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**PARLIAMENTARY DEBATES  
(HANSARD)**

# **HOUSE OF LORDS**

## **WRITTEN ANSWERS**

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[I] indicates that the member concerned has a relevant registered interest. The full register of interests can be found at <http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests/>

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<b>Baroness Anelay of St Johns</b>	Minister of State, Foreign and Commonwealth Office
<b>Baroness Altmann</b>	Minister of State, Department for Work and Pensions
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<b>Lord Faulks</b>	Minister of State, Ministry of Justice
<b>Lord Freud</b>	Minister of State, Department for Work and Pensions
<b>Lord Gardiner of Kimble</b>	Deputy Chief Whip and Spokesman for Department for Environment, Food and Rural Affairs
<b>Lord Keen of Elie</b>	Advocate-General for Scotland
<b>Lord Nash</b>	Parliamentary Under-Secretary of State, Department for Education
<b>Baroness Neville-Rolfe</b>	Parliamentary Under-Secretary of State, Department for Business, Innovation and Skills and Department for Culture, Media and Sport
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# Written Answers

Friday, 10 June 2016

## Dairy Products: Origin Marking

Asked by **Lord Tebbit**

To ask Her Majesty's Government, further to the Written Answer by Lord Gardiner of Kimble on 12 May (HL8175), whether they are able to legislate for the labelling of British milk and dairy products for the UK market without approval of the EU authorities. [HL379]

**Lord Gardiner of Kimble:** As set out in my response to my Noble Friend's previous question on 17 March 2016, we have consistently pushed within Europe for improved origin labelling on all food and these efforts have resulted in strong requirements for meat and meat products in the Food Information Regulations EU 1169/2011. We will continue to seek even stronger origin requirements for dairy products, to ensure that where the dairy ingredient of cheese, butter and cream is different from the place of manufacture this is clearly declared on the label. The UK is able to legislate nationally with the approval of the Commission but this legislation would only apply to produce made and sold in the UK.

Where there are harmonised measures, domestic legislation normally takes into account the principles of mutual recognition to prevent deliberate trade barriers between Member States.

The UK food industry recognises that country of origin information is important to UK consumers and in 2011 industry developed and committed to a set of voluntary principles for clearer country of origin labelling. The proposed EU implementing act will strengthen the voluntary principles and improve the quality and consistency of origin information.

## Domestic Waste: Waste Disposal

Asked by **Lord Greaves**

To ask Her Majesty's Government what is their estimate of the number of waste collection authorities in England that are collecting residual kitchen and non-recyclable domestic waste (1) weekly, (2) fortnightly, (3) every three weeks, and (4) monthly. [HL371]

**Lord Gardiner of Kimble:** Estimates on the number of authorities collecting residual waste in England are collated by the Waste and Resources Action Programme (WRAP). This information represents WRAP's best understanding of residual waste collection frequencies up to the end of May this year.

'Residual waste' collection normally excludes dry recyclables, but includes food waste, where this is not collected separately (or mixed with garden waste) for recycling either by being sent to treatment through anaerobic digestion or composting.

Where the authority offers more than one scheme frequency to different householders, they have been counted in each category, and therefore some authorities are counted more than once.

*Number of authorities on each residual waste collection frequency*

<i>Weekly</i>	<i>Fortnightly</i>	<i>Both weekly &amp; fortnightly</i>	<i>Three-weekly</i>	<i>Monthly</i>
168	237	83	2	0

Figures are for England

## East Coast Railway Line

Asked by **Lord Bradshaw**

To ask Her Majesty's Government what assessment they have made of the impact that the decision by the Office of Road and Rail (ORR) to allow competition on the East Coast Main Line will have on the reliability and timekeeping of the existing East Coast Main Line franchise and other operators using the railway; and what assessment they have made of the impact the proposed improvements to the infrastructure being made by Network Rail in Control Periods 5 and 6 and the ORR decision on competition will have on the existing standard of performance. [HL403]

**Lord Ahmad of Wimbledon:** The Department for Transport has not itself undertaken an analysis of the effects of the ORR's decisions on access to the East Coast Main Line on the reliability and performance of services on the route. In correspondence to the ORR ahead of its decision, the Department expressed concern about the potential adverse performance impacts of allowing additional open access operation on the route.

The potential additional capacity which would be provided by the enhancements to the route currently being planned by Network Rail over Control Periods 5 and 6 has been taken into account by the ORR in its decisions on access.

We now look to Network Rail and the relevant train operators to work together through the normal industry processes, under the oversight of the ORR, to ensure that the resulting pattern of services operates as effectively as possible for passengers and freight users of the line, and to ensure that any negative impacts on performance are minimised.

Asked by **Lord Bradshaw**

To ask Her Majesty's Government what assessment they have made of whether the new open access operators using the East Coast Main Line will pay access charges that provide for fair competition with other operators, including VTEC; who determines those charges; and whether those charges reflect the opportunity costs that arise from using trains offering less seating capacity than the principal franchisee's trains. [HL404]

**Lord Ahmad of Wimbledon:** Setting the framework for track access charges is the responsibility of the independent regulator, the Office of Rail and Road (the ORR). The ORR will set the charging framework for all operators as part of the regulatory process leading up to the next control period (April 2019-2024). As part of that process, the Government has clearly indicated that it supports fairer charges for open access operators and has set out its desire to see changes to those charges as soon as possible.

Track access charges are not set on the basis of opportunity costs.

*Asked by Lord Bradshaw*

To ask Her Majesty's Government whether they are aware of any assessment of the impact on operational resilience by an experienced and professional railway operator of the decision by the Office of Road and Rail to allow further open access operators onto the East Coast Main Line. [HL407]

**Lord Ahmad of Wimbledon:** The Department for Transport is not aware of any assessment of operational resilience in connection with the decision to extend open access operations on the East Coast Main Line. We expect Network Rail as network operator to ensure that their routes are able to operate effectively, whichever train operators are running on them.

## Languages: Qualifications

*Asked by Baroness Jolly*

To ask Her Majesty's Government which modern foreign languages could be studied at (1) GCSE, and (2) A-level, in each of the last 10 years. [HL373]

**Lord Nash:** Full historical data about all qualifications (including GCSEs and A levels in modern foreign languages) and the respective dates when they were available to pupils across England are attached and available at 'Section 96 – Qualifications' on the Department's website.

The Office of Qualifications and Examinations Regulation (Ofqual) maintains a register of current, withdrawn and expired regulated qualifications and their operational start and end dates. The register includes qualifications available in England, Wales and Northern Ireland and is available at Ofqual's 'Register of Regulated Qualifications' on their website.

The Answer includes the following attached material:

Section 96 - Qualifications  
[HL373\_Section\_96\_Qualifications.xls]

The material can be viewed online at:  
<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2016-05-26/HL373>

*Asked by Baroness Jolly*

To ask Her Majesty's Government how many individuals (1) took, and (2) passed, a modern foreign language at (a) GCSE, and (b) A-level, in each of the last 10 years. [HL374]

**Lord Nash:** Information on the number of entries in modern foreign language GCSEs and A Levels in England and the number for which a pass grade was achieved for 2006/07 to 2014/15 inclusive is provided in the tables below.

	2006	2007	2008	2009	2010
Number of GCSE entries in modern foreign languages by pupils at the end of key stage 4 (thousands)	370.3	345.0	327.5	317.1	309.0
Number of GCSE entries in modern foreign languages where a pass grade of A* to G was achieved (thousands)	367.2	342.6	325.4	315.2	307.3
	2011[1]	2012	2013	2014[2]	2015[3]
Number of GCSE entries in modern foreign languages by pupils at the end of key stage 4 (thousands)	282.0	277.5	330.3	332.5	316.1
Number of GCSE entries in modern foreign languages where a pass grade of A* to G was achieved (thousands)	280.2	276.1	328.5	330.6	314.7

Source: Key stage 4 attainment data

	2006	2007	2008	2009	2010
Number of A level entries in modern foreign languages by pupils at the end of key stage 5 (thousands)	28.0	28.4	29.4	29.5	29.9
Number of A Level entries in modern foreign languages where a pass grade of A* to E[4] was achieved (thousands)	27.6	28.0	29.1	29.3	29.6
	2011	2012	2013	2014	2015[5]
Number of A level entries in modern foreign languages by pupils at the end of key stage 5 (thousands)	29.2	28.4	27.3	26.5	27.7
Number of A Level entries in modern foreign languages where a pass grade of A* to E[6] was achieved (thousands)	29.0	28.2	27.0	26.3	27.6

Source: 16-18 attainment data

[1] Prior to 2010/11, no discounting was applied and all entries and achievements were included. From 2010/11, discounting has been applied where pupils have taken the same subject more than once and only one entry is counted in these circumstances. Only the first entry is counted, in all subjects, in line with the early entry guidance.

[2] In 2013/14, two major reforms were implemented which affect the calculation of key stage 4 performance measures data: 1) Professor Alison Wolf's Review of Vocational Education recommendations which: restrict the qualifications counted; prevent any qualification from counting as larger than one GCSE; and cap the number of non-GCSEs included in performance measures at two per pupil, and 2) an early entry policy to only count a pupil's first attempt at a qualification, in subjects counted in the English Baccalaureate. Consequently, the numbers supplied prior to 2013/14 are not comparable with those from 2013/14 onwards.

[3] In 2014/15, early entry policy, under which only a pupil's first attempt at a qualification is counted in performance measures, was extended to all subjects.

[4] The A\* grade was introduced in 2009/10, prior to that only grades A to E existed as pass grades.

[5] 2015 figures are based on revised data. Figures for all other years are final.

[6] The A\* grade was introduced in 2009/10, prior to that only grades A to E existed as pass grades.

## Pedicabs: Vetting

*Asked by Lord Storey*

To ask Her Majesty's Government whether the drivers of rickshaws that carry paying passengers have to have a Disclosure and Barring Service check in line with the requirements for other taxi service providers. [HL432]

**Lord Ahmad of Wimbledon:** The legislation covering rickshaws, or pedicabs, is different across England.

In London they are classified as stage coaches, and therefore are exempted from taxi licensing and do not need a Disclosure and Barring Service (DBS) check. The Government however is looking to bring forward legislation to regulate pedicabs in London.

Outside London they fall under taxi licensing, and drivers must therefore pass the 'fit and proper person' test mandated by whichever local authority they are licensed in.

## Pensions Regulator

*Asked by Lord Myners*

To ask Her Majesty's Government, further to the answer by Baroness Neville-Rolfe on 6 June (HL Deb, col 626), on how many occasions since its inception has the Pensions Regulator used provisions for dawn raids, and how it determines the circumstances in which such provisions should be employed. [HL506]

**Baroness Altmann:** The Pensions Regulator has a power to request information which it exercises regularly and successfully. This means that it is often not necessary to use the powers under section 73 (inspection) or section 78 (warrants) of the Pensions Act 2004.

Under section 78, a justice of the peace may issue a warrant where there are reasonable grounds for believing that there are -

- relevant documents which would be removed, or made inaccessible, from the premises, or hidden, tampered with or destroyed,

or that

- an offence has been committed, or

- a person will do any act which constitutes a misuse or misappropriation of the assets of an occupational pension scheme or a personal pension scheme.

This power is only used in extreme circumstances, and such cases usually involve suspicions of wider criminal activity. Since 2004, the Regulator has used its powers to either inspect premises or issue a warrant on five occasions.

**Railways: Tickets***Asked by Lord Bradshaw*

To ask Her Majesty's Government how long it has been since the Operational Research Computerised Allocation of Tickets to Services arrangements under which revenue is shared between operators were last updated; who is responsible for updating those arrangements; and whether that process is open to public scrutiny. [HL405]

**Lord Ahmad of Wimbledon:** The Department for Transport does not hold information on when Operational Research Computerised Allocation of Tickets to Services (ORCATS) was last updated. Any changes to ORCATS allocations is a matter for the Association of Train Operating Companies (ATOC). However we understand

from ATOC that as the way in which ORCATS currently works is built into the planning assumptions made by franchise bidders, there is no intention to change the actual way in which ORCATS works. The increase in future ticketing, such as smartcards and barcodes, will in time lead to actual usage based allocations being used, but for now the ORCATS model remains the industry method of allocation.

Further information can be obtained from ATOC who can be contacted at:

ATOC Ltd  
2nd Floor  
200 Aldersgate Street  
London EC1A 4HD  
[enquiry@atoc.org](mailto:enquiry@atoc.org)

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