Lords, will the Minister note the extraordinary influence of Africa's traditional rulers? One could cite the Ooni of Ife and the close friendship he had with the Emir of Kano, which encapsulates peace in the land of Nigeria.

Lord Ahmad of Wimbledon (Con): My Lords, the history of Nigeria, and indeed other parts of Africa, is important in determining how different communities and tribal loyalties also play into the unity of a given country. As we are attempting to do at this conference, it is important to bring together civil society leaders with decision-makers to ensure that, as we help and construct an important, bright and inclusive future for religious freedom, we talk to the people who are directly impacted.

Money Laundering Regulations: Politically Exposed Persons *Question*

2.47 pm

Asked by Baroness Hayter of Kentish Town

To ask Her Majesty's Government what was the outcome of their review of money laundering regulations in respect of their impact on politically exposed persons.

Baroness Penn (Con): The recent review of the money laundering regulations—MLRs—has concluded that there should be no immediate change to the requirements for domestic politically exposed persons. The review commits to further work to better understand the risk profile of domestic PEPs. If this is sufficiently low, the Government will consider changing the MLRs so that enhanced due diligence is not automatically required but instead triggered only when other high-risk factors are present.

Baroness Hayter of Kentish Town (Lab): My Lords, most—probably all—Members of your Lordships' House, and indeed their children, have been extraordinarily inconvenienced by the way the banks interpret the PEP rules, demanding to know how many mortgages we have, how many necklaces we wear and things like that. They assume that we are all crooks unless we prove to the contrary, rather than assuming that we are not crooks until something in our bank account—

perhaps putting a case of used fivers into the bank—suggests that we are money launderers. Not only does that inconvenience us, but it takes away scarce resources which ought to be looking at the people who are really bringing untoward money into our financial sector. Could the Minister just move a bit faster on this? Can she assure us that the old practice of subjecting us to these sorts of nonsenses will not continue, and that, in future, we will be asked to explain our wealth only if something very untoward is happening in our bank accounts?

Baroness Penn (Con): My Lords, as I set out, the Government are looking at further evidence around changing the money laundering regulations so that enhanced due diligence is not automatically required for domestic politically exposed persons. In the meantime, I know that a round table was held with the noble Baroness and, I believe, the noble Lord, Lord Sharkey, to discuss some of these matters. My honourable friend the Economic Secretary will shortly be writing to all MPs and Peers on this issue to provide increased clarity to parliamentarians on the requirements placed on financial institutions regarding PEPs and the steps they can take to remedy any issues they may have with their banks.

Viscount Hailsham (Con): My Lords, may I reinforce the Question asked by the noble Baroness, Lady Hayter? Over the last few years, I have received well over a dozen highly intrusive requests under the money laundering regulations. As a consequence, I studied both the regulations and the guidance, and I was in correspondence with Andrew Bailey when he was at the FCA and saw one of his senior officials. The plain truth is that the investment companies overinterpret—when they do not misinterpret—the regulations and ignore the guidance. They do not adopt a risk-based approach, they are not proportionate in their requests and they do not have access to publicly available sources of information, all of which is required by the regulations. They state they are required by law to obtain this information—which is not true—and, worse, they say that they will not release funds unless the intrusive information is provided. That is unlawful. This has to stop. Might I suggest that it is referred to a Select Committee of Parliament?

Baroness Penn (Con): My Lords, it is for the Select Committees of Parliament to determine what they wish to investigate. However, I agree with my noble friend: he is absolutely right that firms are required to adopt a risk-based approach when deciding whether to apply enhanced due diligence. People who feel that they have been treated unfairly by firms have a route of redress via the Financial Ombudsman Service. However, as I said, my honourable friend the Economic Secretary will also be writing to parliamentarians to set out steps that they can take to remedy any issues that they have had with their banks where they feel that the action taken has been disproportionate.

Lord Hunt of Kings Heath (Lab): My Lords, with the greatest respect to the noble Baroness, it is not for us to have to pursue this; it is for the Government to sort it out. Can she tell us what they are doing to stop

the banks not taking the risk-based approach that she suggested they should take? They are acting on a wholly risk-averse basis and it is down to government to sort it out.

Baroness Penn (Con): My Lords, the Government are engaging with banks on this matter. A round table was held on 4 March this year. At that meeting, banks reaffirmed their commitment to following the 2017 FCA guidance, which supports banks in treating most domestic PEPs as lower-risk. Therefore, we have engaged with the banks on this matter and we are committed to doing that further piece of work, an evidence review, to see whether the automatic checks that need to be applied to domestic PEPs could be removed.

Baroness Kramer (LD): My Lords, of course we have to be tough on money laundering but a whole industry has been spawned that scans for PEPs internationally. Will the noble Baroness take this message on a risk-based approach to her various colleagues in other countries? I am getting quite tired of American relatives living in Germany being unable to open accounts because of their relationship with me, when I have no idea how I am even linked to them unless, frankly, data is being abused.

Baroness Penn (Con): My Lords, the United Kingdom Government are always happy to advocate for a risk-based approach in regulating financial services and will continue to do so. The noble Baroness and other noble Lords will know that the obligations around politically exposed persons derive from international obligations from the Financial Action Task Force, so it is important that we continue to meet those standards and obligations internationally.

Lord Flight (Con): My Lords, I believe that contributions this afternoon have shown how the vast majority of people are fed up with anti-money laundering regulations, which burn up a lot of effort and money to no purpose. However, far worse than that is the idea of politically exposed persons. I wonder how many noble Lords today have had a difficult time opening bank accounts and other such matters. I hope to see reform, particularly following the recent review, which should start with simplifying the idea of politically exposed persons.

Baroness Penn (Con): My Lords, anti-money regulations play an important role in tackling economic crime, which I know is a subject that this House cares strongly about. We recently concluded a review of our anti-money laundering regulations and their effectiveness. We are committed to a piece of work on politically exposed persons, but the main conclusions from that review were about how we regulate professional services, and we will consult on our proposals for reform there to consider how we can improve our anti-money laundering regulations. I think everyone would agree that they are essential to protect against financial crime.

Lord Harris of Haringey (Lab): My Lords, this has been going on for at least a decade, to my knowledge, so the Government are moving with extraordinary

[LORD HARRIS OF HARINGEY]
sloth. First, can we have a guarantee that this review will be published so that everyone can see it? Secondly, will the Minister examine the implications for voluntary organisations led by or are involved with politically exposed persons?

I have a personal experience: Metro Bank decided that an organisation that I chair and which has a board consisting of three politically exposed persons and one other—who is, incidentally, an emeritus professor of engineering and a former Chief Scientific Adviser to the Government—was somehow beyond its risk appetite. The rule is being applied in a blanket way without the sort of assessment that the Minister and her many predecessors have stood at that Dispatch Box to assure us will be the case.

Baroness Penn (Con): My Lords, my understanding is that the original measures on PEPs were put into UK law in 2017, so the timescale is slightly different from that set out by the noble Lord, but I absolutely take his point on action that needs to be taken. That is why we have continued to follow up with banks about taking proportionate action under the current regulations and are looking at whether they can be amended, but we need a strong evidence base to take that action.

Lord Kirkhope of Harrogate (Con): My Lords, as one of those involved in the drafting of the anti-money laundering directives—and, unfortunately, often described by colleagues as an expert in money laundering, as opposed to anti-money laundering—I point out to my noble friend that we fought very hard to ensure that the implementation of the directive would be proportionate. That word was as the result of British initiatives. It seems to me that the Financial Conduct Authority, in its further directions to our banking institutions, has failed to carry through the importance of proportionality and has therefore allowed the banks and others to behave in the way they are now, which is utterly unreasonable.

Baroness Penn (Con): My Lords, after the original transposition of the regulations, further guidance was issued by the FCA to emphasise exactly the point my noble friend makes about action being risk-based and proportionate. Clearly, there are still issues in taking that forward. That is why we continue to engage with the FCA and banks on this. We will also be engaging with parliamentarians on the route to contact their banks where they think they are not following the very sensible, proportionate approach for which the UK advocated in the EU.

Clearview AI Inc *Question*

2.58 pm

Asked by Lord Clement-Jones

To ask Her Majesty's Government what assessment they have made of the decision by the Information Commissioner's Office to fine and issue an enforcement

notice against Clearview AI Inc. in respect of its use of images of United Kingdom residents collected from the internet without their knowledge or consent.

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Parkinson of Whitley Bay) (Con): My Lords, organisations based in the UK and those based overseas which process data of UK residents for the purposes of providing services must comply with our data protection legislation. Where personal data are more sensitive in nature, such as where they relate to a person's biometric information, stricter rules and safeguards apply. The Information Commissioner's Office enforces legislation independently of government. In the case of Clearview AI, it decided that the data protection principles were not complied with and enforcement action was needed. Further details can be viewed on the ICO's website.

Lord Clement-Jones (LD): My Lords, Clearview is a US company that is in clear breach of data protection laws, collects facial images for its database without our knowledge or consent, uses it to train its algorithms and then offers special deals to schools and the police to use the database on their live facial recognition systems. What are the Government doing to prohibit public authorities contracting with Clearview? Clearview has said it will not even pay the ICO's rather limited fine. What will the ICO and the Government do now to ensure that it pays?

Lord Parkinson of Whitley Bay (Con): My Lords, Clearview is appealing the ICO's finding, which it is entitled to do, but I note that the ICO is not the only regulator to have taken action against it: its French, Italian, German, Canadian and Australian counterparts have reached similar conclusions. The ICO has issued a fine and served an enforcement notice issuing orders for Clearview to delete the data. Subject to its appeal, that is what it will have to do.

Viscount Colville of Culross (CB): My Lords, a video from the States appeared to show Nancy Pelosi drunkenly slurring her way through a speech. It later transpired that it was a deep fake in which her face and voice had been digitally altered. Hackers and activists can use this technology to discredit public figures and affect the democratic process of this country. What is the Government's counter disinformation unit doing to combat deep fakes in this country?

Lord Parkinson of Whitley Bay (Con): The noble Viscount rightly points to an emerging area of concern. Last year, the Government published a national AI strategy and committed to a White Paper setting out our approach to regulating artificial intelligence. We will publish that White Paper later this year, setting out how we intend to address the opportunities as well as the risks that arise from AI in a proportionate and nimble way.

Lord Scriven (LD): My Lords, the Clearview AI service was used on a free trial basis by several UK law enforcement agencies. Do the Government now accept

the Ryder review's recommendation that new statutory regulations are required to stop the police using facial recognition technology in such a cavalier fashion?

Lord Parkinson of Whitley Bay (Con): We are looking at Mr Ryder's report and recommendations. We have yet to assess them as they came out only recently but we think that the current framework offers strong protections.

Lord Browne of Ladyton (Lab): My Lords, the scale of Clearview's ambition is global: to have 100 billion face images on its database by next year. That is 14 images for every person presently on this planet. It also gave evidence recently of what it intends to do with this. It gave the Ukrainian Ministry of Defence free access to its software. I am not sure whether the Minister knows this, but the Ministry of Digital Transformation in Ukraine has said that it is using the technology to give Russians the chance to experience the true cost of the war by searching the web for images of dead Russians and contacting their families to say, "If you want to find your loved ones' bodies, you're welcome to come to Ukraine". I can imagine what our attitude would be if that was happening in reverse. Are the Government aware that this company has ambitions well beyond what is within the jurisdiction of the ICO? It can be regulated only by Governments, and our Government should be at the forefront.

Lord Parkinson of Whitley Bay (Con): I have seen the reports to which the noble Lord refers. As I said, our Information Commissioner's Office has taken action, and so have its French, Italian, German, Canadian and Australian counterparts. I hope that that sends a clear message to companies such as Clearview that failure to comply with basic data protection principles will not be tolerated in the UK or, indeed, anywhere else. All organisations that process personal data must do so in a lawful, transparent and fair way.

Lord Bellingham (Con): My Lords, the Minister said that Clearview is appealing the ICO's decision. What happens if it loses its appeal? What action will HMG take?

Lord Parkinson of Whitley Bay (Con): If it loses its appeal, the £7.5-million fine it has been issued with will stand and the enforcement notice to delete the data that has been taken unlawfully, in the ICO's view, will have to be complied with.

Lord Mackenzie of Framwellgate (Non-Afl): My Lords, does the Minister agree that facial recognition is an important tool for the police in the detection of crime, and we should not throw the baby out with the bath-water.

Lord Parkinson of Whitley Bay (Con): The noble Lord is absolutely right. There is a comprehensive legal framework for police use of live facial recognition, which includes ensuring that it is proportionate and necessary. Generally, the police can use that technology without people's consent only where it is strictly necessary

for law enforcement purposes. The College of Policing has rightly produced national guidance on this important issue.

Baroness Uddin (Non-Afl): My Lords, I live in the borough of Tower Hamlets. The borough next to it—Newham, where I grew up—is among those with the greatest number of video cameras, surveying its citizens in all their various aspects. The Minister has just said that he is well aware of the risks and opportunities presented by new and emerging technologies. What are he and the Government doing seriously to ensure that consent, education and awareness are a central part of all the strategies and actions implemented?

Lord Parkinson of Whitley Bay (Con): CCTV can help people to feel safe on the streets and can help in the prosecution of crimes committed against people. We support the police using new technologies to keep the public safe, and we are simplifying the oversight of biometric and overt surveillance technologies such as CCTV cameras. The ICO will continue to provide independent oversight and regulation of all biometrics and surveillance camera use, including by the police.

Baroness Merron (Lab): My Lords, as is so often the case, companies such as Clearview AI operate across the world and may attract the attention of multiple regulators. Given that these bodies may exchange information, can the Minister confirm whether a firm's bad behaviour in another jurisdiction will provide grounds for investigation by the ICO? Also, what weight, if any, does the ICO give to events elsewhere when determining sanctions such as fines?

Lord Parkinson of Whitley Bay (Con): The noble Baroness is right: global co-operation is needed on this. Our new Information Commissioner, who was previously commissioner in New Zealand, has recently been to Brussels to discuss how best the ICO can co-operate with international partners to tackle threats to privacy such as this, so he is indeed engaged globally, as noble Lords would hope.

Baroness Lawrence of Clarendon (Lab): Racial profiling comes to mind when looking at the police and others using this device. I have great concerns—we know that racial profiling happens. We must take that into account as well.

Lord Parkinson of Whitley Bay (Con): The noble Baroness is right: there are important ethical questions which need to be fed in. The College of Policing provides guidance on the use of surveillance technology and facial recognition technology, which should take these into account. The general principles of facial recognition technology are that it should be lawful, transparent and fair to the individual.

Lord Clement-Jones (LD): My Lords, is not the bottom line that Clearview AI should have no business dealing with our public authorities, whether the police, schools or otherwise? Should not the Government be banning Clearview AI from any public contracts?

Lord Parkinson of Whitley Bay (Con): Those public bodies are independent from the Government. They are subject to data protection law and if they break any data protection rules, they could be investigated and fined accordingly. But the ICO's investigation, the fine and the enforcement action it has taken show that our law is robust and is being enforced by the ICO.

Baroness Chakrabarti (Lab): Are noble Lords aware of the recent statement from Big Brother Watch about Hikvision, the Chinese company that has sold many cameras to many public authorities and government departments in the UK? These cameras can speak back to the mother ship in China. Is this really a good idea?

Lord Parkinson of Whitley Bay (Con): I have seen those reports in the media. I know that your Lordships' House takes great interest in ensuring that the companies whose hardware is purchased are those that the people of this country would want it to be purchased from.

Lord Vaux of Harrowden (CB): My Lords, has the Minister seen the report into biometrics generally by Matthew Ryder QC, on behalf of the Ada Lovelace Institute? Does he agree with the overriding recommendation that we need a new framework governing the use of biometrics?

Lord Parkinson of Whitley Bay (Con): We have seen but not yet assessed all of Mr Ryder's recommendations. However, the current framework offers strong protections, and the action taken by the ICO in this case is a demonstration of that.

Strikes: Cover by Agency Workers

Question

3.08 pm

Asked by **Lord Woodley**

To ask Her Majesty's Government what discussions they have had with (1) employers, (2) employment agencies, and (3) trade unions, about their plans to remove regulation 7 of the Conduct Regulations 2003 to allow agency staff to cover for striking workers.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con): My Lords, the removal of Regulation 7, which gets rid of an outdated blanket ban on employment businesses supplying agency staff to cover strikes, is about ensuring that the British public do not have to pay the price for disproportionate strike action. We consulted extensively on this in 2015 and have carefully considered the responses received when deciding to proceed. In our view, further consultation is unlikely to bring up fundamental issues not already raised.

Lord Woodley (Lab): I thank the Minister for his response, but he will not be surprised to hear that it is just not good enough. He has not consulted trade unions or employment agencies and, with respect, he

does not even want to consult Parliament. That is the simple truth of it. Just last week—and I am not sure whether this is government policy—he claimed that unions do not represent anybody. That is crazy stuff—tell it to the 6 million trade unionists in this country. Will he at least listen to the bosses of Hays, Adecco, Manpower and 10 other major UK recruitment firms when they warn him that these strike-breaking proposals are likely to inflame and prolong disputes, not solve them?

Lord Callanan (Con): The noble Lord will not be surprised to know that I do not agree with him. We did consult the trade unions; in fact, the TUC submitted a petition of 25,000 names against the proposals, so they clearly had a chance to comment. We will of course consult Parliament when the regulations are debated.

Lord Fox (LD): My Lords, there is a huge workforce crisis across the United Kingdom and a shortage of people. Does the Minister not believe that, rather than using agencies to cross picket lines, he should be working with agencies and other groups to try to plug the hole in Britain's workforce?

Lord Callanan (Con): I am not sure of the point the noble Lord is making. We want to work with all the appropriate agencies to, as the noble Lord says, plug the hole in the workforce.

Lord Collins of Highbury (Lab): My Lords, what sort of importance do the Government place on international trading partners meeting their commitment to the ILO's fundamental conventions? If the noble Lord thinks it is important, can he tell us what assessment the Government have made of the compatibility of these regulations with the Human Rights Act, the EU-UK Trade and Cooperation Agreement, and the UK's commitment to the ILO's fundamental conventions, including article 3 of convention 87?

Lord Callanan (Con): We are confident that we are meeting all our international obligations. We are not interfering with the right to strike; workers still have the right to take strike action, provided they fulfil the legal tests required. We are confident in our legal advice on this.

Lord Balfe (Con): My Lords, when these regulations are repealed, will the Government make sure that suitable points are put in place to safeguard worker and consumer safety? Some agencies have objected on the grounds that unqualified people might be drafted in to do these jobs. It is important that safety regulations are in place to look after consumers and workers, whether they are in trade unions or not.

Lord Callanan (Con): I agree completely with my noble friend's point. None of these regulations affects the existing safety provisions. Any staff who are drafted in will have to meet all the appropriate safety obligations that existing workers meet.

Lord Watts (Lab): My Lords, why do the Government need the most restrictive measures in Europe? Why can they not follow the German model of working with working groups and trade unions to resolve disputes before they happen? What has changed between now and the P&O dispute, when the Government took a very hard line? They seem to be now doing exactly the same as P&O.

Lord Callanan (Con): We are always happy to work with organisations that want to work with us. The P&O situation is entirely different; it seems clear that P&O acted unlawfully, although that is being investigated at the moment. We have a commitment to bring in legislation for minimum wage protection for seafarers.

Lord Hendy (Lab): My Lords, prices have been rising at 9.1% per annum and wages are rising, on average, at 4%. This means that working people are looking at a cut in real wages of 5% per annum. Would not the Government be better off trying to cap prices, rather than undermining trade unions for defending the living standards of working people?

Lord Callanan (Con): If the view of the modern Labour Party is that capping prices is effective in a modern industrialised market economy then I truly despair.

Lord Whitty (Lab): My Lords, do the Government actually believe that there is a right to strike? In the railways dispute and in the potential disputes for airline staff, the votes were overwhelmingly in support of strike action and these strikes are absolutely legal, yet the Government seek to use secondary legislation to completely undermine the trade unions. Has Jacob Rees-Mogg convinced the Tory party that we should go back to the 18th century Combination Acts?

Lord Callanan (Con): The answer to the noble Lord's question is yes.

Noble Lords: Oh!

Lord Callanan (Con): I meant yes in terms of believing in the right to strike; let me clarify that for the benefit of the House. Nothing in these regulations inhibits the right of workers to go on strike. It is worth pointing out that employers can currently employ people directly to take the place of striking workers. All these regulations would do would be to allow for them to bring in agency workers—although, of course, they still have to meet all the appropriate safety provisions my noble friend mentioned earlier.

Lord Snape (Lab): My Lords, is it any coincidence that these proposals are being made during the course of a dispute in the railway industry? Is the country supposed to believe that there are agencies out there that can recruit signallers, train drivers or booking clerks to take over the jobs of those who are on strike? Is this not yet another example of an overpromoted Secretary of State seeking a newspaper headline?

Lord Callanan (Con): This is not specifically targeted at the current rail strikes. The regulations will apply to all sectors of the economy, not just the rail sector.

Lord Fox (LD): My Lords, the noble Lord, Lord Woodley, mentioned the letter that the heads of the major agencies wrote to the Secretary of State. In that letter they said:

“we can only see these proposals inflaming strikes—not ending them.”

Will the Government take the advice of these experts in employment and back down from this measure?

Lord Callanan (Con): If agencies do not wish to take part in the freedoms offered by these regulations then it is entirely their right not to do so.

Baroness Chakrabarti (Lab): My Lords, this is hardly St Francis of Assisi, is it? As this is not specifically about the rail workers, are the Government confident that they will find these armies of agency junior doctors and junior barristers down the track?

Lord Callanan (Con): As I said, this applies in all sectors of the economy. Agencies already supply a considerable number of personnel in the fields that the noble Baroness mentioned.

Lord Sikka (Lab): My Lords, even the Prime Minister condemned P&O's violation of employment laws, and now the Government are going ahead with implementing those despicable practices in UK law. Could the Minister tell us what other bad practices they are ready to implement?

Lord Callanan (Con): I answered that question earlier. This is an entirely different situation from the P&O dispute, as it was at the time. We were committed to taking action to prevent abuses such as that, and we are still committed to that. This is an entirely different situation.

Lord Wallace of Saltaire (LD): My Lords, agencies might be able to help with one or two spare government appointments at present: independent adviser to the Prime Minister, chairman of the Conservative Party, et cetera. Have the Government considered approaching the agencies on that?

Lord Callanan (Con): The noble Lord pursues an innovative line of questioning that I did not consider in all the preparation I did for this. It is clearly something that I will want to bear in mind.

Northern Ireland Troubles (Legacy and Reconciliation) Bill

First Reading

3.18 pm

The Bill was brought from the Commons, read a first time and ordered to be printed.

Standards in Public Life

Commons Urgent Question

3.20 pm

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, with the leave of the House, I shall now repeat in the form of a Statement the Answer given to an Urgent Question in the other place earlier today. The Statement is as follows:

“Thank you very much, Mr Speaker. It is a pleasure to appear before you and the House on this important matter. We are fortunate in this country to have a sophisticated and robust system for upholding public standards. That system is multi-faceted; it is made up of interlocking and complementary elements. It is of course founded on the seven principles of public life, which have been in place for a quarter of a century and which provide the overarching qualities and standards of behaviour that are expected. I have some time to run through the mechanisms that underpin the seven principles, but I will touch on something else first, which is this. It is something with regard to the potential victims in any case where there are allegations of impropriety of any sort. I was a barrister in criminal practice for 17 years before being elected to this House, and I know how difficult it is for individuals to come forward. It is very important that we do not prejudice any individual case. It is also right that the system that, after all, this House created relatively recently—namely the Independent Complaints and Grievance Scheme—is allowed to work its course.

There are additional rules and guidance to help ensure consistency of approach—for example, in relation to public appointments, corporate governance and business appointments—when individuals move to roles outside government, and there are independent bodies that provide a broad oversight of standards. The right honourable lady the deputy leader of the Labour Party has asked about the mechanisms for upholding those standards. They exist and they exist as a result of the decisions of this House. There are bodies and officeholders with a role in overseeing specific aspects of public life, such as the Parliamentary Commissioner for Standards, the Civil Service Commission and the Commissioner for Public Appointments. Alongside them are regimes for the publication of government transparency data and information on those who lobby government.

We have a Parliament, as you know, Mr Speaker, that upholds standards to cover all those in public life, but it is incumbent upon us not to prejudice these decisions. Ministers, public office holders and officials, in all their activities, must maintain the confidentiality of those who wish to make complaints across the lifetime of their involvement, but let me say that no system can replace the fundamental importance of personal responsibility. We all know this to be true. Codes, rules and oversight bodies are there to guide us, but all of us in public life must ultimately choose for ourselves how to act.”

3.22 pm

Baroness Smith of Basildon (Lab): I am grateful to the Minister. His heart was not in it, was it?

I think we have one point of agreement: that it is essential that we have integrity in the process for complaints being investigated and that those who come forward have the support they need. As to the rest of the Minister's words, it is probably an appropriate response during Wimbledon to recall John McEnroe: “You cannot be serious”. It is extraordinary that Minister after Minister is wheeled out to defend the Prime Minister about what he knew, or now appears to have forgotten he knew, about his Deputy Chief Whip when he appointed him. That story changes each time. How humiliating it is for Ministers to have received Downing Street assurances only for it to keep changing as new information comes to light, including the letter from the noble Lord, Lord McDonald, as former Permanent Secretary at the FCO.

I have two questions for the Minister. On 21 June, the Paymaster-General promised that the Government “will act swiftly to undertake a review of the arrangements in place to support the ministerial code and ensure high ministerial standards.”—[*Official Report, Commons, 21/6/22; col. 781.*]

Can the Minister update the House on that swift action? Secondly, given this Prime Minister's rather idiosyncratic, shall we say, approach to standards, can it possibly be right that not only does he have a veto over what the commissioner can investigate—that is, when we finally get another new commissioner—but is also the final arbiter and has the final say over the outcome? The Minister knows that he has a good reputation in this House. How much longer is he prepared to defend this Prime Minister?

Lord True (Con): My Lords, I am certainly prepared to uphold high standards in relation to the questions the noble Baroness opposite has asked. She asked about the review going forward and the independent adviser, and she is correct that a commitment is made that the function of the independent adviser should continue. As I told the House recently, the noble Lord, Lord Geidt, raised a number of issues in relation to the role, as did PACAC in another place. It is right to consider these carefully and take time to reflect on them before making a decision on how best to fulfil the commitment to oversight and scrutiny of ministerial interests, but such oversight and scrutiny there must be.

Lord Newby (LD): My Lords, the Minister referred to the fundamental importance of personal responsibility and mentioned the Nolan principles. Can he tell us which of the seven Nolan principles the Prime Minister has not repeatedly broken? Secondly, to go back to the question asked by the noble Baroness, Lady Smith, can he explain how, as a constitutionalist and parliamentarian, he repeatedly brings himself to the Dispatch Box to support such a disingenuous Prime Minister?

Lord True (Con): My Lords, I do not bring myself to the Dispatch Box; it is your Lordships who invite me to come. When invited by such an august body of people, it is difficult to refuse. There is a fundamental point here, which was in the Statement: we must be properly concerned about victims in these circumstances. It is therefore essential that these matters are investigated.

In relation to Mr Pincher, in 2017 a formal complaint relating to an incident in 2001 was made, and Mr Pincher was cleared following a party investigation. In 2019 a formal complaint was made in the FCDO, as noble

Lords are aware. Due policy was followed, and Mr Pincher made an apology for the deeply regrettable discomfort caused. There is now a further incident, and Mr Pincher has resigned from his ministerial role as Deputy Chief Whip. A formal complaint has been made and is being investigated by the appropriate bodies. That investigation should continue.

The Lord Bishop of Leeds: My Lords, if standards in public life are being upheld, what could we expect to see if public ethics were being corrupted and standards were not being upheld?

Lord True (Con): My Lords, I understand the tenor of the right reverend Prelate's question. I repeat what was said in the Statement: it is for us all in public life to choose for ourselves how to respond. The context of this is not only the allegations that have been made; there is also a wider political process intended to denigrate the Prime Minister. Those are both aspects of this situation. In saying that, I do not underestimate the importance of any of the matters that people raise. They should all be properly investigated.

Baroness Symons of Vernham Dean (Lab): My Lords, does the Minister really believe that the Prime Minister forgot a meeting with the noble Lord, Lord McDonald, the head of the Foreign Office? Does he really believe that the Prime Minister forgot such an important meeting over such a crucial matter when he denied that anybody had given him notice of the alleged activities going on?

Lord True (Con): My Lords, I do not know the circumstances of the alleged meeting. I saw the press release from the noble Lord, Lord McDonald, but I do not think it referred to a personal meeting he had had with the Prime Minister. If the noble Baroness is aware of that, obviously I will stand corrected. She will know from her great experience in public affairs that in the course of life in No. 10—I had the privilege of working there for four years under Prime Minister Major—events crowd in on every individual in that place. That is the reality of the matter.

Lord Cormack (Con): My Lords, has my noble friend read the devastating letter sent today by the noble Lord, Lord McDonald? Does he not appreciate that increasing numbers of people in this country, both in and outside Parliament, believe that the continuance in office of the present Prime Minister is incompatible with the maintenance of standards in public life?

Lord True (Con): My Lords, others have their view. I have seen the press release from the noble Lord, Lord McDonald. I thought it unusual for him to release such a letter to an investigation process which will necessarily be confidential, but that was his decision. In relation to the events that took place, I quote from his press release in relation to Mr Pincher:

“An investigation upheld the complaint; Mr Pincher apologised and promised not to repeat the inappropriate behaviour. There was no repetition at the FCO before he left seven months later,” to take up another appointment. That part of the track record also has to be taken into consideration.

Lord Watts (Lab): My Lords, is it not the case that the Prime Minister hides behind this idea that there will be an investigation? He knows quite well that the longer it goes on, the less it will be in people's minds and the more likely there will be another scandal to deal with, so people will forget about the first one. Is it not about time that Ministers stopped protecting this Prime Minister and asked him to go before the people do?

Lord True (Con): No, those matters are, as the noble Lord quite rightly says, for the British people, who elected this Prime Minister. So far as investigations are concerned, we have processes. We all believe we should have those processes and, when investigations are launched on accusations—a formal complaint has been made to the grievances process—due process in this country is that the investigation should take its course confidentially, with all those involved being able to give evidence for and against and the truth being established. That is the tradition in our country, in our courts and in our Parliament. It is not hiding behind the matter; it is the appropriate process to achieve justice and truth.

Baroness Wheatcroft (CB): My Lords, the issues over standards come so thick and fast that I wonder whether the Minister accepts that they are detracting from the business of government. I have a degree of sympathy with him; he may have some difficulty in accepting that. Yesterday, he found himself in the Moses Room, having to defend the Government for coming to the Procurement Bill with more than 300 government amendments at the start of Committee. This is not the way to run government. Will he accept that the issues over standards are failing the Government and the country in the way that we are governed?

Lord True (Con): No, I do not accept that in the most general terms. I believe many people in this House and outside this House have very strong views about the individuals concerned in this, including my right honourable friend the Prime Minister, both for and against. The mechanisms for upholding standards in public life are important and we should allow them to run their course. I stand by the words put in the Statement earlier. However, with regard to the Procurement Bill yesterday, I did apologise. I do not think the noble Baroness was in Committee. I took what I thought was appropriate action to address the issue and I hope we have found a way to proceed to the convenience of all parties, although that is subject to proper negotiation in the usual channels.

Procedure and Privileges Committee

Motion to Take Note

3.34 pm

Moved by The Senior Deputy Speaker

That this House takes note of the Report from the Select Committee *Sitting times of the House: information relevant to the House's decision* (1st Report, HL Paper 12).

The Senior Deputy Speaker (Lord Gardiner of Kimble):

My Lords, this first Motion invites the House merely to take note of the report of your Lordships' committee on the sitting times of the House. Normally, the House would be invited to agree a report from the committee, but on this occasion our report makes no recommendation to the House. Instead, this report seeks only to provide information relating to the second Motion standing in my name, which has been tabled to enable the House to come to a decision on sitting times.

Your Lordships' committee has not taken a formal position on the second Motion, or on the amendments to it; nor have I. Should they choose to, individual members of the committee will vote as they see fit. I shall not vote in any Divisions. I hope it will assist the House if I begin by explaining the procedure to deal with these Motions.

Today's debate will take place on the first take-note Motion and, once that is complete, I shall respond. This is a neutral Motion to take note of the report and it does not invite the House to come to a decision. Following that debate, I shall then move the second Motion—the substantive Motion for resolution—formally, without making a further speech. Amendments will be taken in the order they have been tabled, although if the first amendment, in the name of the noble Lord, Lord Forsyth, is agreed to, it will pre-empt the others. Similarly, if the amendment of the noble Lord, Lord Taylor of Holbeach, is agreed to, with or without the further amendment tabled by the noble Lord, Lord Balfe, that will pre-empt the last amendment, tabled by the noble Lord, Lord Young of Cookham. Finally, once the House has decided on all the amendments, the question that the substantive Motion, amended or not, be agreed to will be put to the House.

I turn to the background of today's debate. Noble Lords will recall that on 13 July last year the House debated the first report of the Procedure and Privileges Committee of the previous Session, which proposed various adaptations to our procedures as we returned from a hybrid House to in-person sittings. The noble Lord, Lord Adonis, tabled an amendment, proposing that the House should sit at 1 pm on Mondays, Tuesdays and Wednesdays. The amendment was defeated by 296 votes to 234. As I said in response to that debate, the task of your Lordships' committee is to keep our procedures under review, and in this case we saw benefit in considering sitting times in more detail, gathering evidence and taking soundings to enable the House to have a more reflective, informed debate.

Your Lordships' committee therefore considered a range of options, seeking advice on their impact on Members, on Select Committees, on public access and on other services. On the basis of that advice, we identified the option set out in today's second Motion: that the House should sit at 1 pm on Tuesdays and Wednesdays, normally rising on those days by 8.30 pm. We identified this as manageable.

Our next step, on 6 April, was to send a parliamentary notice to all noble Lords, seeking your Lordships' views on the proposal. We set up a dedicated email account, to which noble Lords were encouraged to send their thoughts, and those members of the usual channels who sit on the committee were encouraged to

initiate discussions in party and group meetings. The results of this consultation are summarised in the report from paragraph 10 onwards. As far as we can tell, on the basis of a small sample, views are balanced between those favouring earlier sitting times and those opposing them. While some noble Lords suggested variations on the committee's proposal, there was no clear consensus on such changes and for that reason the committee, when considering the responses to the consultation, decided to put the original option, unamended, to the House.

That is a very brief outline of the work your Lordships' committee has undertaken, but I hope it demonstrates that a lot of time and effort has gone into the report that is on today's Order Paper. We have received input from across the administration and from bicameral services; we have discussed options at a series of meetings over almost the last six months; and we have conducted an open consultation, providing all noble Lords with an opportunity to comment.

This consultation, in my view, was in no sense rushed. It began before the Easter Recess, when my open letter inviting views on the proposal was first circulated to noble Lords, and continued until the responses, along with feedback from discussions in party and group meetings, were considered by your Lordships' committee on 7 June. A consultation of this kind by the Procedure and Privileges Committee is, I am advised, unprecedented, as is today's debate, at the end of which I hope the House will come to a clear decision.

In all this work we have been motivated by a desire to assist the House in coming to an informed decision. We have sought to gather information and evidence and to produce a workable option for the House to debate and decide on. That option is a compromise and, like all compromises, there is a risk that it will satisfy neither those who want more radical change nor those who oppose change. However, we felt it was better to put a considered option on the Order Paper so that Members could have an informed debate and table amendments.

I repeat, as I said at the outset, that neither I nor your Lordships' committee has taken a formal position. I shall not vote in any Divisions, and my role today is purely to assist the House. It is for your Lordships, as a self-regulating House in matters of our procedures, to debate and then decide. I look forward to listening to the debate. The decision is now in the hands of the House. I beg to move.

Lord Forsyth of Drumlean (Con): My Lords, I will speak to the amendment in my name. I shall want to divide the House and my understanding is that that will come at a later stage.

The Senior Deputy Speaker has explained why we are faced with this very unusual precedent and these amendments. Having listened carefully to what he said, I have to say to him that I still do not really understand why we are having this debate at all. We decided this question less than a year ago and the House rejected the idea of changing our sitting times. Is the Privileges Committee going to do an annual test? Are we going to discuss this every year? Why are we ignoring the result we saw before?

Lord Foulkes of Cumnock (Lab Co-op): Will the noble Lord give way?

Lord Forsyth of Drumlean (Con): No.

My noble friend said that he has carried out a consultation. Some 49 people responded to that consultation out of 767 Peers. One of those 49 was me, writing on behalf of the unanimous view of 12 members of the executive of the Association of Conservative Peers. It is somewhat misleading to say that there has been a consultation. It is true that various groups discussed this. We discussed this in the Association of Conservative Peers and there was pretty strong and robust support for things staying as they are, partly because it would be pretty well impossible for us to hold our meetings at the time we held them in the past—

Noble Lords: Oh!

Lord Forsyth of Drumlean (Con):—without taking people away from the business of the House, which I would have thought all Members would think very important.

The very helpful paper my noble friend has produced helps us with

“information relevant to the House’s decision”.

The very last point before the conclusion in paragraph 22 is headed “Educational visits”. One effect of these changes would be to absolutely trash the number of children able to come and visit this House. That is really important, especially at a time—the noble Lord opposite does not think it is important—when Parliament is perhaps not fully understood in the outside world and is facing a degree of, shall we say, contempt.

For those Members suggesting that it will not have a profound effect, I talked to people in the education centre. One of the effects on Wednesdays will be that many of the children will not be able to go into either Chamber because it is Prime Minister’s Questions at the other end of the building and, for security reasons, the Chamber would have to be closed at 11 am if we were starting at 1 pm. By my calculations, some 60% of up to 21 schools with 36 students will find that they are not able come at all. Others will find when they come that they are not able to come into this Chamber. That would be a great tragedy especially if, as I was told this morning, most schools might cancel if they could not get into either Chamber. We understand that. These schools book up to a year in advance, but we are deciding on this now. If we decide to support the Motion, they will all be written to and told that they will not be able to come. That would be an absolute disgrace and a very odd thing to do for a House that spends 6% of its budget—some £9 million—on outreach to schools. It would be extraordinary for us to change our sitting hours at the expense of those children. This is very important.

3.45 pm

Secondly, one-third of our Ministers are unpaid; they act out of public duty. They are expected to stand at the Dispatch Box and answer for the whole Government, unlike in the other place, where they answer for their departments. Your Lordships ask some pretty penetrating and well-informed questions and, if Ministers are expected to do their jobs well and give proper answers to our questions—this perhaps does not always happen—their

being briefed to do so would take time out of the mornings when they are supposed to be running their departments. Is that fair or sensible? I think not.

I know that this is motivated by some people’s belief that they might finish business here at 8.30 pm and be able to get home, but that does apply to me or the noble Lord, Lord Foulkes, who come down from Scotland for four days. I am happy to give way to him now.

Lord Foulkes of Cumnock (Lab Co-op): I am grateful. Earlier, the noble Lord mentioned the Motion that was previously defeated. It was defeated because it included Monday, and those of us who live outwith London cannot get here for 1 pm on a Monday. This Motion does not include Monday, which is why it should be supported.

Lord Forsyth of Drumlean (Con): I am grateful to the noble Lord but, if we defeat this Motion now, he will no doubt say, “Actually, the Motion was defeated because it didn’t deal with Thursday and the need to get back early”—that is not an argument. The fact is that the House decided something less than a year ago and it is being brought back for no apparent reason.

My point was that some people think that they will be able to finish at 8.30 pm because there will be an 8.30 pm rule. We already have a 10 pm rule, but I have recently sat here until 2 am; what makes people think that an 8.30 pm rule would make any difference? How long will it be before those who wish to vote for this measure because they would like an 8.30 pm rule succumb to the Whips—whoever is in power—and the idea that we should have a guillotine, like at the other end? That is why we get vast amounts of legislation that has not been properly discussed, debated and considered. The notion that we should try to organise our affairs on the basis of a fixed finishing time is deeply damaging to the very basis of this House.

With the greatest respect, I suggest that it is very naive to think that we will be finishing at 8.30 pm when, in recent months, individual Members have tabled more than 100 amendments to one Bill. In this House, we have the right to speak to all these amendments, so how long will it be before the desire to finish at a particular hour results in the distortion of our procedures?

The noble Lord, Lord Foulkes, might accuse me of being nostalgic, but I remember the other place in the days when we had a 10 pm vote. You knew that, if you were getting the runaround from the Minister’s private office, you could say, “I’ll see your Minister at 10 o’clock and I’ll tell him how unhelpful you’ve been”. I remember that we all had to be in the Lobbies together because we voted at 10 pm, which meant that you were able to talk to colleagues about constituency and other issues.

I also remember the way in which the dining rooms worked: Labour sat at one end and Tories sat at the other, and you had to sit wherever there was a vacancy. You would get hilarious occurrences where Ted Heath had to sit next to Mrs Thatcher, or something else of that kind. That camaraderie and involvement are absolutely essential to the political process.

If we finish at 8.30 pm—assuming the optimists are right—it is too late to go anywhere else for dinner, and noble Lords will either be stuck here or will go home. I suspect that what will happen here will be exactly the

[LORD FORSYTH OF DRUMLEAN]

same as has happened in the House of Commons: the catering services will lose a huge amount of revenue, because people will disappear, and then close. The effect in the House of Commons has been absolutely disastrous. What will happen then to the staff in the catering departments?

By the way, on the issue of staff, it is extraordinary that not a single member of staff was consulted on these proposals—they are affected by this, including our doorkeepers and the catering staff. Not only that, if noble Lords agree to this Motion today, we will find that in less than three weeks of sitting time it will all have changed. The proposal is that all of this will change as of September, so everyone's hours will change. I am very surprised, having listened to questions about the importance of consulting staff and everything else, that this Motion should be in front of us.

If this all sounds a bit negative, I have a proposal. There clearly is a problem in our House with the conduct of business, but it should not be addressed by piecemeal changes of this kind. We all know that this is ridiculous; our speaking time can be reduced to a couple of minutes on really important issues of national importance—of which this is not one. Our ability to deal with legislation sensibly involves sending amendments down to the other place that it might conceivably accept, as opposed to amendments which are part of a political platform or campaign, and our ability to ensure the proper consideration of committee reports. On that, committees often sit beyond 1 pm; what are Members meant to do if they are to be here in the Chamber for Questions? All these things need to be considered. I respectfully suggest to the Procedure and Privileges Committee that it might try to convene cross-party agreement as to how we could change our operations in a way which will enable this House to do its best and to draw on the talents within it.

This is the final point I will make. We often tell people that this is a House of great expertise—and so it is—and a polite House which considers things carefully. A move in this direction is a move to a full-time House and away from noble Lords having interests outside the House. I know some people think that it is bad that some noble Lords have interests outside the House, but how are you going to have up-to-date expertise if noble Lords do not have these outside interests? If this is the reason that we tell people that we have an unelected House of expertise, what on earth are we doing moving a Motion such as this, which takes us in the direction of being a nine-to-five, full-time House, paid, and not populated by people who give it their best out of duty to their country and to our parliamentary system of government?

Lord Taylor of Holbeach (Con): My Lords, I hoped that I would not have to move an amendment to the Senior Deputy Speaker's second Motion, but I am very unhappy, as my noble friend Lord Forsyth has clearly enunciated, with the way in which procedure is being used in this matter. The collegiate nature of this House means that the procedures are being abused by a consultation which was long in preparation—the consultation paper was available in January—but which did not come to us until just before the Easter Recess.

We do not achieve change in this House when there is no consensus. The formula of a take-note Motion and a binding decision being grouped together, as they are today, is not only unusual but, it has been said, unprecedented. I see it as an abuse of the House's procedures. It could have been handled so differently. We could have had a proper debate and then a consultation, but that was not to be. I am sure the whole House, whichever way it feels about the Procedure and Privileges Committee report of which we are taking note, is grateful that we have this chance today, and we thank the Chief Whip and the usual channels for the extended debate we have this afternoon.

My amendment to the Senior Deputy Speaker's second Motion is one of four. We have heard from my noble friend Lord Forsyth and we will hear two others; they are all anxious about the consequences of the changes proposed. As has been said, less than a year ago, on 13 July, we discussed these matters: 530 Peers voted on the issue and we had if not a huge majority then a substantial majority of 62. The item was given considerable debate—I looked at it and at the notions that were exchanged. Compare that with 49 individual responses to the consultation. It is the fact that the consultation was, in my view, so poorly handled that has led to us feeling so disquieted this time; it seemed to make no difference whatever to the way that the Procedure and Privileges Committee handled the suggestion in the text of the consultation. None the less, it was a fairly evenly divided consultation.

I do not know whether noble Lords will remember, but we got an email—a parliamentary notice—immediately before we rose for the Easter Recess, when most of us go home and have no contact with our parliamentary email; it is actually difficult to interact with your parliamentary email if you are outside London, and a lot of people were not able to respond to the consultation. I ended up writing a letter to my noble friend the Senior Deputy Speaker—noble Lords will know that we are old colleagues and friends—so I suppose I count as one of the people who was against these proposals.

We were given options. The options were extremely complex and it was quite difficult to choose as to who would start and when and what they would do with them. I am not surprised that the consultation did not attract a lot of individual respondents; just look at the number of Peers here this afternoon, even those who applied in aggregate. I understand that the Lib Dems submitted a large number of supporters for the proposals in aggregate, and we know that the Association of Conservative Peers did so, but how many individuals in this Chamber today actually voted in this consultation? Had we done so, we might have saved the embarrassment of having to reject a proposal that was made in all good faith—we decided on 13 July last year.

When the committee met on 18 November, I think, in any other business a member of the committee proposed that it should consider changing to two days—exactly the proposal that has now appeared. The Procedure and Privileges Committee agreed to work up this proposal. That was made available at a meeting on 21 January. As far as I can see, that is the proposal, more or less, that we are dealing with today.

But Members of the House were not involved—no one asked us. It chose to do so just as we rose for the Easter Recess, and the conclusions of the committee were published the Tuesday immediately after we returned from the Jubilee Recess. Perhaps I am paranoid about this, but I feel there was momentum for pursuing an objective which appealed to individuals in this House without any real input from its membership.

4 pm

Lord Hunt of Kings Heath (Lab): My Lords, I do not think anyone in this House would accuse the noble Lord of paranoia, because he is held in very high respect. However, frankly, whatever the consultation process—maybe only 49 people replied, although in aggregate there were many more—surely we have the information here today. We have a report and we are obviously going to have a very long debate. What is wrong with deciding on this matter today? I do not understand why the consultation is deemed to be so at fault that it negates the whole operation.

Lord Taylor of Holbeach (Con): As the noble Lord will know, my amendment is based on the idea that we should have change in this House. The House can cope with change—of course it can—but it needs to be less precipitate than this process. The general view on the referendum in Scotland, for example, is that, having had one, we should not have another for 10 or 20 years—once in a generation. I am not suggesting for a moment that this House operates on that sort of principle, but I am suggesting that there has been an impatience to get to this point. Why did we not have a debate today on these proposals and then vote? Why did we not have options?

The report was sent to us after the decision had been made to mandate the chairman of the committee to propose a Motion for change here. That is the wrong way to go about these things. It is mainly because of this that I am on my feet today; I would like to think that we could do things better. We can get agreement in this House for change—we will need some, because it is not functioning particularly well at the moment, if I may say so. Therefore, we ought to have an acknowledgement that the membership of the House is here to contribute to this change and not to be ridden roughshod over.

I fear that this proposal—coming so soon after the House decided that it would like to go back to the hours it had before Covid—is a mistake. I think it will lead to bad feeling in the House and make it a less pleasant, congenial and sociable place to work. Of course it is a place of business and earnest intent, but we are earnest because we are a collegiate body in our thinking. I think of all the assets of this House; it has expertise and people of talent, but it does things together. That is why I propose a different way of going about change, in this case and in future.

In the meantime, I back my noble friend Lord Forsyth's amendment, because I believe it is the only way in which we can bring the Procedure and Privileges Committee to realise that there is a way of going about these processes.

Lord Balfé (Con): My Lords, I have tabled a very small amendment to the amendment in the name of my noble friend Lord Taylor, purely to ask that we

look at having normal voting time ending at 8 pm. I realise that there are all sorts of complications about votes that can be taken on quorums and other things, and that is why I have asked for this to be looked at by this committee.

I ask noble Lords to remember that many of us do not live in London, and if we are going to get home, we need to leave this place at a reasonable hour. The House—particularly the Leader of the House—has resolutely set her face against any form of overnight allowance for those of us who do not have properties in London, so we are faced with a bit of an opportunity: either we stay or we go. We do not seem to have any official pairing system, though I look at the Benches opposite and thank various noble Lords from the Labour Party who have agreed with me when I have said, "Shall we both go now?"

If we are going to get around this body being London dominated, I feel that we have to look at the democratic pursuit of giving a vote. Far too often, I have stayed in this House until 10 pm—

Baroness Manzoor (Con): Of course, for some of us who live further than just outside London, we could not finish at 8 pm and still get home. I just wanted to make that point.

Lord Hunt of Kings Heath (Lab): My Lords, surely the best way to allow people to get home is to have more reasonable sittings, during sociable hours.

Lord Balfé (Con): It probably is, but I do not want to upset the rest of the balance of the House, and I have a lot of sympathy with what the noble Lord, Lord Forsyth, has said. I often stay fairly late, but on occasions we have family matters and other things which mean that we need to leave a bit earlier. At the moment, my wife is none too well, and I need to get home by 10 pm at the latest—so there is a bit of special pleading here, I agree.

If we are going to have a committee to look at things, this is one of the things it should look at—although if we do not have a committee, there is nothing to look at—because inevitably, coming down the track, there is going to be a demand for fixed voting times. It is fairly common in most legislatures in Europe—indeed, it is not unknown for the House of Commons to have fixed voting times. So, there might be something to be said for this.

If my noble friend Lord Taylor moves his amendment, I hope that this small amendment can be carried to extend the extent of the options that are looked at. If it is carried, I also hope that whoever carries out this consultation will do it on a much wider basis than the last one. We need to have a full consultation where all Members can have an input and make their point. I am not against reform, but I am not sure that this reform, at this time and in this form, is exactly what we want.

Lord Young of Cookham (Con): My Lords, my amendment will not take a moment to explain and is very simple. It is relevant only if the House decides to change the sitting hours by rejecting the amendments moved by my noble friends Lord Forsyth and Lord Taylor.

[LORD YOUNG OF COOKHAM]

My proposition is that, before committing itself to the change as proposed by the noble Lord, Lord Gardiner, the House should simply do what it has done on previous occasions when considering far less radical changes to its procedures. In those cases, the House has piloted the changes first and then decided whether they should be made permanent in the light of experience, rather than taking a leap in the dark.

The House trialled adding explanatory statements to amendments in 2018, and that was made permanent in 2019. In 2015 it piloted a new process for allocating Questions by ballot in the recess, and that was made permanent with minor changes a year later. Earlier, we trialled a new procedure for repeating Urgent Questions, and that was made permanent after a year. Those changes are all trivial compared with the proposition before us today, with all the implications that have been set out so clearly in the speeches we have heard and are going to hear.

When I was in the other place and voted on similar changes to the sitting hours in 2005, the changes were agreed to on an experimental basis. I do not need to tell your Lordships that changes to the sitting times have a far more dramatic effect on your Lordships' House than on the other place, because although we are a full-time House, we have part-time Members. One of the strengths of your Lordships' House is that expertise, and the changes could have an impact on the availability of that expertise.

Therefore, before taking the plunge—the Motion does not even call for a review—we should simply do what we have done before. I believe this to be best practice: we should pilot the changes for up to four months. We should then decide whether to make it permanent, and with a measure that is potentially as divisive as this one is, I believe that a pilot is the best way to resolve the conflicting views on the impact of change. We will then have evidence which we do not have at the moment. I am cautious about the binary approach we are presented with; I prefer a dress rehearsal before the curtain goes up.

Finally, I hope that my amendment will be supported not just by those who are fearful of change but by those in favour. If they believe the change to be beneficial, they have nothing to fear. Therefore, if the earlier amendments are defeated at the appropriate time, I will move my amendment.

Lord Grocott (Lab): My Lords, just to try for a moment to inject a sense of proportion into this debate, we are discussing in essence whether on two days of the week instead of finishing at 10 pm we should finish at 8.30 pm, with corresponding earlier starts on those two days. It is not the red revolution; it is a minor procedural change.

I would like to inject something that is rarely injected into these kinds of debates and offer to the House one or two facts—not opinions; these are facts. When I was Chief Whip, in the long reaches of the night—you never leave the building when you are Chief Whip, as I know people who have filled the post will confirm—I would occasionally get bored waiting for the place to finish. You walked round the Palace of Westminster—this was after the Commons had changed their hours—and

the place was like the “Mary Celeste”. The only place where there was a sign of life between 9 pm and 10 pm was in this Chamber—I have no reason to believe that it has changed.

I took the step of carrying out an independent piece of research to record the number of people in the Chamber between 9 pm and 10 pm, not including of course the people who had to be here: that is, the staff; the person in the chair, who is a Member; usually two on the Government Front Bench; two on the Opposition Front Bench; two on the Liberal Front Bench and maybe one on the Cross Benches. Therefore, six or seven people have to be there—if you like, it is their job. However, the numbers I was interested in were of the people who were there by choice, who as Back-Benchers chose to come in. I had to give a wry smile at the comment from the noble Lord, Lord Forsyth, that the current arrangement enables us to “draw on the talents” across the House. All I can say is that it draws on a very small number of talents across the House between nine o'clock and 10 o'clock at night. These are the figures—I do not mind putting them in the record. I have all the facts here: it is one of those things that you very nearly throw out of your filing cabinet time and again.

This was from 2003, but it has not really changed much. Attendance of Back-Benchers between 9 pm and 10 pm: 10 February, Courts Bill, six; 17 February, Community Care (Delayed Discharges etc.) Bill, six; 24 February, Licensing Bill, six; 25 February, Crime (International Co-operation) Bill, three; 24 March, five; 31 March, 12; 7 April, seven; 10 April, two; 18 May, three. Those are the people participating in the procedures of the House between nine and 10 o'clock at night who have the choice whether to participate or not.

4.15 pm

I think that displays one pretty obvious fact, but it is worth emphasising. The extent to which this House does its job well—and I have to assume that people being here is better than people not being here when we are scrutinising legislation—is very strongly correlated to the time of the evening when the debate takes place. That is a fact. So those of us who would like to see an earlier finish can be sure of one thing: we are enabling the House to do its job more effectively. I address that to many of the people who seem determined to keep things as they are: they will be voting for the House to do its job less effectively. By the way—I do not want to be rude or unfair to people—if you insist on this change not taking place and the House sitting on Tuesdays and Wednesdays between nine and 10 at night, please put your body where your mouth is and let us see you all here between nine and 10 at night when the opportunity next presents itself. Do not hold your breath.

I shall make a couple of other brief observations that arise from the facts I have described. One is the staff. I am glad that the noble Lord, Lord Forsyth, mentioned them. I should like to know how members of staff feel about sittings going on and on. This is the essence of my argument. We have the choice whether we are here or not. There are not many jobs in the world like this. I will not mention the various offices

I have spoken to, because of course they are nervous about giving evidence about what they think about this, but when they come to work in the morning at nine or 10 o'clock, they do not know when they are going to go home at night. We know, if we want to. We cannot go home—certainly, I cannot—but at least we can leave the building. We can make that choice; the staff cannot.

Lord Forsyth of Drumlean (Con): I have the greatest respect for the noble Lord, especially as a former Chief Whip, but has he not noticed that there may be half a dozen people in the Chamber discussing a particular amendment, but a lot of us are sitting either watching our screens or doing work, and we are required to be here because there is a Whip on? I should have thought that, as a Whip, he would not be putting forward the argument that anyone can go home when they like.

Lord Grocott: Can I just answer that?

Baroness Jones of Moulsecoomb (GP): I was going to answer it for you.

Lord Grocott (Lab): It is a job share with us.

Baroness Jones of Moulsecoomb (GP): I wonder whether the noble Lord, Lord Forsyth, has checked how many people are actually in the bar rather than at their desks.

Lord Grocott (Lab): The noble Lord, Lord Forsyth, knows that the number of occasions when there are votes between nine and 10 at night is very much a minority of the sitting days of the House. Of course, it is true—we all know this, in the other Chamber as well as this one—that the number of people working is considerably more than the number of people participating in a debate, but I still stand by those statistics. To keep the whole Chamber functioning for the number of people—three, four, five or six—who actually want to take part in the debate is out of all proportion.

Baroness Fox of Buckley (Non-Afl): A number of noble Lords have raised the issue of staff in the House, and I am very sensitive to the inconvenience posed to them when we are working late. If it were the case that we had this Motion put forward, that there had been a consultation of staff who worked in the House of Lords, that there was a kind of rebellion and that they were demanding this because we were inconveniencing them, I should be very sympathetic. I am rather nervous of using them as a stage army on either side of this argument, because this has been put forward around the convenience of Members of the House of Lords and not the staff. Until we ask the staff, I do not think any of us should speak on their behalf. It seems inappropriate and cheap, frankly.

Lord Grocott (Lab): I am sorry to be accused of being cheap for discussing this with members of staff. I do not pretend that it was a representative sample or represents the majority—I cannot know that; consult the trade unions, perhaps—but I do know as a matter of fact and common sense that, if you are in a job where you start work at a set time in the morning and

do not know from day to day what time at night you will finish, it is generally not a popular working practice. I think we should bear that in mind.

My final point is the same as the one the noble Lord, Lord Young, made—

Lord Moylan (Con): I am genuinely puzzled by the noble Lord focusing on the end of the day and on this point about staff. Members of staff will still start out at a certain point in the morning and still will not know when they are going home at night, unless the 8.30 pm rule is going to be enforced by some means that has not been proposed. They could still be here at 10 pm. So I am genuinely puzzled as to how the noble Lord thinks this will resolve the issue, as opposed to shifting the time.

Lord Grocott (Lab): If the noble Lord wants to put down an amendment saying that the 8.30 pm rule or the 10 pm rule should be compulsory and there must be a guillotine at that point, that would be worth considering, but I do not want to be too revolutionary.

I will try to conclude now, and I want simply to say this: all changes in this House of any procedural kind have nearly always been ferociously opposed. The one that I still bear the scars of is one we dealt with some years ago: changing Wednesdays and Thursdays. I know that most noble Lords will look blank when I mentioned this, especially if they have come here reasonably recently. Until this change took place, Wednesdays were the day on which general debates took place, along with Private Members' Bills and non-divisible Motions. On Thursdays, we reverted to government business and—I will say this slowly—we started at 3 pm, finishing at 10 pm. It was not very friendly for people who do not live in London. That change of swapping those two days, which I suggested, was ferociously opposed. I do not think—although I will happily be intervened on if necessary—that there is a soul here now who would say, "Let's go back to that. Let's go back to starting at 3 pm on Thursdays and finishing at 10 pm".

Lord Hunt of Kings Heath (Lab): My Lords, I see that the noble Lord, Lord Strathclyde, is about to rise. I want to remind my noble friend that, when the noble Lord was Leader of the Opposition, he thought that the end of civilisation would come if we swapped Wednesdays and Thursdays. The reality is that we are still here.

Lord Strathclyde (Con): The memory of the noble Lord, Lord Hunt, may well be considerably better than mine but I remember being very much in favour of swapping Wednesdays and Thursdays, because it made such good sense. I am sure that the noble Lord will check the record, but I think he will find that I am right. However, I agree that there was some opposition, for all sorts of perfectly good reasons that, I am glad to say, turned out not to be favoured by the House.

Lord Grocott (Lab): All I can say is that, if the noble Lord, Lord Strathclyde, backed the proposal I put forward at the time, he did it in a very opaque way. Check the record, by all means, but I fear that his memory may be serving him as badly as the Prime Minister seems to be serving him.

[LORD GROCOTT]

The other change, of course, was to the functions of the Lord Speaker. Every single stage of that was resisted as being a serious threat to our democracy.

At all stages, once a change has been tried, no one has ever suggested going back. So let us get this in proportion. At the very least, let us finish at 8.30 pm and start an hour and a half earlier, if necessary accepting the amendment in the name of the noble Lord, Lord Young, and doing it on an experimental basis. Let's not get too worked up about it—let's just do it.

Viscount Hailsham (Con): My Lords, I rise briefly to support the amendment tabled by my noble friend Lord Forsyth and, if necessary, either of the amendments in the names of my noble friends Lord Taylor of Holbeach and Lord Young of Cookham.

I declare an interest, although I do understand that in doing so, I might induce some of your Lordships to vote for the substantive Motion. This House contains many Members for whom membership is not their sole or main occupation, and I am one such. As the register of interests will make clear, I still act as a legal assessor to regulatory panels and frequently, the class of case that I do finishes in time for me to participate in the afternoon business of the House. The substantive Motion, if agreed, would diminish the occasions when that was possible.

That brings me to my main point, which I express in general and not personal terms. One of the generally acknowledged strengths of this House, increasingly unlike the House of Commons, is that many Members of it have business, professional, commercial and other demanding activities outside their membership of this place. They bring to this House current and personal experience which is of great value to their deliberations here. The substantive Motion would inevitably diminish their ability to do so and, perhaps, the willingness of such people to join this place. In my view, that would be a very great loss.

The second point is perhaps a more speculative one, and it echoes what my noble friend Lord Forsyth was talking about. When I was first in the House of Commons, we usually voted at 10 pm. That was often very inconvenient from a social perspective, but it had two great advantages, both of them touched on by my noble friend. First, it was a very effective way for Back-Benchers to express their concerns to Front-Benchers. "I will see you in the Lobby" was a frequent and genuine response to the request by a Back-Bencher for a meeting with a Front-Bench colleague. Secondly, it reinforced the collegiate character of Parliament, which I believe to be very important. The advent of family hours in the House of Commons, for which I acknowledge there was a legitimate case, removed the first advantage and greatly diminished the second. I fear that by making the changes suggested in the substantive Motion, we would bring about very much the same result as the changes made in the House of Commons.

So I have concluded that the advantages proposed in the substantive Motion are not sufficient to compensate for the disadvantages which I hope I have briefly identified. Therefore, I will strongly support the amendment in the name of my noble friend Lord Forsyth.

Viscount Stansgate (Lab): My Lords, I am a bit nervous about contributing to this debate, which I had not intended to do. Your Lordships will think of me as a new Member. I was elected a year ago next week and took my seat on 6 September 2021; that is my experience. Of course, I have been much struck by the fact that in that time, this House has sat for a great deal longer than the other place, and my respect for the work of this House has increased.

The question of sitting hours is very difficult. I have been present at debates of great political heat, but there is no doubt that a subject such as this is something your Lordships will contest very keenly. This is a free vote; I shall demonstrate that by disagreeing with part of what my noble friend Lord Grocott just said, but if the last amendment standing is that in the name of the noble Lord, Lord Young, I will vote for it. It is a good idea to review whatever decision we make.

4.30 pm

I commend the work of the committee and of the Senior Deputy Speaker. It is a very difficult role to perform and I welcome the way he introduced this debate. I was struck by the noble Lord's use of the phrase "no clear consensus" in his remarks. It is very difficult for this House to reach a decision based on no clear consensus.

There are a few other points to which I will briefly allude. The noble Lord, Lord Forsyth, referred to educational visits. Funnily enough, just before I came into the Chamber, I signed up to Lords' events with outside schools. I, like other noble Lords, welcome people who come here on educational visits. It is to be encouraged.

I slightly disagree with my noble friend Lord Grocott where he began by saying that we are talking about the time we finish. We are not; in fact, we are talking about the time we start. It is suggested that because we will start earlier, we will finish earlier. Forgive me, but I feel in my bones—one of which, incidentally, was dislocated on Saturday night—that that will not necessarily be the way it turns out.

I have been looking at the Benches opposite for nine months and I think to myself, "One day, they will be sitting here". I am not so sure that my Chief Whip will not want to make sure that we stay longer to get our business through. I am very mindful of the experience of Members and there is a subset of this House who have great experience from another place; we have just heard from one of them. The collegiality to which the noble Viscount referred is highly prized in this House. I should spend more time sitting at the Long Table to prove it, and will try to do better in the future.

It will be very difficult if this House takes a decision that does not have widespread consensus. It is not that I am against change; for what it is worth—which is very little—I feel that starting at 1 pm is a sort of halfway house. If you are going to start earlier, start earlier, then we would perhaps have more time in the evenings.

Noble Lords have made points about when we vote. One of the most important votes I cast in my short time here was at 2 am, on access to medical services for women in Northern Ireland. That is a terrible time to

vote on such an important subject. Another related to police action on the Sarah Everard case, which we reached around midnight. That is a question of scheduling for the usual channels, but there is no doubt that that time of night is not a good time to make decisions. However, we need an element of flexibility, so I will wait to see which way the vote goes. The noble Lord, Lord Young, has my vote if his amendment is the last standing.

Lord Moore of Etchingham (Non-Aff): My Lords, in following the noble Viscount, Lord Stansgate, I speak as a new boy. I will perhaps give an impression of what it feels like to come into the House and look at its timetable. The pattern of the week reminds me slightly of the nursery rhyme:

“Monday’s child is fair of face,
Tuesday’s child is full of grace,
Wednesday’s child is full of woe,
Thursday’s child has far to go”.

That is roughly how it goes. Of course,
“the child that is born on the Sabbath day
Is bonny and blithe, and good and gay.”

Then we go back to this House again. That sort of works.

I cannot speak with any expertise or deep experience of any of this, but I instinctively side very much with what was said by the noble Lord, Lord Forsyth. It is very important that the House is a social institution in some senses. The conversations that take place throughout the building are a very important part of it, and a very important part of those conversations is that they are with people who have seen many different aspects of life, actively, and in other ways and other places.

As a journalist, I covered this in the House of Commons. I find it very different here—and in a good way. As a new boy, I never pass half an hour without meeting someone in a corridor, a tea room, the Chamber or somewhere from whom I learn something to my advantage. I will not be invidious by mentioning other noble Lords, but I see one behind me. I have mentioned him almost by mistake: the noble Lord, Lord McDonald, is a very interesting person to talk to at this precise moment in history, and here he is.

We need to keep that spirit in mind in everything we do. There is one phrase that I do not like hearing and have heard rather a lot about both Houses recently: “We are a workplace like any other.” We are not; we are fundamentally different from most workplaces because most workplaces, quite rightly, have an executive function by which they must get through their business as quickly as they possibly can. That is not the case with legislatures: we are deliberative, discursive and ruminative. We can sometimes be bloody long-winded, but that is not wrong. If we get rid of that and start to think that we have to do everything in a way that is compatible with all sorts of rules, HR procedures, being like everybody else and “valuing everyone”, we will be going the wrong way. We will not be doing our legislative duty. In that spirit, I am inclined very strongly to support the amendment of the noble Lord, Lord Forsyth, and to reject the proposal.

Lord Scriven (LD): My Lords, like the noble Viscount, Lord Stansgate, I stand rather nervously. This is the first time in my eight years here that I have spoken on anything to do with the Procedure and Privileges

Committee. To be honest, my eyes normally glaze over. I cannot be called a traditionalist in any way, shape or form. In fact, many people on many Benches tell me in the politest way to get knotted over my tie.

I am agnostic in this debate, apart from on one issue that the noble Lord, Lord Forsyth, raised, which is young people and educational visits. It is really important that we look at this Parliament through the prism not just of our convenience but of what it means to those outside, particularly the spark of democracy and current affairs for young people. Bringing young people into this House and getting them to see, observe, feel and touch is very important.

I looked at some facts. I am not sure whether many noble Lords are aware of the submission that the Education and Engagement Team gave to the committee that this will affect 8,000 young people. If we move the times, 8,000 young people will not be able to see this Chamber and have a full experience of Parliament. I thought it was quite discourteous of some Members to groan when the noble Lord, Lord Forsyth, mentioned this, because it is really important.

I am agnostic on this, but unless someone can explain to me how those 8,000 young people’s experiences will be allowed to take place, I feel that I cannot vote for the change in time. It is not for my own convenience that I come to that decision; it is for the convenience of those young people and the spark that brings to democracy. I am of the view that, regardless of the issues for us, unless the question of how those 8,000 young people will be able to experience this Chamber can be answered, I cannot vote for this change.

Lord Cormack (Con): My Lords, we are all indebted to the noble Lord, Lord Scriven, for making that point very clearly and pointedly. I am grateful to him.

I want to take a different approach. Whenever a change is made, one should always ask, “Who is the ultimate beneficiary?” The ultimate beneficiary here will not be your Lordships, wherever you live and however you like to conduct your day. The ultimate beneficiary will be the Executive.

I say that very deliberately, because I was 40 years in the other place and I saw the changes that took place there. I well remember the arguments over the change of hours which followed the election of the Labour Government with a huge landslide victory in 1997. There was one roguish colleague, much beloved and long lamented, Eric Forth. He was determined to, in his own words, get his own back on Labour. What did he do? Night after night after night, without any discernment or discrimination, he kept the Government up. It so happened that, at the time, I was the constitutional affairs spokesman for the party and deputy shadow leader of the House. The then shadow leader, my noble friend Lady Shephard, and I saw Mr Forth, and we tried to persuade him to discriminate, but he would have none of it. We warned him that if he went on like that, the Labour Government, having a huge majority, would do what they wanted: curtail our hours and deprive him of the opportunity he was exercising too prodigally. That is precisely what happened. As a consequence of that, we said we would reverse it when we had a Conservative Government, but of course it

[LORD CORMACK]

proved to be so convenient to the Executive, coupled with the automatic timetabling of every Bill, that the Conservative Government decided it was one convenience that they wished to keep.

The long-term consequence of that has been that the House of Commons, the other place, no longer scrutinises legislation. We frequently lament that point in this House, and we should lament it because Bills come to us with whole chunks that have not been discussed on the Floor of the other place or even in committee. I love this House and I love Parliament, but I lament what has happened at the other end of the corridor. I do not want this House to go down that road. Many a time over the past two or three years a number of us have said that we are very concerned about the increasing power of the Executive and the increasing tendency for Henry VIII powers and Christmas tree Bills, and nobody has uttered more of a clarion call on that than the noble and learned Lord, Lord Judge. I just do not want that to happen.

I shall just mention one other thing, which my noble friends Lord Forsyth and Lord Taylor referred to. The word “collegiate” has come up again more recently, with the admirable brief but forceful intervention of the noble Lord, Lord Moore. We are a collegiate body. Today, at the Long Table, we had a Labour Peer, a couple of Cross-Benchers and a Conservative, and there was a wonderful conversation in getting to know each other. One of the reasons why debate in this place is not as bitterly partisan as it is in the other place is because we know each other better. The other place does not have the Long Table, but it was so much better when Members dined in more often. I well remember in the dying days of my membership having dinner one night in the Members’ Dining Room with only one colleague present, my noble friend Lord Hailsham. We had an agreeable dinner together, but that was no substitute.

It is crucial that we maintain a collegiate atmosphere here and do not allow the Executive to take power at our gift. I urge noble Lords in all parts of the House to vote for my noble friend Lord Forsyth’s amendment, to which he spoke admirably. If we need to come back to this subject, and we probably will, let us have some real discussions involving Members in all parts of the House, over a period, and maybe three or four of the Speaker’s forum sessions devoted to this alone. Please do not make this precipitate change tonight.

4.45 pm

Lord Brooke of Alverthorpe (Lab): My Lords, I was hoping that there may have been reference to the really radical 2002 changes. Up until then, we sat through the night; then the Leader of the House, Lord Williams of Mostyn, set up a working group, a Leader’s Group, and I think there is a lesson to be learned from that. When we have a Leader’s Group, it invariably manages to deliver on its recommendations. Since we have moved away from a Leader leading in the old way and have started giving it down to sub-committees, there is not quite the same result coming out or the same respect. It is a great pity that the Leader of the House is not present today. She may have business, but this

issue has been causing difficulties for some time and I believe it is of such merit that it requires the Leader of the House to be here.

The conduct of the Chamber is now quite different from what it was when I first came in. I come from a background of rebelliousness, noisiness and the rest of it—the trade union movement—but when I came here, I learned that there was a civility that was very important indeed and ensured that we worked in a quite different way. It is certainly a different way from the Commons. When we address our issues, it is important that we are different from the Commons all the time. If the House is not to retain that difference, it needs to be either done away with or radically changed. We should continue as we are for the moment and think through any change we make.

I do not believe we have explored all the alternatives available to us. Had we had a Leader’s Group, I think it would have approached this quite differently from how the committee has. It would not just look for a range of options to present but ask people to come in with their options. There is a case for change that takes into account what we have experienced recently: remote working. I do not like the idea of changing the start time. People working outside the building are entitled to do their business, and maybe have lunch with people, and then come in at 2.30 pm.

It is increasingly difficult to see people staying late in the evening; very few participate until we come to the votes. One way in which we can hold the Government to account is to ensure that more people vote in the later votes. We could have done that by exploring whether we should have tagged on remote participation between 8.30 pm and 10 pm, two days a week, on an experimental basis. That would have been really worth looking at—a radical change, moving with the times.

I am very much inclined towards the view of the noble Lord, Lord Forsyth, as noble Lords can probably gather from what I am saying, but I do not believe the issue should be totally dismissed; we should continue to look for change. That leads me to give my support to the recommendation by the noble Lord, Lord Taylor of Holbeach, that we take a little more time over it, get the Leader of the House involved, and perhaps extend the range of people involved in the deliberations and ensure that there is a wider range of consultation than—and a different consultation from—that which we have had under the present arrangement. That also gives us a change to perhaps build on what we have, not detract.

Baroness Jones of Moulsecoomb (GP): My Lords, as the first woman to speak in this debate, I would like to say that I support the original idea from the Procedure Committee. I thank the Senior Deputy Speaker for bringing this to a vote, which I was very concerned about. This does not go far enough for me. I think we are limiting ourselves by starting so late in the day. I also apologise to the noble Lord, Lord Grocott, for attempting to reply in his place. I am really sorry about that. I will do my best not to do it again, but that is not a promise, just a hope.

Society has changed and this House is not keeping up with society. There are people here now who actually have happy home lives. We do not want to stay for

social stuff. We do not want to be collegiate. We want to do the job and then go home perhaps and have a glass of wine with our partner rather than, forgive me, other noble Lords.

For me, it is a dinosaur move. Before noble Lords take offence at the idea of dinosaurs, they were an incredibly successful life system. They lasted millions of years. But, of course, they were defeated by a climate catastrophe that they did not realise was coming—just let me throw that in there.

Lord Grocott (Lab): No Green Party.

Baroness Jones of Moulsecoomb (GP): Yes, there was no Green Party.

I have visits at all times of the day. I would be interested in knowing the exact details of educational visits and I personally will set some up for schoolchildren, I hope when the House of Commons is actually sitting so that they are not excluded from there.

The noble Lord, Lord Forsyth, said lots of things that I disagree with. One of the things he said was that the House of Lords is held in contempt. My experience is that the House of Lords now has more credit given to it than it ever has since I joined—admittedly I am a new Member of only nine years.

Lord Forsyth of Drumlean (Con): I did not say that the House of Lords was held in contempt; I said that Parliament was being held in contempt. On the point about school visits, when the noble Baroness says they can look at the House of Commons, on Wednesdays the House of Commons has Prime Minister's Questions, which means that school groups cannot go there. The only Chamber they can go to is here. If noble Lords vote for this Motion, they will not be able to go to any Chamber at all.

Baroness Jones of Moulsecoomb (GP): Then it is the House of Commons that really needs to change its procedures. I will look in *Hansard* and check what the noble Lord said.

I speak as an old woman here. The noble Lord, Lord Moore, used the term “old women” pejoratively. Perhaps I can urge him not to do that again.

A noble Lord: No, he didn't.

Baroness Jones of Moulsecoomb (GP): We can check in *Hansard* again. The noble Lord, Lord Cormack, said that—

Lord Moore of Etchingham (Non-Affl): Sorry, my Lords, I would just like to say that I did not use that term.

Baroness Jones of Moulsecoomb (GP): I am so sorry; the noble Lord did not use that term? We will check *Hansard*, shall we? Perhaps we can meet for coffee and discuss it.

The noble Lord, Lord Cormack, talked about the ultimate beneficiaries being people such as the noble Lord the Chief Whip. He is not sitting there with a

smile so I am not sure how much he supports the idea of the changes. It might be interesting to see which way he votes.

The noble Viscount, Lord Hailsham, talked about people working in the morning. Honestly, he would be a huge loss to this House if he were not here for various debates, but I doubt that he is here for most of the debates. I doubt that most of the people who work in the mornings are here for most of the debates. We would perhaps lose some expertise but we might gain other expertise of people who do not want to stay in the evening. Women, in particular—this is my experience so it is anecdotal—do not like staying late. They do not like catching buses and trains late at night. I understand that. I walk home. I do not want to walk home at 10 pm; 8.30 pm is quite late enough.

I have sympathy with the three other amendments in the names of the noble Lords, Lord Taylor, Lord Balfe and Lord Young. I might have voted for them, but quite honestly, we really have to update our procedures. This does not go far enough, but please let us vote for some common sense.

Lord Etherton (CB): My Lords, I would like to speak about the potential loss of expertise of those who are performing public service duties apart from being in this House. There are many people here who, by virtue of their position in the House as Peers, are asked to carry out inquiries or to chair committees or hospitals. In my own case, I have been asked to chair an independent review. It is quite impossible for many of those people, certainly in my case, to conduct a review and to get people from literally all over the country, whether as witnesses or as civil servants to support the team, before about 10.30 am. It would be impossible to carry out those tasks if the House were to start at 1 pm on the two days that are mentioned.

This is important because the people carrying out those public service functions, which should complement the work of this House, will be able to contribute a great deal of expertise which they have gained from that work and thereby enhance the reputation, knowledge and expertise of this House. I am not a diehard person who will not change. I am in favour of change but very concerned about those people who, by virtue of their position here, are performing other public functions and would find it very difficult, if not impossible, to perform that task.

Lord Wolfson of Tredegar (Con): I am grateful to the noble and learned Lord; I think he was giving way. Can he comment on the fact that the point he is making is all the stronger because of our convention that if you are not here for the first speech in a debate, you are scratched from it, and our other convention that if you are not here for the Second Reading you are expected not to participate in Committee? That would mean that if you were not here for the start of Second Reading, which could be at 2.30 pm or 3 pm, it could have serious consequences for the passage of legislation generally.

Lord Howell of Guildford (Con): My Lords, I want to bring before your Lordships a matter that has not yet been mentioned very much, although briefly by the

[LORD HOWELL OF GUILDFORD]

noble and learned Lord, Lord Etherton, just now. That is the impact of these proposals on committee work. A great many committees meet, of course, on Tuesday and Wednesday mornings—not on Monday mornings—on Thursday, and sometimes in the afternoons.

I have either chaired or sat on committees in this House for yonks—a terribly long time of 25 or 26 years—and done my best for those committees. I confirm from experience that, quite often, they go on after 12.30 pm and until 1 pm, and sometimes even after that because after the witnesses have gone an enormous amount of work tends to be done. There is an enormous amount of work in the morning as well, before the committee sits and we get the witnesses in. There is a lot of paperwork which has to be read. What would this 1 pm start on Tuesday and Wednesday do for that? The answer is that if the committee has not finished, or finishes at 1 pm, that does not give time for anyone even to go to the washroom, let alone have a bite, before they have to be in the Chamber for the early Questions.

In this digital age which we are moving into, it seems to me that these committees are greatly valued. They produce a lot of very good reports; some, I agree, just gather dust on the shelves and are never seen again, or go straight into the wastepaper basket, but a great many of them have considerable impact and greatly increase the esteem in which your Lordships' work is held. That is very valuable and will get more important in the digital age because on these committees you can go into scrutiny in detail, rather than just accepting the knockabout of the Chamber's exchanges at Question Time. Their scrutiny can drill right down into what the Executive are up to. Those committees are going to be an increasingly important part of the future and the control of the Executive, as my noble friend Lord Cormack reminded us earlier.

There really is a very important aspect to be preserved. If the 1 pm rule is going to narrow, hasten, accelerate and make more difficult the whole pattern of committee work and examination, that is a minus for the present. It is an even bigger minus for the future in the digital age where people will look increasingly to these hearings, which can be, and are, televised—sometimes they make rather better television than scrutiny in the whole Chamber. They will be increasingly valuable and important in communicating our work to the public. That aspect has to be considered before your Lordships reach any point on this.

I think it was Woodrow Wilson, oddly, who said once when talking about parliaments generally—I suppose it was about the American Congress in particular—that the Chamber of parliaments was parliament on show and that the work of committees was parliament at work. That is true; in terms of scrutiny, increasingly in this complex age, it needs the committee atmosphere to penetrate what the Executive are really up to and what is really happening, rather than the enjoyable debating exchanges in the Chamber as a whole. Unless I have a satisfactory answer to the contrary, that certainly leads me to support my noble friend Lord Forsyth's amendment and the subsequent amendments as well.

5 pm

As to the propositions the noble Lord, Lord Grocott, was advancing, I am normally a great enjoyer and admirer of the noble Lord's contributions; they are usually quite entertaining—which is more than you can say for a lot of speeches one hears in this place. However, on this occasion I could not understand where he was at. It is perfectly obvious that most Peers stay here in the evening if there is going to be a vote and their Whips have told them to vote. Those who are involved in a particular issue and who are interested stay if the debate goes on after all the Whips have been lifted. Mostly, the noble Lord will find—I am amazed he does not know this—that once the Whips are lifted, most people go home.

You also do not always know how it is going to turn out. The Whips are sometimes very nervous that there will be late voting, but later, it turns out that the last vote was at 5pm or 6pm and we could have all gone home. It is an uncertain life; it is politics; it is the way it always works and always has worked—in the other place as well as here. I am afraid it was not such an amusing speech, and it did not make sense.

I will end by reminding the House that this is not a question of being reactionary or resisting all change. It is a question of adjusting to how the giant Executive—who grow more powerful, complex and intrusive—are curbed and contained. That involves constant tensions and sometimes leads to the Whips putting on very tough voting, or to manoeuvres to avoid voting. All this goes on; this is Parliament's life. The idea that you can control this by saying, "Let's start at 1pm and go home at 8.30 pm" is an absurdity. It cannot possibly be done. I beg those who think about these things and want to see the future of this House strengthened, not weakened, by more powerful committees—which we should certainly have—to definitely back the amendment put by the noble Lord, Lord Forsyth.

Baroness Fox of Buckley (Non-Afl): My Lords, I support the amendment in the name of the noble Lord, Lord Forsyth. I want to clarify that it is not because—as has been implied—I want to fetishize tradition or I am frightened of change. You can always look at those things critically. I have just not been convinced by any of the arguments in this document, or that I have heard today, for this change.

It all seems to focus on personal convenience and ease. It really struck me yesterday, when listening to the Question on working from home as a general phenomenon in society, that in this new normal we are asking institutions to reorganise themselves around the convenience of a particularly privileged class of workers. Millions cannot have that privilege. That is a debate society is having.

However, I was rather bemused to see a similar approach in this document, even though we are not talking about working from home. There is a lot of talk of well-being and work/life balance, for example. We were told in this committee report that some of those supporting the change argue that sitting "should not have to fit around the outside interests of members." That is a criticism of somebody like me who has outside interests. Yet we are told that the changes are necessary because we should fit around

“domestic commitments or caring responsibilities”.

That seems an extraordinary shift for this House. As far as I was aware, it was not a matter for criticism to have outside interests, or a virtue to say, “I am going home to my family and caring responsibilities”. I would like to say at this point, as an apology to my family, that I do care for them and I have got them; it is just that maybe they are not as important as some of the public work we are being asked to do.

Noble Lords: Oh!

Baroness Fox of Buckley (Non-Affl): That was not meant to be the controversial bit; I might have taken a different approach, had I been at home. My point is that I do not want to be made to feel guilty about having outside interests, because this place, which, frankly, is on shaky enough democratic grounds as it is, should not suffer from ivory tower syndrome. A lot of people here have mentioned outside interests like charring committees and so on, and these are big jobs, but I am talking about proper jobs. I have a real job; it is not very expert, but it matters to me.

But we all should want to be in the real world outside this House as much as possible, volunteering and putting our finger on the pulse of society. We are not democratically elected, but we should at least pay some attention to the world outside, which is why I completely back the important points about school visits—but not just these. I like it when this place is a-buzz with visitors, and I have tried to invite people from all walks of life into this place to talk and lobby. They are not official lobbyists but ordinary-voter types who might have an opinion that you might want to hear. We should be doing this. So we should not be “accused” of having outside interests; and you cannot have those, or a job, or do any work, and get in by 1 pm; it just does not work like that. But I can do three days’ work before 3 pm.

Lord Grocott (Lab): The noble Lady’s argument is very London-centric, if she does not mind my saying so. You cannot have an outside interest in Newcastle, Stoke, Scotland or anywhere else and function in this House as well.

Baroness Fox of Buckley (Non-Affl): As it happens, this particular Lady no longer lives in London, so it is not that London-centric. I try to do lots of things wherever I am.

The report says:

“earlier sitting and rising times would allow a more normal working day”.

I emphasise that, as has been said very well by the noble Lord, Lord Moore, and others, this place should not be normal. It is a great privilege, but it is not normal. The report also says:

“Earlier rising times would allow members to get home at a safer and more convenient time”.

I thought a number of things about this, because a number of points were made about being a woman and so on. I hate late Sittings and having to hang around until midnight, but who cares? I am, by the way, an old woman—I say that for *Hansard*—but what can you do? Thinking about the public’s response to this place, I remind noble Lords that some people work nights and really long hours servicing this society,

working in sewerage, rubbish collection and all the rest of it. They get night buses, late Tube trains and so on; they cope, and we can too, so I do not agree with those points.

Finally, on the 8.30 pm finish, one of the things I regretted about coming here—there have been other things at times—was that I have to turn down a lot of public speaking in the evenings because community groups and political meetings all start at 6.30 pm, 7 pm or 7.30 pm and I cannot guarantee that I will be there because of the timings. If we were arguing to change the sitting times so that we could all be part of the public square, be participatory, do community work and so on, that would be good—but 8.30 pm does not work on any level. You cannot speak at anything; all you can do is go home and put on the telly. So it seems to me that this is much too focused around our convenience, and my instinct is that working late into the night and starting later, if we have external or outside things to do on either side, is all to the good. When we say, “We’re working too hard”, just do not say it too loudly in front of the public—come on.

Lord Hunt of Kings Heath (Lab): My Lords, I support the change. I am disappointed by some of the contributions, although I have enjoyed the mostly good-natured spirit of our debate. I agree with the noble Lord, Lord Cormack, about Parliament and this House. I have been privileged to be a Member of this House for 25 years now. What I have observed and experienced is that the best changes have been made incrementally and have been piloted, which is why I would support the amendment of the noble Lord, Lord Young, should we reach that point.

My noble friend Lord Grocott has described some of the history of the changes to this House. When I arrived in 1997, very late sittings were commonplace—up to 2 am, 3 am or 4 am, two or three times a week. However, my noble friend Lord Grocott then became Chief Whip and introduced more civilised hours, so we moved to this position of finishing generally at 10 pm. Governments of all hues have generally abided by the spirit of that convention, which is why I do not think that the transformative decision to end at 8.30 pm two nights a week will suddenly hand huge power to the Executive. When we moved debates from Wednesday to Thursday, the House continued to operate effectively.

As for personal convenience, there is of course some personal convenience in ending at 8.30 pm rather than 10 pm. However, this House is not working after 8.30 pm at the moment; my noble friend Lord Grocott has already described the figures for noble Lords working in the Chamber after the dinner break. We have all experienced this House being almost empty except for the Front Benches of the three main parties. Do we really think that the edifying sight of a House with about seven or eight noble Lords present at 8.45 pm does us credit? Surely, now is the time to move to more social hours of working.

I heard with great interest the description by the noble Lord, Lord Howell, of Select Committees and the problems they would have. However, having observed the Select Committee schedules on page 23 of our business papers today, I note that 10 of them across this week will meet during the Chamber’s sitting hours,

[LORD HUNT OF KINGS HEATH]

so the noble Lord's argument really does not stack up. It is just pure luck whether you are on a committee that sits outside the Chamber's working hours or not.

In the end, I think incremental change is the best way we can move. Moving by an hour and a half two days a week is not revolutionary; it is incremental. I was not going to support the amendment of the noble Lord, Lord Young, but he made a persuasive case that, in view of the clear disagreements among noble Lords, if we are to make a change, it is best done over a short period, which then allows for a review. I hope the noble Lord will press his amendment.

Baroness Morgan of Cotes (Con): My Lords, I rise with some trepidation to speak on this issue, particularly because I think I shall be a rather lone voice on this side of the House. On the basis that I spend my time, as part of Learn with the Lords and the digital schools project, telling young ladies not to be frightened about speaking up for what they believe, I cannot just sit here this afternoon and allow the impression to be given that, on this side of the House, there is really only one view on the Motion, because I do not think that is case. I fully take the point that any change to the House's procedure is of course an incremental process, and I realise that I am a relatively new Member of this House.

I will briefly talk about three particular areas. My first question is: why have this debate now? I thank the Senior Deputy Speaker and those on the Procedure and Privileges Committee for bringing this Motion before us this afternoon. Given the number of new Members who join this House regularly, it is right to keep testing how the House functions and to ask whether noble Lords think it is time for a change. We should not be frightened of asking those questions. As we have heard, we are talking about changes to two days. Mondays and Thursdays, and Fridays where they apply, would remain as they are now.

5.15 pm

The second issue relates to practicalities. We have heard about educational visits. Many of us have welcomed either schools from our constituencies, if we have worked in the House of Commons, or schools we know to visit this place. For those who have not been, I recommend it. We have a fantastic education centre now and massive credit goes to those who planned and built it and everything else. I know that if a Chamber visit is not possible, and there are already times of the week when visits to the Chamber are not possible, those young people still gain a huge amount from visiting the education centre, but also from sitting in the Galleries of the House and watching the Houses as they function.

I listened with great interest to the contribution of the noble Lord, Lord Scriven. I have not, unlike him, looked at the presentations given, but I did look the committee's report and I think I am right in saying—perhaps the Senior Deputy Speaker will refer to this in his closing remarks—that what we are talking about is that, pre-pandemic, there were just over 70,000 visits a year by schoolchildren to this Chamber, and just over 4,000 that might be changed or might not happen.

Lord Scriven (LD): No—

Baroness Morgan of Cotes (Con): That is what it says in the report.

Lord Scriven (LD): The report, therefore, is factually incorrect. The submission by the education and engagement centre, which I have a copy of and have read, says that 8,000 young people would not be able to visit this Chamber in the normal way that they do now.

Baroness Morgan of Cotes (Con): In that case, I hope the Senior Deputy Speaker will clarify that, either in his closing remarks or in a letter subsequent to this debate. I do not know whether that is a future projection of numbers, but the report says there will be 116 fewer school visitors per week. I think that is something to be managed.

Lord Forsyth of Drumlean (Con): On this point, I talked to the education centre this afternoon and the people there made two points to me. One, which I mentioned earlier, is that they thought that if school groups—they are groups of 36—were unable to see either Chamber, those schools would cancel the visit. My own arithmetic may be wrong, but on Wednesdays they have 18 scheduled school visits of 36 people—they can do 21 if the Covid regulations are modified a bit—and I worked out that 60% of them on a Wednesday would not be able to come at all to the Chamber. Of course, they would also not be able to go to the other Chamber, so it is quite wrong to minimise the impact of this.

Baroness Morgan of Cotes (Con): I say to my noble friend that I am not trying to minimise the impact, I am trying to get to the bottom of what the actual figures are. The figure in the report is different from the figure used by the noble Lord, Lord Scriven. I also take issue with my noble friend over what “coming to the Chamber” means. Of course, there is nothing like standing among the leather Benches for visits, but there is also something very special about sitting in the Galleries and listening to the Houses at work as debates continue. There are other ways of achieving the same ends.

I want to move on to the work of Select Committees and other business, which we have also heard about. I have been a Select Committee chair in the House of Commons when the hours of sitting had changed. It is perfectly possible to do both and the conclusion of this debate for me has been that a lot of what we are talking about is how Members of this House prioritise the work they are doing here and the work they are doing outside and how they juggle the rest of their lives. I think we would all say that it is very much a juggling act; we know that we cannot do everything. I am also the chair of a current inquiry of this House. I see some of its members here and it is very nice to see them. We are meeting when the House is sitting. That is a decision we took, given everybody's commitments. Again, it is question of choice and priority.

My noble friend Lord Balfe talked about travelling and train times. Should I ever be invited on to “Mastermind”, my expert subject would be the train travelling times between Leicestershire and London, single and return journeys, because I have spent many

years doing that. Of course, there is an issue, as we have heard, about personal convenience, but there are also issues of safety and reliability. I just say to my noble friend Lord Wolfson, for whom I have great respect, that one of the other constraints on taking part in debates is that one is meant to be here at the end of a debate. If people cannot stay to the end of the debate, they are not to take part in those debates. I know that noble Lords are returning home because they have not just childcare responsibilities but responsibilities for older relatives who need their help and the carers need to be relieved. People are having to make decisions about which parts of business they take part in.

I fully support the noble Baroness, Lady Fox, in saying that Members should absolutely be encouraged to have outside interests, and that is why they do. We are talking about 3.5 hours of changes in bringing forward the sitting times. We would finish at 8.30 pm, after which plenty of life happens, not just travelling but engaging with other things—not just the television.

I conclude with a broader point on the workplace. I was absolutely dismayed by the comments of the noble Lord, Lord Moore. I have sat in the other House and am watching the issues around culture going on there at the moment—and the clearly much better and more collegiate culture I like to see in this House. To say that we should recognise that these are workplaces like no other and that we need special rules is at the heart of many of the cultural problems we now see in this Parliament. We should be honest about those problems and really start to tackle them. I see nothing wrong with modern HR practices; if people need to make complaints or if things have happened to them, they need to know that they will be taken seriously, and not just by the Whips' Offices.

This debate about sitting hours is about the culture of this House. It is about the message it sends. The noble Lord, Lord Forsyth, said that Parliament is not fully understood. What is not fully understood is how we can possibly make the best decisions about legislation at 10 pm and beyond on a regular basis. He also said that camaraderie comes over dinner. Camaraderie comes because we work together, whether on committees and inquiries or in debates; it does not come because we dine together. I suggest that that has not been the case since probably the early 20th century.

Although I will support the Motion this evening, in the interests of seeking compromise, I think that my noble friend Lord Young has put forward a sensible amendment—a pilot is never a mistake in these matters where there is going to be change—and, should we reach it, I will of course support it.

Lord Harris of Haringey (Lab): My Lords, I think we have reached that stage in the debate when everything has been said but not everyone has yet said it. However, I want to make one substantive point and one comparatively minor one.

The minor point is that I want to pay tribute to my noble friend Lord Grocott. Not only did he remind us of the momentous change—I remember it vividly—that stopping going through the night quite so often brought not only to the lives of individual Members but to the quality of what we did but he managed to speak for

about 10 minutes, plus interruptions, without once referring to the fact that a hereditary Peers by-election was going on while he was on his feet. That is a statement of how mature this debate has been.

My substantive point is that the Leader of the House has not been present today; the Government Chief Whip was here very briefly but has departed. A lot of noble Lords seem to believe that the Government will somehow magically be happy to stop at 8.30 pm. I recall that, under both Labour Governments and Labour Chief Whips and Conservative Governments and Conservative Chief Whips, the pressure to go on remains. We will find that it will not just be 8.30 pm. It will drift routinely; this benchmark of 10 pm, which will still exist notionally for Monday, will start to be the norm on those other two days.

As this is a House matter, we will not hear from the Government Chief Whip today. I would be grateful if we could somehow get a clear statement from the Government on how rigorously they will treat that 8.30 pm finish.

Lord Moylan (Con): My Lords, I was going to—

Noble Lords: Oh!

The Senior Deputy Speaker: My Lords, as has been said, your Lordships have covered a lot of ground. Unless there are any strong objections, and I am looking at the Liberal Democrat Chief Whip—

Lord Stoneham of Droxford (LD): I have been waiting all afternoon to speak.

The Senior Deputy Speaker: I suggest that after the Liberal Democrat Chief Whip has spoken—I am not sure if the Opposition Chief Whip wishes to speak—the House should come to some resolution.

Lord Stoneham of Droxford (LD): I thank the House. I accept that a lot of the arguments have been made, but I want to say a few words given my experience acting as a Chief Whip for my group in this House and working with the noble Lords, Lord Taylor and Lord Kennedy, and others during my term of office.

The essential issue is how we can do our job of scrutinising government business and legislation better. I sat through every single one of those late sittings in January and March, and I thought that they were unworkable for the future. We very nearly accepted a proposal last year to change the working hours. The reason we did not, as others have said, was that those who came from the north and Scotland were not prepared to vote for an early start on Monday. That is why the Procedure Committee decided to look at this issue again, to see whether there was wider support for having different working hours on other days of the week. Monday is not included today, and that is why I think there will be wider support than there was then.

I will make a number of points from my own experience. The fact is that it is only a minority of the House who actually do the detailed work on legislation; they are the people who stay late at night. There is not exactly a huge demand in this House for working late. I spend all my time as a Whip trying to get my people to stay, and the only time I have success with the

[LORD STONEHAM OF DROXFORD]

Government Chief Whip is when the Benches behind him have had enough themselves because they have stayed late. I do not think this helps scrutiny, because we are doing it late at night, there are limited numbers of us, and there is no point having a vote after dinner. With all respect to the Cross Benches, whose expertise I value, the parties assume that they are going to be here in very limited numbers after dinner. That is the reality. The House is missing out on that expertise; in my experience, the people of expertise do not want to stay late. Those who have jobs outside the House also do not want to stay late. I have had several jobs outside the House during my 10 years here, and I welcome that expertise, knowledge and experience coming into the House, but the people who are trying to do other jobs do not want to be here at 10 o'clock, 11 o'clock or 12 o'clock at night.

Lord Forsyth of Drumlean (Con): I am most grateful to the noble Lord, and I am listening carefully to what he says, but does he not think that when some of his colleagues put down 103 amendments on one Bill, that is part of the reason why we are sitting into the late hours? Does he not think that the constant calling of Divisions and sending stuff down to the House of Commons which has no chance of being considered there may also add to the length of time that we sit?

Lord Stoneham of Droxford (LD): No side of the House is innocent on this; everybody does it, frankly. If I might say so, the Government quite like the House staying late, because they get through the business quicker late at night. That is one of the reasons they quite like the late sittings, but it does not help scrutiny; it does not help the effectiveness of the House.

Insisting on the 8.30 pm finish is another issue that has been raised. If the noble Lord, Lord Kennedy, and I know that the House is committed to 8.30 pm, just as we go along the corridor to the Government Chief Whip at five to 10 to insist that we finish at 10 pm, we will do the same at 8.30 pm. We will want a very good reason why the House should continue after then. If we do not have that commitment, we have no negotiating. The noble Lord, Lord Taylor, can smile; I have been along to his door and to the current Government Chief Whip a number of times trying to get us to finish at 10 pm, and we normally have to because they know that it is the common practice of the House. If 8.30 pm is agreed by this House, we must follow it. It will be in our negotiating satchel.

On school visits, yes, I really believe in school visits here. However, we can look at this; logistically, it should be possible to get more people through the House. They can have a slightly different type of visit—they can use the Education Centre. I have asked for a number of years why we have to have such a long time for the security search when the House is closed, before it opens again—it takes about two hours, I think. That is something we can look at.

5.30 pm

Lord Scriven (LD): I will not make myself popular with my Chief Whip, but if that is the case, surely, until such time as it has been sorted, we should not be voting for the change.

Lord Stoneham of Droxford (LD): This is a strategic issue. We are trying to take a strategic view on how the House should operate and whether we should have more acceptable working hours. It is not simply about issues of convenience—meals, flexible working outside the House, school visits. All these things need to be kept in context. We have to think about what we are here for, which is to scrutinise legislation and the Government. All these other issues are important, but if we want to have a more acceptable, more effective way of working in this House, we should accept and try this modest change. We certainly will also support the amendment in the name of the noble Lord, Lord Young, so we can give it a go.

Lord Kennedy of Southwark (Lab Co-op): My Lords, very briefly, the position of the Labour Peers here was that this is a decision for individual Members to make, and we will have a free vote. My only message to the group has been, “Please attend today and have your say, and when the House divides, vote. Make your mind up and then we can put this decision behind us.”

My own position is that I support a change to the sitting times. However, the speech by the noble Lord, Lord Forsyth, was absolutely excellent; I did not agree with it but if you want to support the status quo, he set out very clearly the reasons why you should. The noble Baroness, Lady Morgan of Cotes, gave a fantastic speech on why you should support the change. I will certainly be with the noble Baroness, voting for that change.

I have been in this House 12 years. I did not know a lot of Tories before I came here—and I did not know any bishops, that is for sure. I have great respect for many Members opposite, and I have worked with many colleagues on the other side of the House on all sorts of issues. I have got to know them, like them and work with them, and we have made many changes. However, we did not do that over dinner. We did that in the corridors, meeting Ministers outside, talking to people, having meetings in offices and so on. You can do many good things here by doing that—but it was not over dinner, I can assure colleagues of that.

I will leave it there. I will certainly support the Motion to change the sitting times, and I will also support the amendment in the name of the noble Lord, Lord Young. To have a trial would be a very good thing: if it is wrong, we can very quickly change it back.

The Senior Deputy Speaker: My Lords, I was wrestling with a description of our debate. Was it powerful? It was certainly feisty, but it was very strongly held. The point I always take from these typical House of Lords debates is how much we all care about the House, its work and our responsibilities and duties to it. As I said at the outset, my task is to assist the House in coming to a decision. We strongly hold the view that we are a self-regulating House when it comes to procedures, and we are seeing that today. We are seeing a House with differing views coming to decisions on a number of amendments to the substantive Motion, but that is what this House should be doing.

I want to clarify one or two points. On the issue of staff, which was raised with due sensitivity, as I said in my opening remarks, we received input from across

the administration and from bicameral services. Views were sought from every office across the administration, as well as the bicameral teams, and were fed into the consideration. Your Lordships' committee felt that this was ultimately a decision for Members, but we were assured by the Clerk of the Parliaments that staff would continue to deliver high-quality services whether or not sitting times were changed. However, I am mindful of the sensitivities that your Lordships have raised.

Lord Moylan (Con): Would my noble friend explain why these changes, if the Motion as framed is passed, and even if amended by the amendment in the name of my noble friend Lord Young of Cookham, would come into effect in September? Can he explain why there has been no consultation with staff or with their trade union representatives on changes that would have significant effects on the times of operation and potentially on the number of jobs? While consultation with heads of departments is reported in paragraphs 20 and 21, which tell us very little, there has been no consultation with staff or trade unions. Is this good practice?

The Senior Deputy Speaker: My Lords, as I have said, I am not responsible for members of staff—the Clerk of the Parliaments is. I have explained the assurance that I have received from the Clerk of the Parliaments, as indeed did the committee. He is confident that staff would continue to deliver high-quality services, and, although I am absolutely neutral on this matter, if the House does decide on an earlier finish, members of staff also would not have to work late. However, I do not want to have to spend too long on that because it is a sensitive subject.

The Earl of Caithness (Con): My Lords, on that point—

The Senior Deputy Speaker: No, I want to make progress. I apologise to my noble friend but I think that the House has chewed over this matter, and we ought to make progress.

On educational visits—as I say, this is what I have agreed in the report—I have a note that says that the director of participation emailed to confirm explicitly that the number of school students able to see the Lords Chamber would fall from 72,380 to 67,760 per annum—a fall of 4,620 per annum, which, as I said in the report, is equivalent to some 116 fewer school visitors each sitting visit. I will pick up what the noble Lord, Lord Scriven, said, but that is the assurance I have received this afternoon following the remarks that have been made. Obviously, I will want to go back to that, but that has been confirmed by the visits team.

The noble Lord, Lord Stoneham, raised the issue of the security search. This was raised with me—

Lord McLoughlin (Con): May I ask my noble friend one question on this? I am interested in what he says on schools. However, does what he has just said not mean that visits by schools from outside London will be restricted? It would place at a disadvantage those schools that are farther away from London.

The Senior Deputy Speaker: My Lords, the report is very clear as to the numbers of visitors that will be impacted by this.

I say to the noble Lord, Lord Stoneham, that I have looked into the security search—again, I have to be careful what I say—and I am assured that, as he knows, because I have spoken to him about it, the length of time needed for a thorough security search in order to look after the Members and staff of this House is the length we currently have. That matter was raised with me and I have deliberately looked into it because I wanted to be secure in my own mind about it.

A number of points were raised, but they are all contained in the report. They are all points made by noble Lords in their submissions. My task is to ask the House to come to some resolution on the amendments before it.

Motion agreed.

Sitting Times

Motion to Resolve

5.40 pm

Moved by The Senior Deputy Speaker

To move to resolve that, with effect from 6 September 2022, this House should sit at 1pm on Tuesdays and Wednesdays, normally rising by 8.30pm on those days.

Amendment to the Motion

Moved by Lord Forsyth of Drumlean

Leave out from “move” to the end and insert “that this House continues with its current sitting arrangements”.

Lord Forsyth of Drumlean (Con): My Lords, I wish to move my amendment formally and to test the opinion of the House.

The Deputy Speaker (Baroness Morris of Bolton) (Con): I inform the House that if this amendment is agreed to, I will be unable to call the remaining amendments by reason of pre-emption.

5.40 pm

Division on Lord Forsyth's amendment

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Lord Forsyth's amendment agreed.

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Motion, as amended, agreed.

Police Act 1996 (Amendment and Consequential Amendments) Regulations 2022

Motion to Approve

5.54 pm

Moved by Baroness Williams of Trafford

That the draft Regulations laid before the House
 on 9 June be approved.

**The Minister of State, Home Office (Baroness Williams
 of Trafford) (Con):** My Lords, it is interesting to see
 how many people are in the House following the

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previous debate; I followed it with great interest. Before I start this debate, I just want to say that this will be my 1,000th contribution in your Lordships' House.

Through these regulations, we are proposing to change the name of the Hampshire police area to "Hampshire and Isle of Wight". This will better reflect the make-up of the police area and the communities it serves across both counties of Hampshire and the Isle of Wight. I thank Donna Jones, the police and crime commissioner for Hampshire, for her representations on this important local matter.

There is significant local support for this amendment, with 82% of local residents stating their support in a consultation carried out by the PCC. The standout reason cited was the simple fact that Hampshire Constabulary serves two counties: Hampshire and the Isle of Wight. Respondents also noted that those on the island sometimes feel forgotten, and there was a feeling that a more inclusive name would help to address that.

The approval by Parliament of these regulations will therefore respond to the specific requests of the people of the Isle of Wight, recognising their strong sense of identity. It will also better reflect Hampshire Constabulary's full geographical coverage and bring the force into line with the corresponding fire service, which rebranded as Hampshire & Isle of Wight Fire & Rescue Service following the recent merger of the island and mainland fire services.

The names of police areas and the power to amend those names are set out in the Police Act 1996. Section 31A of the Act contains provisions that allow for the Secretary of State to amend these names by regulations subject to the draft affirmative procedure. This instrument will amend Schedule 1 to the Act, which sets out the names of all police areas in England and Wales with the exception of the Metropolitan Police District and the City of London police area.

This instrument will also amend Articles 34 and 35 of the Police and Crime Commissioner Elections Order 2012, which make provision in relation to election expenses in police areas. These articles include references to "Hampshire", which, through these regulations, will be substituted with "Hampshire and Isle of Wight". This will provide consistency throughout legislative references to the Hampshire police area.

Should this amendment be approved in both Houses, the Government intend to make a further statutory instrument, subject to the negative resolution procedure, to come into force at the same time as these regulations to reflect the name change in other secondary legislation. Together with the strong local support, I hope that I have made a clear case for enacting this important local amendment. I beg to move.

Lord Paddick (LD): My Lords, I thank the Minister for explaining this statutory instrument. I have only one question. When debates around the amalgamation of police forces have occurred previously, in that 43 is considered to be too many, one of the main concerns has been the cost—for example, in the changing of uniforms and the changing of signage on police stations and vehicles. What consideration has been given to those costs that are consequential to the change in the

police area's name? Otherwise, clearly there is considerable local support for this change. We support it, provided that the money is made available and the costs of any change to signage, uniforms and the like do not come at the cost of providing policing services to local people.

6 pm

Lord Ponsonby of Shulbrede (Lab): My Lords, I congratulate the Minister on her 1,000th contribution to this House; it is nice that it is on a non-contentious issue. As she says, there is considerable local support for this change in name. The question asked by the noble Lord, Lord Paddick, about the cost implications of this change in name was interesting, and I would be interested to hear the answer, but we are happy to support this statutory instrument.

Baroness Williams of Trafford (Con): My Lords, I am pleased that my 1,000th contribution is on a totally uncontroversial issue.

There will be no significant cost to the Government as a result of the instrument. The PCC has provided assurances that, similarly, there will be no significant costs incurred locally to the detriment of the police force. To ensure that that is the case, the change will be phased over a number of years when items need replacing, to ensure that there is no unnecessary additional cost and no major rebranding exercise. I happily commend the regulations to the House.

Motion agreed.

Financial Services Act 2021 (Prudential Regulation of Credit Institutions and Investment Firms) (Consequential Amendments and Miscellaneous Provisions) Regulations 2022

Motion to Approve

6.01 pm

Moved by Baroness Penn

That the draft Regulations laid before the House on 13 June be approved.

Baroness Penn (Con): My Lords, these regulations tidy up certain aspects of the statute book following the implementation of the remaining Basel III standards and the investment firms prudential regime.

During his Mansion House speech last year, the Chancellor set out an ambitious vision for the financial services sector. The vision is one of an open, green and technologically advanced financial services sector that is globally competitive and acts in the interests of communities and citizens, creating jobs, supporting businesses and powering growth across the UK. At the heart of this are the changes that the Government have proposed as part of the future regulatory framework review, which involves delegating responsibility to regulators subject to enhanced accountability.

[BARONESS PENN]

As noble Lords may recall, the Financial Services Act 2021 introduced a similar model in the area of prudential regulation specifically, to enable the Prudential Regulation Authority to update the UK's capital requirements regime, to implement the remaining Basel accords and to enable the Financial Conduct Authority to implement the investment firms prudential regime. Both regimes devolved the detailed firm requirements to the relevant financial services regulator.

In September and December last year, noble Lords approved two SIs made under the Financial Services Act 2021 to implement these regimes. Cumulatively, these two SIs revoked relevant sections of the capital requirements regulation and introduced consequential amendments to make the regimes function effectively. This instrument makes further consequential changes to provide a complete, functioning legal regime for firms. These can be grouped into four categories.

First, many of the measures in this instrument make changes to ensure that the statute book is coherent after the implementation of Basel III and the IFPR. For example, the instrument inserts references into legislation to PRA rules which implement the Basel standards, and FCA rules which implement the IFPR.

Secondly, as noble Lords may recall, under previous legislation already considered by this House, IFPR investment firms were removed from the scope of the UK resolution regime. This step was taken to ensure that the burden on firms is proportionate to the financial stability risks they pose. The instrument that we are considering today ensures that the statute book is coherent following this removal. For example, this instrument revokes the Banking Act 2009 (Exclusion of Investment Firms of a Specified Description) Order 2014, which has been rendered redundant, given that all IFPR investment firms have now been excluded from the resolution regime.

Thirdly, this instrument clarifies transitional arrangements for certain securitisations, following the implementation of the IFPR. Under the UK securitisation regulations, firms issuing securitisations are required to retain 5% of the risk. In some scenarios, certain firms can retain this 5% on a consolidated basis, sharing it with other entities in their group. Some IFPR firms could do this previously but, following the implementation of the regime, IFPR firms must now retain the 5% themselves. They cannot share it with other entities in their group. This reflects how the IFPR works.

A previous instrument considered by this House last year created a one-year transitional period for this change to take effect. The instrument that we are debating today clarifies the steps that firms must take before the end of the one-year transitional period. We do not expect many firms, if any, to be affected by this. However, we want to ensure that requirements are clear and workable, in case there are any firms affected.

Finally, the instrument further addresses a small number of deficiencies arising from the withdrawal of the UK from the EU which have been identified during the development of the above amendments; for example, replacing references to the EU with references to the UK.

I hope that noble Lords have found my explanation helpful. I have kept it relatively brief given that we have had similar SIs before, because the regime itself has already gone live, and the majority of this SI is simply fixing cross-references. I beg to move.

Lord Teverson (LD): We on these Benches thank the Minister for her excellent and long explanation of this. Otherwise, we have no comment on this SI.

Lord Tunnicliffe (Lab): My Lords, I thank the Minister for introducing these regulations. They build on the Financial Services Act, which was generally not contentious legislation. Arguments took place about the transparency of rule-making by the regulators, but the introduction of the investment firms prudential regime and several other changes were seen as sensible steps forward.

One suspects that the forthcoming financial services and markets Bill will be slightly more controversial. Much media speculation about the forthcoming Bill suggests that it will simply deregulate, rather than regulate in a smarter way. Our departure from the EU undoubtedly presents opportunities for our world-leading financial services sector. However, we must not put the stability of the sector at risk in the pursuit of relatively marginal gains. Many of the protections put in place after the 2008 global crisis were sensible. Financial institutions have become accustomed to them. They provide confidence to customers. When we see the Bill, I hope that they will not have been swept away. That would expose the Government and the public to unnecessary risk.

Turning back to the regulations before us today, I am pleased to say that we are generally supportive. They contain largely technical amendments to ensure that IFPR, Basel III bail-in procedures and securitisation regulations operate more effectively in the UK context. We have played a leading role in developing many of these policy frameworks at the international level, whether as an EU member state prior to our exit or as a member of other organisations and committees.

Can the Minister comment on how the Treasury and regulators will be assessing and reporting on the impact of the various changes once they have taken full effect? What, if any, role will there be for Parliament, beyond the day-to-day work of Select Committees, for example, as these impacts become apparent? Can she also comment on the anticipated timescale for the implementation of Basel III.1? We expect consultation on the final part of the framework shortly, but can she confirm whether it is the intention to implement reforms alongside international partners? If that is the case, what would happen if another key jurisdiction, such as the European Union, were to postpone its implementation date?

I turn to other areas covered by the regulations. Can the Minister comment on what work is being undertaken to assess the impact of current bail-in procedures and thresholds on mid-tier and challenger firms? UK Finance has called for changes to the threshold for smaller banks, as well as a sliding scale depending on institutions' total assets. Is the Treasury

looking at these suggestions in partnership with the regulators? Might we see something on this topic in the forthcoming primary legislation?

Finally, this statutory instrument corrects a number of deficiencies in retained EU law that were not identified during earlier tidying-up exercises. There is a consistent theme across different policy areas: departments prioritised changes to the retained law that were day-one critical, setting aside less fundamental tweaks until appropriate vehicles became available. Should we expect further corrections to retained EU law in future SIs, or is the Treasury confident that all deficiencies have now been captured? Have there been any practical issues for either the regulators or the financial institutions as a result of the failure to correct deficiencies in a more timely manner? How do these amendments fit into the Minister for Government Efficiency's drive to repeal vast swathes of retained EU law?

In this field, many instruments contain essential technical information. They were not, as is often stated, forced upon us; rather, they came out of processes led by UK Ministers. With that in mind, can the Minister confirm whether the Treasury has been given any targets to reduce the volume of its retained EU law by the Cabinet Office? If so, what will that process look like?

Baroness Penn (Con): I thank noble Lords for their contributions today and will address the points raised by the noble Lord, Lord Tunncliffe, in his constructive speech.

The noble raised the forthcoming financial services and markets Bill. I will be absolutely clear that the Government are committed to maintaining high standards of regulation, while ensuring that rules are appropriately tailored to UK markets.

In assessing the two provisions this SI covers, the regulators have published a full cost-benefit analysis of the impact of their rules, which have applied from 1 January this year. It will be up to the PRA and FCA to consider whether any further tweaks or changes to the regimes are needed, now they are fully in force.

Parliament's role has been to scrutinise the draft rules when they were published for consultation. Parliament is of course entitled to ask questions of the PRA and FCA in relation to the two prudential regimes.

In the future regulatory framework review consultation, the Government proposed measures setting out clearer requirements on when and how information should be provided to Parliament by regulators to support effective accountability and scrutiny. Once the reforms proposed in the FRF review are legislated for through the upcoming Bill, the measures will apply to these and future regimes. I am sure we will have much more discussion of the Government's proposals when that Bill reaches this House.

With regards to the timescales for implementing the Basel 3.1 standards, as the noble Lord, Lord Tunncliffe, mentioned, the PRA is expected to publish a consultation paper on its proposed implementation of the reforms in the fourth quarter of this year. That consultation will include a proposal for Basel 3.1 rules to take effect from 1 January 2025, which would align the UK's implementation of the final set of reforms with the EU's.

I recognise the noble Lord's concerns around disjointed global timelines. International alignment will be critical to the effective implementation of Basel 3.1, and it is important that jurisdictions co-operate on this to ensure that disruption to firms is minimised and to maintain a level playing field. By proposing a timeline similar to the EU's, the PRA has already signalled a willingness to align implementation with other major jurisdictions. The PRA can set its timeline only on the basis of what it knows at present. As more information becomes available, for example on the US or EU timelines, it can of course reconsider.

The noble Lord, Lord Tunncliffe, mentioned the impact of current bail-in procedures on mid-tier and challenger banks. The Bank of England considered this as part of its review of the MREL framework last year and published its updated statement of policy in December. The Government are pleased that the Bank's updates include a glide path that will provide more advanced certainty for firms, and a longer, more flexible transition period to meet MREL. I am also pleased to see the Bank is exploring how to improve depositors' outcomes in insolvency and, subject to the outcomes of that work, considering whether it could significantly raise or remove the transactional accounts threshold.

As the noble Lord will be aware, the Bank has a set of statutory objectives and powers to ensure that resolution maintains critical banking services while protecting financial stability and public funds. The Treasury has worked closely with the Bank on its MREL review, and the Government are content that the Bank's proposed changes to the framework for setting MREL ensure that the policy continues to provide appropriate protection for financial stability and public funds, while ensuring a proportionate approach to growing firms.

6.15 pm

The noble Lord also raised the issue of future corrections of deficiencies in retained EU law. Beyond this instrument, the Treasury has identified a small number of specific areas where further corrections are required and will use future statutory instruments to correct those deficiencies. However, I am not aware of any significant practical issues that have resulted from not correcting the deficiencies at an earlier stage. As the noble Lord pointed out, the most fundamental changes were prioritised at the earliest stage.

On the noble Lord's broader question on retained EU law, for the financial services sector this was dealt with in the FRF review, which will be implemented in the upcoming financial services and markets Bill. I very much agree with the noble Lord that there are important provisions in retained EU law but, as the Government set out in their consultation on the FRF review, many of the detailed and technical elements of retained EU law should be in the rulebooks of the regulators. The upcoming Bill will repeal retained EU law in financial services and enable it to be replaced with a regulatory regime that is properly tailored for UK markets and can be updated in an agile manner.

This will be a carefully managed process, with the repeal of retained EU law gradually taking effect over a period of time, as the Treasury and regulators put in place the appropriate legislation and rules to replace it.

[BARONESS PENN]

This approach is aligned with the broader approach taken to retained EU law across the Government. As set out in the Queen's Speech, the Brexit freedoms Bill will enable law inherited from the EU to be amended, repealed or replaced with legislation that better suits the UK. I hope I have addressed the noble Lord's detailed and useful questions on the Government's approach.

Motion agreed.

Viscount Younger of Leckie (Con): My Lords, in the absence of the Minister for the next debate, I suggest we adjourn during pleasure for 10 minutes.

6.17 pm

Sitting suspended.

Armed Forces Act (Continuation) Order 2022

Motion to Approve

6.27 pm

Moved by Baroness Goldie

That the draft Order laid before the House on 13 June be approved.

The Minister of State, Ministry of Defence (Baroness Goldie) (Con): My Lords, today we have a small though essential piece of parliamentary business to conduct: our annual consideration of the legislation governing the Armed Forces. First, I express my admiration for our Armed Forces—a sentiment that I know is echoed across the Chamber—who display with professionalism and commitment their exceptional feats to protect this country. At times they do so in incredibly difficult circumstances at home and further afield. They deserve our absolute unqualified respect and appreciation.

As we commemorate the 40th anniversary of the Falklands War, I take this opportunity to extend our gratitude to those 30,000 brave men and women who made that long journey to the south Atlantic and served with courage and distinction. It was a privilege for me to attend the Falklands War memorial service at the National Memorial Arboretum last month. That was a most poignant occasion.

The draft order that we are considering is to continue in force the Armed Forces Act 2006 for a further year—that is, until the end of 14 December 2023. This reflects a constitutional requirement under the Bill of Rights that a standing Army, and by extension now the Royal Navy and the Royal Air Force, must have the consent of Parliament. Every five years, renewal is by an Act of Parliament—an Armed Forces Act. The most recent was in 2021 and there must be another before the end of 2026. Between each five-yearly Act, annual renewal is by Order in Council, such as the one before us.

The Armed Forces Act 2006 contains the provisions necessary for maintenance of the Armed Forces, including the systems of command, justice and, very importantly, discipline. If the Armed Forces Act 2006 is not renewed by this Order in Council before the end of 14 December 2022, it will automatically expire and the legislation

that governs the Armed Forces and the provisions necessary for their maintenance as disciplined bodies will cease to exist. The continuation of this Act therefore is essential for the maintenance of discipline wherever service personnel are serving in the world, whether that is supporting emergency services and local communities at home, as demonstrated so impressively in the recent fight against Covid; continuing to provide high-quality instruction and training to many of Ukraine's troops; or maintaining and enhancing our welcome footprint in the Baltic and northern Europe to strengthen Euro-Atlantic security.

6.30 pm

Your Lordships will recall the thorough and considered scrutiny given to the Armed Forces Act 2021. We have a programme of secondary legislation planned to implement that Act, which noble Lords can expect to see over the coming months, including a statutory instrument that makes changes to the rules that apply to the service courts, regulations relating to the Defence Serious Crime Unit and regulations that establish a service police complaints regime. The focus of today's debate, however, is not that Act and its implementation, but the requirement to agree the draft order to continue the Armed Forces Act 2006 for another year.

I hope your Lordships will support and approve this draft continuation order, which will provide the sound legal basis for our Armed Forces to continue to afford us their vital protection, which is more needed than ever in Europe's new reality. I beg to move.

Lord Coaker (Lab): My Lords, we of course fully support this SI so that the Armed Forces Act 2006 can remain in force. It gives us a chance once again to offer the Armed Forces our full support and acknowledge all that they do, as the Minister said. The order is essential for the Armed Forces to be maintained as disciplined bodies. Indeed, it is as a result of this discipline that our Armed Forces are so successful in the discharge of their duties, whether at home or abroad, which she outlined for us. The need for our Armed Forces has been brought into sharp focus by events in Ukraine following Russia's illegal invasion.

We are all proud of the way in which our country has supported Ukraine, and we need to ensure that it goes on as long as necessary. I ask the Government continually to explain to the British public the importance of our efforts and that we are defending democracy and freedom in eastern Europe, and for the rest of Europe and ourselves. Their fight is our fight. There will be other occasions to discuss this more broadly as well as the recent NATO summit in Madrid, the new strategy that emerged from it, defence spending and the future of our Armed Forces, including the mistake, as we see it, of reducing our Army by 10,000 troops, a decision which needs to be reviewed.

I have one specific question relating to the order. It is about Article 1(2), which states:

“This Order extends to England and Wales, Scotland, Northern Ireland, the Isle of Man and the British overseas territories”.

I understand that, but can the Minister explain why it continues:

“(except Gibraltar) and the Channel Islands”?

We have a base in Gibraltar and our Armed Forces serve there, and I assume that there are some Armed Forces activities in and around the Channel Islands, and I wonder why they are not included.

I thank the Minister for her comments. As she said, we are rightly proud of our Armed Forces, whether they are supporting local communities, delivering aid or defending human rights, democracy and freedom in Europe and beyond. We will never take them for granted. They are respected across this Parliament and across the world, and for that we are humbled and grateful.

Baroness Smith of Newnham (LD): From these Benches I echo the words of the noble Lord, Lord Coaker, and the Minister in supporting the Armed Forces and recognising the huge debt that we as a country owe them every day of every year.

When I realised there was yet another Armed Forces Act (Continuation) Order, I began to think that perhaps I was getting so old that time was running away from me, because it did not feel like a year since we last debated the continuation of the Armed Forces Act. Then I looked and realised that Her Majesty gave Royal Assent only in December 2021, so it is not quite that we have gone a year without discussing the Armed Forces.

In some ways, this legislation ought to be the most important parliamentary business that we conduct. Having our Armed Forces is vital. We often talk about the security of the realm being the most important duty of government, but at the moment we do not see very many people on the Government Benches. It may be that noble Lords are busy trying to work out whether there is indeed a Government who are going to ensure that the Armed Forces provide the security of the realm at the moment. I hope that the Secretary of State for Defence will remain in his role for a little while longer, because we clearly need to ensure that defence is a top priority.

This is a very simple piece of legislation, but it is very important. As the noble Lord, Lord Coaker, said, it matters because of discipline. The Minister mentioned that statutory instruments will be coming forward in future. I looked to see whether my noble friend Lord Thomas was here because I normally rely on him to deal with the legal aspect of forces discipline and those aspects of Armed Forces legislation.

This order gives us the opportunity not just to pay tribute to our Armed Forces but to ask Her Majesty's Government what they are doing not just to ensure that there can be service discipline and that our Armed Forces are loyal to the Queen, but that as a country and a Parliament we are ensuring that our Armed Forces have the resources they require in terms of procurement, that the equipment they work with is adequate and does not cause health issues, that they have adequate accommodation, that their morale is ensured, and that we look again at forces numbers because having legislation that simply says "We have Armed Forces" is not sufficient. We need to ensure that our Armed Forces are fit for the 21st century and for the many tasks that are asked of them. I hope that in her reply the Minister will be able to go a little broader than the legislation in front of us today.

Lord Craig of Radley (CB): My Lords, I support this continuation order, but I shall refer to two points that I raised during the passage of the Act last year. It was agreed that the first would be dealt with in later work. It was whether having due regard for veterans' treatment under the military covenant should not be restricted to issues dealt with by subordinate authorities and whether there were some which it would be necessary to grip at central government level. The Government undertook to report after due consideration taking place later this year and next. Can the Minister confirm that this is still the position? Does she have anything to add to it?

The second issue concerns the treatment of Hong Kong Military Service Corps veterans who did not retain their British passports as had some of their number in 1997. I raised this in the debate on the then Armed Forces Bill. The MoD passed it to the Home Office for further consideration. I raised it again in the debates on the then Nationality and Borders Bill earlier this year, which led to a commitment from the Dispatch Box that the Government would resolve this long-standing issue by the end of this calendar year with a further undertaking to report on progress in June. June has been and gone, and I have yet to have a response to my Question for Written Answer seeking information on progress. As this concerns veterans, I hope that the MoD will continue to take an active interest in the outcome which veterans have long sought.

Lord Burnett (LD): My Lords, I join the Minister of State, my noble friend Lady Smith and the noble Lord, Lord Coaker, in their support and admiration for our wonderful Armed Forces. During the progress of the Act, I referred to Sir Richard Henriques's admirable report and the suggestions and recommendations he made. Will the Minister give us an answer as to what is happening about those recommendations? If not much is happening, when will something happen about them?

Baroness Goldie (Con): My Lords, I thank your Lordships for the warmth of sentiment. I think we articulate a conjoined view of admiration for our Armed Forces. It is very important to our Armed Forces to know that these sentiments come from all quarters of the Chamber. It is important that they are aware of that and know that they are valued right across the political spectrum. I thank your Lordships for making that so clear.

The noble Lord, Lord Coaker, raised a number of points. He correctly raised the need to continue to explain to the public the importance of what we are doing to support Ukraine. I absolutely agree with that. As I think we all understand, what we are doing to come to the aid of Ukraine and to assist in its self-defence, along with our NATO allies and other partners, is, frankly, a fundamental fight for the preservation of freedom, sovereignty and respect for international law, which we have seen so appallingly traduced in recent months. I entirely agree with his sentiment, and there are probably various ways in which we can apply our minds to how we might continue to do that, and maybe do it better, so I thank him for raising the point.

[BARONESS GOLDIE]

As he indicated, it extends not just to the United Kingdom but to our NATO allies. The NATO summit did its own bit of dissemination of information, because it garnered a lot of publicity and interest. It was largely all about how we in Euro-Atlantic security recognise what has been happening and then pool our resources to make sure we have a really impressive and robust facility to deter any further illegal activity.

The noble Lord raised a technical point that I understood, but it bewildered me because I did not have an answer to it. I am grateful to him for raising the point. I am informed by my officials that the Armed Forces Act 2006 itself does not extend to Gibraltar and the Channel Islands. I think that is because of their particular Administrations and regimens within their jurisdictions, but apparently they can apply the Act using their own legislation. It seems that technically they are outwith the scope of the Act but that if there are parts of the Act that they wish to invoke, they can use their own legislative powers to achieve that.

The support of the noble Baroness, Lady Smith, for the Armed Forces was also very welcome. I rather shared her sense of *déjà vu* about the recurrence of Armed Forces legislation. We all agree that it is important, but we have been seeing it quite regularly in the legislative programme. It matters and it is probably refreshing for us all—not least for me as a Minister—to be constantly reminded of things we must keep an eye on.

I wish to reassure the noble Baroness that the SI we are dealing with is of course very important. She mentioned the paucity of personnel on the Front Bench. I think earlier matters completely consumed your Lordships' attention and probably exhausted their appetite for further discussion. I was very nearly not here myself, so it was a great relief that I came panting in at the 11th hour. I hope the Secretary of State for Defence remains in post; he and I have a good relationship and I think he is doing a first-class job.

The noble Baroness raised the important issue of what the Government are doing to value our Armed Forces and to be sure that we are allocating to them the resources they require. She raised a number of important specific issues, such as health and safety, morale and troop numbers, which I know is a subject of interest to your Lordships. With the recent budget settlement, a lot of expenditure is now being allocated to the very sorts of things she is concerned about, whether that is improving uniforms—not least for women, interestingly—or looking at upgrading service families' accommodation and making sure it is much more modern and acceptable. There have been issues with some elements of that accommodation but that is currently very much under active review.

6.45 pm

The noble Baroness mentioned health and safety. I am pleased to say that we recently—in the last two years, I think—set up a directorate of health and safety in the MoD. We have a very capable director serving in that department; I liaise with him monthly because that is one of my areas of ministerial responsibility. There has been a seismic change in how we approach

this because of the professionalism of the department, led by this director. I am very clear that health and safety is now imbued into the culture of what we do. Part of it is that we have to create a safe environment for our Armed Forces to operate in, but part of it is also about educating our Armed Forces to be vigilant about recognising where risk exists and taking steps to avoid it. I am pleased to say that some excellent and very positive work has been proceeding on that front.

We have had discussions about troop numbers. I know that my noble friend Lord Howe responded to a Question in the House last week; there is not much more I can add to that. There are perhaps two spectra of opinion. One is that you need more bodies there. Another is that it is not so much the number of bodies as what we are directing them to do and how we are giving them the technology and equipment to do it. That will be a continuing debate, which I fully understand, but the Government's position is clear and I can do no more than reiterate it.

The noble and gallant Lord, Lord Craig of Radley, asked specifically about the covenant, the “due regard” obligation and whether any of the powers envisaged in the Armed Forces Act have now been specifically allocated to central government. I apologise to the noble and gallant Lord—he will be disappointed—because I do not have an up-to-date position. It is not in my briefing, but I undertake to inquire and shall report to him.

On his question about the Hong Kong military veterans, I must confess to not being *au fait* with what commitment the Home Office gave at the Dispatch Box, but I shall find out. I have noted that there was to be a report by the end of June. I shall make inquiries about that and, again, undertake to communicate with the noble and gallant Lord.

I must apologise to the noble Lord, Lord Burnett. As he spoke, I was busy jotting down a response to the noble Baroness, Lady Smith. I invite the noble Lord to re-pose his question, because I did not get a proper note of it.

Lord Burnett (LD): Sir Richard Henriques made an admirable report, which we discussed in last year's debate leading up to the Act. He made some recommendations, and I wonder what has happened about them—whether they have been adopted and when they will be adopted if they have not—and the progress the Government are making in dealing with those very important recommendations.

Baroness Goldie (Con): I thank the noble Lord and apologise for failing to pick up on his question first time round. I have good news to share. The Henriques report was, frankly, excellent, and pivotal to redirecting how the MoD should conduct activity within the service justice system. I remind your Lordships that Henriques found that that system was, in its own respect, robust, professional and capable. Importantly, the Defence Serious Crime Unit has been set up, and a provost marshal has been appointed to run it. There are to be improvements to Military Police investigations, but the Military Police are now benefitting from additional training which they share with their civilian counterparts. That is a very important aspect of how we assist our

Military Police in dealing with investigations. There have been other improvements in how we expect witnesses to give evidence and the protections we can afford to them when they give evidence, including victims, so that that much more replicates the safeguards we find in the civilian criminal justice system.

What might be helpful to the noble Lord is for me to go back and task my official who is preparing a little précis of the progress that has been made—progress has been constant and it has been important—and undertake to write to the noble Lord with that. I will put the letter in the Library so that that information is more broadly available.

Lord Coaker (Lab): I thank the Minister for that very helpful reply about the Henriques review and the progress being made with it. Given that she said that this order does not apply to Gibraltar, and has outlined the way in which discipline will be progressed through the Henriques review and other regulations as they come forward, does that mean that none of the regulations as they relate to discipline and apply with respect to this order will apply to Gibraltar? The Minister may not be able to answer, but she gave a very helpful answer about the Henriques review, which deals with

service discipline and service justice, and outlined the progress made with respect to its implementation. But given that this order does not apply to Gibraltar—if I understood it right, the Gibraltar Government have their own rules—what does that mean for regulations such as the Henriques review with respect to Gibraltar?

Baroness Goldie (Con): It is probably important to distinguish between discipline, which is one of the tenets of our UK Armed Forces, and operating according to a code of behaviour and under a chain of command. That is what the Armed Forces Act embraces and what the annual renewal order refreshes every year. That is entirely to do with United Kingdom forces and how they are constituted. Gibraltar and the Channel Islands are outwith that.

On the question of how we run our service justice system, I may be wrong but I think that the service justice system is distinct from Gibraltar because Gibraltar has its own administrative and legislative processes. I will inquire on that, and undertake to write in greater detail to the noble Lord.

Motion agreed.

House adjourned at 6.53 pm.

