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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

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

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

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House of Lords

Tuesday 23 July 2024

2.30 pm

Prayers—read by the Lord Bishop of Winchester.

Introduction: Lord Hanson of Flint

2.38 pm

The right honourable Sir David George Hanson, having been created Baron Hanson of Flint, of Flint in the County of Flintshire, was introduced and took the oath, supported by Lord Grocott and Lord Jones, and signed an undertaking to abide by the Code of Conduct.

Oaths and Affirmations

2.42 pm

Several noble Lords took the oath or made the solemn affirmation, and signed an undertaking to abide by the Code of Conduct.

Antimicrobial Resistance

Question

2.48 pm

Asked by Baroness Bennett of Manor Castle

To ask His Majesty's Government what steps they are taking to secure multilateral consensus in advance of a political declaration at the United Nations General Assembly high-level meeting on antimicrobial resistance in September.

The Parliamentary Under-Secretary of State, Foreign, Commonwealth and Development Office (Lord Collins of Highbury) (Lab): My Lords, the United Kingdom is actively engaged in the political declaration on antimicrobial resistance. We recognise that we must tackle the human and animal environment aspects of AMR to be successful, embodying a One Health approach, and recognising the needs of developing countries, including supporting them to have access to the essential drugs they need to treat infections. Of course, finally, we want to see the establishment of a new independent science panel to provide evidence-based guidance to national Governments.

Baroness Bennett of Manor Castle (GP): My Lords, I thank the Minister for his Answer, I welcome him to the Dispatch Box and I look forward to working with him on these issues. As research that I shared with him indicates, elevated levels of AMR genes have been identified as a new stand-alone factor in global change. Can he tell me what resources the Government plan to devote to this meeting but also whether they have a long-term plan? The meeting is only one moment of what needs to be a long-term process to engage with this through both aid and diplomacy.

Lord Collins of Highbury (Lab): The noble Baroness is absolutely right. Our first step is to ensure that we give maximum publicity to this high-level meeting and engage all Governments in the declaration. We want a strong acknowledgement of the need to reduce the discharge of AMR, which drives chemicals into the environment. We also want proper surveillance and proper research. We are totally committed to a strong political declaration, and our hope is that we will be able to achieve that. We will follow through with much more effective support for research.

Baroness Sugg (Con): My Lords, I welcome the Minister to his role. He has been a great champion for development and nutrition in particular, and I look forward to that continuing. In response to the needs of low-income countries, the previous Foreign Secretary announced £85 million of funding to tackle AMR back in May. The UK's work on AMR has strong cross-party support. I hope the current Foreign Secretary will continue to show political leadership and prioritise attendance at the high-level meeting. We must raise our ambition here, and more resource is needed. Can the Minister say what the Government will do to encourage international financial institutions and multilateral development banks to help low-income countries access more funding for tackling AMR?

Lord Collins of Highbury (Lab): The noble Baroness is absolutely right: we want to ensure that the political declaration is followed through in our work. Obviously, as we come through to the round of multilateral negotiations, we can ensure that that political declaration is taken into account when those multilateral funds start thinking about disbursement. The high-level panel meeting of the United Nations General Assembly is a very important event, but it is not the only one, so we will ensure the fullest attendance, to maximise the political implications and effect of our participation.

Lord Purvis of Tweed (LD): My Lords, I also welcome the Minister to his brief; he brings a huge amount of experience to this, and I wish him well in his role going forward. He will be aware that the previous Government were rightly commended for their 20-year ambition on AMR, and also the five-year action plans, but there was concern that, given the fact that a lot of the UK research has been carried out through official development assistance, the considerable cuts to that—moving away from 0.7%—have had an impact on UK research. What reassurance can the Minister give that the new Government will set us back on the trend to having 0.7% of GNI for ODA, so we can return to being a global leader on AMR research?

Lord Collins of Highbury (Lab): I do not think the things are necessarily linked; the noble Lord knows our commitment to 0.7%, and we want to return to it as soon as the fiscal situation allows. In the meantime, we want to focus on the impact of our ODA, and that is why this political declaration is so important, because we can achieve a lot. One of the things we will be doing is looking at the plans and commitments that

[LORD COLLINS OF HIGHBURY]

the previous Government made, and ensure that we work in partnership with African countries to deliver the biggest impact.

Lord Patel (CB): My Lords, while accepting that we need to do everything possible to control the increasing incidence of antibiotic resistance, would the Minister agree that we should also pursue research that would find other forms of treatment to control bacterial infections? For instance, there are new antibiotics such as the one developed in Harvard University that changes the way it works on bacterial infections or, secondly, the one developed in Imperial College London, which has been developed to disrupt the microbiology of bacteria. Thirdly and importantly is developing viruses that act as bacteriophages to destroy the bacterial infections, but that requires a manufacturing facility; in January, the Science, Innovation and Technology Select Committee recommended that we should develop one in the old Rosalind Franklin Laboratory in the north. Would the Minister comment?

Lord Collins of Highbury (Lab): I was extremely grateful for the noble Lord catching me in the corridor just before, warning me about this. The noble Baroness, Lady Bennett, emphasised the importance of research, and it is constantly developing. We must look at it not only in terms of the problems we face in this country but also the issues faced in low to middle-income countries. The noble Lord is absolutely right, and our first commitment out of the high-level panel meeting is to focus on the need for greater research. But I accept what the noble Lord says: we are a centre of excellent research in this country, and we need to make sure that the benefits of that research are reflected in our ability to turn research into those manufacturing capabilities. I am very pleased that my honourable friend in DSIT will be absolutely focused on ensuring that is the case.

Lord Kamall (Con): My Lords, I congratulate the noble Lord on his appointment as a Minister and, indeed, the whole Labour Front Bench on their election victory and their appointments as Ministers. Following up on the last question, will the Minister tell the House which other government departments the FCDO is working with across government to ensure that there is a real joined-up government approach in tackling this issue?

Lord Collins of Highbury (Lab): I welcome the noble Lord to his position on the Front Bench, and I am pleased to see him back—well, back in the Opposition. We made clear when we entered the election that we will be a mission-based Government, and that involves cross-departmental working. Let us not ignore the fact that this is a fundamental part of economic development, not only for this country but to ensure that we spread the mission to our partnerships in Africa. On the Fleming funding and the other issues that I have already addressed, we are working on a cross-departmental basis with Defra and are ensuring that the good practice we have in this country is replicated and followed through in other countries, so the noble Lord is right that we will be committing to that.

Baroness Northover (LD): My Lords, I welcome the Minister to his position. It was wonderful to work with him when we were in opposition; it is his turn now, and we expect a lot from him. What percentage of ODA goes into research? It was vital in terms of support for, say, the Jenner Institute and the preparations that we made for the pandemic. Could he tell us what support for UK research is ODA money?

Lord Collins of Highbury (Lab): I may have to follow through in writing. By the way, when we first worked together the noble Baroness was in government and I was in opposition, but despite that we worked collaboratively then. ODA is spent on AMR. I mentioned the Fleming Fund, and I think the previous Government spent £400 million on that support. But broadening it out to other aspects of research—they are not exclusive, as other research can benefit the fight against AMR—I will write to the noble Baroness with more detailed information.

Lord Turnberg (Lab): My Lords, one area where we should focus our research efforts is on veterinary practice, where much of the resistance arises. Can my noble friend give some indication of what efforts are being made in that regard?

Lord Collins of Highbury (Lab): That is why I said at the beginning that we want to take a holistic approach to this issue, because it is not just medical overprescription; these chemicals are also able to get into the environment through animals, and we have been focused on ensuring that our strategy and the high-level panel meetings address that issue. It is not just veterinary and the issue is not just about our practices in this country; it is about spreading the word across the world, because it is amazing how these things can get into the food system far more widely spread than you could ever imagine, so it is a high priority.

HS2

Question

2.59 pm

Asked by **Baroness Randerson**

To ask His Majesty's Government what plans they have for reviewing the impact of the decision to abandon plans to build further stages of HS2.

The Minister of State, Department for Transport (Lord Hendy of Richmond Hill) (Lab): This Government are clear that transport is an essential part of our mission to rebuild Britain, and we are committed to delivering infrastructure that works for the whole country. We need a long-term approach to infrastructure and investment taking account of local transport priorities, which is what we will provide. We will review the position we have inherited thoroughly and at pace, and we will set out more detailed plans in due course.

Baroness Randerson (LD): I thank the Minister for his Answer, but he will be aware that today's National Audit Office report confirms the expensive and disastrous

impact of the cancellation of HS2 north of Crewe, with a reduction in the number of seats available on trains as a result of a decision that cost half a billion pounds wasted on land that was not going to be used for development. Does the Minister agree that a full and proper review of this decision is needed by the Government so that this never happens again, and so that the opportunities for the north of England are maximised? Will the Government also review the decision of the previous Government to allocate to Wales only £1 billion of Barnett consequential funding when Wales should, by right and by fairness, have £3 billion?

Lord Hendy of Richmond Hill (Lab): We will review the National Audit Office's report, which is a report on the status of the project as it was left under the previous Government. We will have to do that before setting out more detailed plans. Personally, I am aware of the disparity in seats created by the present planned service pattern on HS2 following the cancellation of phase 2a. We will have more to say about that in the future.

In respect of the Barnett formula, heavy rail is reserved in Wales, so any heavy rail scheme that the department delivers should always be classified as England and Wales when applying the Barnett formula. That includes HS2. It is a different situation in Scotland and Northern Ireland. The Scottish Government and Northern Ireland Executive, under their devolved policy areas, do therefore receive Barnett-based funding. This is consistent with the funding arrangements for all other policy areas reserved in Wales but devolved in Scotland and Northern Ireland. That said, due to use of departmental comparability factors in the Barnett formula at spending reviews, the Welsh Government have received a significant uplift in their Barnett-based funding due to the UK Government's spending on HS2.

Lord McLoughlin (Con): The Government are committed to building HS2 up to Handsacre. Is the Minister satisfied that there is sufficient capacity beyond Handsacre up to Crewe, given what the new line will deliver to the country, and will he bear this in mind in his review?

Lord Hendy of Richmond Hill (Lab): I thank the noble Lord, Lord McLoughlin, for his knowledge of the geography of the national railway network; I am aware of it myself. We will certainly have to bear that in mind with the review of the project as it now stands.

Lord Wigley (PC): My Lords, to what extent has the Minister discussed this matter with the Government of Wales—the Labour Government of Wales in Cardiff—who are totally convinced that Wales is entitled to a Barnett consequential in line with the consequential payments to Scotland? The arguments that he has used today are nothing but an excuse to avoid payment. Will he please link up with his Labour colleagues in the Welsh Government to sort this matter out so that Wales can get the resources it needs?

Lord Hendy of Richmond Hill (Lab): I have a meeting with the Cabinet Secretary for Transport in Wales in my diary. I am sure that he will raise that matter.

The Lord Bishop of Leeds: My Lords, one of the mysteries of HS2 was that you could get to places like Leeds 16 minutes quicker, but you could not get anywhere else when you got there because of deficiencies in the northern network. What confidence can we have that any other plans that come forward will be realised and improve the situation in the north?

Lord Hendy of Richmond Hill (Lab): Reintroducing the High Speed Rail (Crewe - Manchester) Bill is the first step in doing so, by providing powers to develop, construct and operate railway infrastructure that is key to improving interregional and northern rail connectivity, which, of course, generates economic growth, jobs and housing.

Baroness Butler-Sloss (CB): What are the Government going to do about the urgent situation between Manchester and Leeds, which has been made very apparent by the National Audit Office?

Lord Hendy of Richmond Hill (Lab): A project is already in execution to improve railway connectivity between Manchester and Leeds, the trans-Pennine route upgrade. It is currently valued at some £11 billion and is in the course of delivery.

Lord Watts (Lab): My Lords, when the last Government cancelled High Speed 2, they said that they would transfer the money into northern schemes but, as we know, a lot of it was spent in other areas. Can the Minister guarantee that when the review takes place, he will make sure that the north gets its fair share of transport infrastructure?

Lord Hendy of Richmond Hill (Lab): Reintroducing the High Speed Rail (Crewe - Manchester) Bill will be great evidence that the Government are thinking of improving east-west connectivity in northern England and continuing the work that the trans-Pennine upgrade is already starting for a modern, high-speed and high-capacity railway all the way across between Liverpool, Hull and other places on the east coast.

Lord Scriven (LD): My Lords, when do the Government expect the fourth largest city in England, Sheffield, to have back its direct train to Manchester Airport, its main international airport?

Lord Hendy of Richmond Hill (Lab): I am afraid I cannot recall exactly what the position is, so I shall write to the noble Lord and tell him where we think we are with it.

Lord Foulkes of Cumnock (Lab Co-op): Does the Minister recall that the original plan was that HS2 should go all the way to Scotland?

Noble Lords: Oh!

Lord Foulkes of Cumnock (Lab Co-op): It was. Has the Minister tried recently to go up the west coast main line to Glasgow? If he did, he would realise that

[LORD FOULKES OF CUMNOCK]

there are capacity problems. Something needs to be done to try to restore that awful decision, one of many made by that Government who used to be opposite.

Lord Hendy of Richmond Hill (Lab): I am familiar with the west coast main line from my previous job. I have often travelled on it and am familiar with the limitations in how it performs and the number of trains that you can get on it. Incidentally, I was also the author of a review of the connectivity of the United Kingdom, and I made some recommendations about the connectivity of England and Scotland. This Government are very mindful of that, and it will be part of the review of the current state of HS2 as we have inherited it.

Baroness Redfern (Con): My Lords, there is still a lack of progress in agreeing outstanding compensation claims, especially in respect of injurious affection claims and the time it has taken to hand back land that was taken on a temporary basis. As time is of the essence, what further measures are being put in place to speed up the process and remove the outstanding backlog?

Lord Hendy of Richmond Hill (Lab): I am not familiar with the details, so I shall write to the noble Baroness and explain the position as we see it.

Lord Faulkner of Worcester (Lab): My Lords, a number of questioners have asked about the new route across the north from Manchester to Leeds and Hull, but does my noble friend agree that, following the cancellation of HS2 north, the main capacity problem is between Handsacre and Crewe and on services to Manchester and Liverpool? How many of the properties that were bought by the previous Government have now been sold? Have any of them remained in the Department for Transport's ownership? Is there any chance that that will enable and accelerate the possibility of some new route coming into place on the Handsacre to Crewe line and relieving overcrowding?

Lord Hendy of Richmond Hill (Lab): I thank my noble friend for his question. My understanding is that the number of properties sold is none. The capacity of the west coast main line north of Handsacre Junction is one of the many issues that we have inherited resulting from the decisions of the previous Government. The prioritisation of the High Speed Rail (Crewe - Manchester) Bill is recognition that east-west connectivity is immediately necessary for growth, jobs and housing. We will of course bear in mind the case that my noble friend makes for better connectivity north of Handsacre as we do the review.

Water Companies: Financial Resilience

Question

3.09 pm

Asked by Lord Sikka

To ask His Majesty's Government what assessment they have made of the financial resilience of England's water companies.

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Baroness Hayman of Ullock) (Lab): My Lords, Ofwat monitors the financial position of water companies, taking action when companies need to strengthen financial resilience. Ofwat has strengthened its powers to improve financial resilience, including requiring water companies to stop paying dividends where that is compromised and preventing customers funding executive bonuses where companies do not meet performance expectations. Our water Bill will put water companies under tough special measures by strengthening regulation, as a first legislative step towards improving the sector.

Lord Sikka (Lab): My Lords, I welcome the Minister to her post but let me illustrate the problems by referring to Thames Water. Its shares are worthless and its bonds are close to junk status, while 38% of its revenues service £18 billion of its debt. Based on the debt to asset ratio, Thames Water has a gearing of 80.6%; Ofwat's target is 55%. The debt to equity ratio used by credit rating agencies gives it a gearing ratio of 1,000%. No amount of regulatory tinkering can change the fundamentals here. The Government need to create some certainty by nationalising it, so can the Minister tell us when that will happen, please?

Baroness Hayman of Ullock (Lab): I thank my noble friend for his very warm welcome. However, the Government have no plans to nationalise Thames Water. It would cost billions of pounds and take years to unpick the current ownership model, during which time underinvestment in infrastructure and sewage pollution would only get worse. We want to improve the situation in the water industry that we find ourselves in as quickly as possible.

Lord Forsyth of Drumlean (Con): My Lords, I welcome the noble Baroness to the Front Bench, but does she accept that simply fining the water companies for not meeting their obligations just adds to the costs of the consumer? Until we do as we have done with health and safety, which is to make the directors personally liable, we will make no progress. Have the Government any plans to do this?

Baroness Hayman of Ullock (Lab): The water special measures Bill that we will bring in front of your Lordships shortly is going to deliver on our manifesto commitment. As well as strengthening regulation, it is designed to make sure that the water industry will be fundamentally changed and transformed. It will ensure that water company bosses are not rewarded with bonuses if a serious environmental breach is committed. It will strengthen and enhance the ability of regulators to bring robust charges against water companies and executives when they have committed offences, including through automatic and severe fines. It will also require that water companies install real-time monitors, so that we can actually see what is going on. I also reassure the noble Lord that this is just a start.

Lord Cromwell (CB): The Ofwat website refers to an £88 billion programme of investment that will go into the infrastructure, and describes this as

“initially ... funded by shareholders or through borrowing, with these costs then recovered”

from consumers over five years “and beyond”. Does the Minister have any concern as to whether that money will actually be raised, and does she share my concern about the financial resilience of consumers to pay for it over time?

Baroness Hayman of Ullock (Lab): As the noble Lord quite rightly says, Ofwat has set out a record £88 billion upgrade so that we can deliver the cleaner rivers and seas, and better services for customers, that we need. It is absolutely not right that the public should pay the price for years of mismanagement in the water sector. Any water bill rises are the result of these years of failure, but it is important that we do not put too much on to vulnerable customers, so officials are exploring options for improving affordability measures in the sector.

Earl Attlee (Con): My Lords, is Ofwat fit for purpose?

Baroness Hayman of Ullock (Lab): At the moment we are working closely with the regulators, including Ofwat, to ensure that they are fit for purpose and can deliver what is needed in the sector.

Lord Whitty (Lab): My Lords, further to the question of the noble Earl, Lord Attlee, I speak as a former non-executive director of Ofwat for a few months, and as a former non-executive director of the Environment Agency for a few years. Ofwat was always feeble. The Environment Agency has been rendered feeble by a cut in resources and asking the companies to report on their own homework. What is needed is a new and powerful single regulator for the water sector. Do the Government have plans, at least in the medium term, to move to that?

Baroness Hayman of Ullock (Lab): My Lords, we are working with Ofwat and the water companies to deliver change as quickly as possible. As I mentioned, the first thing we are doing is bringing in the water special measures Bill to try to change the culture within the water companies. We will work on another water Bill that will come forward, and I look forward to working with all noble Lords, including my noble friends, on what that could contain in order to make the biggest difference to the current situation.

Baroness Bakewell of Hardington Mandeville (LD): My Lords, Thames Water is in a precarious state due not only to its financial position but to the poor quality of drinking water and sewage treatment facilities. Are the Government taking action to ensure that those living in the Thames Water area will have access to adequate and safe drinking water now and into the future while they sort out the financial issues?

Baroness Hayman of Ullock (Lab): There is no way we would allow there not to be safe drinking water during the current financial situation. The drinking water directive works extremely hard to ensure that we have safe water in this country. Although Thames Water clearly has financial issues, that should not be affected.

Baroness Jones of Moulsecoomb (GP): I too welcome the noble Baroness to her new post; I am sure she will be superb. How many water companies are currently financially resilient?

Baroness Hayman of Ullock (Lab): I thank the noble Baroness for her welcome. I am sure she has seen the environmental performance assessment that came out today. It reports that most companies continue to underperform and there continue to be a lot of concerns in this area. On the specific question she asked, I will write to her with the proper information so I know I am accurate.

Lord Moylan (Con): My Lords, I also welcome the noble Baroness to her place. In response to the question of the noble Lord, Lord Sikka, she was very clear that the Government did not intend to nationalise Thames Water. However, can she clarify whether she is ruling out, or admitting the possibility of, special administration, which is contained in the current arrangements and is a means by which the shareholders and the debt holders who lost money would be cleared out and the company cleaned up, so to speak, for onward sale on a more robust financial basis? Is that contemplated by the Government as a possible route?

Baroness Hayman of Ullock (Lab): Currently, the regulator is working with the company to look at the best way forward, and the company is looking for further investment.

Baroness Blower (Lab): My Lords, speaking as a Thames Water customer who is not very confident or happy, I was pleased to hear that I might at least have drinking water going forward. All water companies are using financial engineering to overstate their investment and capacity to pay dividends. They all capitalise part of their interest payments, which is, frankly, a highly imprudent policy and was a major reason for the collapse of Carillion. Are the Government content with that?

Baroness Hayman of Ullock (Lab): There are clearly serious problems in the water industry that have been building up for a number of years. We are looking at all options and ways forward to improve the situation, and, clearly, modelling of how companies operate will be part of those discussions.

The Archbishop of Canterbury: I join in congratulating the noble Baroness on her appointment. Picking up on the previous question, which is very much the point, is it not true that the shareholders of Thames Water and others have made extraordinary returns by financial engineering, well in excess of what one would expect to make from a utility, which should be low risk and low reward? In looking at the future structure, will the Government put in place measures to prevent the over-return to shareholders by means of financial engineering, and limit the upside so that utilities are run basically for their customers and not simply for the short-term gain of those who have them?

Baroness Hayman of Ullock (Lab): That is an extremely good point, and very well made. The problem is that we should have had firm action from government to ensure that action was taken much earlier so that money was spent properly on fixing the system, rather than paying dividends and bonuses to company shareholders and not looking at how the company was being financially operated in a way that worked for both customers and the environment.

Tempest Global Combat Air Programme *Question*

3.20 pm

Asked by Lord West of Spithead

To ask His Majesty's Government whether the Tempest Global Combat Air Programme will be halted until the Strategic Defence Review is completed and its future decided.

The Minister of State, Ministry of Defence (Lord Coaker) (Lab): No, GCAP will not be halted, in answer to my noble friend. Progress continues. I met partners yesterday at Farnborough, as did the Prime Minister, emphasising its importance. The Defence Secretary met Ministers from Italy and Japan today to discuss developments, including economic growth and skills, and business will be taken through by SI in the next few days, subject to Parliament's agreement, to implement the GCAP convention.

Lord West of Spithead (Lab): I thank my noble friend the Minister for his Answer. Of course, I understand that the mechanism of this programme has to move ahead, not least for diplomatic and political reasons, but would he assure me that, in the context of the strategic defence review, nothing is off the table, apart from the fact that we maintain a nuclear deterrent? That was what was said, effectively—so everything will be looked at. There must be serious concerns about the operational requirement for this system, which is not clearly articulated. How many platforms will be required, finally, and how many aircraft? That is not articulated. The costs are pretty open, I have to say, and it really does need to be looked at.

Lord Coaker (Lab): My Lords, I thank my noble friend for his important Question. The strategic defence review is a root-and-branch review to look at the capabilities that our Armed Forces will need as they meet the threats of a changing world. It will look at defence in the round—and, of course, it will look at programmes across the whole of defence. Can I just pick up on one point from my noble friend? As he says, in the review we do emphasise the importance of the deterrent as well as support for Ukraine and AUKUS.

Lord Stirrup (CB): With the global combat air programme, will due weight be accorded to the importance of breaking into the Japanese defence programme for the first time in any substantial way, with the associated financial and technological benefits that will bring and the linkages it will create in a crucial strategic area?

Lord Coaker (Lab): I thank the noble and gallant Lord for his question and thank him in anticipation of the sorts of thoughtful comments that he will make and the help that he will give to me and others as we seek to defend our country in the best possible way. He makes a really important point on the GCAP. It is an important alliance between Japan, Italy and ourselves that gives us the opportunity to work with Japan and others—but in particular Japan—to develop that technological progress and partnership, which will be so important as we take this programme forward.

Lord Howell of Guildford (Con): I declare my interests as in the register. Would the Minister agree that, recently, Japanese industry and its economy and the British economy have been getting on extremely well, with increased co-operation—much better than way back before the Brexit interruption? Would he agree that the sources of our biggest productivity increases of the past 50 years were when we were getting massive Japanese investment in the 1970s and 1980s? In the light of both those thoughts, does he accept that we must be very careful in continuing this progress and doing nothing impetuous that undermines the close co-operation that the Japanese want to have with us and are seeking in many other areas as well?

Lord Coaker (Lab): As I said in answer to the question from the noble and gallant Lord—and the noble Lord makes the point for himself—the relationship between ourselves and Japan is extremely important. The technological advantage that both the UK and Japan get from our close partnership is extremely important. As I said in answer to the original Question, progress continues on the GCAP with the other partner, Italy. A strategic defence review will look at all the various programmes, but progress continues.

Baroness Smith of Newnham (LD): My Lords, I welcome the noble Lord to his place. When he and I sat on adjacent Benches, we tended to agree. I always had the benefit of being able to piggyback on his comments before I asked my questions, so I very much hope that we will continue to agree across the Chamber. The only slight problem this afternoon is that, in answering the Question from the noble Lord, Lord West, he took away all the questions I was going to ask about diplomatic relations with Italy and Japan by giving an answer that I think is welcome. On the review, we clearly need to think about diplomatic questions and questions about our defence industrial base. While the defence review is going on, what security are His Majesty's Government giving to defence contractors that the work being undertaken on various programmes will continue? Clearly, not just our international partners but defence contractors will be concerned.

Lord Coaker (Lab): I very much hope that the noble Baroness and I can carry on working together. Without being pompous about it, all of us across this Chamber share an interest in the defence of our country and in freedom and democracy across Europe and the world. Working together is extremely important. On her question about the defence industry, she may have seen that

yesterday the Prime Minister announced Skills England, which will work with the defence industry and defence companies to overcome one of the biggest hurdles this country faces: the skills shortage, which we have been trying to overcome for a number of years. Redoubling our efforts on that will make a huge difference—but that is just one example of how we intend to work with the industry.

Lord Hamilton of Epsom (Con): My Lords, is there not a great risk that the sixth-generation jet fighter will be yet another white elephant, with escalating costs that will completely distort the defence budget—very similar to the aircraft carriers ordered by the noble Lord, Lord West?

Lord Coaker (Lab): Of course, the defence review will look at defence in the round, but it is really important that this country looks at what the next generation fighter should be. That is an important step. Looking back in history, the Typhoon was at one time a project on a research board and, before that, it was the Tornado. If memory serves me correctly, the Phantom was the fighter programme before that. Our industry and research programmes are the envy of the world. Of course these programmes need to come in on budget, make sense and meet the threats of the future, but looking at what the global combat aircraft of the future should be is an important part of any defence review.

Lord Craig of Radley (CB): My Lords, the Prime Minister must have selected his words extremely carefully when he spoke at Farnborough yesterday, but the press coverage in this country as a result of the interpretation of what he said has been depressing, to say the least. What reaction have the Government had from Japanese and Italian partners to what the Prime Minister said yesterday?

Lord Coaker (Lab): I certainly know that everyone has been reassured by the Prime Minister and others saying that progress on these programmes will continue. The Global Combat Air Programme continues as we speak. As I said to my noble friend Lord West, the defence review will look at defence in the round, but we will not allow it to paralyse any work that is going on with respect to defence. We are looking at it all in the round, as the noble and gallant Lord would expect, so that we get value for money, deal with some of the problems we have had and get the capabilities we need to tackle the threats that we are going to face in future.

Lord Udny-Lister (Con): Would the Minister advise us on what discussions are taking place to find additional money for the Tempest programme, as even the partnership with Japan and Italy will not be sufficient to finance a project of this scale and further finance will be needed?

Lord Coaker (Lab): Let me just say to the noble Lord that congratulations are due, to an extent, on the work of the previous Government. So far, £1.8 billion has been spent on GCAP and £600 million of that has come from private industry. That is quite a successful

way of ensuring that government and industry can work together in the furtherance of the defence of our nation.

Arrangement of Business

Announcement

3.30 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, before we resume the debate on the gracious Speech, I thought it would be helpful for the House to remind all Back-Bench speakers that the advisory speaking time for today's debate is five minutes. That means that when the clock has reached four minutes, noble Lords should start making their concluding remarks, and at five minutes their time is up.

At a convenient point at around 6.30 pm tonight, the gracious Speech will be adjourned and my noble friend Lady Smith of Basildon, the Leader of the House, will repeat a Statement given by the Prime Minister on the recent NATO summit in Washington DC and the European Political Community meeting at Blenheim Palace. After the conclusion of the repeat of the Statement and Questions, the debate on the gracious Speech will resume.

King's Speech

Debate (5th Day)

Principal topics for debate:
The constitution and devolution

3.30 pm

Moved on Wednesday 17 July by Lord Reid of Cardowan

That an humble Address be presented to His Majesty as follows:

“Most Gracious Sovereign—We, Your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, beg leave to thank Your Majesty for the most gracious Speech which Your Majesty has addressed to both Houses of Parliament”.

The Attorney-General (Lord Hermer) (Lab) (Maiden Speech): My Lords, on behalf of your Lordships' House I thank His Majesty the King for delivering the gracious Speech, and I am grateful for the privilege of opening today's debate on the Motion for an humble Address. This is my first time at the Dispatch Box, and it is a great privilege to have been appointed to this House and to the office of His Majesty's Attorney-General.

As this is my maiden speech before your Lordships' House, I hope I can be forgiven for a few personal remarks before I turn to the substance. I begin with a thank you. I thank Black Rod and the staff of this House for their kind assistance and reassurance in guiding me through the process leading to today. I also thank my introducers, the noble Baroness, Lady Kennedy of The Shaws, and the noble and learned Lord, Lord Neuberger of Abbotsbury. Being introduced to this House was always going to be a very special

[LORD HERMER]

occasion, but it was truly enhanced by being introduced by two people I have so long admired and whose friendship I treasure. Sometimes when lawyers refer to their learned friends, they actually mean it.

Noble Lords will all no doubt recall giving their maiden speeches and the range of emotions it evokes. I certainly share a genuine and profound sense of impostor syndrome. I speak as a lawyer who spent 30 years at the Bar, but I am acutely conscious that this House already benefits from the learnings and insights of some of our great former judges, and from a raft of eminent lawyers on all Benches. I had thought that when some noble and learned Lords retired from the judiciary, I would never have to face their difficult questions again. I fear I spoke too soon.

As in law, so is this House blessed by the presence of expertise in science, medicine, business, the military, the arts and so many other sectors; different skills and experiences brought together in your Lordships' House in public service. It is a true privilege to be asked to join you.

The one other reflection which many of your Lordships may also have felt when delivering their maiden speeches is the thought of dear family members who are no longer here to savour the moment. For me, I think of my late father. I mention my father not least to emphasise a point I wish to make about how I hope to conduct myself, not only as Attorney-General but in my time in this House more generally.

I have been a passionate supporter of the Labour Party since I was a young teenager, but although I shared my father's respect for the law, it is fair to say that our politics were very different indeed. My father was a proud Conservative, who for many years served his party as a city councillor in Cardiff and as a county councillor in South Glamorgan, where I was born and bred. It is fair to say that we disagreed across a wide array of political topics, topics on which we both had sincere and passionately held beliefs.

Not only did we never fall out over politics, and not only did our difference of opinion never lessen one iota how much I loved and admired him, but our political discussions around the family table were conducted always with respect and often with humour. What is more, as I matured, I developed an inkling that, if I talked a little less and listened a little more, I might actually learn something. So it is with that life experience that I come to your Lordships' House: of course to represent this Government and assist in the delivery of their agenda, but also to embrace the guiding principle that this forum is for not only mature and respectful debate but active listening.

I turn to today's debate, which focuses on the constitution and devolution. It will give an opportunity to consider some of the themes of the gracious Speech. I will take the subject matter in three parts: first, this Government's dedication to the rule of law; secondly, their electoral reform programme; and, thirdly, their commitment to devolution to local communities and the home nations. My noble friend Lord Khan of Burnley will close the debate, and we both look forward to hearing contributions from all parts of the House.

I will start with the importance of the rule of law, a topic that I anticipate is as close to many of your Lordships' hearts as it is to mine. The Prime Minister and the Lord Chancellor have both made it clear that the promotion and protection of the rule of law will underpin our approach to legislation and policy. As we face the profoundly difficult choices and decisions that every Government must make, it is the rule of law that will serve as our lodestar. In recent years, events at home and abroad have served to remind us that, once you start pulling on a single thread of the fabric of our rule-of-law system, and when democratic norms are whittled away through attrition, the risk of systemic unravelling is great, and the concomitant task of retrenching standards we all once took for granted becomes very difficult indeed.

In addressing the threats to the rule of law and the measures necessary to promote it, we recognise the imperative of seeking to ensure a cross-party consensus on our shared fundamental values and how we protect them for future generations. The values that we seek to protect are not the property of any political party. They are not Labour values or Conservative values; they are British values—indeed, many are universal values. I will work alongside the Lord Chancellor and the Solicitor-General to uphold the rule of law; to protect the independence of the judiciary; to promote the rule of law among the public, not least among the young; and, crucially, to rebuild trust in our political system by explaining how the rule of law applies to and serves us all.

I will inform your Lordships' House of one small, symbolic step taken last week, when I was sworn in as Attorney-General before the Lady Chief Justice and made an oath, the terms of which can be traced back to the 16th century. Combining tradition and reform in that distinctly British way, I am pleased to say that, for the first time, our oath as law officers included not only the traditional commitments to serve His Majesty the King but an explicit promise to respect the rule of law. Just as we will promote the rule of law domestically, this Government—with my right honourable friend the Foreign Secretary in the vanguard—will seek to promote international law and the rule of law in the international legal order, cognisant of its importance to the prosperity and security of all global citizens.

This Chamber has a special role in the scrutiny of legislation. We will seek to promote the highest standards in how we legislate, seeking to increase the accessibility and certainty of law, including by guarding against the abuse of the proper role of secondary legislation. I know that I will be supported by many of my noble and learned friends in this aim, and I very much look forward to drawing on their wisdom.

I turn next to electoral reform. Our democracy is something to cherish and protect in an increasingly uncertain world. This Government will, by clamping down on improper donations to political parties, robustly defend our electoral system against interference from bad actors who seek to undermine it.

The Prime Minister has made clear his expectations for high ministerial standards and integrity. This Government want to restore the public's faith and confidence in government through establishing a new

independent ethics and integrity commission, with its own independent chair. This extends to Members of the House of Commons, who are rightly expected to abide by the highest standards. The Government have committed to establishing a new modernisation committee, which will work to drive up standards, and reform procedures and working practices.

The rules prohibiting the provision of paid parliamentary advice will also be strengthened in the guide to the rules, setting out in more detail what is required of Members in order to abide by the code. The arrangements for that committee are being carefully considered and will be set out in due course.

I turn to the reform of your Lordships' House. When the noble Baroness the Leader of the House informed me that I would be addressing this topic in my very first speech, I confess to some traumatic flashbacks to my early days at the Bar when I was sent off to advance a recusal application before a particularly ferocious judge. I recall his withering looks at my temerity. As noble Lords know, His Majesty's gracious Speech set out plans to introduce a Bill that will remove the right of hereditary Peers to sit and vote in this House. The Government of course recognise the contribution made by hereditary Peers, who have worked so hard to scrutinise the Governments of the day and support the improvement in quality of legislation. Our commitment to reform of your Lordships' House should not therefore be taken as diminishing our respect for the contribution that hereditary peers have made to public life. It is, rather, a reflection of our commitment to maintaining the vitality of our democratic institutions.

It is a feature of our British constitution—indeed, it may be thought to be one of the explanations for its stability—that changes to it are incremental and not revolutionary, and that it morphs with careful regard to our traditions and history. But it has never been static, and nor should it be. For democratic institutions to flourish, they must be capable of change, and must reflect changes in society and evolving constitutional demands. In that same spirit, our manifesto also set out a number of other commitments, including changes to the appointments process, on which we will engage with your Lordships' House. This includes the introduction of a participation requirement and a mandatory retirement age of 80, as well as a longer-term commitment to replacing the House of Lords with an alternative second Chamber that is more representative of the regions and nations. As our manifesto set out, we will consult on proposals, seeking not least the input of the public on how politics can best serve them.

Finally, I turn to devolution. The Government are committed to delivering on their manifesto pledges to all parts of the United Kingdom. As a proud Welshman, I recognise the rich tapestry of diversity that makes the home nations of the United Kingdom, and the need to present the things we do in Westminster in ways that will not only benefit but be seen to benefit those in other parts of the country. To this end, we will reset relations with the devolved Governments and foster greater collaboration, built on mutual respect and trust.

The English devolution Bill will devolve powers to local leaders to empower them to boost economic growth and their communities. New powers for mayoral

combined authorities will allow local leaders to take control over the public transport systems in their area, employment support and strategic planning. Integrated settlements with financial flexibilities will also be available for those mayoral combined authorities with capacity, strong accountability structures and an exemplary track record for financial management. Mayors are critical to delivering economic growth and will be vital partners. All this will enable strengthened partnerships and close working relationships between central and local government.

Another area in which this Government are seeking to drive closer collaboration in their relationships is with other Governments in the union. To ensure that we are indeed a United Kingdom, it is crucial to resettle relationships and give greater importance to respect and collaboration, working together in the service of people across this country.

This Government will establish a new council of the nations and regions, which will bring together the Prime Minister, the First Ministers of Scotland and Wales, the First and Deputy First Ministers of Northern Ireland, and the mayors of combined authorities, to work together on our shared challenges and opportunities to address the concerns of the people who we serve.

This Government have committed to ensuring that all the nations of the UK are reflected in their missions. That is why the Government will deliver energy security through establishing Great British Energy in Scotland, and will continue to work closely on issues of shared interest, such as trade and investment, to promote Scotland internationally.

Wales, I am delighted to say, will also be at the forefront of the UK's national renewal. Our manifesto committed to working in partnership with the Welsh Government to ensure that the Welsh fiscal framework delivers value for money. In line with this Government's commitment to devolve employment support in England, we will also devolve employment support funding to the Welsh Government.

I take my responsibilities as Advocate-General for Northern Ireland seriously and recognise, of course, the need for security, stability and prosperity in Northern Ireland as much as in the rest of the United Kingdom, as do this Government, as a guarantor of the Good Friday agreement. The Government will work closely with the Northern Ireland Executive to see public services transformed and an improvement to the sustainability of public finance.

Over the coming months, as Attorney-General for England and Wales, and as Advocate-General for Northern Ireland, and working closely with the future Advocate-General for Scotland, I am looking forward to meeting the Lord Advocate and Solicitor-General for Scotland, the Attorney-General for Northern Ireland and the Counsel General for Wales—whoever said devolution was complicated? Once we put the tongue-twisting aside, I am confident that we will be able to work together effectively and build on our shared objective of upholding the rule of law.

The measures in this gracious Speech put into action the Government's commitment to the rule of law and to empowering communities across the United Kingdom.

3.47 pm

Lord Keen of Elie (Con): My Lords, it is a privilege to respond to the maiden speech of the noble and learned Lord, Lord Hermer. I am quite sure that, in his role as Attorney-General, he will continue to display the same skill and outstanding judgment that he has exhibited in his distinguished practice at the Bar by holding the Government to their constitutional obligations, ensuring that they adhere to the rule of law and that they respect the rights of all. I also hope that his Welsh background and heritage may bring some further diversity to the proceedings of this House, and I express the hope that his regular attendance at the Millennium Stadium will eventually be rewarded, at least against four of the Six Nations. I am pleased to be able to extend my welcome to the noble and learned Lord.

I will speak only briefly about the rule of law, because I harbour no doubts about this Government's commitment to the rule of law—as with all Governments of this United Kingdom. I will speak shortly of devolution, which is often the triumph of hope over experience, and something that will work only if we devolve not only power but the means of exercising it. As we approach further devolution, we should bear in mind that there are some aspects of government in this country that do not actually wish to be a part of the governance of the United Kingdom. That has to be taken into account.

What I want to address is the Government's proposal for the reform of this House. Our most immediate constitutional issue is not, as it was in 1911, the balance of power between the House of Commons and the House of Lords. It is the imbalance of power between Parliament and a mighty Executive. The present House of Lords has a significant role to play in that context, particularly when the Executive is in a position to exercise powerful control over the House of Commons by virtue of their party's large majority in that House. The adoption of alleged interim measures—such as the proposed removal of 92 Peers from this House—fails to take account of the functioning of our constitutional system as a whole. Such a step is driven by short-term political considerations rather than long-term constitutional imperatives.

There is a very real risk that if this measure is taken then nothing else will happen, with the Executive, in the form of the Prime Minister, falling back on the oft-repeated preference for an appointed House of Lords, as indicated by the then Labour Prime Minister Tony Blair in 2003. What is required in the matter of constitutional reform is fully considered and robust proposals and the proper development of a process to give effect to them. In 2012 the then Labour leader suggested that such a process was required and indicated that it might require a referendum. I pause—perhaps not a referendum, but clearly any material change to this House requires proper consultation.

When there were calls for the removal of the remaining hereditary Peers in 2003, the Labour Ministers responded in the following terms:

“We cannot accept the removal of the remaining hereditary Peers on its own, but only as part of much wider measures of reform to create a democratic and accountable Second Chamber”. So why the reversion to piecemeal tinkering rather than robust constitutional reform? The answer may lie in the document that is the genesis of the Labour

manifesto on the constitution: the report that the present Prime Minister commissioned just over a year ago from the previous Labour Prime Minister, Gordon Brown. Paragraph 36 demands a second Chamber

“to safeguard the ... constitutional basis”

of what is explicitly described as “New Britain”. For the benefit of noble Lords from Northern Ireland, when they read the report I think they are supposed to infer that Northern Ireland is part of “New Britain”.

Paragraph 39 makes clear that such a second Chamber can be legitimate only if elected. At page 135, the report refers to the 92 hereditary Peers as “representing the landowning classes”. I happen to know a considerable number of hereditary Peers, many of whom would be delighted to discover that they are members of the landowning classes. Unfortunately for them, such a circumstance never arose, or circumstances conspired against them. It might have been the depredations of Great Uncle Rupert at Monte Carlo or, more seriously, the impact of death duties after two world wars, but what if this statement was accurate? Is there any reason why the so-called landowning class should not have had a role in the making of law for their land?

To be fair to the authors of the report, they go on to observe that the House of Lords discharges “an important constitutional function”. They observe that:

“The work of its committees is ... of a very high quality ... because of the experience and expertise of their members”.

I quote what follows:

“We wish to record our gratitude to the ... Labour Peers who consistently work to improve legislation”.

For the benefit of the authors of the report, and for those newly arrived on the Government Benches, I point out that many Peers on the Liberal Democrat Benches consistently work to improve legislation, as do many Peers on the Cross Benches. There are even some Conservative Peers who consistently work to improve legislation. Among them all are many hereditary Peers.

The very term “hereditary Peers” is now quite misleading. As Lord Steel pointed out when he published his own Bill in 2007, they are now “*de facto* life Peers”. Why, when the expressed intention is supposed to be the fundamental reform of the upper House, are *de facto* life Peers to be treated as the exceptional Members of this House? Are they the exceptional Members of this House? What of the Lords spiritual, our Lords of Parliament, once some of the great landowners of England?

The Lords spiritual were removed from this House in 1642 but returned following the Restoration in 1660. Even then their place was precarious, as exemplified by the trial of the seven bishops before the King's Bench Division in June 1688, on charges of seditious libel because of the petition they presented to the sovereign. Why are they now secure? Today the diocese of Durham is guaranteed a seat in the House of Lords but Scotland is not, despite article 21 of the treaty of union purporting to guarantee Scotland 16 seats. Today the diocese of York is guaranteed a seat in the House of Lords but Northern Ireland is not—not since the disestablishment of the Church of Ireland in 1871. Today the diocese of Winchester is guaranteed a seat

in the House of Lords but Wales is not—not since the independence of the Church in Wales in 1920. How does this come about?

Upon appointment to the see of Durham, the bishop inherits a seat in this House from his or her predecessor, without any further requirement. Upon retirement, the seat in this House is automatically passed on to his or her successor, without any further requirement. You might contrast that with the position of the 92 Peers referred to in the Government's Bill as "hereditary Peers". They cannot inherit a seat from a predecessor in title and, when they leave, ambulant or otherwise, their successor in title does not inherit their seat.

The situation for the Lords spiritual appears more anomalous, and perhaps more in need of reform, than the situation for de facto life Peers, many of whom have occupied the highest offices of state and served as Ministers of the Crown. [*Interruption.*] I am not sure whether that was approbation or otherwise, but many have occupied the highest offices of state, served as Ministers of the Crown and generally contributed mightily to the work of this House.

If we are to set out a meaningful constitutional reform of the upper House, so be it, but there is no logic in piecemeal change. To chop away at one small branch of the constitutional oak that is the House of Lords is little more than political vandalism, apparently fuelled by a totally misconceived perception of what the landowning class of this country is. Constitutional reform of any magnitude should be logical and consistent. Piecemeal reform is liable to encourage an overmighty Executive to stop short of major reform when it suits their interests. This has happened in the past and we should not allow it to happen again.

What is presently proposed by this Government is not an exercise in democratic reform, no matter how it may be dressed up. It is what some could regard as a simple interference with the composition of the upper Chamber of Parliament. The Government will seek to secure the removal of 92 Peers from Parliament, and then what will it do? Engage in some democratic process? Let us not be naive. The Prime Minister will send us his chosen appointments. Should we then tolerate a so-called constitutional change that involves the removal of one cohort from this House and simply replaces it with another cohort of the Executive's choosing? That is not democracy in action. That is simply a further incursion by a powerful Executive on the balance of power with Parliament.

If this Government have a genuine desire to address major constitutional change then so be it, but if they intend to flirt with politically inspired meddling then we should challenge it. Of course we are expected to accept that the Labour Government have further major reforms of the House of Lords coming; Labour's further major reforms of the House of Lords are always "just coming".

When the Liberal Government introduced what became the 1911 Act, they did so as a prelude to real reform. The statement was that

"it is intended to substitute for the House of Lords"

an elected Second Chamber. The Bill proposed in the King's Speech is not even a step in that direction. It is a political cul-de-sac.

I conclude by expressly adopting the statement made by Labour Ministers in 2003:

"We cannot accept the removal of the remaining hereditary peers on its own, but only as part of much wider measures of reform".

4.01 pm

Lord Wallace of Saltaire (LD): My Lords, I join in welcoming the noble and learned Lord, Lord Hermer, to his new post and to the House. I was cheered by his speech, and by the broader issues not just of the rule of law but of the need for continuing political and constitutional change and greater democratic participation of which he spoke. I am disappointed that in the list of Bills we have for this Session there is so little, so far, that takes us further in that direction. As the Sessions move on in this Parliament, I hope that those promises will be fulfilled.

I was puzzled, to say the least, by the speech given by the noble and learned Lord, Lord Keen—13 minutes on reform the House of Lords. From time to time, I have pondered with friends how long it would be before the Conservative preference in office for executive dominance as the principle of the British constitution would switch back to Lord Hailsham's insistence that it was a threat of "elective dictatorship" as soon as they were out of office. I think I began to hear that switch much more quickly than I expected.

This Government came in promising change, and that change must include constitutional change more broadly—not just about the nature of this Chamber. The strongest argument for urgent political reform is that public trust in Westminster politics has now sunk lower than ever previously recorded. Some 45% of respondents to this year's NCSR survey say that they would "almost never" trust Governments of any party. In a political system constructed to institutionalise two parties, over 40% of those who voted in the general election chose neither of them. Labour won nearly two-thirds of seats on one-third of the votes cast. Taking into account the four in 10 people on the electoral register who did not vote, only 20% of those on the electoral register voted Labour, and only about 10% voted Conservative. Do not forget that, in addition, nearly 6 million—perhaps even 8 million—of British citizens are not even on the electoral register. There are a whole set of issues about the quality of our current democracy.

The gracious Speech declares:

"My Ministers will strengthen the integrity of elections and encourage wide participation in the democratic process", but there is nothing in the list of Bills that follows that through. The Prime Minister, in his introduction to the King's Speech memorandum, declares:

"The fight for trust is the battle that defines our political era".

We on these Benches agree, but only the Hillsborough Bill, imposing a duty of candour on civil servants, begins to tackle the widespread public disillusion with Westminster and Whitehall politics.

The gracious Speech promises that:

"Measures to modernise the constitution will be introduced".

Well, let us see them. The only measure listed is to remove the hereditary Peers from the House, which my party proposed for the first time 113 years ago.

[LORD WALLACE OF SALTAIRE]

Where are the measures to entrench the position of the constitutional guardians, from the Lords Appointments Commission to the Committee on Standards in Public Life? The Government, as the Minister confirmed, will propose a modernisation committee for the House of Commons, but we need to know how long that will take to set up and that it will report, we hope, before the next general election.

We on these Benches remain committed to major reform of the UK's second Chamber—unlike the Conservative Party, I remind the noble and learned Lord, Lord Keen of Elie—as we proposed in the coalition Government 12 years ago. I painfully remember, as I trust the noble Lord, Lord Grocott, will, the two-day debate we had in this Chamber in which some, including him, argued that there was no way we could improve the current House and that further reform was completely unnecessary. However, Gordon Brown's recent commission came up with similar proposals to those which the Liberal Democrats put forward. Removal of our elected hereditaries represents a small further reform, although there is room for negotiation on transitional arrangements, since we all agree that many of our current hereditary Peers provide valuable service to the House.

For those opposed to major reform, the most urgent problem the House faces, which the noble and learned Lord, Lord Keen of Elie, did not mention, is the gross imbalance between Conservative Peers and other parties. Constructive negotiations should begin with a Conservative Party offer of voluntary retirement for a significant number of its own Peers. Liberal Democrats support the principle of a retirement age—I declare an interest: I am even older than President Biden—and would consider a minimum age for appointment, which several other second Chambers include.

As to the gracious Speech's promise to “encourage wide participation in the democratic process”, there is very little here to see. We need to move towards automatic voter registration to make the register fully inclusive. We need to restore the independence of the Electoral Commission, which was undermined by a government Act two years ago, and we should widen the franchise to include all those past their 16th birthday, to inculcate the habit of democratic participation into the rising generation as early as we can. Of course, we must face up to the gross distortions of our current voting system.

We need to look at the English devolution Bill to promote some means to regain trust through a more active democracy. Local democracy, after all, provides the bedrock for public participation: local councillors dealing with local problems. Successive Governments have wrecked local government in England over the past 30 years, and the last Government did more damage than their predecessors. Britain has far fewer local councils and far fewer elected councillors than any other advanced democracy. Pursuit of unitary councils and, now, combined authorities and directly elected mayors has left abandoned town halls all across the country. The current patchwork across England is a mess. We have mayors for combined authorities who do not represent recognisable communities, two-tier local government in London, unitary authorities in

most but not all of the rest of the country, and metropolitan mayors being the only elected representatives from outside London whom the Government listen to. If we are to rebuild public trust and widen participation in our democracy, as the gracious Speech stated, then we have to revive local democracy. The Liberal Democrats will approach that Bill from the perspective of how we widen democracy across England and the whole of the UK.

Others on our Benches will speak about relations with the UK's devolved national Governments. We on these Benches will be happy to engage with the Government on more ambitious plans for constitutional change, as well as, of course, on the future of reform for this Chamber, which should all be approached as far as possible on a cross-party basis.

4.09 pm

The Earl of Kinnoull (CB): My Lords, I join in congratulating the noble and learned Lord our Attorney-General on his very thought-provoking maiden speech, and I welcome him to this House on behalf of these Benches. I am also very much looking forward to the valedictory speech of the noble Lord, Lord Warner, whose distinguished career has had so many facets; I am very fortunate to be speaking in the debate where he will be making that speech.

As noble Lords know, we had a debate in my name in this Chamber in January on intergovernmental relations within the UK, pretty well on the second anniversary of the surfacing of the new system that emerged from the lengthy review process. Among the points I made was that one could see from the quarterly activity reports produced by DLUHC, now MHCLG, that Whitehall ministries seem to vary widely in the amount of engagement they undertake. I was therefore delighted to hear in the gracious Speech of the Government's commitment to strengthening their work with the devolved Governments. Indeed, the further words from the Attorney-General just now heartened me additionally.

As I said in January, the output of the review was good but we were not using the structures and forums well enough, as can be seen from the quarterly reports I just referred to. I also pointed to Canada, which, following its 1995 referendum, when Quebec nearly voted “out”, has put in place a robust system of meetings and communications with its many devolved entities. I hope the Government will take a careful look at the Canadian model, which would also reward the proposed English devolution. I also asked in January whether DLUHC was really the natural home for co-ordinating this; it would seem to me to be the Cabinet Office, which would have greater ability and authority to encourage back-marker ministries to engage. Will MHCLG continue in this role?

I turn to reform of our House. The British constitution is a three-legged stool, with its legs of the Executive, Parliament and the judiciary. Major change by the Executive to the legs of the stool needs to be undertaken with great care, especially if the net effect is to accrue more power to one or other of the legs. Taken together, the proposals to remove hereditaries and restrict the age of Members of this House would see around half the peers present at the start of this Parliament depart

by the end of it—by any measure, a major change. The figure for the Cross Benches, with our slightly older average age, is closer to 60%.

In giving evidence to the Commons PACAC committee in May, I commented that there were “three unfairnesses” in the make-up of the membership of our House: the hereditaries, the bishops, and the unlimited and unfettered power the Prime Minister has to make appointments to this House. I continue to feel that the greatest unfairness is this last one, which is both very powerful and vested in one person. The changes proposed in the Government’s manifesto would add power to the Prime Minister, so that an already very large power without precedent in any other liberal democracy would be increased. History shows that vesting great power in one person can cause problems, and however comfortable we might feel about our freshly elected Government today, this is not a satisfactory state of affairs going forward for a major liberal democracy.

In 2017, the noble Lord, Lord Burns, and his committee produced a very measured report about the size of the House and, by implication, some sort of conventional cap on the Prime Minister’s prerogative powers. We in this Chamber unanimously agreed this outstanding contribution to the thinking about these difficult issues. Many of those who were a part of that unanimous agreement are on the Front Benches of the major groupings present today. I look forward to hearing later on from the noble Lord, Lord Burns, who I am sure will pick up that theme.

As we seek to navigate the difficult waters and balance constitutional security, the proper relationship between Parliament and the Executive and the words of the Government’s manifesto, all these factors will need to play a part and be taken account of.

4.15 pm

The Archbishop of York: My Lords, it is an honour to respond to the gracious Speech. I, along with others on these Benches, welcome the noble and learned Lord, Lord Hermer, the Attorney-General, and thank him for a really moving maiden speech—not least his desire that we listen to and respect one another and work consensually.

Like others, I want to focus on one thing, which is rebuilding trust in democracy itself. The turnout on 4 July was shockingly low. Research also shows a 13% gap in turnout between constituencies with the highest and lowest proportions of home ownership. Furthermore, an estimated 400,000 people were turned away at the polling station because they did not have the right ID. These are alarming statistics, and I look forward to the changes outlined in the Government’s manifesto that could start to address them, including reducing the voting age to 16.

It is the link to poverty that causes me the gravest concern. It shows that a large proportion of our population do not feel they have a stake in our national life, nor much of a future to look forward to, and therefore for them, voting just is not worth it. There are measures on poverty in the King’s Speech that I welcome, particularly the children’s well-being Bill and the plans for free breakfast clubs, but I must take this opportunity to join others in calling for the removal

of the two-child limit to universal credit, because it is the biggest driver of rising child poverty and has a big impact on trust in our democracy.

I have often spoken about the power of devolution, not just to shift power away from the centre. Devolution shifts perspective, enables consensual politics to thrive and enables us to take a longer view. The recently established York and North Yorkshire Combined Authority, where I live and serve, is already starting to demonstrate the difference this can make for rural as well as urban communities. I therefore wholeheartedly welcome the establishment of a council of the nations and regions. Moreover, noble Lords will not be surprised to hear that we on these Benches also welcome the extension of the Lords Spiritual (Women) Act 2015.

The tone of the Government’s manifesto and what we heard from the noble and learned Lord today speaks about governance as service. This is so important for building trust in our democracy. No one meant it to happen, but there has been an erosion of respect for the rule of law, convention and the weighty responsibility to tell the truth. However, the nature of our uncodified constitution is that it relies as much on conventions that are derived from tradition as anything else. Therefore, it is up to us to respect each other, listen to each other, build consensus and work together. I want to take a lead from the noble and learned Lord and say that we can be part of this in the way we conduct our business in this House.

Yes, there are legitimate questions about the House itself. First, we are a scrutinising Chamber, offering wisdom and a balance of power. It is for this incoming Government and the Ministers appointed to this House to ensure that this role is properly understood. Secondly, we ought better to represent the breadth of the nation we serve: 24% of our membership have links to London and 22% to the south-east, but only 3% to the north-east. Thirdly—I do not know what we do about this, but perhaps the noble Lord, Lord Burns, will tell us in a moment—there are just too many of us, and that is not good for us. Fourthly, while we on these Benches value our particular role as Lords Spiritual, we think that other faith communities could be better represented as well. We believe that there needs to be a wide debate about the reform of this House, and we are confident that when this happens, the place of faith in public life will be seen to matter. We look forward very much to working with other Members across this House in addressing these issues.

Finally, I want to pay tribute to something it would be so easy to take for granted and that shows the underlying strength of our democracy, which needs to be rebuilt and renewed: the respectful and peaceful transition of power from one Government to another that we witnessed a couple of weeks ago. For me, that is a great sign of hope for what we can be at our best, working together for the common good.

4.20 pm

Lord Alli (Lab): My Lords, I first welcome the noble and learned Lord, Lord Hermer, to this place. I want to say how pleased I am that he has joined the Government and I congratulate him on an excellent maiden speech.

[LORD ALLI]

I have been in your Lordships' House for 26 years; I know I do not look as if I have, but I have. Twelve of those years have been on the Government Benches and 14 on the Opposition Benches, and I can say without hesitation which I prefer. It is a privilege to return to this side of the House, and it would be remiss of me not to thank the party opposite for all its help in making that possible.

On a more serious note, I want to take a moment to reflect on the many colleagues who are not here today and who would have loved to have witnessed that journey. I am thinking of them all, in particular my noble friend Baroness McDonagh, who I know would have been by my side today.

I have chosen to speak in the constitutional debate because, over the last decade, we have seen an undermining of the fundamental principles that decency and fair play should underpin our elections. At the last election, voter turnout was low—low because voters were fatigued by politicians but also because you do not win elections by maximising voter turnout; you win elections by making sure your votes are distributed in the right seats.

However, in 2014 the Conservative Party started down a road that systematically disenfranchised many voters they believed would not support them. First, there were individual electoral registration forms, where each voter had to register individually rather than relying on the old household forms, thus disenfranchising many young people and ethnic minorities. Then came voter ID, again disproportionately affecting the poor, the disabled and the ethnic minorities. Then there was a type of voter ID that was acceptable—yes to blue badges and older persons' bus passes but no to student ID cards—and, more recently, sabre-rattling around the widespread use of postal votes.

Democracy requires participation. Depressing participation should not be used as a political strategy. The only winners of that are extremists. So, I welcome the Government's commitment to modernising the constitution, beyond the reform of this House, to strengthen the integrity of elections and encourage wide participation in the democratic process.

I ask my noble friends on the Front Bench in this place and my honourable friends on the Front Bench in the other place: in addition to extending the franchise to 16 and 17 year-olds, will they look at two other measures? The first, I suspect, given the speech by the noble Lord, Lord Wallace, would be easy, and that is automatic enrolment. There can be very few arguments against it. The second could perhaps be a bit more difficult, and that is mandatory voting. This is not a revolutionary idea. Indeed, some form of mandatory voting exists in over 22 countries, including Australia, Belgium, Luxembourg, Brazil, Argentina, Peru, Ecuador, Singapore and Uruguay. What do we see in those countries? We see increased voter turnout and reduced influence of money in politics.

We do not have to sit back and watch extremism rise in our society—extremism built on the back of fewer people participating in our elections. We can do something about it. I am reminded of that quote, "The only thing necessary for the triumph of evil is for good

people to do nothing". We can do something. This is our opportunity to act, and I hope the Government will do so.

I wish the Government all the best on what is an ambitious King's Speech. It has been far too long acoming for me, but it is here now. Let us not waste the opportunity to implement change.

4.24 pm

Lord Strathclyde (Con): My Lords, I echo my noble and learned friend Lord Keen of Elie in welcoming and congratulating the noble and learned Lord the Attorney-General on his excellent maiden speech. I know we will hear from him a great deal in future, and I for one look forward to that.

On 11 July, the Lord Speaker wrote to all of us and sent us an email in which he said:

"We will, as always, continue our detailed scrutiny of legislation and debate the key issues of the day, while maintaining the respectful and thoughtful tone that characterises the work of this House".

Those were good and noble sentiments from the Lord Speaker, yet within days the Government were planning a consultation to remove Peers over 80 and fling out Peers such as the Convenor of the Cross Benches, the noble Earl, Lord Kinnoull; the deputy Leader of the Opposition, my noble friend Lord Howe; several shadow Ministers; the Deputy Chief Whip, my noble friend Lord Courtown; and many former Ministers who have served in Governments and served the nation over many years—I should perhaps declare an interest. A respectful and thoughtful tone? I think not, even though the noble and learned Lord the Attorney-General did his best to sugarcoat the pill.

Why are the Government proposing this? Some say it is because the House is too big, and there was an echo of that from the most reverend Primate who just spoke, but a reduction from 800 Peers to 710 is hardly going to have them cheering in the streets of Islington. Furthermore, the numbers in the House are not an obvious problem. In the last Session of Parliament, over 450 Peers voted on 16 occasions, nearly all of which were on the Rwanda Bill. That does not sound to me like an overcrowded House.

There are also many better ways of reducing the numbers if you really want to: by age, by failure to attend or by electing those to remain in party groups. It is all quite simple, really, and it has been done before. History tells us that Labour Governments have managed to get their business through quite easily within the existing conventions and normal practices that have governed our House's behaviour since 1945. Just look at Attlee's radical agenda in the late 1940s, Wilson and Callaghan in the 1960s and 1970s and Blair and Brown this century.

I am told that, for Labour, this is all unfinished business. It is unfinished business, but not in the way that Labour now means. The Government's predecessors struck an important and worthy agreement, negotiated by the then Lord Chancellor, the noble and learned Lord, Lord Irvine of Lairg, to let the former hereditaries remain in the House until a proper stage two reform was enacted. So I ask: is this really it? It is thin gruel indeed and not much to show for 25 years of thought or, more properly, lack of ambition.

Labour's manifesto is more ambitious—age limits, tougher scrutiny through the appointments process and attendance or participation hurdles—but, as soon as Labour is in government, all that is conveniently put to one side. As for elections or even indirect elections, there is not a glimmer.

In 2012, another place voted overwhelmingly in favour of a genuinely democratic House of Lords Reform Bill that included an 80:20 split of elected Members. The Bill foundered for lack of agreement on a timetable Motion. Perhaps we should ask this House of Commons whether they have become more flexible.

The hereditary peerage was abolished in 1999. As my noble and learned friend Lord Keen of Elie said, no right of succession has existed since then. I accept that heredity is a qualification for the excellent by-elections, but even I can see that the intention is that they will not remain for long.

So I ask the Minister: why on earth are the Government continuing some strange vendetta against a small group of Peers who are generally younger, more regular attenders and better participators in the House than the average, yet the Government are still unable to tell us their long-term vision for the House? We should not accept more bungled piecemeal reform until we have the certainty of proper reform that has been promised for so long.

4.29 pm

Lord Bruce of Bennachie (LD): My Lords, I welcome the change the election ushered in, which we Liberal Democrats are particularly proud to have been part of. I wish the Government well in restarting the economy, rebooting our public services and providing calmness and stability after the dysfunctional chaos of the last few years.

In Scotland, we saw a serious reset of the obsessive nationalism that we have endured. I am delighted at the increase in Liberal Democrat seats to six—more than the Conservatives—and the recovery by Angus MacDonald of my friend Charles Kennedy's old seat. Gordon and Buchan, on slightly redrawn boundaries from my former seat, saw an increase in the Liberal Democrat vote in spite of a vicious squeeze by the SNP and the Conservatives. Indeed, the vote went up in Aberdeenshire, Moray and Inverness seats, which is a pointer to the new dynamics for the Scottish Parliament elections in less than two years. Then, I believe, Scottish voters will seek to continue the rout of the SNP after their disastrous tenure in government and there will be no appetite to bring the Conservatives into government in Scotland. Liberal Democrats will be there to offer a positive programme for government and, unlike those two, we might have some chance of implementing it.

In Scotland and across the UK, there is an appetite for change and reform. I am disappointed to say that Labour do not seem to be inspired for delivering that. I would like to see the devolution settlement clarified and entrenched. The lack of a constitution makes that difficult but not impossible. We do not need an endless debate about powers: just a clear rulebook and a proper partnership, with a clear dispute resolution mechanism when the need arises. The circumstances for another independence referendum surely need to be laid out in terms of what might trigger it, what the

question might be and whether there is a case for a supermajority. I do not believe that we can define these things by a simple majority vote.

The electoral system for local government and the Scottish elections is devolved and there is a strong case for review. The current system for electing the Scottish Parliament is not very proportionate and creates two classes of MSPs: constituency and list. Scottish voters are familiar with the single transferable vote in local government. It would be consistent to adopt that system for the Scottish Parliament and create a much better connection with the voters.

Reform of the UK constitution is surely also overdue. Many commentators have said that our political system is broken, but neither of the two old parties shows any inclination to mend that broken system in real, fundamental ways. For example, much is made of the misalignment of votes and seats for the parties in the election, but what is much worse is that 70% of those who voted did not elect anybody, having cast their votes for candidates who lost. This is a fundamental disconnect between voters and MPs—a travesty of democracy, with most votes wasted. People used to say that a Liberal Democrat vote was wasted. It certainly was not wasted in this past election, but nearly everybody's vote was because they failed to elect anybody. Our democracy is positively Neanderthal. I suggest that the argument that first past the post provides stable government has been very much disproved by the last 10 or 15 years, when it has produced anything but. It has been delivered only by denying people an effective voting system.

The final constitutional issue, which has hung over us for so many years, is our relations with Europe. Brexit has been a disaster, driven by people who never expected to win but hoped they would pick up votes by stirring up resentment. There is no shortcut back, as the nationalist pretension to the contrary is a deception. Nevertheless, geographically, politically, economically and culturally, our ties are closest to Europe, so we need to re-engage. We should accept the offer of limited freedom of movement for under-35s. We should rejoin Erasmus, align veterinary and food rules and more, but the EU may not offer any or all of that without some form of engagement. That is why the Liberal Democrats recognise that, in the long run, over a Parliament, we should be prepared to rejoin the single market to secure the benefits we previously had and which young people are desperate to recover.

The Conservatives have just learned the vagaries of first past the post in Scotland. Labour has benefited this time but could lose out in future. We need a radical rethink, such as New Zealand underwent a generation ago. This is a mission which we Liberal Democrats are prepared to take forward. If others will not fix the system, we will.

4.35 pm

Lord Dodds of Duncairn (DUP): My Lords, I too welcome the new Attorney-General to his place in this House and congratulate him on his maiden speech. I wish him and all members of the new Government well as they face the great challenges nationally and internationally. I hope that our contributions in this House will help the Government in their consideration of these important matters.

[LORD DODDS OF DUNCAIRN]

I welcome the fact that, at the outset of his tenure, the new Prime Minister visited each of the countries of the United Kingdom—that was an important signal—and met the leaders of the devolved Administrations. I hope the Government will carry through on their commitment to a different and better working relationship with the devolved Governments. I look forward to hearing the details of the proposed new council of nations and regions that has been suggested—it is similar to the new east-west council proposed in the *Safeguarding the Union* document by the previous Government. It will be interesting to know how those two bodies will interact and relate to each other.

On donations to political parties, the Government are right to consider strengthening the rules on foreign donations. I urge them to look particularly at the anomaly in Northern Ireland where one political party—namely, Sinn Féin—is able to benefit by a considerable amount of donations from abroad, which has an impact on the electoral politics of Northern Ireland. That anomaly and loophole must be closed.

The Government talked about strengthening the Sewel convention. In the last Parliament, your Lordships highlighted a discrepancy in many debates: lip service is paid to the necessity of devolved government and cross-party agreement in Northern Ireland, yet, even when that existed, the Government ran roughshod over the views of elected representatives and people. I think particularly of abortion laws in Northern Ireland, where, again, the views of the elected representatives of the people and the people themselves were set aside, with this Parliament deciding to legislate in place of the devolved Government.

We have also seen that in relation to the issue of legacy. Despite there being considerable disagreement across the board in Northern Ireland, across all parties and communities, the previous Government decided to continue to legislate for a conditional immunity scheme for those guilty of the most heinous terrorist crimes. It was, in effect, a conditional amnesty—a shameful stain on the record of the previous Government and something we all opposed. I look forward to hearing what this new Government will do on that matter. There should be no question of Northern Ireland uniquely being expected to tolerate an amnesty for terrorist crimes when other parts of the United Kingdom are not in that position. Indeed, it is unacceptable wherever it is proposed.

We need to put the victims first and listen to them. I am not interested in those who are hypocritical in these matters. They are the victim creators: they made victims in Northern Ireland and yet bleat about human rights, respect and equality. I am interested in the voices of the real victims. In talks with the Irish Republic's Government, as a neighbour of the United Kingdom, I would like the Government to raise the Irish Government's approach to legacy issues as well, because there has been a shameful failure on their part to co-operate and bring justice to victims in the Irish Republic.

In February 2024, the courts in Northern Ireland ruled that major parts of the legacy legislation were not only incompatible with the European Convention on Human Rights but had to be disapplied because

they conflicted with EU law under the Windsor Framework/protocol—a UK Act of Parliament struck down by EU law, still in the United Kingdom after Brexit.

In the 21st century, part of this United Kingdom, in 300 areas of law, has its laws imposed on it by a foreign political entity in which no representative of Northern Ireland here at Westminster or in the Assembly has any say. It cannot propose, develop, pass or amend such legislation. This covers vast swathes of our economy and, as we have seen with the legacy issue and on immigration law, areas much wider than just the economy. That colonial status in those areas for Northern Ireland is a travesty of democracy; it is a constitutional obscenity. I urge the Government to grapple with this issue. Some people may wish to sweep it under the carpet, but it is our job as democrats in Northern Ireland and across the United Kingdom to highlight this disfranchisement, and we must rectify it as soon as possible.

4.40 pm

Lord Fowler (CB): My Lords, I will concentrate on two proposals in the Labour manifesto and the King's Speech: the membership of the Lords and the proposed retirement on age grounds of Members.

Since the passing of the original 1999 Act, there has been no progress whatever in reducing the size of this House, and the result is that we now have a membership that will soon exceed 800. The original proposal of the Blair Government was to exclude all hereditary Peers, but that became subject to 92 hereditaries continuing, the result of a deal between the Government and the Conservative Leader of the Lords. It was a secret deal that just happened to exclude the actual leader of the Conservative Party, William Hague—now the noble Lord, Lord Hague. He showed his immediate view and enthusiasm for the proposal by sacking Lord Cranborne absolutely.

I do not dispute that there are excellent hereditary Peers in this House who give a great deal to public service and to this House—

Lord Hacking (Lab): Hear, hear!

Lord Fowler (CB): Yes—we have known each other too long for me to be really rude to the noble Lord.

I hope that there may be an opportunity for those hereditary Peers who have given service to be appointed life Peers. It is not a question of personalities; it is a question of whether appointment of the House based on heredity is the right solution for the 21st century, and I do not believe that it is.

On Lords reform, the noble and learned Lord, Lord Keen, was critical on the basis that we were for ever hearing that Labour reforms were “just coming”. That may be right, but it is certainly better than Conservative reforms, which never come. I fear that has been the history over the past 30 years.

The second proposal is to fix a retirement age of 80. Personally, at the age of 86 going on 87, I imagine that I am in the direct firing line. I could say that my support was because this measure was a manifesto pledge of the Labour Party, but it goes deeper than that. The issue of there being too many Peers in this House is long standing, yet the last Government regretfully

did absolutely nothing. People such as me warned them that, if they brought forward no measures of reform themselves, others would do so, and they have. In the light of that indecision, in 2016, as Lord Speaker, I set up an all-party committee under the excellent chairmanship of the noble Lord, Lord Burns, who is here today, to consider the size of the House. Had the then Government accepted those proposals, we would be down to membership in the Lords of something just above 600, rather than the 800 that we have now—and there would be no ban on hereditaries and no reduction on grounds of age. That is what we threw away.

When the proposals were debated in the Chamber, there was widespread agreement but no notice was taken. If, as the Burns committee said seven years ago, reform is a matter of urgency, the new Government are entitled to introduce measures which catch up with the intervening period.

The real question is whether what is proposed is enough. I do not advocate measures to create an elected House, if for no other reason than that it would effectively gum up the work of the House altogether. However, other measures can be taken that do not all require legislation. First, the Government must state their aim in reducing numbers. We set out 600; what is their aim? Secondly, we should not just concentrate on existing Members but stem the flow of new Members, which means a permanent cap on the size of the Lords, restricting the discretion of any Prime Minister and setting a limit on the number of new Peers who can be appointed each year, otherwise we just leave the tap on full. Lastly, we should take measures to exclude those Peers who by any measure play no part in the life of the Lords. We should also look at the proposals of the noble Lord, Lord Burns, that new appointments should be for a limit of 15 or perhaps 20 years.

In bringing forward the proposals, this Government have an almost unprecedented opportunity for reform. I hope they take it. Above all, we do not want another Bill on the House of Lords which leaves obvious gaps that will take another 30 years to put right.

4.46 pm

Lord Falconer of Thoroton (Lab): My Lords, I join other noble Lords in congratulating my noble and learned friend Lord Hermer on his brilliant maiden speech. I also congratulate the Prime Minister on appointing him as Attorney-General. He will be a major voice for the rule of law. He has spent 30 years at the Bar and is absolutely honed in independence. His appointment could not be a clearer signal that this Government are committed to the rule of law. I very much welcome his appointment and his joining our House; for many years—subject to any reform—he will be with us to help our counsels.

I strongly agree with the noble and learned Lord, Lord Keen, that there are no risks to the rule of law under this Government. I also welcome him to the Front Bench in this debate. Especial attention should be paid to him because he is the only law officer in 150 years ever to have resigned on a point of principle. One should be very careful not to be persuaded by the quality of his advocacy, but one should listen to him on moral issues because he is a very worthwhile person. I welcome both noble and learned Lords.

The Bills affecting the constitution in this King's Speech are very well judged. This is not a King's Speech for massive reform, and rightly so. It is one to consolidate the basic principles of our constitution. I strongly welcome the electoral reform Bill to try to improve inclusion and the Hillsborough Bill that imposes a duty of candour on civil servants, which is incredibly important, particularly to victims of injustice, such as the Hillsborough victims. I also strongly welcome the repeal of the safety of Rwanda Act and the Northern Ireland legacy Act. I join the noble Lord, Lord Dodds, in saying that the latter was an outrage to the rule of law. One of the first things that should be done is to repeal it.

I will mention just two particular points in relation to the King's Speech. The first is on Lords reform. I, like everybody else, greatly admire the contribution made by hereditary Peers, but this King's Speech promises two things: more women bishops and no hereditary Peers. Broadly, that is a sensible proposal for incremental change. The idea that we should engage in massive Lords reform at this particular moment in our history is a bad idea.

Secondly, I strongly underline the commitment to the rule of law, demonstrated by the repeal of those two outrages to the rule of law, the Rwanda Act and the Irish legacy crimes Act. It is also very important that, in what goes forward in the next five years, the Government demonstrate their support of the judges. The judges came into play politically in the post-Brexit period. "Enemies of the People" was not just a casual headline by the *Daily Mail*; it represented a view that the judges were too much part of an elite. It is incumbent on the Government, unlike the previous Government, to be absolutely clear that they support the independence of the judges and will allow and brook no criticism of them.

That would be assisted if the Ministerial Code made it clear that the Lord Chancellor's role is to defend the independence of the judiciary, that when she is defending the independence of the judiciary she is not bound by collective responsibility and that when she asks Ministers to behave in a particular way, the Ministerial Code requires them to respond to what she says.

The second point is that I strongly welcome what the noble and learned Lord the Attorney-General said about skeleton legislation. This House, and in particular the much-missed noble and learned Lord, Lord Judge, made it clear that we had moved away from the correct relationship between the Executive on the one hand and the legislature on the other. We in Parliament should be making the big political decisions, not a body, a Minister or a committee. The noble and learned Lord, Lord Hermer, said that he would respect that, and that is an incredibly important pointer to the future. I strongly welcome the changes in this Speech.

4.52 pm

Viscount Hailsham (Con): My Lords, I begin by congratulating the Government on their victory at the general election—although I hope it will not be thought churlish of me if I say that, as in 2019, the Government's victory had as much to do with the electorate's distaste for its immediate predecessors as for its own merits.

[VISCOUNT HAILSHAM]

I also strongly welcome the speech made by the noble and learned Lord the new Attorney-General. It was a very constructive speech and I hope very much that our exchanges will always be constructive.

Like so many of your Lordships, I want to address the question of the composition of the House of Lords. I myself have always favoured an elected Chamber, but my intention today is to focus on some of the major areas of current concern. First, I make a declaration of interest: I will be 80 next year. I have stood in two hereditary by-elections unsuccessfully. My wife has been a Member of this House for almost 30 years and, inevitably, any change will impact on us both.

There is, of course, a widespread belief that the House is too large. There are, in fact, 818 Peers, including those on the episcopal Bench. I do not wholly agree with that view. It is certainly uncomfortable, but a large House has the advantage of providing a wide and deep pool of expertise on which to draw. We have to remember, too, that many of your Lordships who make the most constructive contributions to debates are either over 80 or have served in this House for a very long time. The noble Lord, Lord Fowler, is 86. I am going to be succeeded in this debate by the noble and learned Lord, Lord Hope of Craighead, who is 86, and I was preceded by the noble and learned Lord, Lord Falconer, who came into this House in 1997. So we should be very careful not to deprive the House of serious legislators.

That said, I do think that the Government are bound to introduce some form of change, but I hope that it will be preceded by careful consultation—and in the context of that consultation I will make a few brief suggestions. First, on the creation of life Peers, I suggest that no life peerage should be created for more than 15 years. Secondly, on mandatory retirement, I do not think that getting rid of hereditary Peers addresses the problem in a very satisfactory way. I believe that the Government will come forward with proposals for mandatory retirement, but we need to keep in mind that 178 life Peers are over 80 years of age and 206 life Peers have served more than 20 years. So we are at serious risk of depriving this House of quality. Any change should be evolutionary and, in my view, should be introduced either at the conclusion of this Parliament or during this Parliament incrementally, or both.

I will make two further comments. On the hereditary peerage, I agree with much of what my noble friend Lord Strathclyde and my noble and learned friend Lord Keen said. However, I do not think that hereditary Peers should sit in the House beyond the conclusion of this Parliament. I would not make a differential between them and other Peers during the lifetime of this Parliament, save this: I would abolish the by-elections. I have come to those general conclusions because I admire the contributions that hereditary Peers have made. Also, what is the difference, in principle, in a democratic society between unaccountable appointments—for example, by the Prime Minister—and an election from a hereditary pool? I suggest that they are not very different.

Finally, and notwithstanding the distinguished speech from the most reverend Primate the Archbishop of York, I do think there is scope for reducing the size of

the episcopal Bench. There are now 26 bishops capable of sitting on the episcopal Bench. Why not reduce them to five: the most reverend Primates the Archbishops of Canterbury and York and the right reverend Prelates the Bishops of Durham, Winchester and London? That would be quite sufficient.

So I suggest pausing and further reflection—and I hope that, as a result of such reflection and indeed consultation, we might have serious proposals for an elected second Chamber or, at the very least, for the appointment and limitation of life Peers.

4.57 pm

Lord Hope of Craighead (CB): My Lords, I join with many others in welcoming most warmly the noble and learned Lord, Lord Hermer, to his place on the Front Bench as Attorney-General. I also congratulate the noble Lord, Lord Khan of Burnley, on his appointment to the Front Bench. The appointment of someone with the learning and experience of the noble and learned Lord, Lord Hermer, as a Law Lord in this House, demonstrated so ably by his excellent maiden speech, is especially welcome—I join with the noble and learned Lord, Lord Falconer of Thoroton, on this point. It brings to life exactly what the Constitution Committee recommended in a report last year. It is so good to have an Attorney-General back with us again in this House.

I shall make one or two points on House of Lords reform. The noble Baroness, Lady Hayman, spoke briefly about this at the start of her speech last Thursday. Like her, I welcome the Government's manifesto commitment to a smaller House and to those who are appointed to come here being selected because of their ability and their commitment to making a real contribution to our work. However, like her, I wonder whether introducing a hard-edged, mandatory retirement age of 80 is the right approach. Like the noble and learned Lord, Lord Falconer, I am in the firing line of that proposal as I am 68—I mean 86.

Noble Lords: You must be 68.

Lord Hope of Craighead (CB): I wish I was; I feel exactly the same as I did when I was 68, but there we are.

The grand old age of 80 may seem like a far-off dream to those in their mid-40s and the passing of years does have its effect—but it does not affect everyone in the same way. The situation of one group to which I belong—former senior judges—is worth looking at as an example of what a hard edge would do. Serving judges are disqualified from sitting and voting in this House for as long as they continue to serve as judges, and their statutory retirement age is 75. Of course, not all of them continue to that age, but some do, such as myself and the late and much-admired Lord Brown of Eaton-under-Heywood. Like me, he was already 75 when he came back here after leaving the Supreme Court, and many of his finest contributions to the work of this House were made when he was well over 80.

The same is true of the late Lord Judge, who was at the height of his remarkable powers when he reached that age, and we can be sure that he would still be contributing just as well today, had he not been taken

from us by the sad illness that led to his death. It may be thought that to cut off members of this group after only five years, when they are only just getting their feet under the table, would deprive us of something of value. It would not fit with our special role as a revising House.

Joining the noble Lord, Lord Fowler, I suggest that the better approach is to concentrate on non-attendance as a reason for disqualification. There is a weakness in our participation arrangements that needs to be examined and corrected. We are a part-time House but I wonder whether those who come hardly at all, of whom there are too many, should be accorded the same privilege to sit and vote here as the rest of us who come so often.

Turning to devolution, I welcome the Government's commitment in the gracious Speech to strengthen their work with the devolved Governments in Scotland, Wales and Northern Ireland. The changes that the general election has brought about in Scotland are profound. I urge the Government to take full advantage of this. There is an urgent need to repair relationships that were so damaged by the attitude of both sides to the independence issue in recent years. It seemed to affect every decision taken by the Scottish Government in their campaign to advance their progression to independence. This, in turn, led to a tight-fisted attitude, understandably so, on the part of the UK Government. Thus, decisions on their part would be used as part of the drive for independence by the SNP. I hope that from now on, in view of these changed circumstances, respect and co-operation will be at the heart of their relationship.

I suggest that the Government look again at recommendations in the report of the Smith commission published in 2015. Two unresolved points deserve attention: further borrowing powers to support capital investment; and the Sewel convention, to which the last Government far too often were unwilling to give effect. If trust is to be maintained, it is essential that the convention be respected at all times by all sides. The commission recommended that the Sewel convention be put on a statutory footing, but the amendment made to Section 28 of the Scotland Act was so worded as to give away as little as possible. It was recognised by the Supreme Court to mean no more than that it remains a convention. I do not think that was what was intended. This needs to be corrected by a change of wording. If that is going too far, it is essential in the meantime that full weight be given in all circumstances to the Sewel convention right across the United Kingdom.

5.02 pm

Lord Grocott (Lab): My Lords, I shall focus on Lords reform. I congratulate the Government on avoiding the temptation to embark on wholesale reform of the Lords and instead approaching the issue on the basis of incremental change. I also congratulate the Labour Government on completing the promise of the 1997 Labour Government, who said that they would remove the hereditary principle as a qualification for membership of the legislature.

Section 1 of the 1999 Act states:

"No-one shall be a member of the House of Lords by virtue of a hereditary peerage".

During the passage of the Act, as many in this House know and as described well recently by the Marquess of Salisbury, the Lords threatened to disrupt the Labour Government's whole legislative programme and forced them to retain 90 hereditary Peers, together with an undertaking that any vacancies would be filled by by-elections in which only hereditary Peers could stand, and in which, for the most part, only hereditary Peers could vote. As it has turned out, all 92 are men.

I have tried in vain over eight years, and with four identical Private Member's Bills, to scrap this ridiculous procedure. All my efforts, despite having the support of the overwhelming majority of the House, were in vain. The Bills were filibustered by half a dozen Peers and blocked by the Tory Government. Had I been listened to back in 2016, there would now be 27 fewer hereditary Peers, and the whole issue would have been well on the way to being resolved.

I understand, of course, the upset that many will feel, in all parts of the House, about 90 colleagues facing the prospect of ending their membership of Parliament. I certainly understand it; it happened to me. In my case it was at 3 am, announced by the returning officer and received in some parts of the hall with great rejoicing. But times change in any parliamentary system, and membership of Parliament carries no guarantee of permanence, as the 250-odd Members who lost their seats three weeks ago will testify.

When the Bill comes to the Lords, I hope we will recognise the context in which it will be presented. First, the Government have a clear and specific manifesto commitment to remove the right of hereditary Peers to sit and vote in this House. Secondly, that manifesto commitment was contained in the King's Speech as a first Session legislative promise. Thirdly, when it comes to us, it will have been passed by the Commons with a parliamentary majority probably in excess of 200. No Bill could come to this House with greater weight and authority behind it.

We of course have a constitutional duty to scrutinise the Bill, but we also have a constitutional and democratic duty to ensure that this Labour Government, with their commitment on hereditary Peers, are not subject to the same treatment by the Lords as their predecessors were in 1999.

I make one final plea on this subject to the usual channels. The House may not have noticed that, in a quirk of fate and timing, in the same week that the King's Speech announced the planned ending of the right of hereditary Peers to sit and vote here, it has become apparent, would you believe, that two more by-elections are pending. Our Standing Orders require that these by-elections, one Conservative and the other Cross Bench, must take place within three months. The electorate for the Conservatives consists of 46 hereditary Peers, all men, and for the Cross Benches it is 33, also all men.

I appeal to the Front Benches: surely it would be pure farce to allow these by-elections to take place at the same time that a Bill was passing through Parliament that would scrap them once and for all. To go ahead would be a gift to critics of this House, as well as providing a spectacle whereby someone was introduced as a new Peer, only to be removed in a matter of weeks.

[LORD GROCOTT]

There is a simple solution, which is to suspend the Standing Order that governs these by-elections, and there is a recent precedent when the then Leader, the noble Baroness, Lady Evans of Bowes Park, on 23 March 2020 successfully moved a Motion to do just that. I appeal to the usual channels to spare the House and any potential candidate the risible prospect of these by-elections going ahead by proposing the appropriate Motion before the Summer Recess.

In conclusion, I reiterate my support for the Government's approach to Lords reform, which avoids the black hole of a grandiose comprehensive reform—which all precedents tell us would end in time-consuming failure. I hope that during the course of this Parliament, there will be further incremental reform to deal with the size of the House. I particularly welcome the Bill on the hereditaries; I often wondered whether it would ever happen in my lifetime. It will now take place as an early Act of the current Labour Government, and in so doing complete after 25 years the work of the previous one.

5.08 pm

Lord Browne of Belmont (DUP): My Lords, it is a great pleasure to take part in this debate on the humble Address, and I congratulate the Government on their success in the election. I also congratulate the noble and learned Lord, Lord Hermer, on his maiden speech. I know that his vast experience, knowledge and expertise will prove of great benefit to the workings of this House.

I am pleased to acknowledge the commitment by the Government to repeal the provisions of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. My noble friend Lord Dodds has already outlined this, but I trust that when the Government arrive at a more suitable plan, they will implement it expeditiously. I believe that the innocent victims deserve nothing less.

A strong United Kingdom growing together is in all our interests. I encourage the Government to establish and maintain effective communication and collaboration between the four parts of this United Kingdom. A strong United Kingdom, evolving and growing together, is in all our interests, now and long into the future. We all have a duty to persist in working to protect and strengthen the bonds between our four nations. For long-term peace, prosperity and growth to continue, all parts of the United Kingdom must play a full and equal role in the development and evolution of the kingdom. It is therefore vital that the upcoming advancements wholly encompass Northern Ireland. Unfortunately, the last Administration's negotiations with the European Union caused significant economic and constitutional disadvantage to one part of the United Kingdom, and had an extremely detrimental effect on Northern Ireland sovereignty.

Fundamentally, the root cause of the problems with the Northern Ireland protocol and the Windsor Framework is the continued application of European law in Northern Ireland. These arrangements have led to the intolerable situation whereby Northern Ireland remains governed by a swathe of European Union law. These EU regulations have the effect of causing Northern Ireland to diverge from the rest of the United Kingdom

in a vast number of areas. There are numerous examples of sea border checks between Great Britain and Northern Ireland disrupting businesses. We cannot afford to have an economic division between Northern Ireland and Great Britain, where most of Northern Ireland trading takes place—some £12 million-worth.

It is important that, if Northern Ireland citizens and businesses are to be treated as equal to our fellow Britons elsewhere in the United Kingdom, the constitutional integrity of the United Kingdom market must be fully restored. To attain this position, we must respect and fully restore the Acts of Union for Northern Ireland, and completely, not partially, remove the Irish Sea border. I trust that this Government will work assiduously to bring about the necessary legislation. This will require further effort and co-operation. I am confident that unionists can work positively alongside and engage responsibly with the Government to undo and remove all the damage associated with the implementation of the Northern Ireland protocol.

For all those who value our place in the United Kingdom, safeguarding and protecting Northern Ireland's long-term place inside the UK internal market and the union is the most important responsibility that we have. As a confident unionist, I will continue to work on matters of mutual concern with our friends across the United Kingdom. Equally, I am willing to see co-operation with our neighbours in the Republic of Ireland. We simply ask that they too respect the settled will of the people of Northern Ireland to remain part of the United Kingdom.

Finally, it is my hope, now that Stormont is back up and running, that Northern Ireland can start moving forward again. We must all continue to ensure that Northern Ireland benefits from, and plays its full part in, alongside England, Scotland and Wales, the long-term future growth of the great United Kingdom.

5.13 pm

Baroness Humphreys (LD): My Lords, I add my congratulations to the noble and learned Lord, Lord Hermer, on a witty and moving maiden speech, and welcome him to this House. He has an important role to play here as Attorney-General, and I am sure that his experience and knowledge will stand him, and us, in good stead. I want to say how pleased I am to see the noble Lord, Lord Khan of Burnley, in his place on the Government Front Bench. I wish him well in his role as Parliamentary Under-Secretary of State. I am delighted to welcome the noble Lord, Lord Hanson of Flint, a fellow north Walian, to his place in this House.

The result of the general election earlier this month has already ushered in changes to our Chamber and to the other place, and I commend the new Prime Minister on the change of tone that he has already achieved in the political discourse. There is a feeling now that the rabid unionism of past years has been replaced by a rational unionism, which could lead to our nations and peoples working together instead of pulling apart.

The Prime Minister's visits to the devolved nations on his first days in power were a welcome game-changer. Many politicians in Wales breathed a collective sigh of relief, hoping that resetting relationships with Scotland, Wales and Northern Ireland would lead to fewer examples

of UK politicians riding roughshod over the Sewel convention, and that a more collaborative working relationship would develop.

I assure the Government that I understand the pressures on them and the need they see for the measures presented in the King's Speech. Many of my Lib Dem colleagues have already expressed our intention to be a constructive opposition in this House. My concerns, however, lie in what is not in the Government's programme, particularly the lack of prominence for issues concerning the devolved nations.

On a positive note, the formation of a council of the nations and regions is to be welcomed, and I look forward to learning more about its proposed powers and responsibilities in the days and weeks to come. I am pleased by the progress the Government intend making to devolve more powers to combined authorities in England, and look forward to these providing the building blocks for a more federal UK, sometime in the future.

There is nothing in the King's Speech on the commitment in the Labour manifesto to give members of the devolved legislatures the same freedom of speech protections as UK parliamentarians. There is nothing on the commitment to consider giving new powers to Wales over probation services and youth justice, and nothing on the commitment to strengthen the Sewel convention with a new memorandum of understanding to protect the powers of the devolved legislatures. Perhaps, in replying, the noble Lord would clarify the situation regarding these manifesto commitments.

The PM had already forewarned that the commitment to votes at 16 in England would not appear in the King's Speech, as his focus is on economic growth. I am disappointed on behalf of the young people of England. Sixteen and 17 year-olds in Scotland and Wales have the right to vote in devolved government and local authority elections; this latter right would have been extended to English students. The commitment would also extend to giving those in this age group throughout the UK the right to vote in parliamentary elections.

The PM's priorities are obviously pressing, but I urge him and his new Government to take some time to consider the issue of political education in schools—even before they begin to write the legislation for votes at 16. This issue has been avoided in the past: teachers were unsure of boundaries and wary of being accused of indoctrinating their pupils, parents feared that their children would be indoctrinated, and, in the end, very little was done. Learning the facts about the process of voting, from the act of registering to vote through to what the political parties stand for and what happens in a polling station, is essential to the development of confident, knowledgeable voters.

5.18 pm

Lord Thomas of Cwmgiedd (CB): My Lords, I welcome the noble Lord, Lord Khan of Burnley, and the noble and learned Lord, Lord Hermer, to their ministerial offices. It is for us all a great privilege to have again in the House an Attorney-General, particularly one with such a deep and obvious commitment not only to the rule of law domestically but, as important, internationally.

There are two aspects of the Minister's wonderful maiden speech on which I would like to comment. They are both rather unglamorous points, because legislation such as new Bills is always thought, by a Minister, to be the most glamorous thing of all to be able to introduce.

I will begin by talking about legislation, particularly its quality. First, to put down a marker, I hope we have seen the end of skeleton Bills. We should never have seen them in the first place, and I hope we never see another. Secondly, there is the problem of secondary legislation. It would be too much to hope to see it disappear from the way we do things—it is impossible to conceive of that happening—so I want to say a word about the quality of secondary legislation. Much started to be done towards the end of the last Government, but I hope that a much more radical view will be taken: first, to look at the proposals of the Hansard Society; and secondly, to discuss seriously the way in which amendments can be made to statutory instruments. This is a much-needed reform.

As important, and totally unglamorous, are the nuts and bolts of doing the job: first, making certain that when policy is formulated, information is available and is published with the SI; and secondly, that the work of drafting has sufficient resources—that those who do it are properly trained. It is not easy, and mistakes occur because there are not enough resources. The work of the Secondary Legislation Scrutiny Committee, on which I had the privilege to serve, has shown what a wonderful job the staff can do; the clerks are expert. But there is no substitute for a commitment by the Government to improve; for the appointment of a Minister who will be accountable for the overall improvement; and for a real commitment to resourcing the job properly. It cannot be done on the cheap, but it is of vital importance.

I turn, secondly, to devolution to the home nations. There is not time to make a proper speech about it, so I will address one issue: the Government's commitment to looking again at joint working. The way in which we have moved to our current constitution with the home nations requires joint working. There is nothing that sets out clearly the powers of the union or its purpose, but areas such as economic development, the way the internal market operates, and trade, clearly require the co-operation of the Westminster Government and the Governments of the devolved nations. In reality, there has been no proper machinery to make that work. There are lots of good ideas, such as common frameworks and the 2002 commitment to a joint intergovernmental working process, but none of this has ever been made to work.

Although much was done towards the end of the last Government, particularly by the noble Earl, Lord Howe, and the noble Baroness, Lady Bloomfield, we need a radical rethink. Why this is so important is that if people work together and see that you cannot run a union without co-operation and the machinery of co-operation, things will not work. Solving problems such as the disappearance of the Sewel convention—it is not a convention any more—will ensure that, when we look at the more difficult problems of the union, if people are used to working together properly under a machinery, and, hopefully, with a Minister truly

[LORD THOMAS OF CWMGIEDD]

accountable for that, we will make a great deal of progress and improve the government of our nation. All of this is unglamorous, but most important.

5.23 pm

Lord Davies of Gower (Con): My Lords, it has been a delight to listen to the important contributions to this debate and a pleasure to follow the excellent speech of the noble and learned Lord, Lord Thomas of Cwmgiedd, a fellow Welshman. I congratulate those noble Lords making their maiden speeches today—in particular the noble and learned Lord, Lord Hermer, a fellow South Walian.

The gracious Speech last week was hailed by the Government as a time for “optimism” for the country, with “opportunity” at its helm. I acknowledge that I welcome some of the content, but before I do so I should say that devolution has rightly become an important constituent part of our democratic system. I was never more convinced of this than when I sat as a member of your Lordships’ Public Services Committee and we inquired into the public services response to the Covid-19 pandemic. It was clear that certain key public services were best delivered locally. I distinctly recall the evidence of local authority leaders, mayors and healthcare workers, who persuaded me beyond doubt that, in such circumstances, devolution to a local level was clearly the way forward. I am therefore supportive, to a point, of the new Government’s plan to devolve more powers to metro mayors but will await the announcement of the precise details.

Today’s debate covers constitution and devolution aspects of the gracious Speech, but having looked at the finer detail, particularly where Wales is concerned, I could not quite believe my eyes, as “opportunity” seemed to be the least appropriate word. How do I justify that remark? In fact, Wales was named only once, and that was in reference to the Government’s plan to create a council of the nations and regions. Sadly, I believe that this could well be a reality check for what is to come—that is, Labour once again taking Wales for granted.

Noble Lords may be aware that I was for a while the Wales Office spokesman in your Lordships’ House in the last Government. The difference in delivery between the last Government and the current one appears to be very stark indeed. Perhaps I could spend a couple of minutes reflecting. Who was it that delivered an additional £18 billion—the biggest block grant in the history of devolution—to Wales? It was the Conservatives. Who delivered two freeports and two investment zones for Wales? It was the Conservatives. Who delivered two cuts to national insurance to help Welsh workers? It was the Conservatives. Who protected more than 100,000 jobs from being lost through an ambitious furlough scheme? Yes, it was the Conservatives.

In fact, the last Government did not stop there. We started to announce even more bold policies for Wales, which were all designed to reverse the sad decline in our public services that have been grossly mismanaged by the Labour Welsh Government. We committed some £1 billion to deliver the north Wales main line, which would have spread economic prosperity and created jobs. We had a very blurred response from the

Minister during Questions earlier as to whether this will now come to fruition. We brought forward plans to help deliver the Magor train station, which, again, would have boosted the Welsh economy.

On health, we in Wales suffer the worst waiting lists in the whole of the United Kingdom. In fact, those spending two years or more on a waiting list in Wales now total more than 22,000; in England, the figure is 269. Just let that sink in for a moment, because those figures are incredibly revealing. However, we did not just sit back and bury our heads in the sand: we pledged to help those 22,000 Welsh patients by wanting to offer them access to NHS England. I am bitterly disappointed that the pledges I have outlined were not included in the King’s Speech. Of course, this begs the very pertinent question of why they were dropped. The only plausible explanation is that this was a political decision by the Labour Party.

There was also no considered detail in the King’s Speech on what the new Government will do for the Welsh steel industry. Many of your Lordships will remember last year, when we faced the very real threat of Tata Steel closing its steel-making plant in south Wales. The last Government pledged a £500 million support package to save the Welsh steel industry, plus an additional £80 million to help those who will lose their jobs. Labour’s response was to criticise the package but, so far, it has failed to offer any credible alternative.

Our country will look back at last week’s gracious Speech and view it, sadly, as a missed opportunity. Be in no doubt: the last Government’s pledges that I have just outlined would have improved people’s lives and helped to untap Wales’s true potential. So, although the gracious Speech has some merit, I fear that, from a Wales perspective, it is severely lacking. That is why I call on the Labour Government to place party politics to one side at long last and recommit to the previous pledges made for Wales. Should the Government do so, it would be a win-win situation—most importantly, though, for the people of Wales. I can assure the House that, having accepted the role of shadow Secretary of State for Wales, my priority will be to ensure that Wales is not forgotten by this Government. I will hold Ministers to account for their actions at every opportunity.

5.28 pm

Baroness Jay of Paddington (Lab): My Lords, I join all other noble Lords who have spoken in warmly congratulating my noble and learned friend Lord Hermer and my noble friend Lord Khan on their government appointments. My experience in your Lordships’ House, both in government and as previous chair of the Constitution Committee, is that your Lordships will always give very detailed scrutiny to any business described as constitutional, and your attention is particularly assiduous when measures refer to the House itself. Therefore, it is not surprising that many speeches this afternoon have concentrated on the composition of the House and the proposed exclusion of the remaining hereditary Peers.

Now, perhaps because I see myself almost as the grandmother of the current proposal, I am clear that this admittedly rather belated proposition is simply a completion of the terms of the 1999 Act—terms which

allowed an agreed number of hereditaries to remain on a temporary basis. Those arrangements were agreed specifically as a temporary compromise, part of a well-understood process of transition. To quote the noble and learned Lord, Lord Irvine of Lairg, Lord Chancellor at the time, from *Hansard* of 11 May 1999:

“The transitional House which will be created as a result of the Bill will be exactly that: transitional and not permanent”.—[*Official Report*, 11/5/1999; col. 1092.]

I suspect I am not alone in not expecting that transition to last for 25 years—a quarter of a century—but I am extremely pleased that the new Labour Government are now acting so quickly to achieve further reform.

Several noble Lords have already said, and I agree with them, that over 25 years we have all been aware of the important contribution made to the House by several of the 92 hereditary Peers who have remained. I certainly recognise that and pay tribute to their contribution. However, I echo my noble friend Lord Grocott in saying that I do not think even they can have felt comfortable with the very odd process of by-elections for succeeding hereditaries, a process that sometimes has meant that the number of candidates for succession has exceeded the size of the electorate, and which, I am afraid, has undoubtedly damaged the reputation and standing of the House.

Today, acting to exclude the remaining hereditary Peers may appear a simple proposal but I have no doubt—and it has been suggested this afternoon—that there will be many detailed debates on the exact meaning and terms of the original transition proposal, and the rights of today's hereditary Members. I look forward to those discussions but hope we can avoid some of the frustrating moments of earlier proceedings. For example, I vividly remember long debates—and, indeed, votes—about whether the 1999 reform should refer to “an” hereditary Peer or “a” hereditary Peer. There were times when legitimate scrutiny verged on delaying tactics.

Having made those points, and while I wholeheartedly welcome these limited proposals in the King's Speech, I wish the Government had also included some of the related manifesto commitments. I would particularly have liked to see other measures to improve the appointments process and to manage the size of the House. In my view, both could be achieved by extending the remit and powers of the House of Lords Appointment Commission—improving HOLAC, in other words.

This week, I pulled out from the cabinet the 2001 White Paper optimistically called *Completing the Reform*. Perhaps not surprisingly, the same sorts of further measures that are now in the 2024 manifesto are explained and spelled out there. The earlier White Paper could almost be a blueprint for further contemporary action. The then Government proposed, for example, a statutory appointments commission, a cap on the overall size of the House—the number proposed was 600—and guaranteed numbers or proportions for the independent membership. It would be easy today to incorporate these proposals in another Bill, which could be rapidly introduced.

On the controversial issue of retirement from the House or rules on the length of service, I would certainly qualify for the Labour manifesto proposal that Peers should retire at the end of the Parliament in

which they reach their 80th birthday, and personally I would be happy to accept this. But as a matter of policy, I would prefer the proposal of a 15-year term of service, and I hope this will be further considered.

Twenty-five years has certainly been a very long time for this transitional House to exist, but I have very high expectations that this Parliament can now achieve further proper reform. I look forward to that legislation and to the success of the Government's entire programme.

5.34 pm

Lord Anderson of Ipswich (CB): My Lords, I add my voice of welcome to the noble and learned Lord, Lord Hermer, whose fine reputation at the Bar precedes him. I believe he will be a worthy successor as Attorney-General to Victoria Prentis MP, one of the unsung heroes of the last Parliament, who is sadly missed from this one.

It is the time of year when newspapers publish lists of good reading for the beach. *The Future of Democracy in the UK*, published by the Constitution Unit in November 2023, is inexplicably omitted from those lists. It is a three-year project, based on a citizens' assembly and two YouGov surveys of 4,000 people. On the big-ticket constitutional issues—proportional representation, an elected House of Lords—public opinion was unremarkably split.

What is truly striking is the strength of support revealed by these surveys for reforms that are often—wrongly, it would seem—dismissed as “Westminster bubble” issues. On ethics and integrity, there was overwhelming support for independent regulators of ministerial conduct to support the role of Parliament in enforcing the rules. On Commons scrutiny, twice as many people thought that Parliament, rather than the Government, should have the main responsibility for deciding what Parliament discusses and when it does so. On skeleton Bills and statutory instruments, 79% of respondents believed that Parliament should always need to consider and approve changes in the law, with only 4% disagreeing—Lord Judge would certainly approve.

I shall not venture into Lords reform, or even into the devolution debate, so aptly promoted first by the noble Lord, Lord Wallace, and then by the noble Lord, Lord Bruce. I will put to the Minister five proposals which, though formulated by experts, are in tune with the popular longing for ethical governance revealed by this report and others.

I begin with the November 2021 report, *Standards Matter 2*, of the Committee on Standards in Public Life. The committee wrote:

“Perhaps the most important element of a regulator's independence is its statutory basis. Those regulators which exist solely as the creation of the executive are potentially liable to be abolished or compromised with ease”.

Does the Minister, whom I also welcome to his seat, agree with the Committee on Standards in Public Life that the independent adviser, the Public Appointments Commissioner and ACOBA, or their successors, should be put into statute, along with the codes they oversee? If so, I commend to him my public service, integrity and ethics Bill—unlucky in the ballot but as pertinent as ever.

[LORD ANDERSON OF IPSWICH]

Secondly, to echo the noble and learned Lord, Lord Thomas, next week marks the 125th anniversary of a speech by Augustine Birrell KC MP, in which he deprecated what he called

“the new fashion of legislation by way of skeleton”.—[*Official Report*, Commons, 1/8/1899; col. 1072.]

The Attorney-General has said encouraging things about this. Have the Government had a chance to look at the Hansard Society's thoughtful suggestions for addressing the excessive use of skeleton Bills and delegated powers? These include a “Concordat on Legislative Delegation” and a new Act of Parliament to ensure that Parliament, with the help of sifting committees, “can calibrate the level of scrutiny to the content” of a statutory instrument.

Thirdly, do the Government favour an expansion of the lobbying register beyond just consultant lobbyists, or, as the Public Administration and Constitutional Affairs Committee of the Commons recommended in May, is it more important to ensure that departmental transparency declarations are issued more regularly, consolidated, and widened to cover contacts with special advisers and informal lobbying by phone and WhatsApp?

Fourthly, the Law Commission concluded in 2020 that the common-law offence of misconduct in public office provides neither the certainty nor the

“clarity that the criminal law demands, and is ... prone to error, misuse and abuse”.

Will the Government look at the replacement clauses proposed by the Law Commission, and are they committed to catching fully what the United Nations Convention against Corruption describes as “trading in influence”, “abuse of functions” and “illicit enrichment”?

Fifthly, few of us in this House, I suspect, would like to see a written constitution, still less one whose enforcement is entrusted to the judges, but a political constitution needs a political centre of gravity. Does the Minister see merit in the suggestions of the final report of the Review of the UK Constitution, published by the Institute for Government and the Bennett Institute in September last year? The review proposed a new Parliamentary Joint Committee on the constitution, supported by an independent office for the constitution. A similar idea was floated by no less an authority than my noble friend Lord Hennessy in his book *The Bonfire of the Decencies*.

The noble Lord, Lord Lisvane, has famously said that “expensive noises” are coming from our constitutional engine, but if it can be properly serviced, it should keep us going for many years yet.

5.40 pm

Lord Rogan (UUP): My Lords, a new Parliament always brings an assortment of challenges for an incoming Government, and this Parliament will be no exception. I welcome the Minister, the noble and learned Lord, Lord Hermer, to his place as Attorney-General and wish him well in his new role.

According to the newly appointed Secretary of State for Northern Ireland, Hilary Benn, whom I also warmly welcome to his post, the gracious Speech included 18 Bills which would extend and apply to

Northern Ireland, either in part or in full. However, much of the debate in the Province has been beyond the list of Bills, and I hope that in his wind-up the Minister will remove some of the ambiguity. The gracious Speech incorporated a commitment, in consultation with all parties, to bring forward measures

“to begin the process of repealing and replacing the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023”.

As noble Lords will know, this legislation is opposed by all political parties in Northern Ireland, including my party, the Ulster Unionist Party, and other noble Lords have said today that they agree. While I warmly welcome the Government's promise to repeal the Act, time is clearly of the essence because it is not on the side of many victims and their loved ones. I would appreciate some clarity from the Minister on when a replacement Act will be on the statute book.

The gracious Speech also stated the Government's intention to

“strengthen its work with the devolved governments in Scotland, Wales and Northern Ireland so that the best outcomes possible are delivered for citizens across the United Kingdom. My Ministers will establish a new Council of the Nations and Regions to renew opportunities for the Prime Minister, heads of devolved governments and mayors of combined authorities to collaborate with each other”.

At face value, this promise is particularly positive from a unionist point of view. It was the political objective of my late friend Lord Trimble to take Ulster unionism to the heart of British politics. To have Northern Ireland political representatives sitting around the same table as their counterparts in the other devolved nations and regions to make the United Kingdom work better is a laudable objective. It is also a golden opportunity for Northern Ireland to have a more integral role in UK-wide political decision-making, which was far from the case under the previous Government. Again, I would welcome more detail from the Minister on the nature of this new body and an indication of when the Government hope it will be established. Might I boldly suggest that the first meeting should take place in Northern Ireland? I should remind Ministers that the Province successfully hosted the 39th G8 Summit in 2013, so we know what we are doing.

Of the 18 Bills in the gracious Speech that apply to Northern Ireland, I wish to make brief reference to two. First, the border security, asylum and immigration Bill will enable police to use counterterrorism powers to tackle gangs smuggling immigrants into the UK. Given that Northern Ireland is the sole part of the United Kingdom that shares a land border with the EU, can I seek an assurance from the Minister that the Police Service of Northern Ireland will be fully involved in the formulation and implementation of these new arrangements? Also, given the additional financial pressures they will bring to an already desperately under-resourced PSNI, can I have a guarantee that additional money will be provided for policing in Northern Ireland to deal with these extra responsibilities?

I welcome the pledge in the gracious Speech

“to establish a statutory Armed Forces Commissioner to act as a strong independent champion for our gallant Armed Forces and their families”.

They are the best of us and deserve the enhanced protections and respect that I hope this Bill will deliver. Yesterday, I tabled a Written Parliamentary Question

asking His Majesty's Government whether Armed Forces personnel engaged in a wide range of military operations under the current threat level in Northern Ireland will be eligible to receive the Wider Service Medal and if not, why not. Should the Government choose not to award this medal to members of the Armed Forces serving in the Province, as I hope they will, it is an issue that I will be raise directly with the new commissioner as soon as they are appointed.

Finally, I welcome the noble Lord, Lord Booth, to your Lordships' House and look forward to hearing his maiden speech.

5.45 pm

Lord Booth (Con) (Maiden Speech): My Lords, as I rise to make my maiden speech today, I want to add my congratulations to the noble and learned Lord opposite on his excellent speech earlier. I start by offering my thanks for the welcome that I have received from your Lordships across the political divide. I thank all our dedicated staff who keep us in order, who feed us, who are custodians of the traditions of this place and who keep us safe. They are true public servants. I also thank my noble friends Lady Pidding, who cannot be in her place today, and Lord Sharpe of Epsom, who introduced me to this House. They are friends, both having served as my predecessors in the role I currently hold as chairman of the National Conservative Convention, the voluntary part of the Conservative Party. My noble friend Lady Pidding was in charge in 2015 and my noble friend Lord Sharpe was in charge of the general election in 2019. The conclusions of their tenures were considerably more successful than my tenure in 2024. In fact, such was the outstanding result for my party in 2019 that my noble friend Lord Sharpe may well have heeded his own words to go out on the lash. I also want to praise all the hard-working volunteers of the National Conservative Convention and, indeed, all political volunteers across the divide, because political volunteers of all parties are the lifeblood of our democracy.

I wish our new Government well, for to do otherwise would be to wish ill to our nation. While we may disagree on the how, surely we agree on what we are here for: the betterment of the lives and life chances of the British people.

My life journey began in the coalfields of the north-east in Houghton-le-Spring, and I am proud to have Houghton-le-Spring as the geographical part of my title. I am very much a product of Houghton, where I was born and where my father's family had been shopkeepers for four generations. I was brought up behind the shop counter, learning from an early age the value of hard work and learning to be part of a community. Like any good northerner, I can be blunt and to the point and have an irreverent sense of humour. My parents were aspirational for me, and aspiration is something that we must encourage for children across our nation. From Houghton, I went the University of Essex, and my first job was here in the Palace of Westminster as a researcher for a Member of the other place, so my return here is like coming home. In between, I ran my own retail businesses and then a small company designing and exporting spectacle frames across the globe. The small business sector is something I know about and hope to champion in this House.

Finally, I want to thank the most important person in my life for allowing me to spend time and effort volunteering in political life and for being on the journey with me. My wonderful husband Kelvin is here today and has been with me for the past 21 years. I find it wrong that in this House same-sex legal partners and partners of Baronesses get no courtesy title, and what recourse is there for that? In Kelvin's case, maybe he could self-declare as a woman, put on a frock and, in the words of "Little Britain", shout, "I'm a lady", but I do not think that will happen. I encourage the Minister to do what he said in his maiden speech and listen and—I reflect on his own words—to reflect changes in our society, so I hope the Government might eventually address this issue.

I now turn to some of the content in this King's Speech, and I shall try to maintain tradition by not being controversial. However, I believe it is right to question proposals and ask whether they have been thoroughly thought through and about the potential for unintended consequences of good intentions. I refer particularly to the proposal to remove our hereditary colleagues. The composition of this House was slowly changed with the passage of the Life Peerages Act 1958, some 66 years ago. If that Act had been a person, it would have now reached pensionable age. It irrevocably changed the make-up of this House, but over a long timeframe. The overwhelming majority of us are here today because of that Act. It is the way of our unwritten constitution that a slow evolution occurs. I am sure that the authors of the 1958 Act did not envisage its consequences, but I think it worked out well. The House of Lords Act 1999 then reduced the hereditary Peers to 92 in number. Since joining this House in March, I have been impressed by the work of noble Lords who are not lifers but who are here by birth, and by the expertise, knowledge and commitment they bring to the work of this House. It seems unfair and wrong that they are to be dismissed. I ask the Benches opposite whether they can look at their friends and colleagues and say, "You're fired". I ask the government Benches to reflect carefully on these proposals, because in this country we should value public service given over a lifetime. I thank noble Lords for listening.

5.50 pm

Lord McInnes of Kilwinning (Con): My Lords, it gives me the greatest pleasure to congratulate my noble friend Lord Booth on an excellent maiden speech this afternoon, resplendent with the mix of humour and insight that noble Lords would expect. He comes to your Lordships' House not just with a successful business career behind him but, importantly, with a record of dedicated public service in politics, on which all our political parties depend. Being a senior volunteer in the Conservative Party over the last few years has probably not been a barrel of laughs but he has come to us with his humour intact, and his own delivery of that public service has only enhanced the very high regard in which he is held. We can all look forward to his making a very strong contribution to your Lordships' House in the coming years.

I begin my remarks, as other noble Lords have done, by congratulating both the noble and learned Lord, Lord Hermer, and the noble Lord, Lord Khan of

[LORD McINNES OF KILWINNING]

Burnley, in taking their place as Ministers in the Government. I also congratulate the Labour Party on its stunning victory on 4 July. A large part of that success was in Scotland, and we have to hope for a normalisation of politics away from constant constitutional bickering.

As a Conservative I will always believe that decision-making, where practical, should be made at as local a level as possible. The continuation of the previous Conservative Government's increasing devolution to the regions of England should be supported and, while I recognise that there may be nervousness from some about a lack of control from parliamentary scrutiny, on my own side I think the examples of Andy Street and the noble Lord, Lord Houchen, demonstrate why devolution should not be feared by Conservatives. It is a pity that the same decentralisation to local councils is not applied by the Welsh and Scottish Governments.

However, after the significant constitutional change and transfer of powers over the last 25 years, I ask that the Government allow stability to reign in Parliament's relationship with the devolved Governments in Scotland, Wales and Northern Ireland. Yes, there may be unforeseen but necessary small, pragmatic changes to the balance of powers both ways—and the Government's commitment to revise the Sewel convention will be part of this—but, if the constitutional integrity and stability of the United Kingdom is to be maintained, we must focus both the UK Government and the devolved Governments on the delivery of the public services for which they are responsible, rather than feeding constant demands from nationalists for more powers. After the idea was floated that immigration be devolved, I was glad to learn that the Government have now ruled this out; I would be grateful if the noble Lord the Minister could confirm that.

The Labour Party's success at the general election was undoubtedly helped by the return to a commitment to the United Kingdom, which was sadly missing from the Labour Party manifestos in 2017 and 2019. I also welcomed the commitment in the gracious Speech to a strong working relationship between central and devolved government. As unionists, the last thing we need to see is the machinery of government constantly in gridlock; nothing will do more to undermine our United Kingdom.

While I do not have any objection to the new nations and regions council, I hope that it will not be an alternative to the already existing Prime Minister/First Ministers council. It is important that the Prime Minister and First Ministers meet on a regular basis to support the vital personal relationships between them and, in the case of Northern Ireland, the Deputy First Minister. For collaboration and relationships to be substantive, it would be a mistake to lose these council meetings in the new, much broader nations and regions council; reassurance from the Minister would again be welcomed.

I have spoken before in your Lordships' Chamber about the importance in Northern Ireland of continuing to build the case for the union with that fast-growing group: those who do not identify as unionist or nationalist but want the very best for Northern Ireland and their families. I was therefore a bit disappointed to read that the Prime Minister—on his first visit to Northern Ireland as Prime Minister—did not repeat his previous commitment to campaign for Northern Ireland to

remain in the United Kingdom in any future referendum. I appreciate that he had other important comments to make, and that included a welcome commitment to the Belfast/Good Friday agreement, but I hope that the Minister can give us, once again, a commitment to the Government's active support for Northern Ireland remaining part of our United Kingdom.

As I draw to a conclusion, I ask when, as part of the commitment to the UK's constitution and legal frameworks, we might expect an announcement on the appointment of a new Advocate-General for Scotland to ensure that the Government are receiving the very best of advice on Scots law—such advice as we are privileged to receive from the noble and learned Lords, Lord Keen of Elie and Lord Stewart of Dirleton. A timescale would be very helpful.

In conclusion, I make a plea, as this Government carry out their desired mantra of change, that the union is one area where stability and care are required rather than further flux.

5.57 pm

Lord Pannick (CB): My Lords, I have known the noble and learned Lord, Lord Hermer, for a very long time and have long admired the breadth and depth of his legal knowledge, his judgment and his powers of advocacy, which were demonstrated here today. His appointment is very welcome on all sides of the House. He spoke with great humility. I remind him of the experience of Sir Patrick Hastings, who was Attorney-General in the first Labour Government 100 years ago in 1924. Sir Patrick too was a distinguished barrister before and after his appointment. He described his time as Attorney-General as “my idea of hell”, and his disastrous conduct in office in relation to the Campbell prosecution in 1924 led to the fall of that first Labour Government. The noble and learned Lord really cannot do worse than that. I also welcome the noble Lord, Lord Khan of Burnley, to his post.

I welcome back the noble and learned Lord, Lord Keen, to his Front-Bench post. He too is an old friend. He will, I hope, forgive me if I suggest that focusing on protecting the status of hereditary Peers is perhaps not the best way for the Conservative Opposition to demonstrate their relevance on constitutional issues.

I am very pleased that the Attorney-General emphasised the need to promote and protect the rule of law, as he also did in his excellent speech on 16 July on being sworn in as Attorney-General. In that speech, he gave an assurance that his legal advice to the Government would

“always be guided by law not politics”.

That is extremely important, as he recognises. I am delighted that one of his first decisions was to retain as First Treasury Counsel my colleague and friend Sir James Eadie KC, who has given previous Governments objective, skilled and wise advice on a large quantity and very wide breadth of legal problems over many years.

The Attorney-General also enjoys the support of the Solicitor-General, Sarah Sackman, another distinguished barrister of great skill and judgment. I also welcome the new Lord Chancellor, Shabana Mahmood, not just because she both understands the virtues of our legal system and recognises the urgent need for reform of

those aspects of our system that are, sadly, in a state of serious disrepair, but because her background is, in her own description, as a child of immigrants who worked behind the till in her parents' corner shop. That will encourage aspiring law students of all ethnicities and backgrounds that—with hard work, aspiration and an element of the luck that we all need—they too can succeed in the legal profession.

The rule of law and the independence of the judiciary have been under great strain in the past 14 years—I declare an interest in some of the relevant cases—but I am sure that the rule of law will be under strain in the years ahead. It always is, even under Labour Governments. Previous Labour Administrations have had their legal difficulties: the Belmarsh judgment on imprisonment without trial after 9/11, and the Hosenball and Crossman diaries cases during the Callaghan Government in the late 1970s.

The noble and learned Lord should enjoy his honeymoon period as it may be short—"Events, dear boy, events". He should recognise that many of us lawyers in the House—you can never have too many lawyers—and other noble Lords will be carrying around copies of his speech today and that which he delivered on 16 July, and we will be reminding him of what he said on all relevant occasions in the future when the going gets tough.

6.02 pm

Baroness Hamwee (LD): My Lords, I have chosen to speak today because of my support and concern for local—very local—government, which has barely had a walk-on part in the new Government's manifesto. I suspect that the noble Lord, Lord Khan—it is very good to see him on the Front Bench—regards it, as I do, as an essential part of our democracy.

There is a lot that I would like to mention. I echo the noble Lord, Lord Pannick, in regretting that the Conservatives have chosen to focus on a very narrow issue that I do not think is a priority for most people outside this Chamber, although I am looking forward to working with the noble and learned Lord, Lord Keen, again. I congratulate the noble Lord, Lord Booth, on his maiden speech. He clearly has plenty to contribute to the House.

I would say that local government is the local sphere, not tier, of government. It is separate, not subsidiary. It can exemplify public service, which has been much mentioned recently, and can be effective and influential in giving a voice to local communities. Here I am talking not about metro mayors, who the Prime Minister met so soon after 4 July, nor about combined authorities, which it is becoming clear are the Government's preferred model for other areas—we will have to see what comes forward—but about councillors, whose job is often not high profile or glamorous but affects people directly. It is a title that I was proud to have.

The job of councillor has become harder. There is little scope for discretion in how you serve your local community. Budgets have become so divorced from local decisions that taxation and representation are largely detached. There seems little bandwidth to think strategically. In my view, that is a real threat to democracy, a situation that fosters distrust of politicians:

"They don't listen", "Politics doesn't matter to me". I am constrained by the timing from going on and on about this.

I welcome the lines in Labour's manifesto about multiyear funding settlements and ending wasteful competitive bidding. Councillors need the tools to do the job, and part of the job is housing provision. My view is that mandatory targets—we will have to see whether they are a contradiction in terms—are not a tool. Some authorities have found a way to provide social housing, but I have heard nothing about relaxing the rules to enable them to do much more.

Housing is fundamental to flourishing communities and is the bedrock of the integration of refugees—I hesitated as to whether to speak today or on the Home Office day. Local authorities have, or should have, a leadership role in integration. All spheres of government should be advocates for welcoming refugees. I hope the noble and learned Lord, Lord Hermer, is not daunted—although he does not strike me as someone who is easily daunted—by the hopes and expectations of many of us that his appointment and his speech today herald both humanity and respect for the rule of law. He is warmly welcomed.

I have never thought that immigrants or refugees should be presented as a threat in competition with the established population. New arrivals can and should be enabled to benefit us all. As the Woolf Institute's recent Commission on the Integration of Refugees said:

"At a local level, integrating refugees can provide benefits for all members of the community—from civil society to businesses, healthcare, and public services".

I continue to find it astonishing what skills and qualifications so many asylum seekers have. The commission, which reported in March, also said:

"A focus on integration has the potential to empower local authorities, their partners and local people to meet the needs of their refugee, asylum-seeking, and long-standing communities by investing funds currently committed to asylum accommodation and refugee services into local communities".

The commission talked of enhancing

"the agency of refugees, asylum seekers, and local communities, as well as bringing rapid economic and social benefits to the UK".

It said:

"Current policy ... is determined centrally by government in Whitehall, with local authorities often having little influence on decisions around dispersal, accommodation, and access to frontline services, despite being most directly affected by these issues".

The local authority had plenty to say about the "Bibby Stockholm", and I am so pleased to have just seen a report that it is to be closed.

The Prime Minister talked last week about the fight for trust defining our political era—yes, in all spheres of government.

6.07 pm

Lord Foulkes of Cumnock (Lab Co-op): My Lords, I too congratulate the Attorney-General and my noble friend Lord Khan, who has the unenviable task of replying to what I suppose we could describe as a diverse debate. The most difficult reply will be to the Front-Bench spokesman opposite, who seemed to spend his time putting forward a better case for getting rid of the bishops from the House of Lords than on the

[LORD FOULKES OF CUMNOCK]

hereditary Peers. Incidentally, I agree with those who have advocated that some of the hereditary Peers are obvious candidates for life peerages. There are one or two very close to me now who might be candidates.

I was disappointed that the spokesman for the Opposition did not talk about devolution, something that he knows I am enthusiastic about. It worked really well when Scotland had two Governments and two Parliaments and there was a Lib Dem-Labour Parliament in Scotland. It is only in the last few years that the SNP has weaponised devolution and the Scottish Parliament. It has opened pretend embassies overseas, because it could use our high commissions and embassies and the people who are there, and it wants advocates for independence in its own offices. To be fair to the Conservative Government, they were beginning to get this, and I hope that my colleagues on the Front Bench here and next door will get it as well and come forward with a response.

One of the things about devolution has been the English democratic deficit. I am glad that the Government are starting to look at that and that the mayors are going to be involved. The thing is, if you involve only the mayors then there are huge areas of England that will not be included, particularly rural areas, so we need to ask the Government to make their plan more comprehensive and coherent so that the whole of England is involved.

I want to spend the remainder of my time on the composition of the House of Lords, because it is too large. I should declare an interest about this retirement at 80—no, not the one that your Lordships are thinking of. It is that I used to work for Age Concern and was chair of Age Scotland but I also have another interest, as most of us here have. There is a better way of reducing the size of the House. The noble and learned Lord, Lord Hope, was touching on it and I want to make this my main point today.

There is a misunderstanding—a dichotomy—about appointment to this place. Some people treat it as an honour, one above a knighthood, so instead of getting a knighthood, cricketers, donors or whoever get a peerage, and then we never see them. Where is the noble Lord, Lord Botham? I have never seen him. Some of the rest of us treat it as a job. We are part of the second Chamber of the legislature and we want to work here. As someone said earlier, there are 400 people voting regularly. Why do we not make two separate kinds of peerages and have honorary and working peerages? Working Peers could get paid; they could turn up, vote and participate fully. Honorary Peers would not. They would have a title—maybe they could come in and have dinner to keep the catering going. Why can we not do that? These are two completely separate concepts: an honour and a legislator.

I have given a hint to my noble friend Lord Khan that I might raise this, and I know that the Government are looking at it. It would be relatively easy to legislate or might not even need legislation. I think getting honorary Peers and working Peers could be done by resolution of this House and the royal consent for it. Then we would not get this criticism that we are too large, because only the working Peers would be counted, or that people do not turn up, because we would not

be expecting the honorary Peers to turn up. I hope everyone will look at that and am glad that the noble Lord, Lord Burns, is following me. If his committee is set up, I hope that he will have a look at it. That is one way forward and it gets rid of the concern expressed by the noble Lord, Lord Fowler—and he is one of the best examples of the fact that if we put in an arbitrary age limit, we will be losing some of the best people in this House.

6.12 pm

Lord Burns (CB): My Lords, I begin by welcoming the noble Lord, Lord Booth, and I congratulate him on his speech. He said that he was born in the mining town of Houghton-le-Spring, in the Durham coalfields. I was born in Hetton-le-Hole, two miles away; I went to school at Houghton-le-Spring and my father worked at Houghton colliery for the best part of 50 years, so I look forward to hearing from the noble Lord in the future as he brings his wisdom, both from Houghton-le-Spring and from all of the other things that he has done.

I will devote my remarks to the paragraph in the gracious Speech relating to constitutional reform and reducing the size of the House of Lords. In principle, I welcome the Government's proposal to remove the right of hereditary Peers to sit and vote in the Lords. However, I have several regrets. I regret that the proposal for hereditary Members would mean that we would lose some of the valued and diligent Members who I have worked with on committees in this House. I regret that the outgoing Government did not take advantage of the attempt made by the noble Lord, Lord Grocott, to abolish the hereditary by-elections and help to bring about reform earlier and more gradually—we would have been in a much better position if that had happened—and I regret the persistent increase over the past 14 years in the appointment of Conservative Peers relative to the appointment of Labour Peers. This has resulted in fewer Labour Members today than in 2010. It has brought us this imbalance in numbers and is, no doubt, one of the factors which is leading to the urgency of the Bill on hereditary Peers.

Of course, the previous Government were not unique in how they dealt with appointments to this House or in putting upward pressure on House of Lords numbers. For some time, Prime Ministers have appointed disproportionately to their own party. There is no control on this by either law or convention. Generally, appointments to the government party or parties have been between two and three times the number of appointments to the main opposition party. This has applied whether we have had a Conservative or Labour Administration, or a coalition. It is also the case that since 1979, whichever of the main party groups has been in opposition has seen its numbers fall. This is not a recent problem: the number of Labour life Peers also fell between 1979 and 1997; the number of Conservative life Peers fell between 1997 and 2010; and, of course, the number of Labour Peers has fallen since 2010.

This is what produced what we discussed in the Lord Speaker's Committee on the Size of the House as the process of leapfrogging. With each change of governing party, the new Government find themselves with fewer Members than the new main Opposition.

The only way of restoring balance in the number of seats is to have a significant number of new appointments and therefore an increase in the size of the House. After the elections in both 1997 and 2010, the size of the House quickly increased by over 100 life Members. This has become the process by which the House has steadily risen in size, the largest steps taking place when there has been a change of government. Of course, this leapfrogging can take place only because Prime Ministers can make any number of appointments that they wish to the House, as well as to whichever party they choose, and because there is no cap on the size of the House of Lords, unlike probably all other legislative chambers. These fundamental problems were the background to the proposals that the Lord Speaker's committee, of which I have been very pleased to be the chair, looked at.

Looking at our proposals, I think that they are still as relevant today as when we made them several years ago. The first proposal, and for me the most important, is that there should be a cap on the size of the House. We suggested that the cap should be 600. Without a cap, there are no constraints on appointments and a cap on size will incentivise much more careful scrutiny of the nominations and who is chosen to be sent here.

Our second proposal was that the balance of appointments between parties during a Parliament should reflect the results of the most recent general election. We opted for the average of the percentage of the national vote and the percentage of seats in the Commons. This would constrain the current practice of over-appointment by the governing party and the relative neglect of appointments to the opposition parties. It would be another very important step in removing this need for leapfrogging, which brings with it the increasing size of the House.

Our third proposal was that appointments should be for a limited term. This would create room for refreshment of the membership without increasing the size of the House. With a House of 600 Members, a 20-year term would generate an average of 30 vacancies a year, enough to cover the historic number of appointments that we see; a 15-year term would generate even more.

This takes me to the proposal in the Labour Party manifesto of an age limit of 80. I declare an interest in this limit, as I have already passed it. Nevertheless, in my view an age limit has a useful part to play in getting numbers down. However, on its own it is unlikely to be sufficient to prevent the same problems emerging in the future. It does not resolve the problem of leapfrogging. The age limit needs to be buttressed by the sorts of changes that I have mentioned. If they were introduced, the need for an age limit would actually disappear.

6.18 pm

Baroness Finn (Con): My Lords, it is a pleasure to speak after the noble Lord, Lord Burns. I declare my interest as a member of the Committee on Standards in Public Life. I offer my congratulations to the Benches opposite and to the Prime Minister on a great election victory. I too congratulate the noble and learned Lord, Lord Hermer—it is always good to welcome a fellow Welshman—and my noble friend Lord Booth on their excellent maiden speeches.

It is in our common interest as a nation that the newly elected Government are successful in their ambitions to reform the delivery of public services. Thirteen years ago, my noble friend Lord Maude of Horsham established the Government Digital Service to try to do precisely that. Although private enterprise had bequeathed us the touchscreen mobile phone and nascent 4G data technology, most interactions between the citizen and the state still took place through paper forms and face-to-face appointments. The gulf between private sector technological achievements and the success of the Government in harnessing those achievements was vast. Those analogue practices are, fortunately, largely confined to history; the Government today can offer almost all of their services digitally. The furlough and energy support schemes are both testament to government's capability to deliver.

Today's Government face the far greater challenge of how to harness artificial intelligence for the benefit of us all. Although I look forward to scrutinising the Government's proposals for AI when they emerge, I wish to make two brief points based on my own experience. The first is that all technological revolutions are inherently labour displacing. Government must resist the temptation to protect incumbents at the expense of the insurgents. The second is that, if the Government wish to ride the wave of a technological revolution, they must be prepared, as with the GDS, to disrupt the established structures within the Civil Service, identify the skill sets in the private sector, persuade those people to come into the heart of the state and then properly empower them to deliver.

I will use my remaining time to make three short observations on other parts of the gracious Speech. First, although this is not in the Speech, the Labour Party's manifesto includes a commitment to an independent ethics commission, a function largely undertaken and supported at present by the propriety and ethics directorate within the Cabinet Office. That directorate has been persistently and publicly drawn into areas of significant political controversy. Indeed, the director-general was only last week in the newspapers again. I look forward to the Government setting out further details of their plans, but I encourage the new Prime Minister neither to abrogate his autonomy to determine when and whether a Minister has breached the Ministerial Code, nor to blur the lines of accountability to Parliament.

Secondly, the gracious Speech stated that the Government have several ambitions for updating the UK's devolution settlement, including a new council of the nations and regions. Although I welcome better co-operation between our nations' Governments and Executives, I urge the new Government to resist any temptation to place these innovations on a statutory basis. Political decisions are best taken by politicians, not judges, and placing these initiatives on a statutory footing may serve only to invite further judicial erosion of the operative efficiency of government.

Finally, I note the Government's commitment to introduce a statutory duty of candour for public servants. I applaud the motivation behind this but question whether it is necessary or likely to succeed. For civil servants, the Civil Service Code, which features honesty and integrity as core pillars, is already on a statutory footing. Despite this, the Post Office inquiry and the

[BARONESS FINN]

recent report of the Infected Blood Inquiry have exposed the reprehensible conduct of some officials. In the latter case, the report concluded that civil servants had deliberately destroyed evidence relevant to legal proceedings. It is worrying that even the Cabinet Secretary revealed to the Covid inquiry that he had lost evidence that he was supposed to have produced. The law can take us only so far. Those responsible for such failings need to be held properly to account.

On all these proposed reforms, which are not in the main party-political, the best chance of successful implementation comes with cross-party consultation and agreement. I hope the Minister will be able to give assurances that this will happen.

6.23 pm

Lord Whitty (Lab): My Lords, I congratulate the noble and learned Lord, Lord Hermer, on his speech today and his presence on our Front Bench—indeed, I congratulate all the new Ministers. It is great to be in this situation again. I also congratulate and welcome the noble Lord, Lord Booth. His maiden speech was not uncontroversial, but I hope the House authorities take his point on discrimination and the procedures of this House in the not too distant future.

I do not normally intrude on constitutional issues, and I do not intend to change that today. You can speak on anything you like in the King's Speech debates, so I will try to take a number of different issues and focus on their constitutional implications. I usually speak on energy, environment, housing or employment, so I will pick a couple of issues in those areas and draw the constitutional implications from them.

I start with climate change. The noble Lord, Lord Deben, was just in his place and I wished to compliment him on his role here. I too have been involved with the crucial issue of our time. I was a Minister in John Prescott's department when we signed the Kyoto agreement; I was a member of the Joint Committee with the Commons that led to the Climate Change Act 2008. Theoretically, we have had cross-party support for all these initiatives for nearly 30 years. It is important that we have that degree of commitment to a long-term programme—both of the institutions support it, and particularly the Climate Change Committee. I am glad to see the noble Lord, Lord Deben, back in his place—I was just congratulating him. Where we have such cross-party support on long-term strategies, we ought to consider, as a constitutional issue, protecting them rather better than we do.

In recent months and years—in the last couple of years of the Tory Administration—the then Government and the national press effectively took us away from the strategy on which we were all agreed. That ought not to happen lightly. There ought to be a way to ensure that a slight change in the political mood following a particular by-election—which in this case was misinterpreted by both major parties—does not drive us away from a commitment we have made for years. In this case, the commitment is vital to the future of not only this country but the world. The effect of this has been to undermine not only our carbon change and net-zero progress but the United Kingdom's role in leading the way around the world. That has a colossal

implication, and it should not have been jeopardised by short-term political moves or relatively minor regulatory timetable changes to achieve changes to building standards and to electrify transport. The new Government can rectify this, and I believe they should.

The body politic as a whole needs to ensure that such strategies are protected. I am not saying they should never be altered—I am not a Mede or Persian—but I believe that we should have a stronger way of protecting such long-term strategies. It may be that defence strategy, for example, is in a similar category, and there will be others. I am not suggesting that we should never change them, but we should make it much more difficult to do so, and we should ensure that the good will and cross-party support for such measures is there.

The second issue relates to local government. The noble Baroness, Lady Hamwee, recently spelled it out. The reality is that this Government's measures on key issues such as social care, employment, and housing and planning will not be delivered without the co-operation of local government. Yet we know that, particularly in England, local government is in a terrible state. It is arguable—and it was argued earlier—that the structure of local government needs further addressing, and I believe that to be true. Certainly the finances of local government need addressing, which means that other resources must be available to local government, both directly in their own patches and through the system of rate support grants and the redistribution of that revenue from central government. If we do not do that, a lot of our programme will not be delivered.

I hope my colleagues on the Front Bench are listening and that, on both those issues, we will have some serious new thinking.

6.28 pm

Baroness Hoey (Non-Affl): My Lords, I add my congratulations to the noble and learned Lord, Lord Hermer, and thank him for his mention of Northern Ireland and his commitment to his role there.

The gracious Speech speaks of continuing support for the political institutions and devolved government in Northern Ireland. The only Bill relating directly to Northern Ireland will begin the process of repealing and replacing the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023. It is ironic that it was precisely the failure of devolution that led to legacy being dealt with here in Westminster, rather than in Stormont. I very much welcome that the new Secretary of State for Northern Ireland has helpfully made it plain that this will not lead to the abolition of the Independent Commission for Reconciliation and Information Recovery, led by Sir Declan Morgan. It is right that this must be allowed time to show that it can gain the confidence of victims and families.

The replacement of the legacy Act will take many months; bringing the Act in took more than two years in the last Session. While it was always stated, and has been stated today, that all parties in Northern Ireland opposed the Act, it is important to point out they all had different reasons for doing so, and they still have no agreed alternative. I am concerned that the long period needed to work on new legislation will give time for resentment to build up and, consequently,

lead to increasing use of lawfare. Your Lordships should be aware, too, of the potential colossal costs if demands are acceded to: £50 million to reintroduce the Troubles inquests; a Finucane public inquiry, if decided upon, costing up to £150 million; and payments for collusion—the new buzzword of former terrorists. That means limitless amounts of money, but certainly in the hundreds of millions of pounds. Then there are reparations in the form of bereavement payments, as advocated by the Commission for Victims and Survivors.

This would total several billion pounds and give little or no value in terms of satisfying victims or providing information, and zero prosecutions of IRA killers or other terrorists. However, once again, the brave soldiers and police officers who did their best to protect the public in hugely difficult circumstances along border areas, being blown up and shot at, only to find the terrorist escaping over the border into the safety of the Republic of Ireland, will be the only people persecuted and prosecuted. The state kept records; the IRA did not. The state gave on-the-run letters of comfort and royal pardons to terrorists, giving them amnesty. Veterans have been abandoned, and the real winners are some lawyers, who are literally making millions, and republicans, who want the history of the Troubles rewritten.

In Northern Ireland, devolution has taken a strange turn. The central basis of devolution, the Belfast agreement, has been unilaterally upended by the disapplication of cross-community consent, which was removed to impose the protocol and remains removed. Therefore, many who value the union will see that, when it comes to devolution, on the most fundamental issues Parliament has not devolved powers to the lawmakers at Stormont but has devolved lawmaking powers to the unelected and unaccountable European Union, which now rules over large parts of Northern Ireland's legal system. That historic and unacceptable betrayal—I have to use that word—by the previous Government has not been accepted in Northern Ireland and will never be accepted. Political and societal instability will continue, because the damage to the union from the protocol has not been undone. It continues to infect Northern Ireland. One example of how things will get worse is the general product safety regulation, an EU regulation to be introduced in December, which will undoubtedly mean that more and more GB businesses will just refuse to trade in Northern Ireland.

The protocol will continue to be opposed, as the election of the Traditional Unionist Voice leader Jim Allister to the other House and increased votes for strong anti-protocol voices like Carla Lockhart MP demonstrate. Unionism is tired of being taunted about a border poll; there is an intensifying cultural war by republicans, weaponising such things as the use of the Irish language in areas where there is no demand for it. There is nothing in the Belfast agreement that says that the UK Government have to be neutral on the union. The Irish Government are certainly not neutral. There is concern at BBC Northern Ireland's seeming lack of impartiality—there are too many examples to go into that today.

The people of Northern Ireland want to see workable and constitutionally compatible devolution, but it must be on two grounds: first, restoring the balance at the

heart of the Belfast agreement, which means removing the protocol framework; and secondly, and most fundamentally, ensuring that devolution of power runs from London to Belfast, rather than from London to Brussels, with Northern Ireland left powerless. Sadly, the gracious Speech made no promise of genuinely restoring Northern Ireland's place as an integral part of the UK.

Arrangement of Business

Announcement

6.34 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, this is a convenient point to pause the debate on the gracious Speech, which will not be resumed before 7 pm, to allow the Leader of the House to repeat a Statement from the Prime Minister. That will allow the Statement to take up to its full 40 minutes, as allocated. However, if it finishes a few minutes early, we can return to the gracious Speech without having to adjourn the House during pleasure.

NATO and European Political Community Meetings

Statement

6.35 pm

The Lord Privy Seal (Baroness Smith of Basildon) (Lab): My Lords, with the leave of the House, I shall now repeat a Statement made in another place by my right honourable friend the Prime Minister. The Statement is as follows:

“Before I start my Statement, I would like to pay a short tribute to President Biden, a man who, during five decades of service, never lost touch with the concerns of working people and always put his country first. A true friend of the Labour movement, his presidency will leave a legacy that extends far beyond America, to freedom and security on this continent—most of all, of course, in our steadfast resolve to stand by the people of Ukraine. He leaves the NATO alliance stronger than it has been for decades.

With permission, I would like to update the House on my recent discussions with leaders around the world, including at the NATO summit and at the meeting of the European Political Community last week at Blenheim Palace, the biggest European summit in the UK since the war. The House knows the significance of Blenheim Palace, the birthplace of Winston Churchill—the man who steered the march of European history towards democracy and the rule of law. It was a shared sacrifice for freedom—the blood bond of 1945. At both these summits, we reaffirmed our commitment to that bond of security and freedom, and I am sure that we do so in this House today. NATO is the guarantor of those values, and that is more important than ever, because, today in Europe, innocent lives are once again being torn apart. Two weeks ago, there was an attack on a children's hospital in Kyiv—children with cancer the target of Russian brutality.

Russia's malign activity is not confined to Ukraine. In the western Balkans, in Moldova and in Georgia, it is sowing instability. Let us not forget that it has

[BARONESS SMITH OF BASILDON]

targeted people on our streets and attempted to undermine our democracy. In the first days of this Government, I have taken a message to our friends and allies of enduring and unwavering commitment to the NATO alliance, to Ukraine and to the collective security of our country, our continent and our allies around the world. That message was just as relevant at the EPC last week. May I take this opportunity to thank the Leader of the Opposition, who brought that event to our shores in the first place?

At these meetings, I took a practical view of how the UK can meet this moment, driven not by ideology but by what is best for our country. That includes resetting our relationship with the EU, because on these Benches we believe that the UK and the EU, working together as sovereign partners, are a powerful force for good across our continent. That has been my message throughout the many conversations that I have had with leaders in recent days, because countries want to work with Britain—of course they do. They welcome renewed British leadership on security, on illegal migration and on global challenges such as climate change. Our voice belongs in the room, centre stage.

My conversations have focused on issues on which the British people want action, so I would like to update the House on my discussions in three specific areas. The first is European security. In Washington, I told NATO allies that the generational threat from Russia demands a generational response. That is why my right honourable friend the Chancellor of the Exchequer will set out a clear path to spending 2.5% of our GDP on defence. It is also why I launched a strategic defence review, led by the former NATO secretary-general, the noble Lord, Lord Robertson, to strengthen our Armed Forces and keep our nation safe.

I also took the opportunity at the NATO summit to confirm that we will deliver £3 billion-worth of military aid to Ukraine each year for as long as it takes. Together we confirmed Ukraine's irreversible path to full NATO membership, because it is clear to me that NATO will be stronger with Ukraine as a member—something I reiterated to President Zelensky in person in Downing Street on Friday.

Secondly, I want to turn to the Middle East, because that region is at a moment of great danger and fragility. I have spoken to leaders in the region and allies around the world about our collective response. How can we deal with the malign influence of Iran and address its nuclear programme, manage the threat from the Houthis, ease tensions on Israel's northern border and work with all partners to uphold regional security?

Fundamental to this, of course, is the conflict in Gaza. I have spoken to the leaders of Israel and the Palestinian Authority. I have been clear that I fully support Israel's right to security and the desperate need to see the hostages returned. I have also been clear that the situation in Gaza is intolerable, and that the world will not look away as innocent civilians, including women and children, continue to face death, disease and displacement. It cannot go on. We need an immediate ceasefire: hostages out, aid in, and a huge scale-up of humanitarian assistance. That is the policy of this Government and an immediate ceasefire is the only way to achieve it, so we will do all we can in

pursuit of these goals. That is why, as one of the first actions taken by this Government, we have restarted British funding to the UN Relief and Works Agency to deliver that critical humanitarian support.

We received the ICJ opinion on Friday and will consider it carefully before responding, but let me say that we have always been opposed to the expansion of illegal settlements and we call on all sides to recommit to stability, peace, normalisation and the two-state solution: a recognised Palestinian state—the right of the Palestinian people—alongside a safe and secure Israel.

Thirdly, I turn to illegal migration. This issue has now become a crisis. To tackle it, we must reach out a hand to our European friends. We started that work at the EPC, agreeing new arrangements with Slovenia and Slovakia, deepening co-operation across Europe through our new border security command and increasing the UK presence at Europol in The Hague, to play our full part in the European Migrant Smuggling Centre. The crisis we face is the fault of gangs—no question—but to stop illegal migration we must also recognise the root causes: conflict, climate change and extreme poverty. So I have announced £84 million of new funding for projects across Africa and the Middle East in humanitarian and health support, skills training and access to education, because the decisions that people take to leave their homes cannot be separated from these wider issues.

We will work with our partners to stamp out this vile trade wherever it exists and focus on the hard yards of law enforcement with solutions that will actually deliver results. I have seen this in action when tackling counterterrorism as the Director of Public Prosecutions, and we can do the same on illegal migration. But let me be clear: there is no need to withdraw from the European Convention on Human Rights. That is not consistent with the values of that blood bond, so we will not withdraw—not now, not ever.

The basic fact is that the priorities of the British people do require us to work across borders with our partners, and a Government of service at home requires a Government of strength abroad. That is our role. It has always been our role. Britain belongs on the world stage. I commend this Statement to the House."

6.43 pm

Lord True (Con): My Lords, I am very grateful to the noble Baroness for repeating this Statement. We on this side share in good wishes for the future of President Biden after his decision to withdraw from November's election. It was only a fortnight ago that the Prime Minister stressed on what good form President Biden was, so this news was a great surprise to many of us. I hope, as others have said, that Sir Keir did not tell him that he was over 80 and had to go. I also express, on behalf of these Benches, our revulsion at the attempt on the life of President Trump and our delight that this murderous attack failed. We were struck by the great courage that Mr Trump showed. I was pleased that the Prime Minister conveyed our nation's best wishes to him directly.

We live in a world of hatred running rife, murderous bloody war, the ambition to annihilate whole nations and, as the Statement said so eloquently, actions so

heinous that they target women and children, and even glory in it. Against that, what we say may seem trivial, but it cannot help to create the right climate to call a political opponent such as Mr Trump a would-be dictator, a neo-Nazi or even Hitler. I think the people who invaded Normandy in 1944 and liberated Belsen and Auschwitz knew what a racist and a Nazi really was. I think many across the world could do well to look at the civility of discourse in this Chamber. That includes, and must always include—I make this abundantly clear—a respectful response to a maiden speech. I welcome all new noble Lords on the Front Bench opposite.

I was grateful as Leader for the unstinting support from that side of the Chamber for our Government's unswerving commitment to Ukraine. Prime Minister Johnson was literally in it from the time of the first assault on Kyiv. We unequivocally support the strong words of the Prime Minister and his firm commitment of substantial and enduring resources to the future defence of Ukraine. Russia's barbaric aggression must be halted and we on this side stand four-square with His Majesty's Government on that.

We also welcome the Prime Minister's positive commitment to NATO. For 75 years, NATO has been the most successful defensive alliance in history, and defensive it remains. However, behind some of the rhetoric in this Statement was a troubling fact: this Government have as one of their first acts dropped the previous Government's funded commitment to raise defence spending to 2.5% of our GDP by 2030. We are told that a clear path may be set out at some time in the future. Can the noble Baroness say when this will happen? Will it come in the Autumn Statement or await the latest strategic review, to be conducted by the noble Lord, Lord Robertson of Port Ellen?

The whole House appreciates the great experience and sound judgment of the noble Lord, Lord Robertson. Can we be assured that this Government, in their enthusiasm for a so-called "reset" with the European Union—we have never been anything other than friendly with our partners in Europe—will not abandon the vital strategic emphasis on our Pacific partnerships through the CPTPP and AUKUS, among other instruments? With China's threatening posture and North Korea's support of aggression against Ukraine, it is surely essential that our ties continue to strengthen with this economically expanding part of the world. Will the noble Baroness restate the Government's unequivocal commitment to the CPTPP and the AUKUS treaty?

There are disturbing reports that the Government may reconsider our commitment to the Tempest fighter project. This, too, is crucial to our ties in the Pacific. Our close ally, Japan, is a partner in the Global Combat Air Programme project. It was sealed by the signing of an international treaty in Tokyo in December 2023. A treaty—*pacta sunt servanda*. The other major signatory to this treaty was another of our closest allies, Italy. The Prime Minister said in the Statement that he wants to be

"in the room, centre stage",

so will the noble Baroness assure the House that there can be no question of rushing off into the wings from a treaty on the Tempest project with a close European

friend, Italy, and a close ally, Japan? *Pacta sunt servanda*. Does this principle apply to a Labour Government on a day when we are debating the rule of law?

Already, we have seen this Government unilaterally abrogate a treaty with a friendly Commonwealth ally, Rwanda. Notice of ratification by the UK Government was issued on 23 April. Six weeks later, it was "scrapped"—I think that was the diplomatic word used by a No. 10 spin doctor—with no prior contact with the Government of Rwanda. *Pacta sunt servanda*. I ask again: does this principle still apply? There is talk of money wasted—and certainly good will has been wasted—but in life, money is wasted not by those investing in a long-term project but by those who pull the plug on it as it comes to fruition.

The Prime Minister spoke of a full-scale crisis of illegal migration. He has unilaterally abrogated the Rwanda treaty. Can the noble Baroness now tell the House what specifically will be done to deter and deal with those individuals who land illegally in large numbers on our shores? What will the Government do with them? The Prime Minister was offered many opportunities to answer this during the election and did not do so. Will the noble Baroness respond to Parliament?

We were pleased that the Prime Minister went through with the EPC summit at Blenheim Palace. He was candid and generous enough to admit that this summit, with its emphasis on illegal migration, was planned—in partnership with the Italian EU presidency—by the previous Conservative Government. Hearing some of the excited spin doctors of the new Government, you would not have thought so—rather that it might have arisen miraculously in two weeks. I pay tribute to the work done by my noble friends Lord Ahmad of Wimbledon and Lord Cameron in preparing this summit. We are glad that it was a success, though it is important never to forget that the only sure anchor of European security is NATO. We must take care never to allow any security pact with the European Union, however desirable it may seem, to undermine that truth.

Finally, the Prime Minister spoke about the situation in the Middle East. We all want to see progress towards a two-state solution where Israelis and Palestinians can live side by side in peace, prosperity and security. However, as we make progress towards that goal, our friend and ally Israel must have the right to defend itself against the threat it is facing, demonstrated by the drone strike on Tel Aviv at the end of last week by the Iranian-allied Houthi rebels.

In conclusion, I assure the noble Baroness that we on these Opposition Benches will work positively with His Majesty's Government on questions of foreign policy and national security. Of course, we will question and probe—that is the duty of this House—but across this Chamber we will always act in the national interest and work constructively with His Majesty's Government to ensure the security of our country.

Lord Newby (LD): My Lords, I too thank the noble Baroness for repeating the Statement and begin by saying that we share the Government's sentiments in their tributes to President Biden.

I welcome this Statement, not least because of its tone. In the last Parliament, we became used to gushing prime ministerial Statements that made grandiose

[LORD NEWBY]

assertions about Britain's role in the world, which often seemed at odds with reality. Today's Statement adopts a much more matter-of-fact tone, which seems more in keeping with our global position as a nation. It seems to me that this more realistic degree of national self-awareness is a much sounder basis on which to base our foreign and defence policies.

On the specific issues discussed at the NATO summit, the war in Ukraine remains the biggest threat to European peace and security. We therefore welcome the Government's ongoing commitment to supporting Ukraine militarily and financially, and in moving towards NATO membership.

Meanwhile, the situation in Gaza goes from bad to worse. We obviously welcome the Government's commitment to an immediate ceasefire and their practical decision to resume support to UNRWA, but we believe they should go further now by ending arms exports to Israel and recognising a Palestinian state. On the ICJ opinion, we are pleased to hear the Prime Minister's reiteration of UK support for the work of the court. I therefore hope that the Government will respect all its judgments. We must not get ourselves into the position of supporting the work of the court only when it delivers politically convenient opinions.

The overarching challenge now facing NATO is how Europe should respond to a possible US retreat from its European commitments. That would be an immediate challenge were President Trump to be elected, but in the longer term even Democrat presidents, faced with an increasing preoccupation with China, are likely to give less priority to the defence of Europe. Europe is therefore going to have to stand on its own feet on defence to a greater extent than at any point since World War II, and the sooner we accept this and proactively plan to do so, the better.

That is one reason why we support the strategic defence review. We hope that it will agree with us that a top priority must be to increase the size and operational capability of the Army, and that the previous Government's so-called tilt to the east was a mistaken attempt to pretend that we had a global military reach—which we simply do not have—and should now be reversed.

The Prime Minister was fortunate in the timing of the European Political Community summit last week, in that it gave him an early opportunity to begin to reset our relationship with our European neighbours, and particularly with the EU. It is a pleasure to be able to agree with the Government that we need to be in the room when the EU discusses security, migration and climate change, but we would welcome any indication from the Leader as to when the Government anticipate that this active participation will start. Has any timetable been agreed?

As the Leader and the House know, while we are pleased that the Government are adopting a more positive tone in respect of the EU, we do not think they are going far or fast enough in building our relationships. It is intensely depressing to me to hear the Prime Minister ruling out freedom of movement and membership of the single market or customs union almost as an article of faith. It is equally depressing that the Government seem unwilling to take smaller steps such as reinstating EU youth exchange arrangements, which are clearly beneficial for the UK and the EU alike.

The Prime Minister says that he is taking a practical rather than an ideological view of our relations with the EU. If that is indeed the case, can the Leader assure us that the Prime Minister will look practically and not ideologically at a further series of steps to restore our European links?

Baroness Smith of Basildon (Lab): My Lords, I thank both noble Lords for their comments and questions. Indeed, I share the Leader of the Opposition's comments about violence in political discourse and the attack on President Trump. Whenever we see such attacks, the world is shocked and holds its breath for the implications it may have. We should all choose our words carefully going forward, because words do matter and can have an impact. That might apply to President Trump sometimes too, but we should all be careful because political discourse can have a wider impact than just debates. The Prime Minister spoke to President Trump very soon after that incident. It was a very convivial conversation, and he conveyed the best wishes of us all.

I also thank him for the comments he made about responses to maiden speeches. The House will have heard and appreciated what he said. I know from my exchanges with him that he always acts with the best civility on how this House behaves, and I appreciate what he said.

On Ukraine, it has been really important that your Lordships' House, the Government, the Opposition and the other House have always been as one. It is not just important that the Government and Parliament are as one; it is also important that we say to Ukraine that the British people stand with it. Friends of mine were privileged to host a Ukrainian refugee family. There were difficult circumstances for them to come over here, but so many people across the country have opened their arms and their doors to welcome Ukrainian refugees. When President Zelensky came to the Cabinet meeting last Friday, the message was that the people of this country and whoever is in government—across both Houses—stand with Ukraine and will continue to do so for as long as it takes.

NATO is stronger than ever. The noble Lord, Lord Newby, made a comment about the contributions made by member countries. In 2014 just three countries had reached 2%. Today it is 23 out of the 32, with others having plans to do so as well. That commitment shows how its strength is growing, and how all member countries feel exactly the same as we do on how important this alliance is for us all, and why it needs to be strong.

The Leader of the Opposition knows full well that we have not dropped any commitment to 2.5% of GDP. I do not know how many times "commitment" has to be said, but it remains and always will. However, on timing, we have said that we expect the strategic defence review to report in probably the first part of next year, and that will inform how the amount is reached. It is an "if" and certainly not a "when", and I assure him that we remain committed to that. He also talked about having another review, but the strategic defence review is fully independent. The noble Lord, Lord Robertson, Fiona Hill and General Barrons are big figures in the world of defence; they know what

they are talking about. I am grateful to them all for taking on that role, and we look forward to seeing their report when it is presented.

The noble Lord, Lord Newby, mentioned the EPC several times. I share the congratulations and thanks to the noble Lords, Lord Ahmad and Lord Cameron, on and for the work they did in ensuring that the EPC came to this country; it was very important and it gave us, as a new Government, an opportunity to host that meeting. However, this is not just the EU—the noble Lord, Lord Newby, spoke several times about the EU, but it is important to note that the EPC is wider than the EU. The meeting was an opportunity for European leaders to get to know the new Government and understand the kind of relationships that we want to build with the leaders of all countries. It was a reset of our relationship, which will be important going forward.

The Leader of the Opposition raised the issue of Israel. As we have said so many times, it is absolutely right that Israel has the right to defend itself. How it does so is also very important—as long as it acts within international law. After the appalling attacks on 7 October, it was shocking and upsetting to hear that news coming through around the world. The way forward has to be a ceasefire; it is hard to see any way of getting all the hostages released unless there is a ceasefire. We want all the hostages to return home to their families. Anyone who met the families of those hostages when they visited your Lordships' House will know of their deep despair, as well as their courage, as they wait for their family members to come home.

I thank the noble Lord, Lord Newby, for his comments on the Prime Minister's tone. It is quite clear that we have a Prime Minister who is thoughtful and careful in how he approaches these issues. What he wants is to work in collaboration—without conflict—by seeking common cause where it is possible to do so.

On Ukraine, we now have an irreversible path towards NATO membership. On the arms exports issue that the noble Lord raised, we will ensure that international law is fully factored into those decisions, in line with the strategic export licensing criteria.

Something I said in response to the King's Speech was that, too often, illegal migration has been a political campaigning tool. We have to lower the rhetoric and find action that works. The Rwanda policy was hugely expensive. I know that the Leader of the Opposition wants to put the costs on those who pulled the plug, as he put it, but I note that while about £700 million has been spent so far and £10 billion was apparently factored in, only four people volunteered to go to Rwanda. Some 1,000 staff working on that have now been redeployed to work on assessing claims and returning people who have no right to be here. The new border security command is a way forward on that. The greatest deterrent for anybody who wants to come to this country is to know that, if they come here, their claim will be processed in the appropriate way and they will be returned—that is the most important thing and where we will put our efforts. Also, through the money spent in Africa and the Middle East, it is important to try to tackle the causes of why people are leaving their countries: extreme poverty, conflict and the effects of climate change, as

we have said. I make no apologies whatever; we feel some pride that the Rwanda policy will not be pursued by this Government.

7.04 pm

Lord Hannay of Chiswick (CB): My Lords, I take this opportunity to thank and congratulate the Leader of the House; this is the first time I have spoken since she took up her new position. I also welcome that the Statement mentioned the advantage that the Prime Minister took at Blenheim to give his colleagues and partners at that meeting the two key points in the gracious Speech about our relations with other European countries and the European Union: the reset and the pact of security in the widest sense.

I am sure that the Leader of the House is aware that the next country to chair the European Political Community is Hungary and there is due to be a meeting there, presumably in Budapest, in the second half of this year. The Prime Minister of Hungary is a past master of pretending that he is something that he is not: the representative of the European Union. His rotating presidency gives him no right to that; that is a matter for the President of the European Council and the President of the European Commission. Can the Leader of the House assure me that we are alert to attempts that may be made to peddle the aberrant views on the Ukraine conflict held by the Prime Minister of Hungary?

Baroness Smith of Basildon (Lab): I thank the noble Lord. First, I apologise to the Leader of the Opposition; he asked me a question that I forgot to respond to. I hope that the noble Lord, Lord Hannay, will not mind that I address that. The Leader of the Opposition asked me about the Global Combat Air Programme, an intergovernmental organisation. An order will come forward to this House, probably on Monday; I will propose a Business of the House Motion to allow that to come forward. I will send him information about that; I think that the Chief Whips have already spoken.

On Hungary, I say to the noble Lord, Lord Hannay, that his question is probably one for the European Union rather than me. It is worth restating that we stand completely in solidarity with Ukraine—that is an ironclad commitment. There have been different views within the EU—Hungary, is notably one of them—but the EU has spoken with one voice and stands with Ukraine.

Lord Browne of Ladyton (Lab): My Lords, I too take this opportunity to warmly welcome my noble friend to the Dispatch Box as the Lord Privy Seal. I congratulate her on a well-deserved appointment to that position and wish her well.

I fully support the steps that my Government are taking to tackle the crisis of illegal migration, which was created substantially by the previous Government's inaction and incompetent handling of the issue. That aside, the Statement by my right honourable friend the Prime Minister on it is reported in *Hansard* on Monday at cols. 369-70—I will not read it all out, but it is there for noble Lords to read. However, I will make the point that there is not one Member of your Lordships' House who, if forced to leave his or her home because

[LORD BROWNE OF LADYTON]

of persecution or conflict, would not expect to be able to seek asylum safely. That is not available to anyone who seeks asylum in Europe. I ask my noble friend: was the question of opening safe routes, so that refugees have an alternative to dangerous journeys, raised at all in the discussion with the EPC? There was much agreed, much discussed and much started, but was that touched on at all?

Baroness Smith of Basildon (Lab): My Lords, I am grateful to my noble friend for his comments. I do not know all the details of what was discussed in the meeting, but yesterday I spoke to the Home Secretary, who told me that the meeting on migration lasted twice as long as was anticipated, such was the range of issues discussed and the willingness of countries to co-operate on that. This issue is quite complex and multifaceted in some ways. One of the reasons we want to ensure the £58 million for Africa and the Middle East that I spoke about is to tackle some of the root causes of why people flee their countries and seek asylum. We should address those issues—conflict, poverty or the effects of climate change—as they will have an impact on why people want to leave. I hope that some of them will be addressed. As I said, I do not have a full readout of the meeting, but it was very long and I am told that it was also very productive.

Lord Bellingham (Con): My Lords, the Leader of the House mentioned the restoration of funding to the UN Relief and Works Agency. Obviously, she and the Government will be aware of the level of infiltration by Hamas of that organisation. A number of its staff took part in the appalling evil of 7 October. A number of its schools have funded the storage of weapons. Furthermore, Hamas has been using tunnels under its headquarters for terrorism purposes. Can she assure the House that this organisation really has turned a new leaf and sorted out these problems, and has been properly investigated? Can we really be 100% sure that UK taxpayers' money will not be used to fund terror and spread hatred?

Baroness Smith of Basildon (Lab): I thank the noble Lord for that question. I reiterate, and will do so, I am sure, on many occasions, that we utterly condemn Hamas—not just for the attacks on 7 October but for its terrorism and the way in which it behaves. That is an unequivocal attack on Hamas. On the allegations that were raised, there was an independent report from the UN, and we are reassured after that report that UNRWA is ensuring that it meets the highest standards of neutrality and strengthens its procedures, including on vetting, so that there is no contact. That does not for one moment take away from the seriousness of the allegations made. I will also say to the noble Lord that the experience that UNRWA has, its logistical capacity, knowledge and infrastructure are the best way of getting aid to where it is desperately needed—I know that he feels the same about the aid issue. Other countries have felt the same, and the EU and Japan have reinstated funding. I am in no way condoning anything that Hamas does—the noble Lord can be reassured on that—but we need to get aid in and have had assurances via the UN and that report.

The Earl of Kinnoull (CB): My Lords, I, too, congratulate the noble Baroness on her becoming the Leader of our House and wish her well in the times to come. I wanted to talk about the European Political Community. It is a young child. It began only in 2022 and this was the fourth meeting of it. Forty-three Heads of Government and Heads of State came to Blenheim Palace, which was a remarkable result; 24 of them were from the EU, indicating just how much of the community is outside the EU. The original intention was to have not only a meaty agenda but quite a lot going on in the margins. Indeed, this time there is a report on what sounded like a very important meeting in the margins regarding Moldova. However, the Prime Minister in his Statement did not say anything about his general enthusiasm for the political community, which is still a young child. It is something for which he is going to need the enthusiasm to drive it through—we have just heard that the fifth meeting is on 7 November, and the sixth meeting will be in Albania next year. However, it is important to have an expression from the Government of how valuable this format is, both for what is on the agenda and for what takes place in the margins.

Baroness Smith of Basildon (Lab): I totally agree with the noble Earl. I am sorry that the Prime Minister did not sound enthusiastic enough for him. The tone was welcomed by the noble Lord, Lord Newby, but perhaps he has put some greater enthusiasm on it. The Prime Minister is very enthusiastic about this, and he welcomed the opportunity to host such a meeting at Blenheim Palace, given its historical significance. Apparently, some of the union's leaders and those of other countries said that they had visited before and seen around the grounds but had never been inside the palace itself. It was a bit of soft power being used to great effect at that point.

When we have international problems, they need international solutions and the breadth of the countries there. The noble Lord is right: there was the formal meeting but, as every one of us who has attended conferences will know, the informal part is where people get to know and talk to each other. In those informal meetings, one builds up relationships. When things get difficult and one might have to impart a difficult message or exchange stronger views, having had that informal as well as a formal relationship will help those discussions take place. I can assure the noble Lord that the Prime Minister is very enthusiastic about the EPC, as are the Foreign Secretary, the Home Secretary and others who were there. It is something that we want to build on and see as a cornerstone of a lot of the relationships we will have with others around the world.

Lord Liddle (Lab): My Lords, in paying tribute to my noble friend who is now the Leader of the House, I also pay tribute to what she had to say about Joe Biden. I think that many of us worry greatly that we may see in his passing the last truly Atlanticist President of the United States. For us, Ukraine is an existential threat to democracy and all we believe in. One cannot be sure that President Trump and Mr Vance feel the same way. Given that situation, have we not to recognise that Europe has to get its act together? The EU is

making some progress in that direction—after all, the value of arms support through EU funding is probably greater than what the UK has given so far. It is trying to get its defence industry on a better basis. Is this not a powerful argument, quite different from those we faced in 2016, that we have to work closely with our European allies and friends?

Baroness Smith of Basildon (Lab): My Lords, I have been a great admirer of President Biden, Joe Biden, for many years. Unlike my noble friend, I do not want to prejudge or predict the outcome of the election. However, the relationship between our two countries, the UK and the USA, endures, whoever is in government in either country—that is a really important message to send. The point that my noble friend makes about how closely European countries should work together is valuable and important. It is something that we cannot take for granted. We are no longer in the EU, but our relationship with it and through the EPC with other European countries is vital, whoever is in the White House.

Lord Deben (Con): Will the noble Baroness accept that one of the most important things in that Statement was the connection between migration and climate change? Will she do all in her power to remind those who are always talking about migration that they have not seen anything yet unless we do something about climate change, because that will drive huge movements across the world? Our climate change policy should be central to any kind of policy to deal with migration.

Baroness Smith of Basildon (Lab): My Lords, the climate emergencies that we have seen increasingly recently, with extreme weather conditions, have brought home to many people the importance of the issue, whereas perhaps it was previously seen as a side issue. The fact that the Prime Minister references that specifically in his Statement as being one of the drivers for migration is important. I can therefore give the noble Lord the assurance on that ground.

Baroness Ritchie of Downpatrick (Lab): My Lords, I welcome my noble friend to the Front Bench, particularly as Leader of the House and Lord Privy Seal. I thank her for the Statement and its contents, particularly with reference to the restoration of funding to UNRWA and the unequivocal position on the ECHR. Those are important principles, and I refer also to where the Statement says in relation to the Middle East

“we call on all sides to recommit to stability, peace, normalisation”. That applies both to Israel and to Gaza. It is vital. Can my noble friend the Minister indicate whether discussions have taken place within NATO and the European Political Community about a reconstruction fund for those areas similar to what we had in Northern Ireland in terms of the International Fund for Ireland?

Baroness Smith of Basildon (Lab): I am not sure whether my noble friend means a reconstruction fund in terms of Ukraine or wider. In terms of Ukraine, of course, there has been a discussion about how we use the frozen Russian assets and sanctions. I was not present at all the meetings. I shall find out for her whether that issue was discussed.

Baroness Foster of Oxtou (Con): My Lords, I echo the comments made by my noble friend regarding UNRWA, because we know that it has been a corrupt organisation and that there were members who were involved in the attacks on 7 October. My point is about the £84 million that the noble Baroness said government was going to give in aid to Africa and the Middle East, which sounds very promising. Can the Leader of the House please give us details of what those projects are going to be? Can she also tell us who will be responsible for the oversight of them, because this is a huge amount of taxpayers’ money?

Baroness Smith of Basildon (Lab): I do not have full details of all the programmes yet; we will try to update the House as we go on. However, work will be around the issues that drive those people to leave their countries. There will be some work on climate change, which we have spoken about, but also on issues such as trying to ensure that people have a future in their own country—for example, on provision of skills and education. Just look at how bad girls’ education in particular is around the world—I pay tribute to the work Gordon Brown has done on this. Those are the kinds of issues that force people to try to seek a better life somewhere else. There has to be hope in their own countries for them as well. The kinds of projects that we will be working with are around access to clean water and to a decent standard of living. We will update the House as more information becomes available.

Viscount Stansgate (Lab): My Lords, I welcome my noble friend to her position as Leader of the House. I am glad she emphasised the Prime Minister’s comments about President Biden. When he leaves the stage on 20 January next year, a very important phase in post-war Anglo-American relationships will in some ways come to an end.

I want to ask a question arising out of this Statement, which refers to the resetting of relations with Europe. As has been pointed out, the EPC meetings provide the opportunity for informal discussions. Can the Leader of the House give any encouragement to those of us who hope that discussions will now be able to take place on a youth mobility scheme or, as the Minister of Science said yesterday in this House, the greater movement of scientists between the US and Europe, and, if I can add this, musicians, especially youth musicians?

Baroness Smith of Basildon (Lab): It is early days to give my noble friend some of the assurances that he is looking for. At this stage, we are looking to establish those relationships and get structures in place to see what outcomes we can produce going forward. The kind of co-operation we want is an EPC that, from all those countries, wider than the EU—which I think part of his question relates to—ensures that we can have co-operation across a range of issues, which will benefit all those involved.

Baroness Hamwee (LD): My Lords, the noble Baroness’s reference to investment—if I can call it that—in upstream issues, not only climate change but conflict and poverty and so on, is of course welcome,

[BARONESS HAMWEE]

but it will not address everything; it cannot. I urge her to ensure that the provision of safe routes for refugees does not go off the agenda.

Baroness Smith of Basildon (Lab): My Lords, I doubt that it will go off the agenda at all, but the noble Baroness is right that it is an investment. With all these things, it is very easy sometimes to talk about money being spent; the key is what happens to that money and the impact it has at the end. That will be really important. Poverty, as the noble Baroness mentioned, is a particular issue. So many people flee their countries looking for a better life, and they want to work and engage. If we can provide some of those opportunities for them in their own country, that will be better for all of us.

Lord Dodds of Duncairn (DUP): My Lords, can I press the noble Baroness the Leader of the House on the commitment to raising NATO spending to 2.5%? She referred to the strategic defence review outcome early next year, but the Prime Minister referred to the Chancellor of the Exchequer setting out a path. Can she be more definitive about when exactly we can expect an announcement as to when this commitment will be honoured?

Baroness Smith of Basildon (Lab): My Lords, I do not think I can make an announcement about an announcement. However, I can tell the noble Lord that it is a commitment to 2.5%. We will get the outcomes through the strategic defence review. I think the House will want more information about not only the amount of money that is spent but how it is spent. When the strategic defence review reports, we will report back to the House.

Lord Murray of Blidworth (Con): The noble Baroness the Lord Privy Seal said in her remarks that the best form of deterrence for illegal migration was to return those who had no right to be here. Since 2018, the five largest nationalities crossing by small boats have been from Albania, Afghanistan, Syria, Iraq and Iran. The previous Government set up a highly effective return agreement with Albania. There is no agreement with the other four. Do the Government intend to remove people from those countries, and if they do, where do they plan to remove them to?

Baroness Smith of Basildon (Lab): I think the noble Lord slightly truncated my comment. I said that the greatest deterrence was the feeling that they were going to be caught, and that if they were caught and were not entitled to be here, they would be returned. It was slightly broader than what he said. Having bilateral agreements with countries, whereby people can return to safe countries, is certainly part of the plan and the mix of how we deal with this issue.

King's Speech

Debate (5th Day) (Continued)

7.25 pm

Lord Janvrin (CB): My Lords, I want to focus my remarks on the constitution. I start by noting that, in the Labour manifesto, constitutional reform found its

place in the chapter entitled "Restoring public service in Westminster". I commend that wider ambition, which is about trust in our system. We are all agreed that renewing trust has never been more important.

Where have we got to in the King's Speech? I personally accept that the removal of the hereditary Peers is probably a sensible and incremental step for any Government intent on modernising the House of Lords. Many hereditary Peers are close colleagues and their individual contributions are consistently impressive, but I think they know, as we probably all do, that, collectively, they have been on borrowed time for 25 years. This measure will slightly reduce the size of the House and ensure a slightly better gender balance, but there is much more to be done on both those counts.

I add one small, additional point. I have very occasionally heard it argued that removing the remaining hereditary element of our legislature risks undermining the hereditary institution of monarchy. This argument does not stand up to a moment's scrutiny—the roles are obviously entirely different.

In the manifesto, but not in the King's Speech, is reform of the House of Lords appointments process. It may be that strengthening the vetting powers of the House of Lords Appointments Commission—HOLAC—could be achieved without legislation, as could an acceptance that HOLAC recommendations are binding. I hope, however, that in due course legislation can be introduced to put the essential work of HOLAC on a statutory basis. The arguments for doing so are well known.

Why is it important? The present system of appointments to the House of Lords is widely seen by the general public as being about unattractive, and occasionally unacceptable, political patronage. That power of patronage is seen as a tool of party management and party fundraising. I suggest that a Government with a large majority could afford to take risks in limiting this power. It is also another way to restore trust in our political system. There is more to be done.

The area which is neither in the manifesto nor the King's Speech is the importance of proper scrutiny of secondary legislation. This is hardly a surprise. There are few votes to be had in trying to explain that Parliament lacks the teeth to scrutinise much of the legislation that governs our lives, even if the pitch is spiced with references to Henry VIII or skeleton Bills. However, key democratic principles are at stake. Effective scrutiny makes better law. Parliament's fundamental constitutional role to hold the Executive to account is weakened by present arrangements.

I congratulate the noble and learned Lord the Attorney-General on his excellent maiden speech in which, to my surprise and admiration, he mentioned secondary legislation. I urge him to study the two recent Lords reports on this issue, which highlight what is a democratic deficit in our system of legislation. As with House of Lords appointments, there is scope here for putting wider public interest above party self-interest or executive expediency. There is much more to be done.

I finish where I started. Restoring trust in the way we are governed has never been more important. Constitutional reform has a vital role to play in this, but there is more, much more, to be done.

7.30 pm

Lord Caine (Con): My Lords, I join in welcoming the noble and learned Lord the Attorney-General to his post and congratulating him on a superb maiden speech. I also welcome the noble Lord, Lord Khan of Burnley, to his post. It was one of the great honours of my life to serve for a little over two and a half years as a Northern Ireland Minister in this House. After some 36 years of involvement, I will continue to be an active participant on all Northern Ireland matters both inside and outside the House.

In the short time available, I will make three points. First, the election result in Northern Ireland does not in any way indicate that constitutional change is imminent or inevitable, let alone desirable. Yes, Sinn Féin now has the largest number of seats in the other place and, for the second election in a row, there are more nationalist MPs from Northern Ireland than there are unionists. But that tells only part of the story. In fact, nationalists returned exactly the same number of MPs at this election as five years ago. The two main nationalist parties, Sinn Féin and the SDLP, won 38.1% of the vote. For context, it is worth recalling that in the 1998 Assembly election those two parties had 39.6% of first preference votes. The question that those who advocate the end of the union ought to be asking themselves, therefore, is why, after an agreement that they claimed would deliver a united Ireland by 2016, and despite demographic changes, nationalism is in roughly the same place as it was a quarter of a century ago.

The big shift from 1998 has been the decline of the unionist vote, probably exacerbated at this election by events that could not have been foreseen, and the rise of Alliance as an electoral force. However, as I have said before, I do not believe that too many people are motivated to vote Alliance out of a burning desire for constitutional change, and in the constituency won by Alliance at the election, Lagan Valley, more votes were cast for unionist candidates than in any other seat in Northern Ireland. Those predicting or hastening the end of the union are being decidedly premature, so I welcome the reaffirmation by the new Secretary of State—incidentally, my local MP—Hilary Benn that a border poll is not on the horizon. The circumstances that would require it to be called are nowhere near satisfied.

My second point is that this creates both challenges and opportunities for those who want to see Northern Ireland's place within the United Kingdom strengthened. I count myself among their number. The most obvious point is that unionism has to find a way of co-operating rather than constantly tearing itself apart. It needs, as one unionist put it recently, to start finding new friends rather than constantly seeking out Lundys and traitors and fighting yesterday's battles.

What form this takes is primarily for unionists in Northern Ireland to determine, although my noble friend Lord Godson set out a number of suggestions in a typically erudite speech in Limavady earlier this year. Unionism cannot afford to appeal to an ever-decreasing base. There is a broader constituency out there that needs engaging about the long-term economic and social benefits of the union, which remain considerable.

My final point is for the Government. I welcome the pledge in the gracious Speech to

“support the political institutions and devolved government in Northern Ireland”.

The restoration of Stormont in February was the culmination of intensive efforts by my colleagues in the previous Administration. It was achieved as a result of the changes we set out in the Windsor Framework and the Command Paper *Safeguarding the Union* to address the serious defects in the original protocol.

The Government's manifesto states that they are “committed to implementing the Windsor Framework in good faith”.

However, it does not mention the Command Paper, which was also vital in getting Stormont back. The Command Paper contained a number of positive and practical measures to strengthen the union—the East-West Council and Intertrade UK, to name but two. I hope that the Government will faithfully implement all those commitments in the Command Paper that are designed to strengthen the union.

As my noble friend Lord McInnes of Kilwinning reminded the House, in 2021 the then Leader of the Opposition stated:

“I believe in the United Kingdom and I will make the case for a United Kingdom”.

However, on his visit to Belfast, days after becoming Prime Minister, he said that he would be an “honest broker” on the issue, intimating incorrectly that this was somehow a requirement of the 1998 agreement. I hope that this does not herald a retreat back to neutrality on the union and Northern Ireland's position within it. No UK Government should ever be neutral on the union. The Prime Minister should stay true to his commitment to make the case for the United Kingdom and for Northern Ireland's enduring place within it.

7.36 pm

Lord Thomas of Gresford (LD): My Lords, it is a pleasure to follow the noble Lord, Lord Caine, whose commitment to Northern Ireland is unquestioned. Although he had a very bad hand to play in the last Government, he played it with great integrity. It is also a pleasure to welcome the noble and learned Lord, Lord Hermer, to the Dispatch Box. As a Welsh lawyer, he follows in the footsteps of my friend Gareth Williams, Lord Williams of Mostyn, a distinguished Attorney-General in this House. With him, both in the courts and in this Chamber, I was able, as Shakespeare wrote of lawyers, to

“Strive mightily, but eat and drink as friends”.

I hope it will be the same with the noble and learned Lord.

In all the controversies over the abolition of the hereditary peerage in the Labour Government of 1997, Gareth and I walked together through the Lobby in support of a fully elected second Chamber. This is not surprising. My general election address in 1964 in West Flintshire, which covered his home town of Mostyn, called for the abolition of the hereditary peerage entirely, and also for a Welsh Senedd; 60 years later, we are nearly there.

My criticism of this Government's programme is in the great Liberal tradition—it does not go far enough. I dislike those dark shadows who, to quote Shakespeare

[LORD THOMAS OF GRESFORD]

again, strut and fret upon this stage for five minutes and then are heard and seen no more—save to appear briefly at the Bar to collect their tick. What is needed in this House is a body of no more than 400 working Members who will properly scrutinise the Government's programme on the floor of this Chamber and fill the committees that play such an important part in the work of this House. I would prefer them to be elected representatives covering the whole country, with a nine-year renewable term and with elections every three years of one-third of the body. Short of that, if Members are to be appointed rather than elected, I would abolish prime ministerial patronage. I suggest that a quarter should be appointed for a fixed term of no more than 15 years by an appointments commission as non-affiliated Cross-Benchers.

As for the rest, after each general election political parties that gain representation in the House of Commons should appoint, in accordance with whatever democratic system they choose, a number of Members to the second Chamber proportionate to the votes cast in the election. I am sure that the noble Lord, Lord Forsyth, would agree with me on that. No one should be reappointed for more than 15 years' service. We should take the opportunity to get rid of the flummery. We do not need to be "Lords". "MS" should be enough: Member of the Senate or of the second Chamber.

By all means, let us have a new order of chivalry for those who are public-spirited enough to fund our political system. I am all for that; let us call it the most noble order of the wallet—after all, a garter is meant only to hold up your socks. But let us ensure that it is not possible simply to buy one's way into the legislature.

One final thing: I have been fortunate enough to draw a place in the ballot that will permit me to introduce a Private Member's Bill that I hope will make it possible for secondary legislation to be conditionally amended, as the Hansard Society has called for. The noble and learned Lord, Lord Thomas of Cwmgiedd, and the noble Lords, Lord Janvrin and Lord Anderson, referred to this. In opposition, Labour, unlike the Liberal Democrats, refused to contemplate fatal Motions. It is the nuclear option, but regret Motions are a waste of our time and space, since the Executive can and do ignore them.

The Labour Party's attitude was consistent with its failure to join with the Liberal Democrats to vote down the Rwanda Bill at Second Reading—only months ago—which would have saved weeks of unnecessary argument. However, the first thing it did when it went into government was to abolish that policy entirely. I hope that my proposed Bill will provide a sensible and rational check on Ministers seeking to exercise their powers, in particular their Henry VIII powers. Will it take 60 years?

7.41 pm

Lord Bew (CB): My Lords, as other noble Lords have, I thank the Attorney-General for his impressive, striking and wide-ranging maiden speech.

A passage in the King's Speech caught my attention. It goes as follows:

"My Government will strengthen its work with the devolved governments in Scotland, Wales and Northern Ireland so that the best outcomes ... are delivered for citizens across the United Kingdom. My Ministers will establish a new Council of the

Nations and Regions to renew opportunities for the Prime Minister, heads of devolved governments and mayors of combined authorities to collaborate with each other".

Understandably, given the last few years, our ears are ringing with the phrase "reset". There is an element of reset: this is a new institution. As has rightly been stated by the noble Lord, Lord Dodds, and the noble Baroness, Lady Finn, there is a question about how this relates to other institutions in this area. But there was an immediate echo in my mind when I read this passage; it not just a reset, but a fundamental return to basics for the Labour leadership.

I refer to Tony Blair's speech, as the newly elected Prime Minister, given in Balmoral, Belfast, on 16 May 1997—a speech that, in my view, was the *sine qua non* for the subsequent negotiation of the Good Friday agreement, which was again supported in the King's Speech, while outlining a concept of devolution throughout the United Kingdom. Tony Blair said:

"I want to see a Union which reflects and accommodates diversity. I am against a rigid, centralised approach ... The proposals this government are making, for Scotland and Wales, and for the English regions, are designed to bring Government closer to the people. That will renew and strengthen the Union".

This was a crucial moment in 1997. It outlines a vision that was put into effect over the next generation.

To take up a point made by the noble Lord, Lord Caine, Tony Blair was not neutral on the union. He said, quite clearly:

"The Union binds the four parts of the United Kingdom together ... I value the Union".

Sir Keir Starmer said the same in his interviews with Enda McClafferty of BBC Northern Ireland, which have been mentioned.

There is an understandable view that the commitment to equality of esteem somehow erodes this commitment, but it clearly does not. Tony Blair stated that commitment; he knew it was the price of getting the agreement done and he negotiated equality of esteem. Equality of esteem means fair play for the two communities within Northern Ireland, and it has to be exercised by the sovereign Government.

My final point is that this is actually devolution 2.0. Devolution has been through various traumas in Northern Ireland. It had the massive struggle, referred to by the noble Lord, Lord Caine, by which the last Government, through the Windsor Framework and *Safeguarding the Union*, eventually restored devolution in Northern Ireland. That was indisputably the great achievement of the Government who have just left office.

I was very pleased yesterday by the way in which the new Front Bench, in reply to the noble Lord, Lord Lexden, spoke about the functions, role and support it has for the Windsor Framework. That was an important moment and we can expect continuity in that policy area.

But this is devolution 2.0. The fact is that, for long spells, not just in Northern Ireland but in Scotland, it has not worked in the way that anybody happily thought it would in 1997. The Government now have a second chance to restore it to the validity of the original vision that Tony Blair brought to it, in the first instance. All I can say is that that will be difficult and require much effort.

7.45 pm

Lord Berkeley (Lab): My Lords, it gives me great pleasure to congratulate my noble and learned friend Lord Hermer on his maiden speech, and to welcome him and my noble friend Lord Khan and his colleagues to the Front Bench. It is wonderful to see them there; long may it continue.

I will speak briefly about devolution, which has not been so much discussed in this debate. For me, devolution is vital and it must have the criteria of delivering something that is level, equal across the UK and balanced. For me, probably the worst example of that is where I live, the Isles of Scilly, so I will concentrate my remarks there.

It is a very independent community, 28 miles off the English coast and remote from the rest of the UK. It is a very strong and loyal community, which will tell you that it does not want to be linked with Cornwall. Some noble Lords may have read that the six former Conservative MPs who lost their seats in Cornwall at the last election—in favour of four Labour and two Lib Dem—think that the answer is to have a Minister for Cornwall. If we had a Minister for every county, ministerial boxes might get a bit full, so I do not think that that will work.

Scilly does not want to be part of Cornwall. I have had many discussions with the council on the Isles of Scilly and it has problems. It wants to preserve the community spirit and be a sustainable place to live, but there needs to be a financial settlement, which would probably be different from that of most local authorities.

The single biggest challenge on the islands is transport. Noble Lords may have read about the Harland & Wolff issues, which I am not going to talk about, but the reality is that these transport links are fragile, unreliable and expensive. You can travel on a bus for many miles in Cornwall for £2 a journey, when residents travelling between the islands of Scilly sometimes have to pay as much as £110 for a single fare in the winter, for just a couple of miles. It is the same if you want to go to the mainland, to hospital or for anything else. It is 28 miles, which would probably cost £10 or so on a train. Last week, I paid £110 for a three-hour journey on a ferry. It is a lot more to go by air and it is an unreliable service. Basic services are awful there.

The cost of living on Scilly is seriously high. Housing is a problem. Noble Lords may know that, in the last stages of the Leasehold and Freehold Reform Bill, before the end of the last Government, the Duchy of Cornwall promised new tender or leasing documents for people leasing their buildings on the Isles of Scilly. No leases extend for more than 40 years at the moment so, if you spend several hundred thousand pounds doing up your house, you will still have only a 40-year lease. I am looking for Ministers to tell us when the Duchy is going to publish its guidelines.

Similarly, it is difficult to get local authority building now because the costs of freight are so high, so something needs to be done and it is not easy. The Council of the Isles of Scilly is good at trying to sort out what should happen there. There must be a devolution deal that will take Scilly outside the normal local authority funding rules. I do not know when that will happen, but the transport needs to become a public transport

system rather than one with the costs I have just quoted. Otherwise, the residents will give up and the community will get lost.

The community does not want to be linked with Cornwall and I hope that my noble friends, when they come to look at the devolution of the south-west, Cornwall and Scilly, will come to discuss and consult—as they have said they will—and have a special, bespoke arrangement ready for the Isles of Scilly to talk about.

7.51 pm

The Duke of Montrose (Con): My Lords, I add my appreciation for the contributions of the two maiden speakers.

Because of Brexit and the changes envisaged in the Levelling-up and Regeneration Act, the Government will have the power to award huge sums of money across the country, and the relationship between devolved Administrations and Westminster has entered a new phase. In January the previous Government listed their 12 missions as required under the Act, which will be the channels through which the money will be distributed. The challenge for the present Government is whether they can build a better relationship with the devolved Governments than that which exists at the moment.

My family and my health are now telling me that it is time to take a break. At the end of this Session I will take a leave of absence. My interest has been particularly on the constitution and devolution. It has been a privilege to have served this House for 28 years so far. It has meant that my family has been involved in both the constitution and devolution in this country since accompanying King William the Lion of Scotland on his return from exile 900 years ago.

In this building, when I walk between Central Lobby and the Members' Lobby there is a painting of the scene of the execution of the First Marquess of Montrose, my direct ancestor, for commanding an army that sought to restore the monarchy represented by Charles II. Montrose was sentenced to be hung, drawn and quartered. The night before he wrote a short poem, which begins:

"Let them bestow on every airt a limb,
Then open all my veins that I may swim
To thee, my Maker, in that crimson lake",

and finishes defiantly, with the lines:

"I'm hopeful thou'lt recover once my dust,
And confident thou'lt raise me with the just".

In my view he was justified.

The theme that runs through all the subsequent generations was the ancient feudal responsibility that the Minister referred to in his introduction. In the early days it meant, "Do your duty to God and the King". My family's motto must date from that time, and it contains the instruction, "Do not forget". In case I am not granted the opportunity to join noble Lords again, I will say that my hope is that your Lordships always remember what is expressed in the Norman French motto, "Ne Oublie".

7.56 pm

Baroness Smith of Llanfaes (PC): My Lords, I thank the noble Duke, the Duke of Montrose, for his service to this House. I warmly welcome the noble and learned

[BARONESS SMITH OF LLANFAES]

Lord, Lord Hermer, to this Chamber, and I am pleased that the Welsh contingent here is growing. Croeso a llongyfarchiadau—welcome and congratulations.

I welcome the commitment to votes at 16 in the Government's manifesto. I have long campaigned for votes at 16 and was involved in the establishment of the Welsh Youth Parliament during my time as NUS Wales deputy president. Votes at 16 and 17 would strengthen and renew democracy by enfranchising young people at a habit-forming age. This move would also see an end to the imbalance in which Scottish and Welsh 16 and 17 year-olds can participate in democracy but their English contemporaries cannot. Research suggests that when given the opportunity, 16 and 17 year-olds turn out more than those in the next age group. This pattern was seen during the Scottish independence referendum.

It was promising to hear a commitment to encouraging greater participation in the democratic process in the King's Speech. This comes after a general election with the lowest turnout since 2001 and record low levels of trust in politics. This was also the first general election in which voters needed to prove their identity with strict voter ID rules. So I look forward to hearing more about the Government's proposals for righting the democratic course we are on.

I turn now to the initial proposals on automatic voter registration, which I hope to see as part of the Government's plans to encourage wider participation in the democratic process. The Electoral Commission has previously estimated that up to 8 million eligible voters are missing from the electoral rolls—either because they are not registered or because they are incorrectly registered. During the general election, 2.9 million registration applications were made via the online registration portal from the date the election was called until the deadline on 18 June. These figures suggest that while there has been a surge in applications, many people will have missed out on being able to vote because they were not registered in time.

I am pleased that following the passing of the Elections and Elected Bodies (Wales) Bill in the Senedd earlier this month, automatic voter registration will be piloted and introduced in Wales. I hope to see the UK follow soon.

I now turn to the proposals to reform this House. I begin with a reminder of my own view and that of Plaid Cymru—we do not believe that an unelected upper Chamber has a place in a modern democratic society. I therefore welcome the initial steps towards reform of this House with the removal of hereditary Peers. However, I am disappointed that this is happening in isolation, with other reforms being pushed to a further consultation.

As we look to receive this consultation from the Government on age caps—shortly, I hope—I encourage them to use the opportunity to think more broadly. In their first term at least, I urge them to consider term limits rather than simply an age limit. This would remove the “job for life” element, control the size of the House and bring in new ideas on a regular basis. Work has been diligently carried out in this area already, with the Lord Speaker's Committee on the Size of the House also suggesting that term limits

could work. This should be alongside wholesale reform. Term limits by themselves will not fix gender disparity; neither would they make the House more representative of the nations and regions, nor of socioeconomic background.

Gordon Brown made some interesting suggestions, such as replacing this Chamber with an assembly of the nations and regions. Do this Labour Government intend to progress with such recommendations? If so, when? We can begin a new chapter for our constitution and democracy, so let us not delay. I look forward to hearing more about the Government's plans in the response from the noble Lord, Lord Khan. It has been 25 years since the first stage of Lords reform; I hope it will not take another 25 for the second to be completed. Diolch yn fawr iawn.

8.01 pm

Lord Hacking (Lab): My Lords, I much welcome our new Attorney-General, the noble and learned Lord, Lord Hermer. He walks in the steps not only of Lord Williams of Mostyn, whom we all remember with great affection, but of my noble and learned friend Lord Goldsmith, who was Attorney-General from 2001 to 2007 and of my noble and learned friend Lady Scotland, who was Attorney-General from 2007 to 2010. It is most welcome to have the Attorney-General back in our House.

From these Benches, I pledge support for our new Government. I do not agree with all the proposals in the manifesto but I am confident that my Government will listen with willing ears to my concerns and, better still, may abide by them.

This brings me to my confession. For that purpose, I have to take your Lordships to last Wednesday afternoon for the first round of speeches following the gracious Speech. Your Lordships who were present would have heard the most excellent speeches from my noble friends Lord Reid and Lady Hazarika. Your Lordships would also have heard in the middle of the speech of our new Lord Privy Seal a loud, “Hear, hear!” This was also clearly recorded at col. 23 of *Hansard*, which reads: “A noble Lord: Hear, hear!” That was me.

Viscount Thurso (LD): Hear, hear!

Lord Hacking (Lab): Thank you for a further, “Hear, hear!”

I made this noisy intervention because our new Lord Privy Seal had said:

“Ministers in our Government will not accept all changes but, when the House expresses a constructive view, the Government should treat that with respect”.—[*Official Report*, 17/7/24; col. 23.]

This will not always be easy. Under the last Government, the power of government—the power of the Executive against the legislature—became most powerful. Your Lordships will perhaps remember Report on the Illegal Migration Bill, when we passed no fewer than nine constructive amendments and they were all chucked out without even consideration by the Government of the day.

It is not only in this House that we suffered. I read from a report by my friend Jess Phillips in the *New Statesman*:

"Round and round and round we walked, voting on the House of Lords' amendments to the Illegal Migration Bill. The first session took three and a half hours, the second two hours. It really is something to spend so much time losing votes ... It feels to me like the very definition of madness that this is how our democracy works: hours wasted on a foregone conclusion that in the end will amount to no change ... during these past few weeks ... parliament",

has felt to be a "farce". On any view, that is most concerning.

It is interesting that the Leader of the Opposition, when he spoke in that debate—he spoke, as always, very well indeed—referred to the 409 government defeats in the last Parliament. I think his point was that there were too many Divisions, but it can also be said that on each of these 409 occasions the Government of the day were not listening to your Lordships' House.

I finish by mentioning my own departure. I have always been under threat of expulsion from the moment I arrived in this House over 50 years ago. The first Wilson Government had proposed serious reforms of the House of Lords, which were defeated by an unholy alliance between Enoch Powell on the right and Michael Foot on the left. I have been under your sufferance for all these years, but it has been a great honour and an enriching experience to be here. Thank you. I am ready to be expelled for the second time.

8.06 pm

Lord Roberts of Belgravia (Con): My Lords, it would be churlish not to congratulate the Labour Party on its stunning victory on 4 July and unpatriotic not to wish the Government luck and a fair wind. Since the abolition of the hereditary element in this House was in their manifesto, and of course they have the political power to enact it, all I want to do today is speak as an historian about the effect of breaking this living link that we presently have with Britain's past.

Burke tells us:

"Society is indeed a contract ... it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born".

The hereditary element in this place represents—I hope hereditary Peers in this debate will not mind this characterisation—the "dead" part of that contract, for they do not merely represent themselves here; they also represent their ancestors, whose often glorious deeds have made Britain the country that she is today.

When we see the noble Lord, Lord Ponsonby, for example, as well as the good-natured and highly intelligent fellow who sits on the Labour Front Bench, we see the shade of his great-great-great-grandfather, Major General Sir Frederick Ponsonby, whose charge of the 12th Light Dragoons helped save the Union Brigade at a critical moment of the Battle of Waterloo—which, of course, was won by the ancestor of another of our present-day Members of this House, the noble Duke, the Duke of Wellington. The noble Lord, Lord Cromwell, who is speaking in this debate, holds a title that, for all that it went into abeyance for 400 years, was created in 1375, 650 years ago next year—nearly two-thirds of a millennium.

We are surrounded by ghosts in this Chamber, but they are the ghosts of the great. One of the speakers in this debate from the Liberal Benches will be the noble Viscount, Lord Thurso. At a crucial moment for the continued existence of this country, in May 1940, his

grandfather, Sir Archibald Sinclair, put party differences to one side to make his old comrade from the trenches, Winston Churchill, Prime Minister. He was Secretary of State for Air during the Battle of Britain. Then, only three months after he left that vital post, his place was taken by Viscount Stansgate, a decorated RAF officer and, of course, the grandfather of our own noble Viscount, Lord Stansgate.

Some of the families represented in this House go back to the very founding of our country. The first Duke of Montrose—we heard that moving statement from the eighth Duke—played a central part in the Act of Union that created the United Kingdom.

The greatness and the drama of our national past finds a living embodiment here in this Chamber in a way that does not exist in other Parliaments around the world. Once that link is broken, it cannot be reconstituted. To quote Burke again,

"the age of chivalry is gone. That of sophisters, economists; and calculators has succeeded".

I hope that, when the time comes to say farewell to the hereditary Peers, we will do so full of genuine gratitude for the centuries of service that they and their families have given this House and this country.

8.09 pm

Lord Butler of Brockwell (CB): My Lords, a lot of congratulations could be in order this evening, but I particularly congratulate the noble and learned Lord, Lord Hermer, on his outstanding maiden speech. How marvellous it was to hear the priority he gave to the rule of law and to bringing legislation before Parliament in a full and proper form. I thought to myself how much Lord Judge would have welcomed that statement.

I welcomed the recognition in the Labour Party's manifesto of the House's role in scrutinising the Government and in improving the quality of legislation. I also welcomed the statement that reform of the House is "long over-due", and the recognition that this needs to address the size of the House. Having said that, I was disappointed that the only specific measure announced in the gracious Speech is for the removal of the hereditary Peers. As others have pointed out, the proposed Bill could result in the precipitate exclusion of many Members who currently make such a valuable contribution to the House. I fully recognise the Government's right to pass the legislation, which was in both the Labour Party manifesto and the King's Speech, and I hope the House will recognise that also. At the same time, I hope that some means might be found to retain the services of those who continue to make such a contribution to the work of the House.

Of course, the exclusion of the remaining hereditaries will go less than halfway towards solving the current imbalance between Conservative and Labour Members of the House. While the Leader has ruled out the creation of massive numbers of additional Labour Members and has said that she would wish to see

"roughly equal numbers between the Government and the major Opposition party",

it seems inevitable that, contrary to the aspiration in the Labour Party manifesto, the House will get bigger before it gets smaller. That can be dealt with in due

[LORD BUTLER OF BROCKWELL]

course by the proposal for a compulsory retirement age. As one of those affected, I have no objection to that. But on this proposal the Government appear to be stalling, and I think it is right to stall. Paradoxically, a retirement age of 80 would remove more Labour Members than those of any other party, and thus make even worse the imbalance between the main parties in the House. So I agree with the noble Baroness, Lady Jay, that more needs to be done, and I disagree with the view of the noble Lord, Lord Grocott, that the Government are wise simply to be confining themselves to the Bill to remove the hereditaries.

How, then, is the House to be reformed? I share the view of the committee chaired by the noble Lord, Lord Burns, which was also reflected in a recent letter to the *Times* from the noble Lord, Lord Hodgson of Astley Abbots: that in the longer term the only effective means of permanently reducing the size of the House would be a statutory restriction on the Prime Minister's power to appoint new Members. This could be combined with imposing a statutory limit of, say, 600, on the size of the House, to be accomplished progressively by the formula of two retirements to one appointment, as recommended by the Burns committee. As part of a comprehensive reform of the House, many of us would also like to see the implementation of what I know as the Norton Bill, to make the House of Lords Appointments Commission statutory and widen its terms of reference to include competence.

I am not entirely pessimistic about the future. I hope I am not reading too much into the speech of the Leader of the House last week, when she said that it will be

"helpful for us, as a House, to discuss how to move forward on these issues ... to ensure we get things right".—[*Official Report*, 17/7/24; col. 25.]

I hope that this might imply a degree of flexibility on the Government's part. If it does, I believe that the great majority of the House will want to welcome and co-operate with the Government's commitment to House of Lords reform.

8.15 pm

Baroness Eaton (Con): My Lords, I add my welcome to the noble and learned Lord, Lord Hermer, and the noble Lord, Lord Booth, and welcome the noble Lord, Lord Khan to his position on the Front Bench. I also declare my interest as a vice-president of the Local Government Association.

Local government can and will, I am sure, do everything it can to support the new Government's growth agenda, but by no means does this give Whitehall consent to sideline local councils in the process. To highlight the point I have just made, we saw the example earlier this month of the new Secretary of State for Energy Security and Net Zero approving several solar farm applications in the shires and bypassing councils in the determination process—decisions that would normally be taken by democratically elected councillors who understand the needs of their communities best. On devolution, if the Government are truly serious about resetting the relationship between Whitehall and local government, may I suggest that making such bold decisions that impact local areas while bypassing local councils is

perhaps not the best way to go about resetting the relationship? When it comes to infrastructure, it is councils that approve nine in 10 planning applications. The knowledge that councils have of their communities cannot be replaced.

I am pleased to see a commitment in the King's Speech that an English devolution Bill will be introduced, and I hope I can outline to the House this evening some of the areas that I believe the Bill should cover. For a start, we need to end the endless bureaucratic competitive bidding processes for grants that local authorities need to go through to access funding, often spending thousands in taxpayers' money and employee capacity in the process just to bring forward worthy bids.

The granting of further powers for local government as part of any devolution is, of course, welcome. However, further powers must come with fairer funding, with a commitment from the new Government to undertake a fair funding review for local government. We urgently need to review the formulae and data that the department uses to determine funding for councils. In addition, a commitment to multiyear financial settlements in areas such as adult social care, children's services and highways will give local government a powerful hand to deliver alongside any new powers handed to it through the future devolution process.

To give local government more fiscal devolution over the course of the next Parliament, what quick and easy measures could the Government introduce as part of the English devolution Bill? First, if the Government are serious about growth they need to give local councils more flexibility to expand their capacity within planning departments to speed up the planning application process, allow them to set planning fees at rates that consider local demand and give them a firm hand to compete against the private sector on planning recruitment.

Secondly, if Whitehall wants local government to do more and deliver better, it must come forward with serious funding commitments to back that up. That is why I hope that the idea of 100% business rate retention can be explored again, in this Parliament, keeping business rates collected by councils inside local economies. A commitment to devolution should also mean a degree of trust between Whitehall and local government. It must be left to get on with the job without interference from civil servants in Whitehall. On that point, the Government should give an indication of what they envisage the role of the newly created Office for Local Government to be. As a Conservative, I think competition can be good for the sector. However, I do not believe it would be in the interests of local government to see a rehash of the Audit Commission.

To support a reset in the relationship between Whitehall and local government, a better understanding of how local government operates is key. To that end, I would welcome a commitment from the Government to increase the number of secondment opportunities from Whitehall departments into local government in areas of high demand with capacity issues; for example, in planning and infrastructure and related work that is undertaken by local government. I welcome commitments to devolution, but to achieve that a complete reset in the relationship between Whitehall and local government

is needed, and I look forward to hearing in more detail the proposals that are likely to be contained in the upcoming English devolution Bill.

8.21 pm

Lord Scriven (LD): My Lords, I, too, welcome the noble and learned Lord, Lord Hermer, to his place and thank him for a very thoughtful and calm speech, which I am sure will set a good platform for how he wishes to go forward. I also welcome the noble Lord, Lord Khan of Burnley, to his place. I am sure his knowledge of local government will stand him in good stead. I am very sad that we will be hearing the valedictory speech of the noble Lord, Lord Warner, who I have admired over many years for his insight into health. I look forward to what he has to say.

The new Labour Government's word is "change", but what kind of change will we see? With the majority that they have in the House of Commons, will it be bold, radical change or some tinkering at the edges? On the two issues in the gracious Speech that I am going to speak about, I feel it is more tinkering than the bold change that is needed. My view on this House is based on a matter of principle, which is that it should be elected, not appointed. That is not to deflect from the great work that many, if not all, noble Lords do around this House, but as a matter of principle, I believe that this House should have legitimacy based on a democratic process. However, I realise that that is not going to happen under the new Labour Government, at least not in this Parliament, so what we are left with is not a wholesale reform but a piecemeal approach.

In that piecemeal approach, one group in your Lordships' House seemed to be immune from questioning until the noble and learned Lord, Lord Keen, and the noble Viscount, Lord Hailsham, spoke earlier. It is the 26 Church of England Bishops who are guaranteed a place in Parliament. In fact, the Church of England is only institution in the whole country that is by law guaranteed seats in the UK Parliament. In a modern democracy, no religious organisation should be guaranteed seats in a parliament, particularly when less than 1% of the population regularly attends a Church of England service and consistently only 15% to 16% of the population say that bishops should have an automatic place. I believe that in 2024 it is time to end the automatic rights of a particular church to have seats in this Parliament, and I would welcome the Minister's views on this issue and on why the Government are silent on that.

I am a total advocate of a federal approach to governing the UK. Such an approach is successful throughout Europe, with fiscal and policy devolution, and not just the policy decentralisation that we have in the UK. I register my interest as a vice-president of the Local Government Association. Real devolution can be seen across Europe, whether in the Länder of Germany, the cantons of Switzerland or the regions of France. It allows local leaders to have their hands on the levers of both fiscal and policy devolution. I am interested in the direction of travel that the new Government have signalled on English devolution, but I worry that it will not have the maximum impact, as it seems to be just more of the same with a few extras added in. I feel that there may be a little bit of

top-down pushing, and that the culture in Whitehall may not have changed. The Bill on English devolution will direct that each area must have a local growth plan. It will be interesting to see how prescriptive these plans are and whether they will be used to push the national Government's agenda, rather than local priorities. Time and the detail of the Bill will tell.

What is missing from the Labour Party manifesto and the gracious Speech is fiscal devolution. That is the elephant in the room when it comes to English devolution—an opportunity missed, and one that needs to be addressed. I hope that the Government will pilot a tax assignment scheme in one area of England to examine the benefits that it could bring. They will not have to look far, as the Institute for Government has suggested a way of doing this. A small percentage of national insurance—it suggests 5% of local national insurance—could be retained to the local area, but the rates and bands still set by the Treasury. This would help stimulate growth through local initiative and help with investment pressures. Until we get some form of fiscal devolution in England, the grand words about unleashing the full potential and opportunities of the areas and regions of England will not be achieved. I hope the Minister will respond to this in a positive light.

8.25 pm

Lord Bourne of Aberystwyth (Con): My Lords, it is a pleasure to participate in this debate on the gracious Speech. Along with others, I congratulate the Minister on a fine inaugural outing; it was an excellent maiden speech, for which I thank him. I also welcome the noble Lord, Lord Khan of Burnley, to his new role; that too is good news.

I congratulate the Government on what has been an awesome election victory. The counter to that is that, for us, it has been humbling and devastating. In many areas, we will clearly need to rethink policy—not principles but certainly policy. I hope that, in doing so, we will continue to inhabit the centre ground, as we must, talking about what matters to people.

I have some thoughts on the areas that are the subject of debate today. On the second Chamber, I can quite understand why the Government do not, at this stage, want to engage in radical reform and tie up this House and the other place in endless discussion when there is so much else that needs attention. The two principles that should guide us in looking at any proposed legislation are these: first, the importance of the House of Lords as an effective second Chamber; and, secondly, that by common accord the membership of the House is too large. I listened with interest to the proposal from the noble Lord, Lord Foulkes of Cumnock. I thought it had much to recommend it, and I hope it is something that we could look at. I hope that we approach this issue with a sense of balance, and of the importance of getting the numbers down and moving on to do many of the other things that are necessary.

I am not totally persuaded of the need to revisit the voting age limit of 18, but I will listen to the discussion. I note that there is an asymmetry about things in Wales and Scotland, and that for local and parliamentary elections it is different. I am persuadable but not convinced.

[LORD BOURNE OF ABERYSTWYTH]

Metro mayors is one area where my party does not need to reconsider its position. They have been a success. This was a policy brought forward by George Osborne. I have no doubt that it needs refreshing, and that we need to look at how it can perhaps be extended and deepened, but it is a policy that has led to success. While politicians are not generally popular, to say the least, metro mayors sometimes present an exception to that rule. We should look at the way they have been able to engage with their cities and regions, and use that as a driver for growth.

On Wales, Scotland and Northern Ireland, I welcome the strengthening of the Sewel convention. That is desirable. I also welcome—indeed, I have long argued for—a council of the nations. I see that it is proposed to extend this to the regions as well; that could be extremely valuable and useful.

One dog that has not barked in the King's Speech is the Barnett formula. It is high time that it was reviewed. It was possible to defend it when it had been there for only 20 years—it was, after all, brought in in the 1970s—but it is high time that it was revisited in the interests of all constituent parts of the United Kingdom and all our peoples. I hope that can be done, because it needs doing.

On a personal note, the noble Baroness, Lady Morgan of Ely, a Member of your Lordships' House, is about to become the First Minister of Wales, something upon which we should very much congratulate her. I have known Eluned for the best part of 30 years, and on personal grounds—though not political ones—I am delighted at her success. At a time when we are debating the peerage in the House of Lords, it is interesting that she will be the first Peer to be the head of any part of the United Kingdom since Lord Home of the Hirsel; that is somewhat ironic. I hope that my endorsement of her does not damage her too much, and on personal—but not political—grounds, I hope very much that she makes a success of things. I am sure that her approach will be a constructive one.

With those thoughts, there is much important work to be done. I hope that we are not just going to divert all our attention to House of Lords reform and that we can keep it narrowed to getting the numbers down, concentrating on the important things that we need to do, as both a Government and an Opposition, and continuing with our effectiveness, as we have done for so many years.

8.31 pm

Baroness Wilcox of Newport (Lab): My Lords, some of my first words in this debate are in my native tongue. “Croeso mawr”—a huge welcome—to so many things in the manifesto of a Labour Government relating to the devolution matters of our nations and regions. I welcome also my noble friend Lord Khan of Burnley, who is taking his place on our Front Bench today. I wish him every success in his important new role. He knows that he will have my full support as he deals with the problems that cover our local government colleagues, and indeed with revolutionising housebuilding across the UK.

Similarly, I say “croeso” to my noble and learned friend Lord Hermer, and thank him for his excellent and wise maiden speech. I remind him that, as he is a

former pupil of Cardiff High School, some of my best friends were in his year group there, in the 1980s. I look forward to working with him as he applies the law, considering his political knowledge while maintaining his professional independence.

What have we learned from the Government's manifesto commitments in the gracious Speech? Members of the devolved legislatures will be given the same free speech protections as those enjoyed by Members of the UK Parliament. There should be elected public forums where all manner of persons, irrespective of their power or wealth, can be criticised.

The Sewel convention is to be strengthened with a new memorandum of understanding. I cannot remember how many times I stood at the Dispatch Box opposite in the previous Parliament raising matters that ran roughshod over the convention's very existence, with former Prime Ministers either ignoring or refusing to speak to the First Minister on matters of state. Both the Independent Commission on the Constitutional Future of Wales and the Brown commission called for legislation to protect the constitutional principle that consent from the devolved institutions was required for changes related to devolved areas and devolved powers.

It is therefore good to learn, as other noble Lords have mentioned, that we will have a new council of nations and regions. While it will bring a wide range of partners to the discussions, I have no doubt that there will be much closer and direct co-operation between a Labour Government in Cardiff Bay and in Westminster. Indeed, the Secretary of State has publicly said that this closer working has already begun. It will allow the opportunity to work in detail on a fiscal framework for Wales, and both Northern Ireland and Scotland.

Furthermore, the consideration of giving new powers to Wales over probation services and youth services is a welcome beginning to what I am sure will be a continuing conversation during this parliamentary term about any further developments in this area. The Welsh Government have issued a written statement welcoming the King's Speech in Westminster and praising the UK Government's legislative programme, together with early and thoughtful engagement carried out ahead of the King's Speech.

It would be remiss of me to speak about the Welsh Government without mentioning the difficulties experienced there in the last few months. Just two weeks ago we had the honour of welcoming Their Majesties to the Senedd to celebrate the 25th anniversary of Welsh devolution. In all that time we have not seen such discord in the body politic as we have in recent months. We now have an opportunity to rebalance, with a new First Minister. I echo the words of the noble Lord, Lord Bourne of Aberystwyth: I am delighted to see that it looks like it will be my noble friend Lady Morgan, Eluned, a very good friend and the first woman Labour leader of any UK nation. The Government can then concentrate on what is important to the people of Wales—and the people of the UK—by growing the economy and delivering the best public services. Indeed, the reform of our planning system is essential to build the housing we need, together with changes to transport, infrastructure and energy infrastructure.

Like many colleagues in Wales, I am a proud member of the Co-operative Party and parliamentary group. I am delighted to see our campaign on increasing local ownership of the places and things that matter reflected to us in the King's Speech. As co-operators, we know that giving people a meaningful stake in and say over our town centres, our high streets and our assets of community value gives us a stake in our future that we can all benefit from. These are the things that matter to the people of Wales and to the rest of the United Kingdom. I am proud that after 14 years of inertia, high taxes and a lowering of living standards, we finally have a great opportunity for the change that our communities are crying out for, which was ably demonstrated by their democratic choice in the general election result of 4 July—an independence day to remember.

8.36 pm

Lord Warner (CB) (Valedictory Speech): My Lords, let me first compliment our new Attorney-General on his excellent maiden speech. I very much welcome his commitment to the rule of law, internationally and nationally, but I am afraid it is hello and goodbye because after 26 years here—and being nearly 84—I have decided that enough is enough. That may be a blessing of relief for many people in this House.

I am not going because of the Labour Party's commitment to downsizing the House of Lords. I am going because I support that, but it is too timid and not strong enough. What I would like to see is a statutory cap, as others have said, of 500 or 600 Peers with fixed terms of 10 to 15 years, alongside retirement at 80 and together with restrictions on prime ministerial appointments. If we have the courage to do that, we will seriously get to grips with a permanent control over the volume of people in this House.

I also want to emphasise my commitment to the idea of removing the Bishops. They are as much an anomaly as hereditary Peers, and the noble and learned Lord, Lord Keen, has done us a service in seeming to support that view that they should join the hereditary Peers at the exit. We are a secular society, as censuses and the British Social Attitudes surveys have shown for some time. Anglican Church attendance is shrinking faster than the volume of letters delivered by the Royal Mail, while its congregations largely consist of people over 60. Apart from theocracies such as Iran, there are no other Parliaments where clerics have a right of representation, so that is my starter for 10.

I also strongly support the Government's commitment to greater devolution. Throughout my working life the governance of England has been overcentralised, with Ministers taking too many powers of direction and senior civil servants—some of whom are here and may disagree—enjoying command and control, undeterred by the short-termism that command and control has seemed to attract in the behaviour of government departments. The Government need to have the courage to start tackling some of those problems. The considerable devolution of powers to Scotland, Wales and Northern Ireland has failed to be extended to English regions over a long period of time, apart from a few city mayors.

Take a slightly unglamorous region, if I may put it that way, such as Yorkshire and Humberside—

Noble Lords: Oh!

Lord Warner (CB): I thought noble Lords needed waking up at this time of night. I will say something nice about it. A region such as Yorkshire and Humberside has a bigger population than Scotland and nearly twice the population of Wales, but its public services are largely controlled from London. It is very easy to say we want more devolution, but you have to have some of the detail to make it happen. For devolution to work, the Government need to move to multiyear budgets, remove all these silly local biddings for small pockets of money and use flexible population-weighted financial allocations for many more local services.

This cannot be achieved without a major overhaul of the council tax system—this is absolutely essential. That system is simply not fit for purpose, given the statutory duties and powers that local government has had laid on it by this Parliament. We have to be honest with people that that system is bust—it is broken and needs to be replaced. Nowhere is devolution more urgently required than our broken NHS. I do not have time to go into this, but it is essential that we use devolution there to move the money away from often failing acute hospitals.

I am sorry I am leaving before we have legislation allowing assisted dying and protecting children from illegal religious schools. As the new Attorney-General has said, there are some issues about whether the Government will take seriously the new ICJ ruling on Israel's conduct in the Occupied Territories. I hope the new Attorney-General will pay attention to that and get the Government to take seriously some of the concerns in this area.

However, I have been around politics a long time, and I am a bit like Mick Jagger, who has been singing for 60 years, "You can't always get what you want". That's it. The end.

8.42 pm

Baroness Bryan of Partick (Lab): It is an enormous pleasure to follow the contribution of the noble Lord, Lord Warner, who, in the short time I have been here—only six years—has always made thoughtful contributions to our discussions. He could give Mick Jagger a run for his money. I am pleased he chose this debate for his valedictory speech because I have heard him referring a few times to the situation with the devolved Administrations and their rights—he always comes down on their side. I wish him the very best for his future.

I congratulate the noble and learned Lord, Lord Hermer, and the noble Lord, Lord Booth, on their maiden speeches; that of the noble and learned Lord, in particular, was a breath of fresh air after the last few years in this Chamber. I welcome him, and the noble Lord, Lord Khan of Burnley, to their new posts.

Imagine the critical comments we would rightly make of a wealthy and influential country that had an unelected second legislative Chamber with some Members there on a hereditary basis. Imagine it had reserved places for members of the established religion, that it did not have fair representation of the nations and regions, that less than 30% of its Members were women

[BARONESS BRYAN OF PARTICK]

and that its membership favoured ex-MPs and members of selected well-paid professions. We would probably question the country's democratic credentials.

Our constitutional problems do not begin and end with the second Chamber; there is a huge imbalance of power between the Executive and Parliament. It was interesting to hear that noted from the Opposition Benches. The new Government have 63% of the Members of the Commons, based on only 33.7% of the popular vote.

Finally, we have no codified constitution, which means there is no protection of fundamental rights that would be usual in other democracies. As we saw in the last Parliament, this is not a hypothetical issue but a real danger. However, instead of seeing the obvious anomalies, we tell ourselves that ours is a special democracy that the rest of the world can learn from.

One of the classic functions of a second Chamber is to protect the constitution and fundamental rights, and this Chamber has fought long and hard to do that. But, without the democratic credentials to be able to justify its role, it will always be overruled. Second Chambers are common in federal states, but our quasi-federal system does not have the usual protections, powers and cross-territorial arrangements that others have. While I welcome the proposed council of the nations and regions, it will currently involve only around 16 people.

While I sincerely welcome the removal of the last of the hereditary Peers, it is disappointing that the Labour Party did not manage to conduct a consultation on the more substantial changes proposed at the 2022 launch of the Commission on the UK's Future. Because of the lack of democratic credibility of the Lords, we have no legitimate parliamentary means of holding the Government to account when, as has happened, their legislation threatens fundamental rights. Also, there have been numerous examples over the past few years of legislation being imposed on devolved Administrations despite the refusal of legislative consent. The Sewel convention expected that this would happen only in exceptional circumstances, but it has become totally common.

Faced with all this, it is obvious that we need more effective checks on the unrestrained powers of government by having a democratically accountable second Chamber, which I would argue should be a senate of the nations and regions.

8.47 pm

The Earl of Erroll (CB): My Lords, I congratulate both the maiden speakers, and the wisdom in the valedictory speech from the noble Lord, Lord Warner. There were very good points there.

This is an appeal to all the Members of this House and the other place who believe in democracy: please do not accidentally create an autocracy where one person wields all the power. The primary purpose of Parliament is to make the rules under which the Executive branch will operate. MPs in Parliament who are also Ministers are passing laws to control themselves and their successors, and the head of these is the Prime Minister of the Executive, who is also the leader of the majority party in the other place.

We must remember that we are legislating to control an executive Government of the future, and it may be led by a Prime Minister who may have a very different view of democracy from the one we hold today. Just look at some other countries right now. Therefore, I agree with the noble Earl, Lord Kinnoull, that the powers of the Prime Minister must be severely circumscribed, or they will control both Houses of Parliament.

The power to appoint Peers is ancient history; it is an accident. The monarch was absolute until King John and Magna Carta and this is a vestigial relic of that age that is now exercised by the monarch's constitutional adviser, the Prime Minister. After Magna Carta, we set up all the other elements of democracy slowly through the ages, but that one thing has remained and it is an anomaly.

We hereditary Peers are also a vestigial relic, to a large degree, but we are here to give an incentive for proper reform of the Lords. That is why the noble and learned Lord, Lord Irvine of Lairg, when he was Lord Chancellor, gave a Privy Council oath, binding in honour, that the next stage of Lords reform would be comprehensive—not just the ejection of the remaining hereditaries. That is in *Hansard* for 30 March 1999, at column 207. We took his word for it, but unfortunately others have not—certainly not the privy councillors who followed. It is vital because, if this incentive is removed, I do not think there will be any further reform, even though we have been talking about it for years.

I will support any Lords reform that is comprehensive and I will willingly go. We have heard several very good ideas for further reform from various noble Lords. There is no point in going through them again. I like especially those with a strong democratic element, because we need to retain that in order to retain our legitimacy to change laws in this Chamber. Otherwise, the remaining powers will be taken away and we will become just a talking shop. If that happens, there will be no point to noble Lords being here; they will join just for the honour but not really take part. We will not get the great and wise that we do at the moment. For instance, among the hereditaries is our only nuclear engineer and scientist. I am into IT, AI, age verification, ID and various boring things like that. These are not the sorts of things that MPs and politicians want to do—not if they have any common sense, anyway.

The point is that reform must not be piecemeal, as the noble and learned Lord, Lord Keen of Elie, said. It will not happen if it is and that will just leave the Executive in control of both Houses. We are here to try to ensure that there is an incentive for further reform. That is what I am looking forward to seeing.

8.51 pm

Lord Hay of Ballyore (DUP): My Lords, I congratulate the Government on their recent success in the election. There are many areas to be welcomed in their priorities, going forward for the future. In the gracious Speech, they are looking to strengthen the union through collaboration between the devolved institutions and hopefully, through the council of the nations and regions, there will be greater collaboration and communication between different parts of this great union.

I agree that the Government must ensure that the focus is on delivering a more united and prosperous United Kingdom. I welcome the Prime Minister's comments on ensuring that Northern Ireland's position in the United Kingdom is strengthened. Now and in the future, we must continue to ensure that Northern Ireland benefits and plays a full role alongside England, Scotland and Wales in the long-term future growth of this United Kingdom. Many noble Lords have referred to the Government's "honeymoon period", but they will be judged on all these issues over the next 18 months to two years by their actions rather than their words.

In the time I have left, I will dwell on public services in Northern Ireland. All the parties have been campaigning on the issue that public services are constrained by the Barnett formula. The Northern Ireland Fiscal Commission highlighted that funding for public services in Northern Ireland continues to fall well below the level of need. Therefore, year on year, public services are being reduced and we are not receiving the uplift we need to run them. In fact, the Treasury's contribution to funding public services in Northern Ireland is going down rather than rising. For example, in England spending up to 2025 will increase by over 6%, but in Northern Ireland by only 3.6%. These funding problems are not new. They have been flagged up by the NI Fiscal Council over and over again. The Barnett formula is not working for Northern Ireland as it does not take account of need within Northern Ireland. The Government need to understand that, if public services in Northern Ireland are to be put on a sustainable footing, there needs to be real change in how Northern Ireland is funded into the future.

We need to see a review of the Barnett formula to ensure that Northern Ireland's funding is based on need rather than on population size. There is an urgent piece of work to be done on a new funding model for Northern Ireland. We are £500 million to £600 million short of what other parts of the United Kingdom receive. When it held an inquiry looking at the funding model for Northern Ireland, the Northern Ireland Affairs Committee and all the parties on it were very much aware of addressing the urgency of this particular issue. In fact, all the members of that committee supported a new funding model for Northern Ireland urgently.

I hope this is an issue that this Government will focus on sooner rather than later. As a devolutionist, I want the devolved Government to succeed. Working alongside the Government, we can hopefully find the right funding model to reform our public services and deliver effective government in Northern Ireland.

8.56 pm

Baroness Falkner of Margravine (CB): My Lords, I declare an interest as chair of the Equality and Human Rights Commission and as a member of the Enforcement Decision Making Committee of the Bank of England. I will stick to my self-imposed convention of not commenting on affairs to do with either of those institutions.

I congratulate the noble and learned Lord, Lord Hermer, the Attorney-General, on his thought-provoking maiden speech. I will pick up some of his

emphasis on fairness and the rule of law, but the points I really want to cover today relate to public appointments rather than having a direct bearing on the Government's programme for other reforms on appointments, ethics and integrity.

Public appointments are a small but neglected part of our constitutional structure. I could not find any debate where I might be able to express some thoughts on this other than today, so I hope that noble Lords will be tolerant. There are approximately 4,500 public appointments where people serve on a range of institutions that make the country function—non-departmental public bodies in the jargon. In the single financial year 2021-22, there were just under 1,200 appointments signed off by Government Ministers. The competition is stringent, relatively transparent and usually run by civil servants.

Most public appointees I have met who serve on a board as a non-executive do so from a sense of public service. The remuneration is not generous given the time commitment—at least 50% more is always required than what is advertised. It is undertaken by people who have existing expertise in the given area and a desire to contribute to improving it. Most expect to do it selflessly—in keeping with the Nolan principles and other codes of conduct—and do it in honesty and good faith.

However, the system does not respond in the spirit of good faith. I emphasise that conduct has a specific meaning in regulatory and legal terms, and that is not the way I am using it here, although I am partially using it in that sense. If a public appointee, in other words a non-executive board member, faces allegations of having transgressed in their conduct or is alleged to have behaved improperly, the institution in which they serve has no parameters imposed by His Majesty's Treasury or the Cabinet Office as to how it should expend public funds in that matter. There are no ceilings imposed, even as a proportion of a non-departmental public body's budget that can be expended on a single matter for review or investigation. Expenditure running into hundreds of thousands of pounds can be spent when expensive lawyers are hired to review matters, irrespective of substantiation or gravity of allegations.

On the other side, the individual accused of misconduct is required to fund themselves entirely without support. This is a unique category. In the private sector, directors' insurance is virtually compulsory; no one would work without it. It can run to many millions, especially since, in certain sectors, the fit and proper tests have become more stringent. Even third-sector organisations that have hybrid models, such as housing associations, also have directors' insurance. Of course, in all cases it is contingent on the appointee having acted in good faith in discharging their responsibilities and in keeping with various codes of conduct and so on. So it is uniquely this category—government-appointed non-executive directors—that is entirely exposed. HM Treasury in its manual *Managing Public Money* explicitly considers providing some form of insurance and dismisses it as unwarranted expenditure, so bodies are, in effect, banned from procuring it for their boards.

What is to be done? Going forward, this Government will make some 6,000 appointments to different types of public bodies during this first term until 2029. One

[BARONESS FALKNER OF MARGRAVINE]

way to approach this would be to allow arm's-length bodies the discretion to pay for insurance up to a maximum amount and under stringent conditions—for example, the need to have conducted an internal review of the allegations or to seek ACAS support or a Cabinet Office non-executive review. Ultimately, if expensive lawyers are to be engaged, in the interests of fairness, public appointees deserve some small level of insurance or public funding to obtain at least a preliminary amount of professional legal advice.

The Attorney-General has made a great deal of the importance of the rule of law—I agree with his sentiments—but the foundation of the rule of law is fairness. It is time that this group serving in the public interest was treated fairly, and I urge the Government to do something about this anomaly.

9.01 pm

Viscount Astor (Con): My Lords, we must all congratulate the Labour Party on a successful election campaign and welcome the new Government. But one cannot help but notice, looking at the share of the vote, that Labour won with fewer votes than at the previous election, when Jeremy Corbyn was its leader. It was clearly a vote against the failures of the last Government rather than a total endorsement of the Labour manifesto. That does not take away the overwhelming result for the Government, but it puts it into some perspective. The Conservative Party won a larger share of the vote than before; I am sure that this will renew the debate on PR—an issue on which I have changed my mind a number of times, and no doubt I will do so again many times in the future. I wish the new Administration well and welcome the Attorney-General to his place.

Governing is not easy. I see that, this evening, the Government have already had to suspend seven MPs in the House of Commons for voting against the Government. Unfortunately, they seem to have an awful lot of other MPs, so it will not make a great deal of difference in the short term—but it is a sign of how difficult it is to govern. To govern well, Ministers in another place, most of whom will have never served in government before, may be helped by looking at the mistakes made by our Government, the previous Administration—I am afraid that there were a few. The Prime Minister did much to clear up some of the difficult issues he inherited from his predecessors, but I am afraid that the Conservative Government were seen as a Government that failed to deliver on their promises and failed to deliver competent government. We were seen to lack vision and a clear narrative for our policies, resulting in a loss of confidence and trust and a lack of belief in our ability to deliver at Westminster. I think that was an unfair perception; we were the first to produce vaccines in large numbers during Covid, we led Europe in supporting Ukraine and our economic policy was succeeding.

The question we have to ask is: where do we go from here? The current Prime Minister rescued his party from a left-wing clique and oblivion, so I am sure that we will find a new leader who will do the same. We have the talent in our party. It is a question not of being either more on the left or the right but of having policies that clearly reflect Conservative values.

Turning to constitutional issues, I am an elected hereditary Peer. There are very few of us in this House who were elected—albeit by a rather small electorate. I see that my demise is on the cards, as well as those who are aged over 80. I have had a good run. I was rather horrified to look up that I am the fifth longest serving Peer in this House; it is 51 years since I made my maiden speech. On any basis, that must mean that I am due for the chop. I have long thought that retirement is perhaps a good idea but I wonder why the Government chose 80. Why not 75, which is the retirement age for senior judges? The problem with any age is that there are always a few one wishes could stay on, and a few for whom one would like to lower the age and get rid of. The Government's proposal is that Peers over 80 can stay until the end of the Session, as far as I understand it. If the hereditary Peers' by-elections are abolished and we are abolished, perhaps the same conditions should apply to hereditary Peers—or rather elected hereditary Peers—and we should be allowed to stay until the end of the current Session of Parliament.

The Government could go further in refreshing this House. Perhaps in addition to a retirement age there could be a limit of service—retirement after 35 years in this Chamber, or perhaps after 35 years counted between sitting here and in another place. When I joined this House, there were a small number of former MPs, a distinguished group, but now their numbers are at least four times greater. Many, of course, have had distinguished careers in another place. But one must ask the question: do the Government want this House to be a retirement Chamber for former Members of Parliament?

I will go quietly. I am happy to go, as long as the Government accept that proper constitutional reform is required. Otherwise, we will have a House where membership is created by the whim of the Prime Minister, or a statutory body where the elite recommend the elite—a House of retired quango chairmen or other such distinguished folks.

The Labour Party manifesto committed to reform the appointments process to ensure quality of new appointments and to improve the national and regional balance of this second Chamber. We must have a second Chamber that does more than relate just to England; we need one that has a better relationship with all three devolved Administrations. Whether it is a Chamber elected on a PR basis or appointed, a greater emphasis on the devolved Administrations is required. This was a challenge that the Government of the previous Prime Minister Gordon Brown set, but which was somehow set aside rather quickly and not taken up. I hope that this issue will not be shirked again. Perhaps the answer is a constitutional convention involving all parties. Perhaps that is required to move proper second-stage reform forward.

9.07 pm

Baroness Prashar (CB): My Lords, I warmly extend my congratulations to the noble and learned Lord, Lord Hermer, and the noble Lord, Lord Khan of Burnley, on their respective appointments, and wish them well in their roles. I also congratulate the noble and learned Lord on his elegant and thought-provoking

maiden speech. His comments about the rule of law and the protection of fundamental, universal values were music to my ears.

The agenda outlined in the gracious Speech is ambitious. This is necessary because the country is in need of national renewal. The task is enormous. However, achieving the ambitious objectives of national renewal will, above all, require urgent steps to restore trust and faith in politics and to strengthen our democratic processes. Without these, it will be difficult to achieve meaningful and sustainable national renewal.

The gracious Speech made some references to initiatives needed to restore trust and confidence in our political processes but these do not go far enough, given the scale of distrust and disengagement. I was, however, pleased that in his introductory remarks the noble and learned Lord, Lord Hermer, mentioned the role of secondary legislation, ministerial standards and the ethics commissioner—matters not mentioned in the gracious Speech. The Speech mentioned, of course, the duty of candour for public servants, integrity of elections, a modernisation committee for the Commons to drive up standards, and the removal of hereditary Peers, but there is nothing about the reform of the appointments process and a cap on the size of the House of Lords. These were mentioned in the manifestos. Why were they omitted from the gracious Speech?

On the topic of standards in public life the gracious Speech was notably silent. I was a member of the governance commission chaired by the right honourable Dominic Grieve, which published its report earlier this year. This non-partisan commission made practical, implementable and pragmatic recommendations to address concerns about standards in ministerial and public office, the management of conflicts of interest, the way in which the House of Lords and other officeholders are appointed, weaknesses in Parliament's ability to scrutinise the work of the Government—including the role of secondary legislation—and the relationship between the Government and civil servants, and the role of special advisers. We recommended relatively small changes and improvements, which we believed would go a long way to provide a framework of ethics and standards for proper conduct. There is no shortage of sensible and very easily implementable proposals which can be adopted at this early stage. Sadly, given the scale of distrust and disenchantment, it has now become necessary to embed standards in legislation. Self-regulation is not sufficient. Can the Minister assure the House that questions of ethics and standards in public life will be given the priority they deserve, particularly when the Prime Minister has said:

"The fight for trust is the battle that defines our political era"?—[*Official Report*, Commons, 17/7/24; col. 56.]

Then there is the question of strengthening our democratic processes to engage and encourage the participation of citizens. Confidence in democratic politics is very low, as shown by the low turnout at the election. This has left the ground fertile for demagogues and the radical alternatives offered by extremists. The gracious Speech recognises that we have become one of the most centralised democracies, reliant on unaccountable bodies, which has led to the disengagement of citizens.

The English devolution Bill is an opportunity to rebuild faith in democracy, building communities based on shared experiences and values and not narrow sectarian interests. Devolution is a real opportunity to engage citizens in the democratic processes and build cohesive local communities that are not pulled apart by narrow sectarian interests. It is imperative that we develop innovative strategies, involving citizens, to reinvigorate local democracy, bind communities, enhance a sense of belonging and create a foundation for resilience, opportunity and prosperity for all. Will the Government consider a devolution Bill which puts a duty on devolved bodies to ensure the participation of citizens, enrich decision-making and build a culture of participation, making citizens meaningful partners with government in the same way that we want to make the private sector?

I am aware that the Prime Minister is fully committed to the strengthening of our democracy and to driving high standards. I am very encouraged by the comments made by our new Attorney-General, so I live in hope.

9.12 pm

Lord Faulks (Non-Affl): My Lords, I will not talk about House of Lords reform—I think there will be plenty of time to discuss that. I want to talk about the question of constitutional reform more generally.

The gracious Speech is quite modest in its aspirations, but a new Government, particularly one with a huge majority, can make constitutional changes without too much difficulty. History shows that this is not always a good idea. The Fixed-term Parliaments Act was a mistake. Without it, we would not have had the unlawful prorogation of Parliament and the decision of the Supreme Court in the Gina Miller case. A decision to change our relationship with Europe would have commanded much more widespread support if it had required a two-thirds majority. No party even put down an amendment to the referendum Bill, even in your Lordships' House, to that effect.

Following the landslide in 1997, the previous Labour Government brought in the Human Rights Act. Its implications were not properly scrutinised in White or Green Papers or by pre-legislative scrutiny. I and other part-time judges attended lectures from academics and practising lawyers. The message was that the Act would make little difference. In fact, it had huge implications for the distribution of power away from the Executive and into the hands of the judiciary—not that it was necessarily anxious to exercise such additional power. The attractive invitation to "bring rights home" disguised what was, in fact a significant subcontracting of the law to the European Court of Human Rights and an invitation to our courts to follow the Strasbourg jurisprudence, which was often inconsistent and not easily transferable.

The Labour Government soon found their own legislation thwarting their policy initiatives, particularly in relation to counterterrorism. It resulted in the then Home Secretary, the noble Lord, Lord Blunkett, disparaging judges. Sitting on a committee of your Lordships' House, I heard three former Labour Home Secretaries say that they were so frustrated by the decisions of our courts that they thought they would seek the judges' advice before drafting legislation to counter terrorism—an invitation that was refused.

[LORD FAULKES]

In 14 years, the Conservatives huffed and puffed about the HRA and did nothing. Recent decisions of the European court in Strasbourg have included the unsatisfactory use of Rule 39 orders, which broke every principle of natural justice, and a major incursion into national environmental policies based on Article 8. I hasten to add that the British judge dissented. A low point for me was the Government's arguments, in the dying days, as to the effect of A1P1 of the European Convention on Human Rights—which apparently prevented them from sufficiently penalising big tech for exercising monopoly powers because of their human rights. You can be passionately in favour of the protection of human rights and still consider that the HRA needs, at the very least, amendment.

On asylum, it is goodbye Rwanda, welcome border security command. We will see how that goes. The Home Secretary has said that she will approach the problem using a counterterrorism approach. She should bear in mind the experience of the last Labour Government. How will the reform of planning laws deal with the Article 8 arguments, and will tax reform run into difficulties with A1P1? We have a Government led by a human rights lawyer whom I greatly respect. Would he consider amending the HRA or is it now an article of faith? We heard from the noble Lord, Lord Pannick, that you cannot have too many lawyers. I would not go quite that far. Lawyers should not dominate the debate. We are legislating for the benefit of the population. It should not be judges who are making many of these decisions.

While speaking of human rights lawyers, I welcome the appointment of the new Attorney-General, the noble and learned Lord, Lord Hermer. We have been opponents only in the forensic sense in the past. On one occasion, I was opposed not only by the noble and learned Lord but by the Prime Minister. We lost 3-2—is it any surprise? I am sure that he will give dispassionate advice to the Government without fear or favour. He may find problems with the elusive question of what international law actually provides in any situation and how we should respond, given that we have a dualist rather than a monist system. I am confident that his approach will reflect a lifelong respect for the rule of law but, echoing what the noble Lord, Lord Warner, said, what is the Government's position on the non-binding advisory opinion of the ICJ in respect of the Israel-Palestine debate?

A number of issues will have to be seized in the future. I am confident that your Lordships' House will continue to play a very important part.

9.17 pm

Lord Rennard (LD): My Lords, a key test of this Government in five years' time will be whether we are a more civilised country, a more tolerant society and a healthier democracy, with greater public confidence and engagement in it and less divisive rhetoric. In the previous Parliament, we saw many measures introduced by a Conservative Government who were constantly seeking to change in their favour the rules by which elections are conducted to try and assist their return to office—to which I might say, "A fat lot of good it did them".

The Conservatives introduced the most restrictive form of photo ID without any evidence that it was necessary, despite overwhelming evidence that it was not and with a scheme that went far beyond what either the Electoral Commission or the election review conducted by the noble Lord, Lord Pickles, had suggested. We need to scrap or replace the photo ID rules. If ID is deemed necessary, the official polling card should suffice. Using it would save £180 million over the next decade.

The photo ID did not save the Government but there were many close results where these very restrictive ID rules may have made a difference. They include the Basildon and Billericay constituency, where the former chairman of the Conservative Party, Richard Holden, scraped in by just 20 votes, having been parachuted into a seat that was supposed to have had a 20,000-plus majority.

A post-election survey by More in Common suggested that 400,000 voters were turned away at polling stations never to return, because they did not have the requisite ID. For each one of them, there were probably several people on the registers who did not go in the first place, because of the new rules. This must have been a factor in the lowest turnout for 20 years.

An even bigger scandal is that, according to the Electoral Commission, as many as 8 million people were incorrectly not included on the voting registers. Almost all of them would have been unable to vote, even though they were legally entitled to do so. Most people think that the process of voter registration is automatic. It is not, but it should be, so I welcome the announcement that we will move to automatic voter registration.

To help make changes fairly, we need to restore and strengthen the independence of the Electoral Commission. The strategy and policy statement foisted on it by the last Government should be withdrawn, never to be replaced.

As for the voting system, it is a scandal that, in so many constituencies, people did not really have a choice of MP, as the real choice lay with a party machine that can foist MPs upon them. Only 30% of those who voted on 4 July got the MP that they voted for, and many of the 30% were voting tactically against another party.

While I welcome the Ministers to the Front Bench opposite, I ask them to consider that the single biggest mistake of the Blair Government in 1997 was to think that they would never lose another election. This meant that those around Tony Blair saw no need to move to a fairer voting system providing real choices for voters. After two full terms in office, they considered that winning again in 2005 with 35% of the vote was good enough, but it was not and they lost. This Government start with having received just 34% of the vote.

The failure of those Labour Governments from 1997 to make progress on voting reform led directly to what was frequently referred to in the campaign, by the then Labour Opposition, as a "decade of chaos." With the now noble Lord, Lord Cameron, the soon to be Baroness May, Boris Johnson, Liz Truss and Rishi Sunak, it could not possibly be said that we had the stable government that was supposed to be the main

justification for the first past the post system. We need to do everything we can to make sure that every vote counts.

9.23 pm

Baroness O'Loan (CB): I congratulate the noble and learned Lord, Lord Hermer, on an excellent maiden speech. I welcome him and the noble Lord, Lord Khan, to their new responsibilities.

In its manifesto, the Labour Party said:

"The Legacy Act denies justice to the families and victims... Labour will repeal and replace it, by returning to the principles of the Stormont House Agreement".

His Majesty, in the gracious Speech, said that:

"In consultation with all parties, measures will be brought forward to begin the process of repealing and replacing the"

legacy Act. That clear commitment to repeal and replacement is very welcome. I hope that the repeal of the Act will lead to a reduction in the suffering of victims caused by the Act, the cessation of the Irish Government's proceedings against the United Kingdom in the European Court of Human Rights and a period of greater co-operation with the Irish Government, which is surely in the interests of everyone.

As noble Lords know, the Act was challenged immediately in the High Court, which found many of its sections to be incompatible with existing rights and obligations, including its provisions for immunity and the abolition of the right to bring civil actions. The Conservative Government appealed that judgment and a decision is expected from the Court of Appeal in early autumn. A new system must provide for the restoration of full independent criminal investigation powers and the right to report independently to those families who wish to know why what happened happened and where responsibility for the many atrocities lay.

Under the Act, the Secretary of State has extraordinary, unnecessary powers which fetter the independence of the ICRIR in many respects. Normal processes for investigations and reporting must be restored, as provided for in the Stormont House agreement. Above all, there must be an unqualified right of access to information from statutory agencies, rather than the current provision that the ICRIR can get only information that it reasonably requires. No such restriction was imposed on the police, nor on me as Police Ombudsman. Access to information has always been a challenge for investigators and, regrettably, there is ample evidence of the refusal by state agencies to supply information and material, even when its production has been ordered by judges and coroners. There must be no scope for arguments about whether materials are reasonably required; if required, they must be provided.

Inquests must be established. There are some 38 legacy cases—a very small number—awaiting inquests. Eighteen coroners were hearing legacy cases last November. These inquests do not represent an insuperable burden on the coronial system. Effective inquests such as the Ballymurphy inquest can be massively important, because what is disclosed informs understanding, and understanding, particularly across the community, is fundamental to trust in policing and security.

The right to bring civil actions, abolished under the Act, must be re-established. Evidence which would

normally be available to a plaintiff must be made available and not subjected to the restrictions imposed by the Act.

Most recently, the very experienced new chief constable of the PSNI sought to provide evidence in gist, or summary, to a court. The Northern Ireland Secretary of State initiated legal proceedings to stop him doing so. This is not indicative of any desire to help families access information. It is immensely damaging to victims' confidence in government when it sees the Government seeking to stop the chief constable providing information.

There is no justification for withholding much of the information which is available. Yes, information is often distressing for families and victims, but the torture of being unable to find out what happened and the suspicions to which it gives rise are equally, or indeed more, distressing. National security needs to be protected, but there needs to be clarity about exactly what is to be protected and why it is necessary to protect it.

Under the Act, the ICRIR was established with a range of functions, including case reviews. A few families seem to be using its services—they have nowhere else to go. We do not know how many families; the ICRIR has not released any information despite requests.

The Government have said that they will consult on options to strengthen the independence of the ICRIR. Much public money has been spent establishing it, providing premises and recruiting staff. However, the ICRIR will have to become a fundamentally different body with a different name, given the problems that have been identified and the distrust generated in the passing of the legacy Act.

Parliament must now create a new set of obligations and responsibilities to enable both impartial and effective investigation and fair and accurate memorialisation. I look forward to the Government delivering on their promise to repeal the Act and to give families the access to justice which, as the Government have said, is currently denied. As the Minister has said, the rule of law is paramount and fundamental to the building of society. Can the Minister provide some information on when the legislation will be introduced?

9.28 pm

Lord Winston (Lab): My Lords, as a budding geneticist when I first came into the House of Lords in 1995, I looked around the Chamber and I could tell the hereditary Peers. They were taller, more confident, had louder voices and were much more knowledgeable. Some of them were larger, all of them were well fed, and without exception they shot game and talked about it at the tea table at 4 o'clock in the afternoon.

It was only when I chaired the Science and Technology Select Committee—which was then a much larger committee than it is now—with everybody around that table being larger, more experienced and far more knowledgeable than me, that I suddenly realised that I could not tell which party people came from, nor indeed whether they were hereditaries. In fact, they were completely indistinguishable, and I have to say that the hereditaries were certainly not indefensible in their presence there.

Without going into the detail of the number of that committee's reports, they became nationally and internationally well known. This was a really important

[LORD WINSTON]

committee, respected by scientists all over the world. On antibiotic resistance, for example, 25 years later I remember Beryl, Baroness Platt, putting up a clawed hand—she must have been about 80—challenging the speaker who was giving us a seminar on antibiotic resistance. She said to him, “Forgive me, I see that you have just contradicted what you say on page 139 of the document you’ve just circulated”. She was not a medic; she was an engineer. That was the quality of the people around that table.

I also remember with great fondness the fact that we had Nobel Prize winners, among whom was George Porter, who won the Nobel Prize in 1967 for chemistry. I remember that we had a very controversial report, and he suddenly realised that it was going to be very controversial because it was about cannabis usage. We were talking about this and suddenly, in a loud stage whisper—a hoarse voice—he said to me, “Robert, I’ve never had cannabis. What’s it like?”

Anyway, the point is that this was an extraordinary group of people, and it showed the quality of the House of Lords. We boast that we are an expert Chamber and we talk about our expertise, but the question is: really are we, and can we do a lot better about this?

It was therefore a great pleasure, after two years’ dearth of having any new scientists or medics in the Chamber, to see the noble Lord, Lord Vallance, make his maiden speech this week, and what a fine speech it was. It was a bit of a pity that the noble Lord, Lord Callanan, gave him rather a hard time. That seemed to me to be against the conventions with a maiden speaker, but the noble Lord held his own very well with a most extraordinary maiden speech—in fact, one of the best I have heard. We have to remember that when people like him do great public service, often publicly, they face a great deal of unpleasantness. He certainly did during his recent career during the plague. He did exceptionally well.

Months ago, I was almost a lone voice in this Chamber when I opposed the so-called precision editing Bill, which would have modified animals and plants to make them able to be released into the environment. The genetics were poor, and I believe the scientific advice the Government got was well below what it should have been. I think it was, in fact, what the Government wanted to hear rather than what should have been said. Indeed, we have not done this yet but we can now, by law, release organisms into the environment that are either mutant plants or mutant animals. Nobody in the Chamber really had the expertise—apart, I suppose, from the Green Party, which was prepared to join me in opposing this. It is important because there is no doubt that we might have done some damage.

What was extraordinary was a letter I got from the noble Lord, Lord Benyon, after this had passed for Royal Assent. He wrote to me saying this: “Thank you so much for your work on the Bill. I learned a great deal during these interventions. I hope we did not make too many mistakes”. That was an extraordinary letter to write, and it was greatly impressive. It is nice to see that collaboration between parties that are often opposed in this Chamber.

The key thing that we have to remember is that this has to be an appointed Chamber of some kind. To my mind, that appointment needs to be much more carefully

regulated. We have been reluctant to accept regulation, but we need statutory regulation to make sure that we really get the expertise we need. We have to ask ourselves: who do we actually need in the Chamber? What expertise are we missing that we could have? We could then do it that way, both for the Select Committees and in particular with the membership. Once we have done that, we will have a House of Lords that will be respected and will be really effective in helping the Government by challenging legislation when it is not quite right.

9.34 pm

Lord Kirkham (Con): My Lords, I approach today’s debate from an unusual and perhaps even unique perspective: as a life Peer of working-class origins who has been sitting on the Conservative Benches since 23 July 1999, precisely 25 years ago today; an entrepreneur who has enjoyed modest success in the now highly fashionable field of wealth creation; and a lifelong resident of South Yorkshire, to which the Government promise the devolution of more power.

Not long after I joined this House, I took part in a team photograph with my Conservative colleagues. Very shortly afterwards, most of them disappeared from this Chamber as a result of the House of Lords Act 1999. As someone who grew up in a pit village rented terraced house with no bathroom or indoor lavatory, I am hardly a natural chum or ally of, or advocate for, the landed gentry and nobility, yet I find myself driven by fairness, natural justice and common sense to passionately remind noble Lords of the important and assiduous contribution of the hereditary Peers who were allowed to remain in the House after 1999—a most positive contribution out of all proportion to their numbers that should not be underestimated. In fact, I am frankly staggered at the dedication and diligence with which the hereditary Peers consistently apply their efforts, and at the scale and value of their contribution to the work of this House. Perhaps this should be no surprise, given that they are the only Members who have arrived here by election—albeit on a highly restricted franchise.

Most of us sympathise with the aim of reducing the overall size of the Chamber, but surely it is so very wrong and irresponsible to expel some of the most active, respected and effective contributors because of bias and a dogmatic belief that the means of their arrival here cannot be justified. Similarly, I do not believe that the suggested imposition of an arbitrary retirement age could do anything but reduce the capabilities of this House as a specialist revising Chamber.

As the writer Ian Dunt—who I think I can safely say is not a fellow Conservative—reluctantly observed in his book *How Westminster Works*, published last year, this House is

“one of the best-functioning institutions in Westminster”.

Why are the Government trying to fix something that is not broken, through actions that will actually make it less effective?

The same question can be asked, I fear, of their commitment to further devolution. Devolution to the nations of Scotland and Wales was sold to us by the previous Labour Government as a way to suppress

separatism and put the power to improve public services closer to the people who use them. Can anybody honestly claim that either of these aims has been realised? Why will the devolution of yet more power now make things better rather than even worse? The one time the people of England were directly consulted about whether they wanted devolution, in the north-east assembly referendum of 2004, they voted no by an overwhelming majority of 78% to 22%. Regardless, the people of the north-east have now been blessed with a metro mayor, because Whitehall continues to believe that it knows best.

The local government map of England is a total mess, with district and county councils, unitary authorities, combined authorities and metro mayors, and every incremental change the Government make seems to draw power away from the historic counties and communities with which people identify and to which they relate. Surely it is time that central government recognised where people's loyalties truly lie—with the historic counties and the society where they actually live, rather than with arbitrarily assigned groups of local authorities.

With devolution, as with House of Lords reform, I humbly suggest that the answer is to draw breath, stop tinkering, consider what works, remember the lessons of history and, above all, consult the people directly and actually listen to what they say.

9.40 pm

Lord Cromwell (CB): My Lords, I add my congratulations to the noble and learned Lord the Attorney-General on his appointment and to the noble Lord, Lord Khan. I think I speak for all of us when I say that we enjoyed both the maiden speeches today, which made us realise how lucky we are to have these people join us.

I have worked as a Cross-Bench so-called hereditary Peer for all my 10 years here, but time moves on and, as the noble and learned Lord the Attorney-General reminded us, we need to reflect and move on as things move on around us. The Prime Minister said last week in relation to the King's Speech that his Government were not going to do things that were easy and populist. But booting out the so-called hereditaries as a group would be exactly that—easy, crude and populist—and flies in the face of the participation requirement trailed in the Labour manifesto.

Before I turn to a solution, I will remind the House of five brief points about so-called hereditaries. First, they do not, as is often wrongly suggested, have an inherited right to sit in this House. They may stand for election, but competition and our interview process, at least on the Cross Benches, is fierce. Imperfect? Certainly. But it is better than party leaders just appointing their mates.

Secondly, much is made of the ancient patronage in return for personal loyalty or treasure, but a good number of today's life Peers—and their loyalties—are here for exactly those reasons.

Thirdly, the so-called hereditaries are the only Peers to whom reform has already come, with numbers capped and selection formalised. If they are to be sent

down the plughole, nothing will have been done, as the noble Lord, Lord Fowler, reminded us, to close the patronage taps open at the other end. It is this modern patronage that is the really pernicious anachronism. It is a seemingly irresistible temptation for leaders to influence or reward their friends.

Fourthly, the pantomime stereotype of Cross-Bench hereditaries as Conservative-voting hoorays is simply not accurate. They are a diverse bunch of professional people who more often than not in this House have supported Labour and Lib Dem positions. Indeed, we have been pilloried by some Conservatives for doing just that.

Finally, it is widely acknowledged across this House that many hereditaries work well above the proportion their numbers would suggest. In fact, in the House of Lords in our daily practice the "H" tag is very quickly forgotten, as others have mentioned. What matters is that all Peers are equal public servants. I therefore welcome the Government's commitment to service—a slightly old-fashioned word, perhaps, but it is certainly the reason that I work here.

I very much support the overdue strengthening of HOLAC, albeit in the dread phrase "in due course", but, alongside the focus on how people get here, there is far too little on how they contribute when they do. Even in such a courteous place as the House of Lords, we need a proper participation-based appraisal system for Members rather than blanket dismissals on a single criterion such as heritage or indeed age—or, if that is something we cannot stomach in this place, a 15-year term, which I supported when giving evidence to the excellent committee of the noble Lord, Lord Burns, some time back. If this is not dealt with now, the reputation of this House and this reforming Government will be tarnished.

I am also worried to hear from several sources that, in throwing out the so-called hereditaries, the Government are principally seeking to remove some 40 Conservative hereditary Members in order to reduce the numbers on those Benches and to create in their place a swathe of new Labour Peers. I ask the noble Lord, Lord Khan, to clarify in winding up from the Front Bench whether this is indeed the case. If it is true, it would be manifestly unjust to visit such a party-politically driven strategy on the independent Cross Benchers.

While on the subject of size, sacking the hereditaries would get rid of 92 Members, but removing Members across the House of any type who turn up and participate no more than 10% of the time would reduce numbers by well over 100. Would it not be not only more effective numerically but more logical and, indeed, more just to address the numbers not on the basis of an individual's family but on the basis of their work?

There is a simple solution to make the hereditary element and issue simply disappear, and I believe it is one that would not be obstructed. Labour has used it for its own hereditary on the Front Bench, and the noble Lord, Lord Grocott—credit where it is due—has made several attempts, with wide support across the House, to bring this solution into play. It is to convert those hereditaries who are committed to the service of this House into life Peers and at the same time end the by-elections.

[LORD CROMWELL]

At a stroke, this would mean that all Peers would henceforth be life Peers, thereby removing a divisive distraction, and no new hereditary Peers would come in. The remaining, by then former, hereditaries, like me, would simply die out over time. This would be a landmark change indeed, and a manifesto commitment achieved and a transition completed. Despite the temptation of party-political manoeuvrings, I hope that the Government will consider this rather than a populist purge.

I add one final, personal note. While it may perhaps be well intentioned, describing as a “sweetener”—as it has been repeatedly—the idea that we might, after being sacked, be allowed to wander the corridors like impotent ghosts, read the newspapers or use the facilities is a total misunderstanding of why I have served here for a decade.

The noble Lord, Lord Reid, and others referred last week to the words of John Smith MP, who said:

“The opportunity to serve ... is all we ask”.

I hope that those of us who have followed that mantra will continue to serve this House as life Peers.

9.45 pm

Lord Tyrie (Non-Affl): I begin by congratulating the noble and learned Lord, Lord Hermer, on a speech full of wisdom and the noble Lord, Lord Booth, on a remarkable and thoughtful maiden speech. I say that as also the son of a shopkeeper and having fought Houghton-le-Spring, unsuccessfully, in the 1992 general election, and I know where he grew up quite well.

I put in to speak today because I was struck by something that the Leader of the House said last Wednesday. As she put it, we need to

“re-establish the confidence in our democratic and political system”.—[*Official Report*, 17/7/24; col. 24.]

I strongly agree. Parliament has a major role to play in reversing the collapse of trust, the corrosion of truth in political discourse, and the perception that the national interest has been subordinated at times to the personal interests of our leaders. I am thinking of the Cameron-Johnson rivalry and what appeared at times to be Bullingdon Club government. All that was wholly unacceptable. Rishi Sunak started the repair job, but there is a lot more for this Government to do.

We have another major constitutional challenge to address. I am not an electoral reformer, but I note the concern that has been expressed that our democracy is put at risk by Labour's majority of 172 on a vote share of 34%. This House can play a major role in bolstering the trust of the electorate on both these concerns but, to do that, we need to be capable of playing a full role as a second Chamber of Parliament. That means having the courage to deploy the tools available to us under the Parliament Acts.

A good deal of valuable work is done by this House, but the truth is that we are now moving perilously close to the point where we have only the trappings of bicameralism and the reality of almost none. We are little more than an advisory body, a Conseil d'Etat, too often and too easily ignored. The incoming Government are not intending to do much about this either.

I agreed with what both the noble Viscount, Lord Hailsham, and the noble Lord, Lord Fowler, had to say about the current proposals. The removal of the hereditary peerage is of course long overdue, but the introduction of a retirement age is an unnecessary and probably unjustifiable distraction. The truth is that the current Chamber, which bolsters prime ministerial patronage, suits the Executive.

If we are to address the trust deficit, this House now needs much more moral authority to speak for those for whom we legislate. In the 21st century, in my view, only the ballot box can provide that. I know that is not a popular view here. I note none the less that all three major parties came to the same conclusion in 2010 but have done very little about it since then. That is why I strongly disagreed with the invocation by the noble and learned Lord, Lord Falconer, of the doctrine of unripe time earlier, when he argued against more fundamental Lords reform than the Government are currently proposing.

I do not think we are going to get much progress on electoral reform from this Government, but there is something more modest that we could do now: when this House speaks truth to power, it can at least do much more to ensure that it has an audience. Our current committee system is relatively weak, and the other place has stolen a march with some thoroughgoing reforms of its committees. For example, we can and should find better ways of taking advantage of the accumulated wisdom and public service experience available here to boost our committees. We need elected committee chairmen and on longer terms. We need to devise penalties for failure to supply papers to committees or to appear before them. We need to target the issues that the electorate most want us to examine.

If we do those things in the Committee Corridor, at least we can avoid becoming Mr Starmer's poodle, just as after 1997 the Commons narrowly avoided becoming Mr Blair's with some reforms of the committee system. If more of us could at least signal support for election to this House in principle, that in itself might improve the terms of trade with the other place a little.

9.51 pm

Baroness Kennedy of The Shaws (Lab): My Lords, yesterday I had the deep honour and privilege of introducing into your Lordships' House my dear friend and colleague, my noble and learned friend Lord Hermer, our new Attorney-General. We are very fortunate because the Government have chosen a brilliant, serious and charming lawyer for this role, as the House saw from his maiden speech. In fact, the trio of lawyers—the new Lord Chancellor, the Attorney-General and the Solicitor-General—provide a ferociously clever bank of legal skill and integrity.

I wish my noble and learned friend well in his endeavours to reform the House of Lords, but this House is deeply resistant to change, though change is desperately needed. Personally, like the noble Lord, Lord Cromwell, I think the best test for reducing numbers—if we want to do that in a fair way, and fast—would be on the basis of participation. Does the Peer participate? Anyone who has not made a speech in this House, participated

in a committee, pressed an amendment or taken part in some way, not just turning up like Lobby fodder but actually doing the stuff of public service, should be asked to step down, and the examination can be over the previous five years prior to this election. Arbitrary ways of doing it are unjust. We should be clear that real reform will take a greater time, but if we want to reduce the numbers fast then that is the way to do it fairly.

Today we are discussing matters constitutional, and there is no more profound constitutional issue than our commitment to the rule of law. I want to reflect on the words that the Attorney-General used when he was taking his oath of office—he said something similar in his maiden speech today. He said that “the rule of law will be the lodestar for this government”.

The truth is that it should be the lodestar for any Government. It is a timely commitment for government to be making now for this most British of values, because it acts a badge of honour for us in a world that in many places is retreating from the rule of law, even in mature democracies. We see, and have seen for some time, the capture of the judiciary for political purposes in the United States, and we have seen it more recently in Hungary as well as the attempt that was made prior to the horrors that we see just now in Israel. We have seen it happening in places where attacks on the higher courts and the judiciary have been taking place.

Before we look ahead, we have to cast an eye backwards and consider the journey that this country has been on in recent years. It is clear that we have started to lose our way. That is a hard truth but one that is necessary for us to internalise. Our standing has been diminished because the rule of law has been degraded fulsomely in recent years. The whole purpose of the rule of law is to prevent abuse of power, as Lord Bingham explained so cogently, but I am afraid we have seen many abuses of power.

Justice, the cross-party law reform and human rights organisation—I should declare that I am the current president—set out clearly the ways in which our lawmaking had become less transparent, less accountable, less inclusive and less democratic. It did that in a report published last September, *The State We're In*, which addressed threats and challenges to the rule of law. I have to tell your Lordships that it was sobering reading.

The last Parliament saw many ills fester. We saw a growing legislative disregard, indeed contempt, for human rights. We saw disgraceful laws being passed through this place only months ago: the safety of Rwanda Act falls into that category, in my view. We saw disregard for international treaties, such as the European Convention on Human Rights and the refugee convention. Even the Brexit treaty was being contravened within a year of it being signed. These are commitments to international law.

We had a Prime Minister during Covid who thought that the law was only for the little people and did not apply to him. We had visceral attacks being made on the judiciary and a Conservative Lord Chancellor failing to speedily condemn those attacks in the press. The health of our democracy has undoubtedly come under great strain. The overarching diagnosis of the report from Justice, made by lawyers not including myself,

was that accountability and legal restraint were seen as oppositional to the business of government, as opposed to being the core and a central feature of good governance.

This Parliament serves the people of the United Kingdom as custodian of democracy and of the rule of law. As such, it is vital that Members of both Houses do their utmost to defend those principles tooth and nail. I am pleased that Justice is publishing a new guide, *Law for Lawmakers*, to equip MPs, and perhaps people in this House, to understand what the rule of law really means.

When I sat in the Royal Courts of Justice, I heard the Attorney-General affirm his commitment to the rule of law. My heart sang as I heard him say that it was his duty to speak truth to power. That is sometimes hard for a Law Officer but when our fundamental values come under challenge, it is what has to be done. I hope we can all agree that Members in this House will commit to doing our utmost in helping this Government stay true to the rule of law, whatever may lie ahead.

9.57 pm

Baroness Lawlor (Con): My Lords, I congratulate the noble and learned Lord, Lord Hermer, on his maiden speech, and the noble Lords, Lord Booth and Lord Warner, on their speeches. I welcome the noble and learned Lord to the Front Bench as Attorney-General, as I do the noble Lord, Lord Khan of Burnley. I hope that despite his heavy responsibilities the noble Lord, Lord Khan, will continue to spread good cheer across the House.

Today's debate on the King's Speech raises fundamental questions about Britain's constitution, on the role of two of its three pillars—the Executive and the legislature—and on the arrangements for our democracy. Although the gracious Speech is made by the monarch, it expresses the wish of his Government. Executive power is no longer exercised by kings and queens, but by Governments elected by the people of this country. This illustrates the evolutionary nature of constitutional change in this country: without bloodshed, the guillotine or the reign of terror; without dictatorships or any of the horrors that have marked other countries' moves to democratic government.

Political matters were central to the lives and discussions of British people long before they had the power to vote. Their involvement in debate preceded the 19th century laws on the great issues of the time. Home rule, the Corn Laws and extending the franchise were debated in coffee houses, pamphlets and leaflets, the assembly rooms, the hustings and Parliament. Likewise, the extension of the vote between 1832 and 1928 reflected changes across national life that pre-dated the law. What followed was not imposed by decree or by the ideological aim of modernising, which smacks more of the rhetoric of Stalin's 1920s or Mao's four modernisations than it does of our evolutionary tradition.

Just a century ago, the Labour Party replaced the Liberals as the radical contender to take on the mantle of government. It won trust because it ruled in line with constitutional tradition. As a result, the country settled down effortlessly to acquiescing in the new two-party system. However, this Labour Government appear, in so far as we can judge from the gracious Speech,

[BARONESS LAWLOR]

to intend modernisation by rupture, by diktat, by committee and commission; in fact, everything but evolutionary constitutional change.

Pursuing modernisation by decree to remove the bits of the constitutional jigsaw that a regime finds uncongenial overlooks the fundamental nature of the British constitution: an evolutionary process over time, reflecting longer developments and following national discussion. Rather than impose a symbolic victory for the forces of the left wing in the ways announced in the King's Speech—to modernise the practices of the House of Commons by committee and those of this House by eliminating hereditary Peers, despite the composition, powers and, yes, practices of both being a testimony to their evolutionary nature—I ask the Government not to press their advantage. Will they think again before they embark on their piecemeal but aggressive modernisation?

In some places, what is needed is not modernisation but a return to the principles on which constitutional arrangements are based. The Government promise to “strengthen the integrity of elections and encourage wide participation in the democratic process”.

I support this. One practical place to start would be restoring the secrecy of the ballot and the principle of universal suffrage, to ensure that those women—whom I have met—who are entitled to vote can do so privately, so their vote is not used by someone else. I have been told on the doorstep by women in some communities that they are not allowed out to vote. When I ask, I find that the general right to a postal vote does not help, because their husbands or fathers vote for them. I therefore support the wish to promote the integrity of the election system, and I suggest that one way to do it would be to end the automatic right to a postal vote and reserve it for those serving in an official capacity overseas, the elderly or the incapacitated.

In general, the best approach to the constitution, especially to Britain's slowly evolved one, is caution. Professor Sir John Baker, the Downing Professor of the Laws of England at Cambridge, told the Constitution Committee of this House that

“a constitution ... should stand above government and should define and limit what a government can do ... If a government takes over the constitution and manages it by making piecemeal reforms at its own behest, ... we no longer have a constitution, because it is doing precisely what a constitution is supposed to stop ... There really is no case for pressing forward reforms simply because they happen to be government policy and there is a majority of one. A constitution ought to have a consensus of people generally”.

In this country, the lively political debate among people has, over many epochs, led Parliaments to reflect this in the laws they made. I will end with that reference to a very distinguished legal historian, and I hope the Government will listen.

10.03 pm

Viscount Thurso (LD): My Lords, I add my congratulations to the Attorney-General, the noble and learned Lord, Lord Hermer, on an excellent maiden speech. The content was deeply refreshing and the tone was hugely appreciated. I heard him say he would be an active listener, and I look forward to both

his listening and his speaking. I welcome the noble Lord, Lord Khan, to the Front Bench, and I note the excellent maiden speech from the noble Lord, Lord Booth, and the good valedictory of the noble Lord, Lord Warner.

There is a great deal in this King's Speech that I warmly welcome. I think my colleagues on these Benches and I will find ourselves able to vote in favour of quite a lot of it, although I suspect that, in good Liberal fashion, we will find a number of points of detail that we feel need to be explored and that we are able to object to in one way or another. But we look forward to a period of stability and competence.

I start by saying a brief word about devolution, before going on to an area of the constitution. I was greatly encouraged by the word “reset” in looking at how the devolution settlement is conducted, particularly in respect of Scotland. The trench warfare that has sometimes characterised the relationship between Westminster and the devolved Parliaments over some recent years has been deeply unhelpful. As somebody who, in my first incarnation in this place, fought very hard for the Scotland Bill and took part in it, I am one who wants to see devolution flourish. It will flourish only when it is a system that allows for opposing Governments in the different parts of the constitution and allows them to work together in a workmanlike if not always amicable way, but with confidence in each other. I greatly welcome what the Government are doing there, and I hope that we will have a chance to speak more on that on a latter occasion.

Before preparing for this debate I took an educated guess that it would have a large number of speakers, and took a further educated guess that I would be very near the bottom of the list. I therefore came into this Chamber with nothing written down, but I spent the weekend reading *Hansards*, not simply from our debates on the composition of your Lordships' House in this place but from the many debates in the other place that I took part in. There was one in 2003, and a wonderful one on 6 March 2007—and one or two other of those who took part in that debate are here now, in this Chamber.

I do not have the time or the will, frankly, to go through all the detailed arguments, but let me say that, through all that process, I have become more and more convinced that the upper Chamber needs to be elected. It needs to be elected because to have a strong Parliament you need a robust second House, and to have a robust second House you have to have moral authority. While in some ways and in some constitutions that may come from appointment, the history of this place means that the only way in which it will have true legitimacy will be through the ballot box. Therefore, throughout my many discussions on the subject, I have pushed that forward. The House is too large and it is composed by patronage and heredity. It does superb work, and I have huge respect for everybody in the House, but it does not command the respect of those in the other place, the media or people in the country.

The lack of aspiration in what the Government are proposing for the constitution is the lack of will to do something proper with this House. We need that strong Parliament, and we need a robust second Chamber, and it cannot be achieved without democratic selection.

To me, it is unthinkable that we arrive at the end of the first quarter of the 21st century with a Chamber that is still left in the time warp of heredity and patronage. It really is time that we trust the people. If we want the people to trust us, we need to trust them, and the ballot box is the way to do it.

10.08 pm

Lord Northbrook (Con): My Lords, like other noble Lords I welcome the noble and learned Lord, Lord Hermer, to the Government Front Bench. In the limited time available, I can focus on only one aspect of the gracious Speech, the plan to remove the remaining 92 hereditary Peers from the House, eliminating many centuries of tradition and generational wisdom and thus a golden thread going back to the 13th century—although I note that the Labour Front Bench has a hereditary Peer among their number, albeit restored as a life Peer.

On 30 March 1999, in front of a packed House of Lords, the noble and learned Lord, Lord Irvine of Lairg, stood at the Dispatch Box and said that the 1999 Bill to abolish the majority of hereditary Peers reflected “a compromise negotiated between Privy Councillors on Privy Council terms and binding in honour on all those who have come to give it their assent”.

The noble and learned Lord continued, in the most carefully worded statement, saying that

“the 10 per cent. will go only when stage two has taken place. So it is a guarantee that it will take place”.—[*Official Report*, 30/3/1999; col. 207.]

The words could not have been more unequivocal.

It is the responsibility of the 92, and those colleagues who believe that the former Lord Chancellor's promise should be adhered to, to help the Government make sure that proposed legislation includes provision to move to the stage 2 promise, and I will highlight areas that need to be discussed further.

First, there should be measures to restrict the size of the House. It cannot be right that the number of Peers keeps increasing so that only the National People's Congress of China has more members. The correct number should reflect the voting turnout in recent years, and the political balance should be adjusted according to the percentage of votes for each party at the general election.

There should be a retirement age of 80, as has been proposed. However, this should not be mandatory; it would be fairer to have a secret ballot of the whole House once a year to decide whether a Peer over 80 should continue. The current retirement procedure works well, but unfortunately its effect is totally negated by the more-than-compensating appointment of new Peers. Slightly confusingly, the Prime Minister has already authorised the appointment of an 81 year-old Baroness. The only Prime Minister to limit appointments was Theresa May. More should follow her example. The Appointments Commission should be put on a statutory basis and firmly applied to all new appointments—political ones included—thus controlling the quality of prime ministerial patronage.

In addition, amendments should be considered on the composition of the membership of the House. First, we should debate whether the House should

be elected. As the noble Baroness, Lady Jay of Paddington, opined in the interesting TV programme “The Lady and the Lords”, this is what the general public would expect. Do we need to rebalance the 26 Bishops of the religious element of the House to insert representatives of all faiths? Should the name of the House change to “the Senate”, as it will not allow hereditary Peers to be Members?

Another issue to be looked at is the powers of the House. Should we not be able to amend the reams of secondary legislation that come before us rather than just having the stark choice of agreeing or throwing it out? Also, I firmly believe that we should have the power to amend badly drafted finance Bills, particularly where, due to the guillotine procedure, the clauses are not even discussed in the other place.

Finally, how will some business mechanics work when the hereditaries are gone? Can there be an exemption for shadow Ministers and Whips on the Front Bench? Will there be enough noble Lords to sit on the Woolsack?

I understand that a key reason for the proposed Bill is to remove a number of Conservative Peers from the House, which means that the Government will not have to create the equivalent number of new Labour Peers. However, the Cross-Bench hereditaries have been caught in the cross-fire unnecessarily. Very often during the last Administration they supported Labour and Lib Dem amendments, so they are no major threat to the Government getting their business through. In particular, the convenor should be spared abolition.

What will happen to the Earl Marshal and the Lord Great Chamberlain? Are they also to be excluded from the House? This would seem to be a huge change of tradition to ceremonial offices of state.

I am sure that the proposed legislation will need thorough scrutiny so that it honours the promise made by the then Lord Chancellor in 1999. I am sure that the 92 would be less unhappy to leave when this has been fulfilled.

10.12 pm

Lord Bichard (CB): My Lords, when you are the 61st and last Back-Bench speaker, you can at least hope that some people will be pleased to see you—and I hope that noble Lords are. Building on that positive start, I add my welcome and congratulations to the Attorney-General and the noble Lord, Lord Khan, on the Front Bench. The noble and learned Lord gave a remarkable maiden speech, and it is wonderful to see a local mayor taking up a national office. It should happen more often.

I will pick up a theme that, surprisingly in some respects, has been focused on by a large number of Peers: the loss of trust in government and the state. I agree with them. It has become so severe a problem that it is beginning to threaten our democratic foundations. After all, why would you vote for, campaign for, lobby or influence a state that you do not trust or think can deliver?

I will touch on two reasons why this crisis has occurred. First, people feel increasingly distant from the decisions that affect their everyday lives due to the stifling centralism that has engulfed this country over the last 40 years.

[LORD BICHARD]

Of course, that is why I welcome the proposal in the gracious Speech to introduce a devolution Bill. However, devolution should not just be seen in terms of the selective transfer of some statutory powers to more local levels of governance, or structural change. To help restore trust, devolution must be about creating stronger, more effective communities—that is what it is about—where people feel a sense of belonging; communities able to define their own needs and make choices about their own priorities; communities that can fully realise the potential which we all know they possess and which we already see in the contributions made by individuals, charities and voluntary sector groups; communities that can quickly respond to changing demands, innovate and build trust in ways that we saw so well during the pandemic.

To create those sorts of communities, we need a long-term vision for the future relationship between central and local governance, based upon greater financial stability and with localities given access to whole-place budgets. We need some credible form of local accountability which, frankly, we do not have at the moment, and we need to confront—yes, confront—the inevitable resistance of central government silos to ceding power. What about a mission-based approach, Minister? For me, the success of devolution a decade from now is not going to be measured by the number of powers transferred or bodies set up, but by whether we have created stronger communities, providing better services, improved growth, reduced waste and that critical sense of belonging.

The second reason why we have this crisis of trust is a profound disenchantment with the behaviour and standards of some who hold public office. I know more than most that we have vast numbers of dedicated public servants who have tried so hard to maintain services in the face of almost impossible challenges, but we cannot ignore any longer the failings exposed by the infected blood inquiry, the Post Office scandal, Windrush, Hillsborough, Grenfell and now the Covid report, and nor can we excuse them as isolated historic incidents. If we are going to regain trust, we need to show that we want to change that and address those failings. We need to show that we are determined to give the public what they have the right to expect, which is not least to be treated with respect and consideration.

Clearly, our current attempts to codify these expectations are not working. The Nolan principles, the Ministerial Code and the Civil Service Code proved insufficient, and their words will ring hollow with, for example, the victims of the infected blood scandal—many of whom I have met—for whom integrity, accountability, openness and honesty were sadly absent. We need a thorough review not just of the content of those codes but, even more importantly, of how they are enforced and how breaches are sanctioned, whether those breaches are by officials or by Ministers.

Surely the Ministerial Code must be made statutory, but what about giving Permanent Secretaries the power to seek a direction, not just on the grounds of value for money but, equally, on potential breaches of the codes of behaviour? If local government is required to

appoint statutory monitoring officers—which it has had to do since 1989—then perhaps central government departments need something similar.

We have long boasted that our standards of governance in this country were beyond reproach, but recent inquiries tell a different story. They speak sometimes of a system which is excessively defensive and reluctant to learn the lessons of failure. That has to change.

10.19 pm

Baroness Pinnock (LD): I thank the noble Lord, Lord Bichard, for making such a powerful case for change. I shall read his speech in *Hansard*, because it is a cry to all Members of this House, particularly those on the Government Benches, for what we have to do to change the nature of governance in this country.

In a different tone, I welcome the noble and learned Lord, Lord Hermer, particularly because he put such emphasis on upholding the rule of law. It was so powerful to hear that. I look forward to many exchanges with the noble Lord, Lord Khan, in this House in the months, and maybe years, ahead.

My noble friend Lord Thomas of Gresford was right when he said that the Liberal tradition is always to want more reform. In the light of that comment, I say this: our creaking constitution and outmoded governance arrangements, at every level, are in urgent need of reform. The paltry offerings from the Government in this gracious Speech leave much to be desired. It would be good for them to make a bit more of a challenge.

It is not surprising that much of the time in this debate has been spent making different arguments about reforms to this House. On the one hand, the noble and learned Lord, Lord Keen, made a robust defence of the status quo; on the other, my noble friends Lord Wallace and Lord Thurso made the powerful case for fundamental reform and an elected House. We have heard lots of ideas in between, which I hope the Government will listen to and reflect on, because there were some good ideas in the huge array of what has been said today.

That moves me on to democracy—maybe—and elections. My noble friend Lord Rennard said that we hope that the Labour manifesto pledges to introduce automatic voter registration and to remove voter ID will be enacted in the lifetime of this Parliament. He is right to make the case for doing it more promptly than perhaps is suggested in the gracious Speech.

As my noble friend stated, the Liberal Democrats want fairness in all our electoral system and an equal voice for all in making the decisions that affect them at the most local level possible. Therefore, we welcome the principle of devolution to all parts of England. However, what is not clear is whether this will just be further delegation of resources with many Whitehall strings attached—which has been the nature of it so far—or something more meaningful. As my noble friend Lord Scriven argued, fiscal devolution, as well as policy devolution, will be very important. If that is unleashed, it will result in the economic growth that this Government want and that the noble Lord, Lord Bichard, pointed to.

Unfortunately, it seems that the model adopted will continue to be that of a single elected mayor. That creates a whole new democratic deficit whereby key strategic decisions will be made by an elected mayor, but without the proper accountability provided by democratically elected members of different political persuasions. That arrangement will not do and will not stand the test of time.

I move on to devolution to the nations of our country. We have heard calls from noble Lords who have direct experience of devolution in Wales, Scotland and Northern Ireland, and my noble friends Lady Humphreys and Lord Bruce referenced the importance of change within those devolution settlements and that a more comprehensive settlement is long overdue. A piecemeal approach to nationwide devolution is in no one's best interests, least of all those of the people it is meant to serve. We on these Benches will always press for a constitutional settlement that includes a federal settlement for all the nations of our country.

Meanwhile, in the great regions of England, we are still waiting for real devolution. I thank the noble Lord, Lord Warner, for what he said about Yorkshire, and remind Members opposite that my home county of Yorkshire has a similar population to that of Scotland, and double those of Wales and Northern Ireland. Yet that great county of Yorkshire has had only fragmented and limited devolution, and it is singularly lacking in its democracy. Give us devolution, so that we in Yorkshire can get on and make our county thriving again.

That leads me to talk about what I regard as the appalling lack of reference to local government in this gracious Speech. The noble Baroness, Lady Eaton, talked about that, as did my noble friend Lady Hamwee. The one positive announcement that has been made is to restore "local government" to the title of the department—thank you. All politics is local and all public service delivery is local, and I hope that the Government will be mindful of this. According to the LGA, almost one in five councils is teetering on the verge of issuing Section 114 notices. In unitary councils, including metropolitans in big urban centres, about 80% of their budgets will be spent on adult social care, support for vulnerable children and SEND. A steeply declining resource is left for all other local services, which may explain the state of our roads. This is not sustainable, even in the short term. The Government have ambitious targets for housebuilding and planning reform, but these services cannot be divorced from the rest of local government. Planning applications require assessments by many local services, including highways and the environment. I sincerely hope that the Government understand the predicament facing local government, and that that understanding will lead to desperately needed further resources.

This wide-ranging and fascinating debate has demonstrated that many in this House are urging the new Government to use their huge majority to transform our politics and governance. Unfortunately, the meagre offerings in this gracious Speech leave room for much more. Having said that, it is at least positive that the changes proposed will make a small progressive step in the right direction.

10.28 pm

Lord Offord of Garvel (Con): My Lords, on behalf of His Majesty's Opposition let me first put on record my congratulations to Labour on its comprehensive victory in the general election, and my special congratulations to the noble and learned Lord, Lord Hermer, and the noble Lord, Lord Khan of Burnley, on their places on the Front Bench. I wish them all success.

For those of us who previously sat on the Front Bench, it is rather disorientating to come into the other side of the House. But in scanning the Opposition Benches calibration came to my aid when I saw my main protagonist in constitutional matters, the noble Lord, Lord Foulkes of Cumnock, in exactly the same place on the Government Benches as he sat when on the Opposition Benches. Perhaps it is business as usual—or perhaps not.

Being relatively new to this House, with a tenure of three years and not yet aged 60, I will not divert into the matters of hereditary Peers or age but will focus on devolution. Given that I previously served as Parliamentary Under-Secretary of State for Scotland, noble Lords will forgive me if I focus on Scottish matters, but for Welsh and Northern Irish Peers there will be many similarities in the remarks I wish to make about devolution. This year, 2024, is the 25th anniversary of devolution in the UK. Surely, therefore, it would not be unreasonable to ask the Labour Party, which invented devolution, to undertake a 25-year review to see where it has worked well and where it has not worked so well.

In the numerous exchanges I had with the noble Lord, Lord Foulkes, when I was sitting on the Front Bench, he expressed frustration that His Majesty's Government in Westminster were not doing more to police the activities of the Scottish Government when they continually diverged outside the jurisdiction of devolved matters into reserved matters. The noble Lord was particularly exercised, as he mentioned this evening, about the establishment of foreign Scottish embassies in eight overseas cities where the UK already has embassies, at a cost of £1 million each, and about the use of civil servant time in publishing a series of independence papers, as well as the indulging of new state planning at a cost of £20 million. The noble Lord, Lord Foulkes, would berate me, the Scottish Under-Secretary of State, that I was not doing more to bring the Scottish Government into line.

My reply to the noble Lord, Lord Foulkes, was consistent: His Majesty's Government have to work within the architecture of the Scotland Act 1998, which was designed and implemented by the Labour Party. The reality is that the Labour Party, as referenced by the noble Lord, Lord Foulkes, did not envisage that the Scottish Government would, to use the noble Lord's language, be weaponised against the United Kingdom Government, as the SNP has done these last 17 years. The result is that necessary checks and balances were not put in place to ensure good law-making, nor indeed were sanctions designed to discourage ultra vires behaviour. Surely now is the time for the new Labour Government to tidy up their previous work and review and improve the Scotland Act, as well as look at

[LORD OFFORD OF GARVEL]

devolution across Wales and Northern Ireland to ensure greater co-operation between Westminster and the devolved Administrations.

The Scotland Act is basically very simple—you can put it on one piece of A4 paper. On the left-hand side of the paper you have reserved matters and on the right-hand side you have devolved matters. Harmony is ensured when His Majesty's Government—the UK Government—focus on reserved matters and the Scottish Government focus on devolved matters. The sad reality is that, in the 17 years under an SNP Government, every single KPI in devolved matters in Scotland has gone backwards. Our education system, once the gold-plated education system in the United Kingdom—which allowed me to go from a tenement to this place—has been reduced from outstanding to average. Police numbers are now at a record 15-year low, and let us not talk about the A9, the single-track railways or the ferries. On health, one in seven Scots is currently on a waiting list, and local authorities are being denuded.

Interestingly, with local authorities there is a glimmer of hope in our 25-year review. One of the great privileges of my job in the Scotland Office was to work with DLUHC on the levelling-up agenda, where £3 billion of UK money went direct to Scotland—and direct to the 32 local authorities, much to the cries of foul play by the Scottish Government, who wanted it to come direct to them. In my role as Under-Secretary of State for Scotland, I had interactions with the 32 local authorities and had very meaningful conversations with them. Whichever colour of party ran the council, they said to us that this was the best level of engagement they had had with the UK in the 25 years since devolution began. They said that it came to them with enthusiasm and empowerment. It was their idea as to how to spend the money—there were city deals, freeports, a levelling-up fund and a community ownership fund. London was not telling them how to spend their money; they were telling us where they wanted to spend it. The one thing they said was that they wanted more of it, because they do not get any of that interaction, nor indeed money, from the Scottish Government.

On this idea of devolution being called for from London to Edinburgh, it does not seem to go from Edinburgh to Greenock, Falkirk or Bathgate. But I am very proud that, in my time in the Scotland Office over the last five years, we have made great strides on that. I will give your Lordships one little anecdote. Many noble Lords will know the Corran ferry, a small but very important link from Lochaber to Ardnamurchan. When it went down, the Scottish Government denied funding for it. The UK Government came to the rescue through the levelling-up fund. The leader of the Highland Council, being an SNP councillor, was so desperate for the money that he even agreed with me to put a union jack on the ferry. The message that came back was, “We don't care where the money comes from; what we in local authorities want is to be listened to and funded adequately”.

So, when we look at the dismal Administration that we have had in Scotland—we can talk also about Wales and Northern Ireland another time—it is interesting that that is despite record funding that has come from His Majesty's Treasury. How dishonest of the current

First Minister, John Swinney, to claim in the recent general election that Scotland's problems were all down to Westminster austerity when between 2018 and 2023, the five principal years of Nicola Sturgeon's premiership, Scottish government spending went up from £40 billion to £55 billion. That is 6% per annum.

I do not know how many of my fellow noble Lords run businesses, but how many who do have organic revenue growth of 6% per annum? That does not look to me to be austerity at all. That money is sent north with no strings attached. London does not prescribe to Edinburgh how to spend the money. The reality is that the Scottish Government make their spending choices. They have prioritised in their period of power giving record welfare payments and record increases in public sector pay. They are entitled to do that. The three lowest-spending departments have been education, the police and local authorities. This should serve as a warning to any new Government and the new Labour Government. The SNP boasts that it has created a welfare economy. The harsh reality is that, without wealth creation, there will be no welfare.

I take this opportunity to urge the new Government to take a fresh look at and review the 25 years of devolution. There have been many good things achieved, but we must take the opportunity now to ensure that the Scottish Government get focused on doing the day job of running the police, the schools and the roads, which has been expressed in this Chamber this evening. On devolution, we all agree a consensus that it is about bringing power closer to the people in matters that matter in their local areas. We need to focus on this, rather than Parliament having fancy nation-building and looking at a land of milk and honey.

I leave noble Lords with this thought. Given that—

Lord Foulkes of Cumnock (Lab Co-op): My Lords, I am flattered that the noble Lord is spending so much time dealing with one of the points that I raised. There were dozens of others, brilliant points raised by other noble Lords. Surely the Opposition spokesperson ought to be replying to those as well?

Lord Offord of Garvel (Con): I thank the noble Lord for continuing to joust with me. I did say that I would focus on Scottish issues, because I know Wales and Northern Ireland less, and that I would focus on devolution. My major point is that a 25-year review of devolution is required. Therefore, I suggest that we accept that all parts of the United Kingdom send their MPs to Westminster. The constitution is devolved to Westminster and that is where the debates should happen. If we want to debate further independence, perhaps we can invite “Lord Salmond” or “Lord Blackford” to join this Chamber. Then it would not just be “The Lord Offord versus Lord Foulkes Show”.

Anyway, in conclusion, I will finish by reprising the wisdom of my noble friend Lord Caine, who said earlier that the primary responsibility of the UK Government was first and foremost to preserve this most successful and lasting union for the benefit of England, Scotland, Wales and Northern Ireland. I would welcome that assurance today from the Government Front Bench.

10.39 pm

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government (Lord Khan of Burnley) (Lab): My Lords, it is a great honour to close this important debate on His Majesty's gracious Speech. I thank your Lordships for your many learned contributions, not least among them the excellent opening speech made by my noble and learned friend Lord Hermer, the Attorney-General—his maiden address to this House. With his decades of legal expertise at the very highest level, I know that my noble and learned friend will make an enormous contribution to this place and I take this opportunity to welcome him.

I also pay tribute to the noble Lord, Lord Booth, for his maiden address to this House, and to the former Ministers, the noble Baronesses, Lady Swinburne, Lady Penn and Lady Scott of Bybrook. Both my noble friend Lady Taylor and I thank them for their collegiate approach and work on this brief. We look forward to working with them in the future, and with the noble Baroness, Lady Pinnock, from the Liberal Democrat Benches.

I also pay tribute to the noble Lord, Lord Warner, who is retiring after almost 26 years in this place. I thank him for his decades of devoted public service and for the important work he has done throughout his career—both as a parliamentarian and as a civil servant—to improve the delivery of public health, child protection and youth justice services in this country.

It is my personal privilege to stand before your Lordships today, for the first time as a Government Minister—an honour that not many working-class lads from Burnley grow up thinking they will achieve. I thank all those who have offered their kind congratulations following my appointment to this office. But we cannot ignore how Westminster, the very heart of our democracy, feels further away than ever for millions of people across our country living in towns like mine. Ordinary working people have seen the gap between the sacrifices that they have been asked to make and the service that they have received from politicians grow into a chasm in recent years. Builders, plumbers, nurses, taxi drivers, as my dad and I used to be—hard-working people are doing the right thing but struggling to make ends meet, because of decisions made here, in this place.

It is time to restore faith and trust in our democracy and bridge the divide that has grown between politics and the people, by delivering the change that this Government were elected so decisively to bring—a point that a number of noble Lords made this evening.

We will place public service at the heart of everything we do, as we fulfil our mission of national renewal. This begins with putting more power than ever before in the hands of local people, kickstarting a devolution revolution in England that will transfer more decisions from Westminster to those who know their communities best, putting local people in charge of shaping their future and delivering the progress that local communities want to see. As a former Mayor of Burnley, I know first hand the transformative change that strong local leaders can achieve if given the powers to do so.

This work has already begun. Within days of taking office, the Prime Minister and Deputy Prime Minister hosted combined authority mayors in Downing Street to discuss our plans for change. Last week, the Deputy Prime Minister wrote to local leaders in devolution deserts across the country to set this political transformation in motion, encouraging them to take on new powers in areas such as transport, adult education and skills, housing and planning, and employment support. We are driving forward our national mission to boost economic growth.

We have seen the benefits of devolution in Greater Manchester. The city region has been one of the UK's most spectacular success stories and fastest-growing areas over the last 20 years, and it is predicted to outpace national growth for years to come. This success has been led by Mayor Andy Burnham, who has used his powers to encourage investment, boost skills and integrate the local transport system.

We have seen the impact of devolution elsewhere in the country too, with mayors playing a crucial role in attracting new investment, such as Boeing and McLaren to South Yorkshire, creating good new jobs, and West Yorkshire becoming the UK's fastest-growing digital hub outside London thanks to local leadership.

But, as we all know, these successes are the exception and not the rule. Regional growth has stagnated in recent years. The productivity of our major towns and cities still lags far behind. This is a lose-lose situation for us all. The Centre for Cities estimates a £180 billion boost to the economy if productivity in the north and Midlands matches that of London and the south-east. This is why we are encouraging local leaders to develop ambitious, long-term local growth plans that build on their area's existing strengths, partnering with them to attract more business, create more jobs and deliver more opportunity for local people. We will join forces with major employers, universities, colleges and industry bodies to identify growth sectors and give them the support that they need to thrive.

Where there is a solid track record of sound financial management, we will simplify the funding process, giving local leaders the space and flexibility they need to progress. But the power of devolution does not stop at economic growth. We want to give people the tools to transform the look and feel of the neighbourhoods and high streets they love, too. Our English devolution Bill includes a new right-to-buy option, so that communities can purchase much-loved assets such as empty shops, pubs and community spaces, while helping to tackle the blight of empty premises, spruce up public spaces and give local communities greater power to shape services and influence regeneration.

Our mission to transfer more power to local leaders in England echoes the spirit of devolution to Scotland, Wales and Northern Ireland 25 years ago. As we celebrate a quarter of a century since this landmark reform was made, we must reset and restore the strained relationship we have inherited between Westminster and the devolved Governments, rebuilding the partnership between us. We are a Government for the whole United Kingdom: a Government who work in the interests of people living in every corner of our four nations, so that we can stand together once again to face the challenges of an uncertain world.

[LORD KHAN OF BURNLEY]

The Prime Minister is leading this work to rebuild our country, work that began on day one of our new Government when he spoke with the First Ministers of Scotland and Wales and the First and Deputy First Ministers of Northern Ireland, before travelling to meet them in Edinburgh, Belfast and Cardiff within his first 48 hours in office.

We are committed to strengthening the structures and institutions of our partnership of Governments, so that we can lay the foundation for change and deliver the programme of reform and national renewal that our country so badly needs. A council of the nations and regions will be established to underpin this work, with the Prime Minister partnering directly with the elected heads of Government in Scotland, Wales and Northern Ireland, and with the mayors of the combined authorities of England, who will be working closely with the Deputy Prime Minister to ensure that our national reforms deliver for people living across our United Kingdom.

But to restore faith in our democracy, we must first clean up our act here in Westminster, beginning with strengthening the enforcement of standards in public life. The Government are committed to establishing a new independent ethics and integrity commission with its own independent chair. This will ensure probity, restore confidence in government and make sure that Ministers are held to the highest standards, helping reset our public life.

As set out in our manifesto, the Government are committed to constitutional reform and modernising how Parliament works. As a first step, we will introduce a focused Bill that removes the right of hereditary peers to sit and vote in the House of Lords. Noble lords will be aware that the measures put in place in the House of Lords Act 1999 were intended to last only for a short period before more substantial reforms were enacted. It has now been 25 years since the passage of that Act and, as a first step on the road to further reform, now is the time for this modernisation.

The Government recognise the good work of hereditary peers who scrutinise the Government of the day and improve the quality of legislation, but reform is essential and long overdue. Places in the second Chamber should not be reserved for individuals because of their family background. For this reason, the Government hope that noble Lords will support this measure when it comes before the House.

The Government will act to strengthen our democracy at its roots by making our electoral system fairer, more secure and more inclusive, improving participation and, in due course, extending the franchise to 16 and 17 year-olds, thoroughly reviewing and addressing the rules on voter ID, and tightening the rules around donations to political parties. These reforms will give more people a voice, and a stake, in our democracy. They will help us meet the threat posed by malign actors who seek to interfere in our elections and give us the tools we need to root them out and expel them from our political finance framework.

I turn to the contributions from noble Lords across the House. On the points made by the noble and learned Lord, Lord Keen of Elie, the noble Lord, Lord Strathclyde, my noble friend Lady Jay of Paddington

and other noble Lords, the ongoing position, as has been stated in the House, is indefensible and can be addressed quickly through this hereditary Peers Bill. The manifesto is clear that the Government are committed to acting decisively to address the most pressing issues by bringing about immediate modernisation. The first step in this process is this Bill, and this will not preclude further reforms.

The Government are committed to other reforms to the House of Lords. The noble Baroness, Lady Jay of Paddington, asked about this. We are in particular looking at introducing changes to the appointments process and at a mandatory retirement age, as well as a long-term commitment to replace the House of Lords with an alternative second Chamber that is more representative of the regions and nations. Given the nature and potential scale of these reforms, the Government will conduct engagement and consult on proposals for an alternative second Chamber, seeking the input of the British public on how politics can best serve them.

I listened to the ideas my noble friend Lord Foulkes of Cumnock presented. I will take them back to the department. I also pay tribute to the contribution of the noble Lord, Lord Burns. I thank him for his previous work on this area. I will look at the points he made and take them back, in particular in relation to the size of the House.

The Government have committed to improving the appointments process to ensure the quality of new appointments and to seek to improve the national and regional balance of the second Chamber. We are actively considering how this can best be achieved. I reject the assertion of the noble Lord, Lord Cromwell, that this is a purge. The intention is to make sure that the House is fit for purpose, in line with modernising this House and politics generally.

The Government have set out a commitment to introduce a retirement age. As the Prime Minister said, the Lords has become too big. The manifesto also sets out other measures, including the introduction of a participation requirement. The Government recognise the good work of many Peers who scrutinise the Executive and improve the quality of legislation.

The noble Lord, Lord Fowler, said that this was an unprecedented opportunity for reform and we should not need 30 years. That is why the work will start now. The House of Lords plays an important role in scrutinising, as I mentioned, and we recognise the valuable contribution of many Peers. It is important that Members participate in support of this core function.

The noble and learned Lord, Lord Hope, spoke about non-attendance. We are looking at how we can deliver the manifesto commitment to introduce this participation requirement, building on existing rules that require Members to attend once every parliamentary Session.

My noble friend Lord Grocott alluded to the by-elections. Abolishing the by-elections would run counter to our commitment to bring about immediate modernisation. The youngest hereditary Peer is in their 30s, so this approach would mean hereditary Peers could remain part of this House for generations. I take the point my noble friend made; had we dealt with this earlier, we would have had a much smaller House.

The noble Lord, Lord Northbrook, asked whether the Earl Marshal and the Lord Great Chamberlain would remain as Peers. The Earl Marshal is responsible for the organisation of major ceremonial state occasions, such as the Coronation of the monarch and state funerals. The Lord Great Chamberlain has charge of many parts of the Palace of Westminster and is the sovereign's representative in Parliament. The important ceremonial functions of both will not be impacted by this Bill.

The noble Lord, Lord Wallace of Saltaire, asked how long it would take to set up the modernisation committee he referred to. The Government are committed to bringing about a return to politics of service and, as a priority, intend to tighten the existing prohibition on MPs providing paid parliamentary advice.

The noble and learned Lord, Lord Keen, and the noble Viscount, Lord Hailsham, talked about our approach to the Lords Spiritual. Some Peers, including the noble and learned Lord, asked why the Government were not planning to remove the Lords Spiritual from this House. The legislation announced in the King's Speech is a focused Bill to bring about immediate modernisation by removing the rights of hereditary Peers to sit and vote. In contrast to bishops, hereditary Peers gain their position as a birthright. As I said, we are committed to an alternative second Chamber that will be more representative of the regions and nations.

A number of noble Lords made contributions in relation to electoral reform. I will start with the points made by the noble Lord, Lord Wallace of Saltaire. The Government are clear that all legitimate voters should not only have the opportunity to vote in our vibrant democracy but be actively encouraged to participate. The Government will therefore act during this Parliament to give 16 and 17 year-olds the right to vote in all elections, strengthening our democracy, empowering young people to participate and building an informed and empowered electorate. Alongside this, we will tackle the unacceptable participation gap in our elections by taking wider action to improve rates of electoral registration. My noble friend Lord Alli made that point eloquently.

While we act to encourage participation, we will also protect our democracy from malign actors who seek to interfere in UK elections through illegitimate political donations. We will act to strengthen the rules around donations to political parties, a point that my noble and learned friend Lord Falconer of Thoroton alluded to.

Those aged 16 and 17 can work, pay tax and serve our country in the Armed Forces. It therefore stands that they should also be entitled to vote and have their say on issues that affect them and their future. The Government will act during this Parliament to give 16 and 17 year-olds the right to vote in all UK elections, strengthening our democracy and empowering young people to participate in it. We are determined to do this right. This will be a major change to the electoral franchise, requiring careful planning and engagement with stakeholders in the electoral sector, devolved and local government, education and civil society and, importantly, young people themselves to ensure its success. By engaging voters early when they are young,

we will build the foundations for their lifelong participation in our electoral process, as illustrated by the noble Baroness, Lady Smith of Llanfaes. Our Government will work with the electoral sector, as mentioned before, raise participation and make the electoral system more effective. We have a lot of progress to make ahead of primary legislation and will explore opportunities to do so.

The noble Baroness, Lady Smith of Llanfaes, and the noble Lord, Lord Rennard, talked in particular about voter ID. We have had concerns about the voter identification policy, and a long, vigorous debate has previously taken place in this House and the other place on this issue. The Government are committed to carefully and thoroughly reviewing the voter ID rules and evaluating how they impacted citizens during the general election, before bringing forward firm proposals in due course.

In relation to points made by the noble Baroness, Lady Pinnock, and the noble Lord, Lord Rennard, as well as the noble Lord, Lord Wallace, about automatic registration, we want to raise participation in our vibrant democracy and will explore options for achieving that objective. We will look at ways to use data and wider public services to encourage and support electoral registration. We will look to test different approaches and use experience from other countries to inform our decisions.

The noble Lord, Lord Rennard, talked about the independence of the Electoral Commission. On the Electoral Commission strategy and policy statement, it is vital for public confidence in our democracy that the independence of the Electoral Commission is upheld. The existence of a strategy and policy statement for the Electoral Commission is inconsistent with the commission's role as an independent regulator.

The noble Lord, Lord Bruce, talked about first past the post. The voting system used to elect our representatives sits at the heart of our democracy and is of fundamental importance. The first past the post system is a clear way of electing representatives, is well understood by voters, and provides strong and direct local accountability.

The most reverend Primate the Archbishop of York talked about people being turned away at polling stations. We will conduct a thorough evaluation of the voter ID rules and evaluate how citizens during the general election were affected by the acceptance, or non-acceptance in some examples, of ID. Consideration of the evaluation will be given by the Electoral Commission before bringing forward firm proposals in due course.

The noble Baroness, Lady Lawlor, talked about postal votes. The availability of postal voting supports many people who would not otherwise be able to participate in person due to disability or family commitments. It is illegal to use another's vote, and there are serious sanctions, including fines and imprisonment.

In response to the noble and learned Lord, Lord Thomas of Cymgiedd, I recognise the points made on statutory instruments. I can confirm that the department will take the necessary steps to ensure that information is available to enable effective scrutiny, and that drafting quality is of utmost importance to this Government. He talked about the end of skeleton

[LORD KHAN OF BURNLEY]

Bills, as did the noble Lord, Lord Anderson of Ipswich. The Government recognise the vital importance of allowing Members of both Houses to scrutinise legislation effectively. There will be times where it is appropriate to have framework powers—in regulations in particular. However, we will make sure that there is flexibility, and will increase the minimum wage and uprate benefits in relation to this framework. This new Government will ensure that legislation is brought to this House in a state and manner befitting its importance to allow for effective scrutiny, implementation and improvement of Bills.

It has been a wide-ranging debate, but I will try to get through it in relation to the English devolution Bill. English devolution has been evolving for the past 10 years, with almost half of the English population now covered by devolution deals. However, to date, devolution deals have been struck with areas on a case-by-case basis, leaving a patchwork of institutions with different powers and governance arrangements which is difficult to navigate—these points were made by the noble Lord, Lord Kirkham, the noble Baroness, Lady Eaton, and my noble friend Lord Foulkes of Cumnock.

This landmark devolution Bill will fix this problem by establishing a new, clear devolution framework which will enshrine the role of local leaders in statute, extend the benefits of devolution to more areas and guarantee all areas access to an ambitious set of new powers which will unlock economic growth.

In relation to the point raised by my noble friend Lord Berkeley about the Isles of Scilly, the Deputy Prime Minister has made clear her desire to see devolution extended to every corner of England, and she is inviting local areas to put forward proposals. I will take back the issues my noble friend Lord Berkeley raised.

On the point made by the noble Lord, Lord Scriven, the English devolution Bill will deliver on our commitments to move power out of Westminster and strengthen mayoral powers. We are committed to engaging with local leaders on this enhanced devolution framework as it is developed. A number of points were made in

relation to devolution. I have covered as many as I possibly can. I believe I have up to 25 minutes.

I want to finish this point about ethics and integrity. We will establish an independent ethics commission, as I mentioned. The Government are committed to restoring confidence in government and ensuring that Ministers are held to the highest standards. The ethics and integrity commission will therefore have the powers and functions necessary to do that.

In relation to the points noble Lords made in relation to Northern Ireland, the Leader of the House is in her place listening to them. We will come back and are happy to write to noble Lords on these points.

The Government are determined to rebuild the bonds of trust between people and politicians in this country. We know the damage done can be mended only by actions, not words. This will take time, but the work of change has already begun. It is a privilege to stand here as a Minister. I assure noble Lords that I intended to be an engaged Minister with my door always open to discuss issues and concerns that your Lordships may have. I reiterate the point made by my noble and learned friend Lord Hermer that it is imperative that we respect the rule of law, and I am pleased that this commitment is explicitly included in the oath taken by law officers.

The reforms we have debated today demonstrate the Government's fundamental commitment to public service as we change our country for the better, putting the interests of ordinary working people at the forefront of all we do, rebuilding respect for our politics, restoring faith in our democracy and reuniting our country.

Debate adjourned until tomorrow.

Oaths and Affirmations

11.03 pm

Baroness Hogg took the oath and signed an undertaking to abide by the Code of Conduct.

House adjourned at 11.04 pm.