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House of Lords

Monday, 23rd April 2001.

Reassembling after the Easter Recess, the House met at half-past two of the clock: The LORD CHANCELLOR on the Woolsack.

Prayers—Read by the Lord Bishop of Bath and Wells.

Tributes to the Late Lord Harris of Greenwich

Lord Carter: My Lords, the House will be aware that during the Easter Recess we heard the sad news of the death of Lord Harris of Greenwich, the Liberal Democrat Chief Whip. I hope that your Lordships will not object to my taking a few moments, as the Government Chief Whip, to express the sympathy of these Benches to the colleagues and family of Lord Harris.

I got to know John Harris well in my four years as Government Chief Whip. In that time I found him a doughty defender of Liberal Democrat interests, a tough but scrupulously fair negotiator, and a thoroughly decent person with whom to do business.

He had a distinguished career on the left of centre of British politics, and recent obituaries have indicated the crucial role that he played behind the scenes and in many important political issues over the past four decades. British politics have lost someone who was a good servant to political life and the House has lost a Member who contributed greatly to its standing. I know that I speak for all noble Lords when I express our deep sympathy to his wife, Angela, and to his children.

Noble Lords: Hear, hear!

Lord Henley: My Lords, as another member of the usual channels, perhaps I may associate myself very warmly with the remarks of the Captain of the Gentlemen-at-Arms. We on this side of the House also had a great respect for the services that Lord Harris of Greenwich gave to this country as a Minister, to this House and to the Liberal Democrat Party.

As the noble Lord, Lord Carter, said, he was a strong defender of his party's corner, but he always behaved with integrity when he reached a clear understanding in the usual channels. He and I did not necessarily always agree—particularly when he was pursuing a line different from my own—but on those occasions when we were acting in concert I could always rely on his robustness in argument and on the iron discipline with which he marshalled his troops on the Liberal Democrat Benches.

Many Peers, on all sides, will have admired the immense and often moving courage with which John Harris faced up to his final illness and his determination to end his days in harness and, dare I say it, with cigar in hand. We will long remember him.

I join the noble Lord, Lord Carter, in expressing our sympathy, above all, to his wife, to his family and to his many party colleagues in this House, who will feel a great sense of loss today when they look to his accustomed place on the Front Bench and find him gone.

Lord Jenkins of Hillhead: My Lords, John Harris was a notable Member of your Lordships' House for 27 years. I was fortunate enough to work very closely with him for even longer—for 36 years, to be precise. He was to me a counsellor of buoyancy, humour, flair and instinctive political wisdom, whose presence in any moment of bafflement—and there were many moments of bafflement in ministerial and political life—not only shone a clear light of good sense but made vicissitudes more bearable.

As the noble Lord, Lord Henley, has touched upon, more vivid to most of your Lordships will be his extraordinary courage during his last years and, indeed, days. He got the most out of life even when he was under sentence of death. He is a loss to us all and he was a model to us all in that respect.

Lord Craig of Radley: My Lords, obituaries can often reveal far more about their subject than many of us are ever likely to know. For me, that was certainly true of Lord Harris. He had a wide and involved career in the political mainstream and clearly loved it, as he came to love this place too. Outstanding in his final years here were his courage and fortitude. He continued to the last to give of his time and energy. The words used in one obituary—never flinch, never weary, never despair—very aptly describe his tenacity of purpose.

The House has lost another fine Member and parliamentarian. On behalf of all Cross-Bench Peers and myself, I extend our sincerest condolences and sympathy to his wife and family.

European Union Reaction Force

2.41 p.m.

Lord Burnham asked Her Majesty's Government:

What part members of British Armed Forces will play in the separate planning staff proposed for the European Union reaction force, independent of NATO.

The Minister of State, Ministry of Defence (Baroness Symons of Vernham Dean): My Lords, as I made clear in answering questions on 28th February, there will be no separate operational planning staff. There will be a military staff of about 135, of whom some 13 are expected to be British. They will advise on strategic options for a political decision. If a political decision to intervene is taken, operational planning will either be through SHAPE, which has a core staff of 950, or, for less demanding operations, national facilities such as our PJHQ, which, for example, has a staff of approximately 450.

Lord Burnham: My Lords, I thank the Minister for that Answer. Can she tell the House what automatic right of entry NATO planning chiefs will have into the councils of the European Union rapid reaction force?

Baroness Symons of Vernham Dean: My Lords, in view of his responsibilities for the European pillar of NATO and his potential role for EU-led operations, DSACEUR will when necessary—and in particular where the capabilities and expertise of the alliance are concerned—be invited to the meetings of the EU military committee. He would normally attend, as would the chairman of the NATO military committee, but there is no automatic right to do so. There may be occasions—for example, the election of a new EU military chairman—when they would not attend. The EU must, like NATO, have a right to its own decisions. It will be usual for DSACEUR to attend the meetings, but there is no automatic right. I hope that makes the matter clear.

Lord Wallace of Saltaire: My Lords, will the Minister confirm that the number two in the new military staff is a British major general and that we are heavily engaged in this alternative? Will she confirm also that the idea of the independence of NATO is a *non sequitur*, given that Britain, France, Germany, the Netherlands and others are members of NATO, that NATO is a collective alliance and the EU reaction force is part of NATO, either intrinsically or as a European part?

Baroness Symons of Vernham Dean: My Lords, I can confirm much of what the noble Lord says. There has been some confusion on this point. There has been confusion between the planning stages—between what might be described as the strategic decision points before a political decision to intervene—and the stages thereafter where an operational capability would be either through SHAPE or, for lesser operations, a matter for the individual countries concerned; for example, for our own PJHQ. I agree largely with what the noble Lord says but I should not want there to be any misunderstanding as to the detail.

Lord Bruce of Donington: My Lords, will my noble friend confirm that the planning staff of the European organisation, whether strategic or tactical, will be composed exclusively of military personnel?

Baroness Symons of Vernham Dean: My Lords, we envisage that the strategic planning staff will be largely military personnel. It is certainly true that the United Kingdom's contribution will be some 13 to an overall figure of 135. When we look to the operational capability, again it is likely to be largely military if, for example, it is being done through SHAPE, which presently has 950 personnel. I cannot guarantee that there will be no civilian input, and the noble Lord would not expect me to do so. There will be civilian input in the source of advice that will come, for example, from MoD headquarters.

Lord Chalfont: My Lords, would the Government like to comment on the fact that the French Government apparently have an entirely different view of all this? According to the statements of French political leaders, it is essential that the new set-up should have a planning capacity, including an intelligence output, that is totally separate from and independent of NATO. Do the Government have a view on that?

Baroness Symons of Vernham Dean: My Lords, the noble Lord is labouring under something of a misapprehension. That is not surprising if he took at face value everything that was written in the *Daily Telegraph* in March. I am happy to say that the French chief of defence staff, commenting on the remarks attributed to him in that article—which caused many people to draw the conclusions that the noble Lord has drawn—said on the "Today" programme on 29th March:

"We do not intend to set up a European planning staff in Brussels".

Remarks by President Chirac, M. Vedrin and M. Richard have confirmed that all believe that NATO is the cornerstone for European defence.

Lord Campbell of Alloway: My Lords, further to the question raised by the noble Lord, Lord Wallace of Saltaire, how will the part played by our forces in planning be effective without NATO pooled intelligence?

Baroness Symons of Vernham Dean: My Lords, as we have discussed previously in this House, intelligence matters are not likely to operate any differently from the way in which they operate in NATO at present. The way in which intelligence is used, or indeed shared, will be a matter for the countries from which the intelligence emanates—a matter for the capitals of those countries. So I do not believe that we are entering any different or unknown territory in the European dimension of which we are now talking.

Arts Boards Merger: Consultation

2.48 p.m.

Viscount Falkland asked Her Majesty's Government:

How they will maintain the principle of decentralisation of arts development and funding within the proposal to unite the 10 existing regional arts boards into a new Arts Council of England.

Lord McIntosh of Haringey: My Lords, the Secretary of State is looking forward to receiving further details from the Arts Council of England about its proposed merger with the regional arts boards. He has, however, made it clear that his approval of the changes will be conditional on the Arts Council being

able to demonstrate that the proposals will indeed deliver a genuinely simpler funding mechanism, lower administration costs and enhanced decentralisation.

Viscount Falkland: My Lords, I thank the Minister for that Answer. However, he has not quite answered my question about the principle of decentralisation. Whatever the merits of the Arts Council's prospectus for these sweeping and radical changes, it seems that little consultation took place with the local arts boards which are to disappear under the plan. Did consultation take place with the noble Lord's department any more than it did with local arts boards? Does the matter not give rise to concern?

Lord McIntosh of Haringey: My Lords, consultation is taking place now; this is a consultation document. There was a feeling, I understand, among some regional arts boards and others that they had received less than adequate notice of what was being proposed by the Arts Council of England. However, the fact that the Arts Council is taking consultation seriously is evidenced by the extension of the consultation period from the end of April to the end of June. The Secretary of State was indeed consulted before the announcement was made, and the Department of the Environment, Transport and the Regions was informed.

Foot and Mouth Disease: Economic Impact

2.50 p.m.

Baroness Miller of Chilthorne Domer asked Her Majesty's Government:

> Whether they believe that the impact of foot and mouth disease upon the rural economy can be alleviated.

The Parliamentary Under-Secretary of State, Department of the Environment, Transport and the Regions (Lord Whitty): My Lords, the most important way to help rural businesses adversely affected by foot and mouth is to bring back their customers and restore confidence. The Government are stressing that Britain is open for business and encouraging the reopening of attractions and footpaths in line with MAFF guidance and veterinary advice on risk assessments. In addition, tourist boards are strongly promoting what attractions are open.

The Government have also introduced a range of measures to alleviate the impact in rural areas. That initiative is being rigorously pursued by the agencies responsible. The Rural Task Force, upon which a Statement will be delivered later today, is monitoring the results and considering measures to help kick-start the rural economy once the outbreak of foot and mouth has been eradicated.

Baroness Miller of Chilthorne Domer: My Lords, I thank the Minister for his reply. Does he accept, however, that the rural economy was already in crisis before the foot and mouth outbreak? If the noble Lord visited some rural parts of the South West over Easter—I visited Cornwall and Devon—I am sure that he would agree that the rural economy in the region is in melt-down, not only because of the lack of tourists but also because local people in the area are forced into more inactivity than is usually the case. Does the noble Lord also agree that small businesses, which make up 90 per cent of rural businesses, are suffering most? Do the Government really believe that they are doing enough in the face of this crisis which comes on top of an already extremely severe period for the rural economy?

Lord Whitty: My Lords, I accept that there were a significant number of problems in the agricultural sector prior to the outbreak of foot and mouth and that the latter has obviously very drastically exacerbated such problems. However, the tourist industry was previously in relatively good shape in most of our rural areas. Like the noble Baroness, I spent some of the Easter break in Cornwall, Devon and Dorset. I noticed that there were a number of tourists in those areas. Nevertheless, the noble Baroness is correct to say that there are serious problems for the rural economy as a whole, especially for small businesses. That is why the package of measures of short-term help we have provided relates primarily to help for small businesses of all sorts within rural areas. Much effort is already being directed towards helping such businesses.

The Countess of Mar: My Lords, does the Minister appreciate that some businesses will never get back their customers? I have in mind, for example, a local milking machine fitter who was busy installing a very high-tech system for a local farmer. However, as soon as the farm became part of an infected area, the fitter came off the job. The farmer then had his cows killed. So the farmer now has a half-fitted milking machine system; the supplier will never get his money; and, indeed, the original supplier will never retrieve his money. Hundreds and thousands of little businesses all over the country are collapsing because of this crisis. It is not just the tourism industry that is suffering. Can the noble Lord please make clear what help is being given to people like the milking machine fitter I mentioned?

Lord Whitty: My Lords, there will inevitably be some very serious problems of that nature. The knock-on effect of the crisis in the agricultural sector will no doubt be severe in many sectors. We have provided help for businesses, which will eventually recover but which are faced with short-term cash flow or demand problems, in the form of hardship rate relief, deferral of rate payments, extended time to pay, and improvements in the small businesses' service and the small business loans guarantee scheme. Therefore, businesses that have a future will find some relief from such pressures. But, inevitably, there will be problems of the kind outlined by the noble Countess. It is very difficult to see how we can deal with all such problems.

Baroness Mallalieu: My Lords, although the measures just outlined by my noble friend are all valuable in their own ways, does he accept that none of them will save some of the small businesses that are essential to the survival of rural communities in areas like the South West where the noble Baroness and I spent the Easter break; for example, many small shops? Will the Government contemplate giving some direct aid to essential local businesses which must survive but will not survive until people return to the countryside? That, realistically, will not happen until the rotting carcasses have gone and the burning has ended. Will my noble friend consider help to keep those essential businesses going for the next three months?

Lord Whitty: My Lords, the measures that I mentioned are directed primarily at helping just such businesses. In addition, as noble Lords will know, the Government have announced very substantial rate relief of several different sorts for small businesses in rural areas. Undoubtedly, there is a serious problem here. However, it is not the Government's position that we are able—or, indeed, that we would regard it as sensible—to provide loss of income cover for all such businesses. It is not the Government's business to be the insurer of last resort. Therefore, there are bound to be problems of this nature following such a very severe agricultural crisis. I recognise that that is no great comfort to those businesses to which my noble friend referred, but I believe that many of the measures currently in place will provide at least some comfort for a range of such businesses, and that they will also provide the basis for a rural revival once the disease has been eradicated. We must make it clear to everyone that the prime objective of the Government is the rapid eradication of this disease, which will bring relief to rural areas.

Lord Howell of Guildford: My Lords, does the Minister accept that one further burden for those in the rural economy is that many homes, shops, streets and villages are still under water? Those people are suffering most severely from the horrors of finding their properties flooded, so much so that the noble Lord may have noted that an offer of food parcels and help for the suffering British rural towns and villages was received just the other day from Mozambique. Can the noble Lord tell the House what is the Government's strategy—not the tactical details—for ensuring that these appalling floods that have, on top of everything else, caused a great deal of suffering will really be tackled with a new vigour so that they do not continue to recur?

Lord Whitty: My Lords, I am not sure that the Government are in total control of the climatic conditions that cause flooding. There have been inappropriate developments in some areas; indeed, a lack of precautions in some areas both on agricultural and on developed land have aggravated flooding problems. The Government have indicated that they intend to direct major new resources and efforts to restricting the effect of flooding where such measures can be effectively implemented. However, there will inevitably be areas that will continue to be subject to flooding when severe flooding occurs.

Earl Russell: My Lords, further to the Minister's reply to his noble friend Lady Mallalieu, can he confirm that those businesses to which the Government are prepared to extend help include rural post offices and sub-post offices? Will the noble Lord also confirm that to make such help effective it is necessary to give thought to the interleaving of the requirements of the service with the requirements of European competition law? To that intent, will the noble Lord direct members of the Government to pay attention to the extremely helpful opinion offered to Commission 6 of the Committee of the Regions on 30th June 2000, which distinguishes between help for a service and help to any particular competitive business? Does the noble Lord consider that this is a line upon which sensible progress is possible?

Lord Whitty: My Lords, I regret to say that I have not seen the opinion to which the noble Earl refers. I recognise that some European initiatives have been directed towards protecting services in remote and rural areas. It is possible that that opinion would be helpful in that respect. Nevertheless the Government have already made a major commitment to the rural post office network through supporting the Post Office's own priorities and through granting rate relief to post offices. We are putting pressure on the Post Office and the banks to ensure that rural post offices are in a position to provide a wide range of services to people in rural and less accessible urban areas and thereby slow down and, if possible, end the decline in rural post offices.

Baroness Byford: My Lords, is not a clear message on what is or is not open the best help for rural areas at the moment? Apparently in Leicestershire restrictions have been lifted and yet a farm at Hinckley had a confirmed outbreak as recently as 30th March and there were two earlier outbreaks. Therefore, the county council is unsure as to what it can and cannot allow to be opened. In last Friday's *Leicester Mercury* there were calls for restrictions to be lifted in the whole of the county. At the moment the picture is still confused. As the Minister will know, I have spoken on behalf of rural post offices on many occasions in this House. However, they are still closing at the rate of two a week and the universal banking system is not in place. Can the Minister give us better news on that matter too?

Lord Whitty: My Lords, constructive discussions are taking place with the Post Office and the banks but it will take time to put a system in place. However, the Government are committed to providing a universal banking service.

As I understand it, restrictions have been lifted in one area of Leicestershire but not in the area to which I believe the noble Baroness referred. The Government try to make clear where restrictions have been lifted. It

is for MAFF to decide whether to lift them entirely nationally. The opening of footpaths or other access points is very much a matter for local decision in line with local veterinary and MAFF advice. The opening of rights of way in different counties is decided at that level and therefore varies. I was gratified to note that over Easter in many parts of the country a significant number of rights of way were open to tourists.

Lord Hardy of Wath: My Lords, does my noble friend accept that while the agricultural economy has been seriously affected, the tourism and recreational holiday businesses which are important in many areas would hardly have thrived over the past eight weeks, given the nature of the English weather?

Lord Whitty: My Lords, as I said earlier, the Government regrettably have not yet achieved control over the English weather. We can mitigate its effects in certain circumstances, but we did not do very well over Easter in that regard.

Lord Tanlaw: My Lords, is the noble Lord satisfied that rural post offices and rural businesses that are trying to diversify have adequate access to broad band data transmission?

Lord Whitty: My Lords, the Government have indicated their commitment to extend broad band access to all areas, including rural areas. Concerns about how the planning arrangements are operated area by area are being addressed.

Baroness Sharples: My Lords, the noble Lord mentioned that banking facilities in post offices will be available. When will they be available?

Lord Whitty: My Lords, I missed the first part of that question.

Baroness Sharples: My Lords, when will banking facilities in post offices be available?

Lord Whitty: My Lords, banking facilities are already available in post offices; it is a matter of extending the range of those services. That matter requires detailed and complex agreements with the banks and is under discussion.

Housing Benefit: Landlords and Tenants

3.4 p.m.

Earl Russell asked Her Majesty's Government:

Whether they have any plans to reduce the proportion of landlords who are unwilling to accept tenants on housing benefit.

The Parliamentary Under-Secretary of State, Department of Social Security (Baroness Hollis of Heigham): My Lords, perhaps as many as half of landlords prefer not to let to tenants on housing benefit. One of the reasons for that has been the delays in payment. As your Lordships will know from responses to previous Questions in your Lordships' House, we are working in partnership with local authorities to make the payment of housing benefit more efficient.

Earl Russell: My Lords, I thank the Minister for that reply. She will be aware that all the research, including the Government's own, indicates that the imposition of the single room rent on people under 25 is one reason why many landlords have ceased to accept people on housing benefit. I direct her attention to a reply given by her honourable friend Angela Eagle in another place on 2nd April which indicated the prospect of some relaxation in the single room rent. Will she explain to the House what that relaxation is? I welcome it with a warmth proportionate to the answer which I am about to receive.

Baroness Hollis of Heigham: My Lords, I expect warm and robust thanks from the noble Earl, to whom I am grateful for raising this matter. At the moment the single room rent applies only to young people who are in a self-contained unit; effectively, a bedsit. Therefore, young people in a shared house, for example, have no contribution through housing benefit to the cost of the shared living room or the shared bathroom. The proposed extension which will come into effect in July will allow the cost of the accommodation in which most young people live—that is, a shared flat—to be met by housing benefit. Some 65,000 young people should benefit, at a total cost of about £25 million. I hope that the noble Earl will welcome that with enthusiasm.

Baroness Gardner of Parkes: My Lords, is the Minister aware that it is not just the delay in payment that is causing difficulty, but also the fact that landlords, particularly small landlords, are uncertain whether they will get the payment? Will her department consider introducing a scheme rather like that introduced by building societies under which one is given an indication of the mortgage one can obtain and one then looks for a property? Would it help if people were certified as eligible for a certain level of housing benefit before they approached a landlord?

Baroness Hollis of Heigham: My Lords, that is a helpful suggestion. We have explored the possibility of accommodation having a predetermined rent level. That would enable anyone seeking that accommodation to know what he or she would be likely to pay in rent and what the appropriate housing benefit might be.

Lord Astor of Hever: My Lords, in its report on housing benefit last year, the Social Security Advisory Committee invited the Minister's department to provide a detailed analysis of the impact of the main models for a reformed system for private tenants. Has that analysis been undertaken and, if so, what were the main findings?

Baroness Hollis of Heigham: My Lords, the basic problem is that housing benefit has to follow the reform of the restructuring of housing rents. Either you have to control rents or you have to control housing benefit. If you do not do one or the other, landlords will increase rents accordingly and the taxpayer will be left to pick up the bill. The Government made it clear in their housing Green Paper that housing benefit reform in the long term must follow the restructuring of rents, which could take seven to 10 years. But in the short term we are picking up the sort of issues addressed by the noble Baroness, Lady Gardner; that is, the speed, effectiveness and verification of housing benefit payments.

Lord Avebury: My Lords, is the noble Baroness aware of the particular difficulties faced by discharged prisoners who cannot enter into commitments to take on a tenancy without the certainty of being able to get housing benefit, but they cannot get housing benefit until after they have been discharged? Will she look into that matter and try to do something about it?

Baroness Hollis of Heigham: My Lords, that is a real problem. Prisoners and their support organisations could press local authorities much harder to use the exceptional hardship payment scheme. In the past year, for example, the Government made available £20 million to local authorities for individuals in exactly the kind of position that the noble Lord has described. Some 10 per cent of local authorities spent not a penny of that money; 60 per cent spent less than 50 per cent of their allocation. Well over half of that allocation is unspent. As a result, people in extreme need such as former prisoners and young women who may be pregnant who could get additional help in high demand areas are not being given it. I hope that your Lordships will join me in pressing local authorities to spend the money they have been allocated for such cases and not to spend it on other things.

Business

Lord Carter: My Lords, at a convenient moment after 3.30 p.m., my noble friend Lord Whitty will, with the leave of the House, repeat a Statement that is being made in another place in answer to a Private Notice Question on the work of the Rural Task Force with regard to the foot and mouth crisis.

International Development Bill

Brought from the Commons; read a first time, and to be printed.

Armed Forces Bill

3.10 p.m.

Baroness Symons of Vernham Dean: My Lords, I beg to move that this Bill be now read a second time. Much of the Bill is concerned with the statutory framework for the system of discipline in the Armed Forces. Discipline is an essential ingredient of the operational effectiveness of the Armed Forces. Everyone in the Armed Forces fully understands that to be the case.

In this country we properly take pride in the fact that our forces are disciplined. We rightly take pride in their excellence. The connection between sound discipline and excellence is a very real one. It is vital, therefore, for us to ensure that the discipline part of the equation is right.

The statutory basis for discipline in the Armed Forces is the Army and Air Force Acts 1955 and the Naval Discipline Act 1957—collectively known as the service discipline Acts. They have to be renewed every five years, otherwise they would expire. The single most important purpose of Armed Forces Bills is to effect that renewal.

The service discipline Acts were last renewed by the Armed Forces Act 1996 and will expire at the end of this year. The present Bill, when passed into law, will give them a further five-year lease of life.

I know that the Government's commitment to move towards a tri-service Act is of interest to your Lordships. At Second Reading of this Bill in another place, my honourable friend the Minister of State for the Armed Forces, John Spellar, set out our intentions on that. We intend to have the necessary provisions included as part of the five-yearly Bill that we expect to be introduced in the 2005-06 Session. It was never the intention to use the present Bill for that purpose.

The present legislation has served the Armed Forces well. However, there is scope for improvement, not least to facilitate the administration of discipline in a joint service environment. That will need a new legislative framework, in the form of a single discipline Act.

Developing that is a substantial and important task. The new Act, covering all three services, needs to be more than the sum of the present parts. It will be vital to get it right, and that will take time. Our Armed Forces deserve no less. As Sir Michael Boyce, the Chief of the Defence Staff, told the Select Committee that considered the Bill in another place, we need,

"to make sure that we did not lose the baby with the bathwater."

The Select Committee recommended that the tri-service legislation should be brought before Parliament within three years. The Government will, of course, examine the feasibility of doing so, but it will remain our overriding objective to ensure that the legislation will form an appropriate basis for the services' discipline requirements in the future. I am sure that your Lordships would not expect us to do otherwise.

Returning to the Bill, Clause 1 allows the life of the service discipline Acts to be extended for a further five years, until the end of 2006. As now, that will be subject to annual renewal in the intervening period by the affirmative continuation orders debated in both Houses.

Like previous five-yearly Armed Forces Bills, the Bill before your Lordships proposes a number of changes to existing legislation—the service discipline

Acts and other Acts. Those changes are proposed because, in the light of experience, we believe that they will help to make the system operate more effectively.

It has been the policy of successive administrations to aim to keep in step with developments in the civilian system as far as many procedures relating to the investigation, trial and punishment of offences are concerned. That is eminently sensible. Many of those developments are designed to secure the proper balance between the rights and duties of the prosecution and the accused. It is right that, where possible and provided that they are relevant, such developments should be reflected in the Armed Forces' procedures. Much of the rest of the Bill is about that.

The more serious offences under the service discipline Acts are investigated by the service police. I should make it clear here that I am referring to the Royal Navy Regulating Branch, the Royal Marines Police, the Royal Military Police and the RAF Police. We shall come to the Ministry of Defence Police later in the Bill. We are not talking about it now.

The service police generally operate in accordance with the Police and Criminal Evidence Act 1984, much in the way that civilian police do. Indeed, some provisions of PACE, such as those dealing with fingerprinting, already apply to the service police. However, in certain areas the service police investigate offences on the basis of commanding officers' inherent powers rather than on any statutory basis. We consider that the basis on which service police exercise those functions needs to be clarified by being put on to a statutory footing. That will enable the service police and those with whom they deal to have a clear understanding of the limits of those powers. That is dealt with in Clauses 2 to 16. Clause 2 defines the circumstances in which a member of the service police may stop and search someone subject to service law, or stop and search service and certain other vehicles, such as when there are reasonable grounds for suspecting that a search will reveal items such as stolen goods or controlled drugs.

Service police are to be found in most major units, but they are not everywhere. It may sometimes be necessary for a search to be undertaken when they are not available. Clause 4 therefore provides residual powers for commanding officers to exercise the powers described in Clause 2 through members of the Armed Forces who are not service police, but only if the timely assistance of the police cannot be secured. Inevitably, the investigation of an offence may call for a search of someone's living accommodation. In such circumstances, Clause 5 will require a member of the service police to apply for a warrant from a judicial officer.

As many of your Lordships know, Clause 6 generated some interest in another place, because it provides powers for the service police in relation to warrants for certain sensitive materials, including journalistic materials. However, it came to be seen as part of the package, reflecting the civilian provisions needed to instil certainty in this general area of service police investigations. In particular, once it was understood that the clause provides the additional safeguards applicable to such materials as are available in the civilian system, the Select Committee in another place noted Clause 6 as, "a positive step".

Clause 7 provides a residual power for a commanding officer to authorise a search of living accommodation by members of the Armed Forces who are not service police, or by service police without a warrant, but only if calling on the service police or obtaining a warrant is not practicable. The power is not exercisable in relation to Clause 6, when a warrant will always be required.

Clause 8 makes the exercise of the commanding officer's powers to authorise a search subject to retrospective review by a judicial officer if anything has been seized during the search.

Clause 9 defines the powers to enter premises without a warrant for the purpose of effecting an arrest. Those powers may generally be exercised only by a member of the service police. However, if the arrest is in respect of a serious offence and if the delay in waiting for the police is likely to frustrate the purpose of the entry, the commanding officer may authorise another member of the Armed Forces to enter the premises concerned.

Clause 10 deals with the powers of search exercisable following arrest. It allows an arrested person to be searched if there are reasonable grounds for believing that he or she may be a danger to himself or herself or to others. It also provides for searches for evidence or for things that may aid an escape.

The principles underlying the proposals in Part 2 are clear. They provide a sound basis for an important area of service police activities, modelled on civilian procedures. They define the circumstances in which police powers may be exercised, making them subject to judicial supervision where appropriate. However, they also recognise the realities of service life. An investigation should not be paralysed because the assistance of the service police cannot be secured in time. Instead, there will be a clear framework within which the commanding officer will be able to authorise action.

Part 3 makes a number of proposals for the reform of the procedures for the trial and punishment of offences under the service discipline Acts. Clause 17 will make it possible to deal summarily with relatively minor offences committed by naval officers. Essentially, this will bring the Royal Navy into line with the other two services.

At present within the services only officers may sit as courts-martial members. The Select Committee in another place, which examined the previous Armed Forces discipline Bill, considered whether other ranks should also be eligible. However, it did not reach any firm conclusions. The previous administration subsequently established a review of the issue.

Following that, in 1998 Ministers announced that we wished courts martial to benefit from the wisdom and experience of warrant officers. Therefore, Clause

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19 proposes changes to the legislation to allow warrant officers to sit as courts martial members in cases where the accused is of a lower rank.

Clause 20 provides a power to extend membership of the summary appeal courts to warrant officers. That is in recognition of the views expressed by Opposition Members in another place during the passage of the Armed Forces discipline Act in the previous Session. We do not believe that it would be appropriate to make warrant officers members of the summary appeal courts immediately. Before taking a view in due course as to whether they should be eligible to sit on the summary appeal courts, we want, first, to obtain more experience of those new courts in operation and to gain experience of warrant officers as courts-martial members.

The remainder of Part 3 proposes adjustments to bring certain of our trial procedures into line with those of the civilian courts. Some of those are intended to assist the service courts to operate more effectively. Others aim to help in getting the right balance between the prosecution and the accused and between the wrongdoer and the community. For example, Clause 21 will enable the Attorney-General to invite the Courts-Martial Appeal Court to review a sentence passed by a court martial if he considers that the sentence is unduly lenient. That reflects a similar power in relation to sentences of the civilian courts and, indeed, will apply only to the type of offences dealt with by civilian courts; in other words, the new power will not apply to purely service offences, such as disobedience.

I know that some of your Lordships have expressed concerns about Clause 21. But nothing in this proposal will affect the authority of courts martial any more than do the existing rights of the accused to appeal. However, in the very few cases where we expect the new power to be used, the aim will be to see that justice is done and that the authority and credibility of the system as a whole are upheld.

Also with regard to sentencing, it has always been the intention that courts martial should be subject to the same requirement as the civilian courts to impose mandatory or minimum sentences in certain circumstances. That will apply where such courts are dealing with an offender who has previously been convicted of specified serious offences and who is being sentenced for a further, similar offence. In that respect, Clause 22 puts the service courts on the same footing as civilian courts.

The conduct of courts martial in hearing cases can be impeded if, during the trial, the defence seeks judicial review of a decision of the courts martial. Where that happens, the trial must stop until the High Court has dealt with the application for judicial review. That can, and on occasions does, mean a long delay.

Where cases are tried on indictment in the Crown Court, there is no right to seek judicial review. If the defence is unhappy with any aspect of the way in which the trial has been conducted, it has the right to appeal. Similarly, there can be appeal from the decisions of a court martial. Where appeal is possible, there is no need to have access to judicial review. Therefore, by removing trial proceedings from the scope of judicial review, Clause 23 brings courts-martial into line with the Crown Court.

Witnesses who fail to attend courts-martial can delay or frustrate the administration of justice. At present, there are no effective means of ensuring the attendance of civilian witnesses. Clause 25 seeks to remedy that by giving judicial officers or judge advocates powers similar to those available to civilian courts. They would be able to order the arrest of witnesses who they have good reason to believe will fail to attend proceedings or who actually fail so to attend.

Civilian courts have powers to award costs against parties in a criminal case or against their legal representatives. That applies where the court considers that the case has been conducted in a way that results in the other side incurring unnecessary expenditure. However, there are no corresponding powers available to service courts, and there is now evidence that they are needed. Therefore, Clauses 26, 27 and 28 give appropriate powers to service courts, similar to those which are already available to civilian courts.

Clause 30 will enable procedures to be introduced to allow an accused to apply for bail pending the outcome of an appeal against a custodial sentence awarded by service courts. There is no reason for the services to continue to differ from civilian procedures in that regard.

Before I move on to Part 4, I want to mention Clause 33. This clause is of a piece with much of what has already been discussed in your Lordships' House with regard to the Armed Forces discipline Bill. It aims to bring service procedures further into line with relevant changes in the civilian criminal justice system.

One way in which to do so is to ensure that criminal justice legislation extends to the services where appropriate. Sometimes legislation immediately applies to the Armed Forces, but that is not always achievable. The complexity of much criminal justice legislation and the sometimes substantial differences between service and civilian arrangements can make it difficult to provide the necessary provision for the services in civilian legislation.

Some Acts, such as the Police and Criminal Evidence Act 1984, provide powers which allow certain of their provisions to be extended to the Armed Forces by secondary legislation. In this case, the power is generally couched in terms that the provisions may be modified to cater for the special requirements of the services. However, we still find instances where the civilian procedures have been altered but where we have no powers to follow suit, even though we wish to do so. We must wait for the next five-yearly Bill.

Clause 33 provides a means for enabling us to respond in a more timely manner. It will allow the Secretary of State to use statutory instruments to apply future changes in civilian criminal justice

legislation—and only criminal justice legislation—to the services. That will be on the basis of making equivalent provision with modifications.

It is important to bear in mind that the provisions that we shall seek to extend to the services by virtue of Clause 33 will already have been scrutinised by Parliament. Nevertheless, I know that the House will expect the power to be used sensibly, and I can assure your Lordships that that is exactly what we intend.

Part 4 deals with the Ministry of Defence Police. This is a civilian police force, some 3,500 strong, within the Ministry of Defence. Its purpose is to provide effective policing of the defence estate and community. At the risk of labouring the point, I remind your Lordships that the force should not be confused with the service police, whom I discussed earlier.

The Ministry of Defence Police is defined in the Ministry of Defence Police Act 1987. It became an executive agency within the Ministry of Defence in April 1996. The House will wish to note that shortly we intend to announce its formal quinquennial review. The review will examine whether the MDP should remain as an agency and ways in which its performance can be improved. The review will range widely in pursuing that remit and, among other issues, will address the role and composition of the Ministry of Defence Police Committee. That is a matter in which I know that a number of your Lordships are very interested, and it was, of course, considered by the Select Committee of the Bill in another place.

MDP officers possess constabulary powers. Their training is very similar to that of Home Office police officers. The force is subject to inspection by Her Majesty's Inspectorate of Constabulary, and the Bill now proposes that it should be put on to a statutory footing. Its officers provide for the security of a range of defence assets, especially where there is a likelihood of contact with the public or with civilian employees.

The image of the MDP as an essentially static force based at defence establishments no longer holds true. The force now includes mobile teams responsible for a number of establishments. Inevitably, transiting from one defence establishment to another brings such MDP officers into greater contact with the public than was the case previously.

That has consequences for our expectations about the way in which members of the force will act. If a member of the public is, for example, the victim of an assault, he or she may expect a passing police officer in uniform to assist. It is of no concern to the victim whether the police officer belongs to the MDP or the local constabulary.

However, the current law does not allow an MDP officer to exercise constabulary powers when intervening in such circumstances, except near defence land and at the request of a Home Department police officer; otherwise, he or she has the same standing in relation to the incident as any other citizen. That is not at all satisfactory. It can inhibit the officer from assisting effectively, because he or she knows that any actions may subsequently be challenged.

The Bill seeks to remedy that. Clauses 31 and 32 and Schedule 5 make a number of changes to the jurisdiction of the MDP. A key change is that which will enable MDP officers to act on their own authority in an emergency in cases involving violence or the threat of violence, or where there is a risk of death or injury. That addition to individual MDP officers' powers is tightly circumscribed, essentially to cases in which it is clear that the timely assistance of a Home Department police officer will not be available.

The Bill will also broaden the ability of individual officers to respond to requests for assistance from local police officers. At present, that is limited to the vicinity of defence land.

The Bill's proposals will enable individual MDP officers to make a more effective contribution to the policing of the community. Other proposals will make it easier for the force as a whole to co-operate with Home Department forces. They will allow the MDP to enter into standing arrangements if a local police force requests assistance in the longer-term policing of land in the vicinity of defence land. They will also allow the force to meet requests for the provision of personnel or other resources to assist other police forces anywhere in the country, in order to meet special demands on their resources. That would have arisen, for example, during the floods in recent months or in the search for a missing person.

The Earl of Onslow: My Lords, is the Minister really saying that the reorganisation of what is genteelly known as "MoD Plod" is being done solely for the benefit of the public and that it will in no way benefit the Ministry of Defence Police? That is the implication of her remarks. Serious criticisms have been raised in this regard. I find it hard to believe that we should give legislative time to the consideration of reforms that are solely for the benefit of the public and that might involve, for example, a dog fouling the pavement.

Baroness Symons of Vernham Dean: My Lords, the reason for advancing the changes is to secure better policing. I know that the nomenclature that the noble Earl, Lord Onslow, used has common currency but it does not go down terribly well with the Ministry of Defence Police. If the noble Earl can bear to do so, it would be a kindness to refrain from using it.

The changes are being made to secure better policing but not for the benefit, as the noble Earl put it, of the MoD. They will allow the relevant powers to be used to better effect. I have given a couple of examples—helping with missing persons and with the floods that we saw in recent months. I am sure that the noble Earl will debate this matter further during the Bill's later stages.

There are two key provisos in relation to the assistance that I described. First, such assistance will quite rightly be triggered only if there is a request from the relevant chief constable. Agreement to the request will be a matter for the judgment of the chief constable of the MDP. Secondly, we intend that assistance of this nature should be found from within the force's own resources. There will be no additional resources for the

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MDP simply to enable it to help Home Department constabularies. I hope that that will help to put that aspect of our proposals into perspective and to refute the suggestion that there is an agenda to develop the MDP as some form of national gendarmerie.

I assure the House that there is no intention to duplicate the role of Home Department forces or to turn the MDP into a general police force. Its role will continue to be to police the defence estate and the defence community. The extensions that I have described are tightly circumscribed. In our view, they are the minimum that will enable the force to operate effectively and to collaborate with Home Department forces.

There is one further proposal in the Bill that I wish to discuss in some detail. I refer to Clauses 34 and 35, which deal with testing for alcohol and drugs. The Armed Forces' drug-testing programmes, which are conducted on a random basis, are a useful tool in deterring and combating the use of controlled drugs, which is, of course, unacceptable. There are no provisions to allow testing for alcohol. The services have education programmes that are designed to promote a responsible attitude towards alcohol. However, because alcohol does not have the same unlawful status as controlled drugs, it would obviously be inappropriate to test for it on a random basis.

The Bill seeks to enable the Armed Forces to test for alcohol and drugs in certain specified circumstances. They will involve incidents that have caused death, serious injury or serious damage, or which could have done so. Anyone who is subject to service law and who may have contributed to the incident may be required to provide breath or urine samples to allow testing for alcohol or drugs. It will be an offence to refuse. The results of such tests will be used to assist in establishing the cause of the incident and therefore to inform a subsequent board of inquiry. They will not be usable in a subsequent service prosecution. However, the results could be used as a basis for any administrative action that is aimed at preventing an individual from creating similar risks in future. That reflects the intention behind the provision.

The Bill also includes several minor changes to the legislation affecting the Armed Forces, which are intended to rectify anomalies and so on. Changes of some substance are mostly contained in Schedule 7.

I am sure that those noble Lords who have expressed concern about the retirement ages of public servants will welcome the proposal that a Judge Advocate General should not be required to retire until attaining the age of 70. That will bring them into line with members of the civilian judiciary.

A further very positive proposal will amend the Marriage Act 1949. That Act currently requires that, of the children of members of the Armed Forces, only daughters are eligible to be married in service chapels. The Bill proposes that sons and step-children should also be eligible. I hope noble Lords will welcome that small but important liberalising measure.

Noble Lords: Hear, hear.

Baroness Symons of Vernham Dean: My Lords, like all Armed Forces Bills, this measure is important to the services. I know that noble Lords will give the Bill their customary careful consideration. I commend the Bill to the House.

Moved, That the Bill be now read a second time.—(*Baroness Symons of Vernham Dean.*)

3.38 p.m.

Lord Burnham: My Lords, I am sure that noble Lords will join me in offering our warmest congratulations to the noble and gallant Lord, Lord Inge, on his appointment as a Knight of the Garter.

Noble Lords: Hear, hear.

Lord Burnham: My Lords, that signal and high honour is very well deserved by the noble and gallant Lord.

I thank the Minister for her customary clear exposition of the Bill's contents. I have just around the corner from the Chamber a large sheaf of amendments, which we are ready to table as soon as we finish today's debate. It cannot be said that she has not told us exactly what is in the Bill, and I thank her for that.

The Bill will continue the parliamentary authority for the Armed Forces under the Bill of Rights 1688. Such a requirement is covered in Part 1. If we table amendments to Part 1, I assure noble Lords that they will not be designed to disturb the balance of the constitution. Rather, they will focus the Government's mind on the urgency of replacing the structure of the service discipline Acts.

The Bill will ensure the continuance of the Armed Forces with the requisite parliamentary authority and it serves to remind us that the Armed Forces are the armed services of the Crown. Members of the Armed Forces serve by reason of their duty to the Crown and not at all in the way that a commercial employee owes a duty to his employer, as was suggested in another place.

As they stand, the Armed Forces are a constitutional compromise. They are the,

"armed forces of the Crown approved by Parliament".

Other countries and other times have tried to do it differently—Cromwell, the Dutch, Hitler, the Russians. All have failed. However, unfortunately, we face the mission creep of the politically correct. My noble friend Lady Thatcher made some robust remarks on that matter when she accepted the Chesney Gold Medal at the Royal United Services Institute recently. She said:

"I notice trends which threaten the core of military culture and the whole ethos which sustains it. The values of a risk averse civilian society are being imposed on a military community to which they are essentially unsuited".

Later, she said:

"A refusal to understand the realities of service life leads to unrealistic ideas taking root about how armed forces should be organised. The British armed forces are one of this country's greatest assets. Through their courage and commitment they defend our freedom. We for our part must give them the framework and the means to do their difficult and dangerous job. They deserve nothing less".

Political correctness and soft beds are not what the Armed Forces are for. John Major recalls in his autobiography, which I am reading at the moment, that when he visited elements of the Army shortly before the land stage of the Gulf War started, they told him, "It is why we joined. It is our job". That is the Army.

We are entitled to hope that the quinquennial Bill will provide the framework that my noble friend Lady Thatcher requires. However, I fear it does not always do so. It portrays the insidious effect of creeping political correctness in undermining the military ethos. It fails yet again to use this opportunity to move positively towards a single tri-service disciplinary statute. My noble friend Lord Attlee will cover that point later in the debate. And it does not address the ability of Parliament to scrutinise effectively the subordinate legislation and quasi- legislation which is essential to give working effect to primary legislation of this kind.

Creeping political correctness tending to undermine the military ethos may take several forms: first, in relation to recruitment and those who may be recruited, of which we have heard much in recent months; secondly, in relation to duties and who should be allowed to do what—grafting into the necessary disciplines of military life the easy-going privileges of civil society. We must accept that in signing on, men or women voluntarily give up many of the rights and freedoms that they possessed before. Military life is different. It is no good pretending otherwise.

Lastly, in relation to the restatement of the laws of war and conflict, the politically correct behave as though those matters can be conducted by negotiation between consenting parties.

Lord Hunt of Chesterton: My Lords, is it possible to define political correctness? It is not a term that I entirely understand in the way that it has been explained.

Lord Burnham: My Lords, unfortunately, I do not have three-and-a-half hours so I do not think that I can even start on such a matter. I am afraid that the noble Lord has his tongue just slightly in his cheek when asking that question.

There is little in the Bill to improve the morale of the Armed Forces. Morale is not just a matter of longer telephone calls, increased pay or better preparation for civilian life. Such tangible steps are good but they leave out of account important intangible difficulties, some of which are of the Government's own making.

Those matters are intangible and difficult. Members of the Armed Forces must respect what they are doing and how they are doing it; and those outside must respect them for doing it, politically correct or not.

The follies that I have enumerated run as a theme, I am afraid to say, through the Armed Forces discipline Bill which we recently debated and the International Criminal Court Bill. We see those matters again in this Bill. Senior officers, by the nature of their appointment, become more and more agents of government rather than advocates for the armed services. Nevertheless, both the current Chief of the Defence Staff, Admiral Boyce, and the recently retired General Guthrie have warned of the dangers inherent in such policies even though they said—and I shall say this before the noble Baroness says it—that they have so far experienced no difficulties with recent legislation.

Having thus criticised the ethos of the Bill, it is necessary to say that we accept it in general. A number of matters are welcome: the authority to continue to operate, of course; and matters like, as the noble Baroness explained carefully, giving warrant officers the authority to sit on courts martial. I am glad that the Government were robust in another place in their opposition to certain matters in connection with warrant officers proposed by certain of their adherents.

As the noble Baroness explained, the Bill contains a considerable number of detailed changes to military law and its application. None of those is trivial but they are all minor. As I said, we shall undoubtedly move a number of amendments in Committee in the hope that we may be able to improve the Bill and retrieve some of the ground lost in the earlier legislation, to which I referred. We shall probably be looking for a declaration to exclude the Armed Forces from the application of Article 8 of the International Criminal Court statute.

But the main problem with the Bill lies, as the noble Baroness clearly recognised, in Clause 31. It is inconceivable that Her Majesty's Government should have thought it a good thing to include the highly contentious provisions designed to increase the powers of the Ministry of Defence Police in otherwise generally non-contentious—given the acceptance of the creeping political ethos—matters in the Bill. Those matters in Part 4 deserve a Bill of their own, as clearly demonstrated in the evidence given for the special report of the Commons Select Committee—269 pages of evidence.

We might think again about this matter, depending on what we hear from the Government, but we are unlikely to oppose, at least from these Benches, the Question that Clause 31 shall stand part of the Bill. I say that it is unlikely because a number of my noble friends may think differently. But we shall have much to say about the clause, as did my honourable friends in another place. They would have had a great deal more to say had the debate not been totally curtailed by the Government.

Clause 31 relates to a detailed and potentially far-reaching enlargement of the jurisdiction of the Ministry of Defence Police, which is seen by some, as their evidence to the Select Committee shows, as pointing towards a total redefinition of the role of the force. That was supported in the words of the Minister.

[LORD BURNHAM]

But it is ridiculous to add those police matters to an Armed Forces Bill. The Ministry of Defence Police is a police force, the tenth largest in the country. It is not one of the armed services or part of the armed services, nor is it the same, as the noble Baroness so clearly pointed out, as the Royal Military Police. That is demonstrated by the fact that its members wear blue police-style uniforms, not the red caps and white gaiters of the Royal Military Police, although my noble friend Lord Attlee, who is more up to date, says that the white gaiters are no longer worn.

The activities of the Ministry of Defence Police, as stated, are governed by the Ministry of Defence Police Act 1987. Yet Her Majesty's Government have chosen to tack amendments to that Act onto this Armed Forces Bill, rather than to bring in a separate Bill to amend the 1987 Act. In evidence to the Select Committee, military authorities, civil police, journalists and others expressed concern about what was proposed. I accept that something has to be done as at present there is considerable doubt about the extent of the powers of the Ministry of Defence Police and who controls them. To put it kindly, the Secretary of State was unclear about the extent of his powers, nor was it at all clear where overall control lay.

For those and other reasons we shall probably not oppose Clause 31, or perhaps I should say Part 4 of the Bill. However, clearly something is wrong if, when the second permanent under-secretary asks the Ministry of Defence police to escort oil tankers during the fuel crisis, he is told that the force does not have the power to do so. It is also not right that a Ministry of Defence policeman should have to pass by an accident because he has no more powers than an ordinary citizen. In that context I keep muttering to myself, "The Good Samaritan".

The Ministry of Defence Police must not look for trouble, as it is feared they may. The fact that they are usually armed or have arms in their vehicles is bound to cause trouble if they are out and about more, as is likely under the terms of the Bill and as the Minister made clear in her definition of their duties.

I have put a number of questions in writing to the Minister relating to the protocols that govern the activities of the Ministry of Defence Police. Four and a half of the six questions that I asked have been answered. We now know more about what the Ministry of Defence police should and should not do and how they should behave, but such matters should appear on the face of a Bill—not this Bill—to regulate the force.

However, we have before us a Bill, a significant part of which refers to the Ministry of Defence police and the House will have to make the best of it. Like Marvell,

"But at my back I always hear
Time's winged chariot hurrying near".

We do not know whether there will be time for further stages of the Bill before a general election is held, or whether the next Conservative government will have to take it on. If so, this part of the Bill will be amended heavily or possibly dropped from further consideration. If we carry the matter further now we shall table many amendments. Central to those amendments is one that was moved in another place to limit the occasions when Ministry of Defence Police may become involved in any crime investigation.

In Committee and on Report our amendments to Part 4 will be designed to limit the powers of the Ministry of Defence Police, although clarifying their position which, in my opinion, the Bill fails to do. Today we shall give the measure a Second Reading. There is enough in it that is either essential or good to ensure that. Even if there were not the convention to give all Bills a Second Reading unless they are absolute horrors, we support the main principles of this Bill.

3.53 p.m.

Lord Wallace of Saltaire: My Lords, I follow the noble Lord, Lord Burnham, in extending our congratulations to the noble and gallant Lord, Lord Inge, on becoming a Member of the Order of the Garter. I also congratulate the Minister on taking the occasion of the Easter break to join what I understand from some newspapers is the current trend within Britain and to get married. I offer her my warmest congratulations. I have been happily married for far too long. I am also in the happy situation that for a considerable period my wife has earned more than I have. That seems to me to be entirely as it should be. On that basis I trust that we shall all be able to survive in this remarkably underpaid, unsupported House.

For the first time in several months I find myself taking part in a debate in which there are not only more noble Lords on the Conservative Benches than on the Liberal Democrat Benches—that has not been so in recent debates in which I have taken part—but also more Conservative noble Lords are due to speak. In recent months there have been occasions when I have felt that the Liberal Democrats should ask to be accepted as the official Opposition because of the sheer absence of noble Lords on the Conservative Benches.

The Earl of Onslow: My Lords, then why does the noble Lord always vote with the Government?

Lord Wallace of Saltaire: My Lords, I do not always vote with the Government. I am conscious that I am about to lose the greatest expert on defence on the Liberal Democrat Benches, my noble friend Lord Roper, who is about to become the Whip. I have told him that I opposed his nomination as our party's Whip on the ground, as several of my colleagues have said, that it is good at last to have someone on our Benches who understands something about defence and that it would be dangerous to lose him. However, I am glad that he will wind up the debate for the Liberal Democrats.

This Bill has had thorough consideration in another place. We may be under some constrained time limits in considering it here, but I hope that we shall be able

to find a consensus with the Government on some of the most contentious elements. The Select Committee on the Bill in another place said in paragraph 64 that,

"few of the Bill's clauses are controversial, but those relating to the Ministry of Defence police are".

Clearly it is to those that we shall need to pay most attention.

I want to touch on a number of other points and to reiterate, as the noble Lord, Lord Burnham, has, that a move towards a tri-service Armed Forces Act is far overdue and that we should not need to wait another five years. The Select Committee suggested that that should take place within the next three years. Perhaps we may ask the Minister for a clear commitment that by the time that the Order in Council comes up—before the year 2003 at the latest—we should have a clear indication from the Government of when we shall have a well and thoroughly drafted tri-service Bill for scrutiny in both Houses.

I note that in Clause 2 the interesting and delicate new question of service discipline Acts and civilian contractors under service discipline is flagged. As public private partnerships extend into all three services, I suspect that that will be an area that both Houses will need to look at in more detail over the next two years. It is the beginning of a widening and complicated set of issues in which the gap between public and private and civil and military becomes more difficult to define.

On these Benches we shall want to look again at the matter of special procedure material and excluded material, and in particular at access to journalist sources touched on in Clauses 5 to 7, particularly in Clause 6. It is extremely important to protect journalists' sources, particularly as journalists can find themselves in conflict areas where there are the extraordinarily complicated problems of peacekeeping and peacemaking which often involve more than two different, antagonistic groups.

I also note that almost every Bill with which we deal in this House has an odd clause that tries to explain which parts of the Bill will apply to the Channel Islands and the Isle of Man—Clause 38 in this Bill. At some stage in the next two years I hope that the House or a Select Committee will be allowed to look at the position of the Channel Islands and the Isle of Man is in this country. The last time I asked a question on this matter in the House the Minister referred me to a statement made in 1204 which I was assured defined the matter correctly. I have looked at that statement and it appears to me to be a little out of date.

On these Benches we welcome the moves to reconcile military procedures with parallel civilian procedures, which is one of the main themes of this Bill, and the need to take into account the European Convention on Human Rights and its incorporation into domestic law. I was slightly puzzled by the statement made by the noble Lord, Lord Burnham, on this subject. I remember a novel that I read as a boy in which it was said of one of the characters that he knew what he thought about progress and he was against it. The mission creep of the politically correct appears to be a statement that says, "I don't like progress and I don't really like modernisation".

Lord Burnham: My Lords, that was not really my intention; I just like the phrase.

Lord Wallace of Saltaire: My Lords, we shall leave the definition of political correctness to the *Spectator*. Clearly, the matter of recruitment for a modern professional army requires emendations of military discipline. We may not have soft beds but individual service accommodation has something to be said for it and it is part of the way in which we keep the services up to date. We will not therefore support any move to exempt the Armed Forces from Clause 8 of the International Criminal Court Bill or any other such measures.

We also welcome the expanded role for warrant officers which appears in several of the clause. However, we on these Benches are most concerned with Part 4 and Schedule 5 to the Bill. We shall want to see what changes to the clauses the Government are willing to accept before we take a final decision on whether we want to agree that the clauses should stand part of the Bill.

It is important not to exaggerate. When reading the Conservative press in recent weeks, I was struck by the paranoia which described the emergence of a national police force in Britain for all kinds of different angles. We were told by the *Daily Mail* that the Ministry of Defence Police was about to become a CRS of Britain and that its members would dash around the country beating people up. However, some weeks previously we were also told that the police reserve, planned in support of the European Rapid Reaction Force, would force a national police force on Britain. None of us sees that as likely or recognises the fears that expanding the role of the Ministry of Defence Police may raise.

There is a link between the two. At some point, the Minister may want to return to the question of whether the Ministry of Defence Police might provide a particularly large contribution to the international police reserve which we shall need for the long-term re-establishment of order in places such as Kosovo and Bosnia. However, we are greatly concerned about firearms, about the MoD Police extending their coverage of serious offences, about questions of civilian control and about questions of relations with other forces. I am concerned about the exact definition of "in the vicinity of" which appears at various points. When I looked back at the 1987 Act on jurisdiction, the Ministry of Defence Police Act, I did not find the matter any clearer.

Last weekend I was driving along the road which leads past Menwith Hill towards Catterick, thinking about the implications of the Bill. Menwith Hill is entirely under non-British jurisdiction. My noble friend Lady Harris of Richmond told me that she had once been shown around Menwith Hill in her capacity as chairman of the North Yorkshire Police Authority but was told nothing whatever about what happened

[LORD WALLACE OF SALTAIRE]
in the building. We must hope that in the next three or four years there will be no public order disturbances "in the vicinity of" Menwith Hill or Fylingdales and that MoD Police from Catterick and elsewhere will not have to travel across Yorkshire in the process of coping with whatever may transpire. But the question of the American response on national missile defence and the request they make to the British to upgrade facilities in those two areas is precisely the kind of issue which may lead to delicate questions about relations between the MoD Police and our other civilian forces.

We on these Benches are strongly committed to the principles of civilian police locally accountable. We are not entirely happy about the division of police forces into Ministry of Defence forces and Home Department forces, as though they belonged to the Home Office. We like to think that British police forces belong to their counties and to their police authorities as well as to the Home Office.

I was happy to see the Minister's response to the Written Question tabled by the noble Lord, Lord Burnham, on the publication of protocols between the civilian forces and the Ministry of Defence police and I look forward to hearing more about that in due time. We shall want to press the Government further about the pursuit of serious crime by the MoD Police and the points at which such investigations are transferred from them to civilian forces.

We are particularly unhappy about, and shall want to explore in more detail, the words which appear in the new Section 2A which appears in Schedule 5. It refers to,

"other assistance for the purpose of enabling that force to meet any special demand on its resources",

anywhere in the country. Those are very broad terms which must be examined carefully.

Finally, as regards new Section 4C in Schedule 5, I understand that the reports of inspectors of constabulary for civilian forces are naturally published in full. Here we are told in an unhappy way that for various reasons the Secretary of State may arrange for publication and may withhold from publication large parts. We shall want to explore in detail the terms and conditions under which those reports may or may not be published in full.

The issue of carrying firearms has already been touched on by the noble Lord, Lord Burnham. The Committee in another place examined that matter in some detail and it was also discussed in another place at the Report stage and on Third Reading. We are not entirely happy at the idea of police regularly driving around the country with firearms in their possession and we shall want further reassurances about that.

However, we hope that the Bill goes through. We know that it needs to be passed by August and we wish it good speed. If time is abbreviated during the next two weeks, we shall want to ensure that the Bill is agreed by all Members of this House.

Foot and Mouth Disease: Rural Task Force

4.7 p.m.

Lord Whitty: My Lords, with the leave of the House, I shall repeat in the form of a Statement the response made to a PNQ in another place by my right honourable friend Michael Meacher. The Statement relates to the work of the Rural Task Force and reads as follows:

"It became clear quite soon after the current outbreak of foot and mouth disease began that the disease and the restrictions that were introduced to control its spread would have implications for the rural economy going well beyond the agricultural sector. My right honourable friend the Prime Minister therefore asked me to set up the Rural Task Force with the remit,

'To consider the implications of the outbreak of foot and mouth disease for the rural economy, both immediately and in the longer term, and to report to the Prime Minister on appropriate measures'.

"The task force includes all the government departments involved, the devolved administrations and experienced members from the private and voluntary sectors, including the rural business and tourist sectors, farmers and representatives of rural communities. It first met on 14th March. There have been four further meetings so far and the next meeting will take place on Wednesday. I am extremely grateful for the hard work and dedication that the members of the task force have put in and for the practical common sense they have shown in discussing the issues.

"The task force's work covers both short-term measures to alleviate the hardship that so many businesses and people are facing and measures to aid the speediest possible return to normality. I remind the House of the measures that have already been announced, starting with measures to assist businesses to weather the immediate problems.

"First, I have announced a number of measures to provide relief from business rates. They include increased government funding (from 75 per cent to 95 per cent) to enable local authorities to offer hardship rate relief to businesses in rural areas, targeted at businesses below £12,000 rateable value, and offering reductions of up to £1,290 over a three-month period.

"A further measure is the deferment by three months of the deadline for business rate appeals in rural areas. Rural businesses will also be helped by the Government's legislation to extend 50 per cent mandatory rate relief to all food shops in small rural settlements. This legislation will also provide a transitional five-year 50 per cent mandatory rate relief for new enterprises on former agricultural land.

"At the same time, recent regulations have extended 50 per cent rate relief to sole village pubs and garages with a rateable value of less than £9,000. We have also arranged that where a rural local

authority agrees to defer rates payments, my department will in turn defer the payments which the authority is due to make to the national rate pool.

"Finally on rates, the Valuation Office Agency will consider applications on businesses for a reduction in their rateable value to take account of the impacts of foot and mouth disease.

"Secondly, the Inland Revenue and Customs and Excise are taking a sympathetic approach to requests for deferral or extended time to pay tax and national insurance contributions, particularly for rural businesses in agriculture, transport, tourism and related retail businesses.

"Thirdly, the major banks have made it clear that they will look on a case-by-case basis at mechanisms such as extended lines of credit, capital payment holidays and other measures.

"Fourthly, we have extended the types of businesses that can apply for loans up to £250,000 under the Small Firms Loan Guarantee Scheme.

"Fifthly, I announced a further £15 million for regional development agencies to help rural businesses in the worst hit areas.

"Sixthly, to help those people who have lost work because of foot and mouth, the Benefits Agency has announced that it will provide quick assessments of applications for jobseeker's allowance from such applicants; and my right honourable friend the Secretary of State for Education and Employment has announced a skills boost package to ease the impact of foot and mouth disease on jobs.

"Finally, the Government have pledged to match public donations to rural charities to help to address cases of severe hardship and to provide support for organisations which respond to rural stress. The scheme is being administered by the Countryside Agency and will apply to personal donations, including the generous donations of the Prince of Wales and the Duke of Westminster.

"Everyone agrees, I believe, that the key to recovering from the serious economic effects of the disease is to get back to normality as soon as possible. That is why the task force has put of lot of effort into ensuring that the message is that most of the country can be safely visited. The work of the task force has led to a number of advertisements under the auspices of both the Government and other key organisations to explain the position to the general public and to encourage people to enjoy the many facilities that are open. The Countryside Agency will also be making grants of £3.8 million available to help local authorities to open their footpaths.

"Further advertising by tourist organisations is being promoted by the Department of Culture, Media and Sport, and my right honourable friend the Secretary of State announced additional support of £6 million for the English Tourism Council and the British Tourist Authority to get the message across that Britain is open for business.

"This adds up to a total package for immediate practical help to the rural economy of over £200 million. This is not the end of the story. There is a great deal more to do, especially to consider longer-term measures to help to get the rural economy moving when the disease has been dealt with. I look forward to further meetings of the Rural Task Force to progress this important work".

My Lords, that concludes the Statement.

4.12 p.m.

Lord Dixon-Smith: My Lords, the whole House will be grateful to the Minister for repeating a Statement made by his right honourable friend in another places in answer to a Private Notice Question. There is a danger that one begins to regard this crisis as a chronic state. As the Question relates to the Rural Task Force, it is worth noting *en passant* that some two years ago the noble Lord's right honourable friend the Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster established a rural affairs committee of the Cabinet, which I believe has met once. That committee was supposed to promote the interests of rural affairs across the whole spectrum of government. That committee appears to be, at least in its performance, as dead as some of the animals that have had to be slaughtered as a result of foot and mouth disease. One hopes that as a mark 2 the Rural Task Force will be a more effective body.

The Minister has repeated the announcements made about a month ago as a result of the initial work of the Rural Task Force. What is happening on the ground? Do we know what applications are being made to Customs and Excise for VAT deferral? Have instructions been given by the Government to Customs and Excise as to how it is to handle applications? What is the assessed benefit of this particular relief to the rural community? The noble Lord gave a global total, but it would be interesting to know how it is made up.

The same questions apply to rate relief. Pubs and garages in small communities will benefit. Are applications being made to local authorities? If so, do the Government have any idea of the likely benefit? More specifically, can the Minister state in which years these reliefs will apply? Will they apply in 2000/01, in 2001/02, or in both years? Is it to be a continuing form of relief?

We know that the banks have agreed to treat their arrangements with rural clients sympathetically, and that is very welcome. However, one cannot avoid the slightly cynical reaction that, if a business is heading into real difficulties, the banks will stand back and let some other creditor take the requisite action, if that is needed.

What about the tourist industry in the wider sense in rural areas, which is suffering very greatly? The reliefs so far announced are very specific, and, as an initial touch, rightly so. I have no problem with that. But many small country hotels, even boarding houses and restaurants, have undertaken investment in recent years to meet the growing trend for people to spend

[LORD DIXON-SMITH]
weekends away from home. In this regard the tourism that we are talking about is not the international industry which causes us so much pain and pleasure in the streets of London but the people in the Midlands or those who want to escape the pressures of the South East and visit the Lake District. In that regard, people who have undertaken new investment in this particular field in recent years must feel that their work and the jobs of those they employ are now at risk.

This crisis goes far wider than simply the impact on the rural community. The British Hospitality Association reports today that half of London hotels estimate that they have lost 10 per cent of their business in the past month; 14 per cent estimate that they have lost 25 per cent, and forward bookings are down by 30 per cent. That is very serious. Fast food restaurants report that in March business was 16.5 per cent down. The only conclusion to be drawn is that the absolute priority must be to overcome foot and mouth disease and remove its wretched effect from our countryside.

As to the environmental effects, perhaps the Government have not paid sufficient attention to the Northumberland report on the 1967/68 outbreak. That report clearly recommended that diffuse disposal of carcasses was the preferred option, by which it meant that there should be burial on farm wherever it was possible. If one could not do that, the burning of carcasses on farm was the second best option. At least that has the benefit of spreading pollution, if there is any, in small doses. But there have been so many mass pyres and burials that can concentrate air pollution or the possibilities of leaching that one wonders what is going on. Who was responsible for finding these sites? Was it the Ministry of Agriculture, Fisheries and Food which took the initial action? Perish the thought, was it the armed services which we are debating for the rest of today; or was it the Environment Agency? As the Environment Agency has responsibility for vetting the environmental effects of these sites, perhaps it should have been given the task of finding them in the first place.

Whatever one says about the priorities, it is absolutely clear that the problem will not go away as long as foot and mouth disease continues. That must be the absolute priority.

4.20 p.m.

Baroness Miller of Chilthorne Domer: My Lords, I thank the Minister for repeating the Statement. We welcome the measures which the Statement repeats.

The Minister states that the key to recovery,

"is to get back to normality as soon as possible".

That is fairly depressing because normality was unsatisfactory. If by "normality" the noble Lord means "disease free", that is correct: we hope to be in a disease-free situation. The issue was debated at Question Time. The state of the rural economy is dire. The task force must recognise that the foot and mouth disease has magnified and speeded up the existing economic and agricultural problems. I hope that the Government will speed up their response.

For example, the Statement refers to legislation with regard to mandatory rate relief. I believe that it has begun its passage through the House of Commons. Could this legislation be speeded up? Could the size of business given rate relief be considered? The Government propose a rateable value of up to £9,000. For many rural businesses, those will be the barely viable ones. Surely the task is to keep viable the healthy businesses—the sole pub or garage—which serve a wide geographic area.

The items listed by the Minister in the Statement as "secondly", "thirdly" and "fifthly" would barely count in my book as measures. The Government should take a firmer line with the Inland Revenue and Customs and Excise. They should not ask them simply to take a sympathetic approach but to alter their performance indicators and targets in order to do so. Those services may be sympathetic to begin with but as the year wears on—we have no idea how long the crisis will last—they may become considerably less so under pressure to collect their revenues.

The same consideration applies to the banks. The Government should publish the criteria which demonstrate to the public the sympathetic line that the banks are taking with regard to extended credit and large loans, or small loans on small businesses. We have rightly encouraged businesses to diversify and expand. Those in the forefront of innovation and effort are the worst hit. They have increased borrowing to expand and diversify but their incomes have fallen. I ask the Government to give a true picture of what is happening with regard to the banks.

It is not enough for the Benefits Agency to say that it will provide quick assessments for applicants for jobseekers' allowance who are now out of work. As the latest Countryside Agency report demonstrates, in rural areas many casual and part-time workers are now out of work. We need to know the figures month by month and the way the Benefits Agency deals with them.

We welcome the Government's pledge to match public donations to rural charities. However, while people are grateful for charity money when in need, they want the opportunity to return to work. The Government should consider all the measures debated at length on the rural White Paper, and those produced by the Performance and Innovation Unit in its report on rural economies. They must be speeded up. The rural areas do not want to wait another three years for some of those measures to take effect.

I realise that the Minister is unlikely to comment on unofficial speculation that the Prime Minister will create a department of rural affairs. The Liberal Democrats have been pushing for that for a long time. I am somewhat surprised that the Conservative Benches mention that the rural committee has met only once. That is depressing; but in all their years in

government, the Conservatives never provided any measure for joined-up government in rural areas. That will need to be rectified.

Lord Dixon-Smith: My Lords, perhaps the noble Baroness will concede that it is possible to have joined-up government without establishing a specific committee. That is what joined-up government really means.

Baroness Miller of Chilthorne Domer: My Lords, perhaps the noble Lord will agree, as many in his party now do, that we need a department of rural affairs with its own minister, not simply a committee. I hope that we can look forward to the next government providing that department forthwith.

4.27 p.m.

Lord Whitty: My Lords, I thank both Front Bench spokespeople for their comments.

The noble Lord, Lord Dixon-Smith, asked about the number of applications for relief to Customs and Excise and the tax authorities, and for rate relief and benefits. The figures are not yet in. There is clearly some movement on those fronts but it will be some time before we can make a fuller assessment. It needs to be made clear to everyone who may potentially benefit that such facilities are available and, as the noble Baroness indicated, that the process is in place to ensure that such applications are dealt with rapidly.

The noble Lord referred to the problems for the tourist industry. Indeed, there have been a number of somewhat depressing assertions on the effect on tourism. I believe that the Government have made a major effort to try to turn round, both internationally and domestically, the impression that Britain is closed for tourism. That has clearly had some effect, even over the Easter weekend. But as more footpaths and attractions become open, and as the message becomes clearer, I believe that some of the shortfall in forward bookings will be made up. Nevertheless, I recognise that the smaller, remoter end of the tourist business has been most dramatically affected by the crisis, together with the agricultural sector and those who directly supply that sector.

On the environmental effects, some knowledge has moved on since the Northumberland report with regard to prioritising the disposal of culled beasts. As has been pointed out, no option is risk free. It is a question of effectively managing the system and minimising the risk to human health and the environment. The hierarchy of the Environment Agency's approach is rendering through incineration in purpose-designed and authorised facilities, licensed landfill, on-site burning, and, lastly, burial.

Clearly, in some circumstances all of those options will not be available. It is for those on the ground to decide which disposal sites are appropriate in particular circumstances, taking account of all the expert advice received and, of course, the legal and environmental requirements.

One of the problems of burial on site is the effect on the water table. That is a particular problem in Devon where the water table is high. That is one of the reasons that there is a delay in the disposal of carcasses there.

The noble Lord asked who was in charge of identifying sites. In relation to landfill sites, the Environment Agency has identified suitable sites. We have largely overcome the problems that there were at the beginning. Landfill disposal of carcasses is carried out according to the best practice document agreed between the Environment Agency, MAFF and the Environmental Services Association. It is pursued by all organisations involved in the logistics of disposal of the carcasses, including the welcome help from the Armed Forces. So there is co-ordination there.

The noble Baroness, Lady Miller, referred to the state of the rural economy prior to foot and mouth disease. As I indicated in response to her earlier questions, there clearly were agricultural problems in parts of the rural economy, and particularly those most dependent on some sectors of agriculture. But there are also boom areas in the rural economy, both in terms of the tourist industry and diversification of business within rural areas. We should not be too pessimistic about the ability of the rural economy to come through this crisis. We need to provide businesses, and particularly small businesses, rapidly with some relief. I do not dissent from the conclusion of the noble Baroness that we need to speed up the process of delivering relief. That is being addressed by the Government, including the provision of the legislative backing which will be before your Lordships shortly.

The noble Baroness mentioned specifically the provision of loans, both through the banking system and through the small business loans guarantee scheme. We believe that in the immediate circumstances the loans guarantee scheme extension will provide some welcome relief to smaller businesses. The noble Baroness raised the question of why—the noble Lord, Lord Dixon-Smith, also referred to this matter—this provision refers only to businesses with a rateable value below £9,000. We have to prioritise. The prioritisation is to those small businesses which are most vulnerable and where rates constitute a high proportion of their total outgoings. We have therefore prioritised on that matter.

There is no implication that the Government can stave off entirely the effects of foot and mouth disease on rural businesses and communities. We are providing relief, deferral and assistance in a number of different ways. But the Government are not able to provide a system, and should not be in the position of being an insurer of last resort and of providing replacement income to the rural economy.

Finally, in response to the point about the department dealing with rural affairs, at this point I usually get a harsh note from the Box saying that this is a matter for the Prime Minister; and, indeed, it is. But as the noble Lord, Lord Dixon-Smith, said, "Nothing is that simple". He covered the tax authorities, the Inland Revenue, the Department of

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Social Security, the DTI, my own department and the Ministry of Agriculture, Fisheries and Food. All departments have an interest in this issue, as does the nation as a whole. Whatever the structure of machinery of government, it is everyone's problem. It is not just a rural problem and not just a problem for the department dealing with rural affairs, but one which affects the economy as a whole. The Government are giving the matter priority. The Rural Task Force is addressing this issue with vigour. I hope that is recognised around the House.

4.35 p.m.

The Earl of Onslow: My Lords, can the Minister comment on the fact that this business would all be over had the recommendations of the Northumberland committee on ring vaccination taken place? The vaccination has increased in power, in effectiveness and has been used in Korea, in the Maghrib, in Macedonia, in Albania and in Tai Wan with enormous effect. The Minister says that the Government are not an insurer of last resort. However, if by the Government's own incompetent actions the outbreak has lasted longer than it should have, which according to most of the scientific evidence it undoubtedly has, then surely they are liable for the damage done?

Furthermore, why are they trumpeting £200 million worth of relief for the countryside when the damage is estimated at between £12,000 to £20,000 million? That is a factor of 1 per cent relief. I hope that the Government take that matter dearly to heart and listen to what I have said. I may be in a minority of one, even on my own side, on the issue of vaccination. At least I was proposing that to the Ministry of Countryside Affairs when the noble Lord, Lord Belstead, was Leader of the House.

Lord Whitty: My Lords, I always welcome the noble Earl's consistency in these matters, even if he is in a minority of close to one on the issue of vaccination. My recollection is that in previous debates when my noble friend Lady Hayman has dealt with the matter, the burden of advice from the Opposition Benches was definitely against vaccination, as indeed has been the burden of advice throughout from the National Farmers Union and from most scientific and veterinary sources.

Vaccination has always been an option, but as a supplement and not as an alternative to culling. In relation to cattle in certain circumstances it is an option. It is not judged to be the appropriate response in terms of the advocacy of firebreak vaccination and it would be impractical in dealing with sheep. In certain areas vaccination could have taken place as a supplement but it would not have avoided either the spread of the disease or the number of cattle and sheep that have had to be destroyed; nor would it have speeded up the process of eradication of the disease.

Baroness Mallalieu: My Lords, I apologise to the Minister because some of what I shall say relates perhaps more to his colleagues in the Ministry of Agriculture Fisheries and Food. Does the noble Lord appreciate that what was despair in the countryside is, through frustration, rapidly turning to serious anger against not just the Department of the Environment, Transport and the Regions and the Environment Agency but also MAFF? The anger is directed in two ways: first, so far as concerns some of the agricultural aspects to which he has just referred, the way in which carcasses are not being dealt with and are being left on farms for up to three weeks; and, secondly, the mass and unnecessary slaughter of many animals which are not dangerous contacts but simply happen to be at the far end of a farm which may have as little as a one-field boundary with an outbreak of the disease.

There is the slaughter of animals where the authorities have no way of dealing with the carcasses after they have been culled. That is causing an environment in some areas which is, frankly, unfit for people to live in. That is according to advice from the Environment Agency. While people have every sympathy with the difficulties of balancing the competing claims of burial and burning and transporting, particularly diseased carcasses sometimes through uninfected areas, patience has now worn to a point where people are about to break the law and take matters into their own hands. Friends of mine who have lost cattle have produced their own machines and have their own dry fields on their farms. They have offered to bury their animals but have been told that they will be prosecuted if they do so. The animals are still lying there now, 10 days later.

I turn now to matters that are my noble friend's direct province. Relief from payments that a business cannot make is no help. Many small shops, pubs, hotels and guest houses have faced this crisis with no "rainy day" money. They are dismayed that money that has been given to the rural development agencies to help small businesses is being earmarked for more reports, more studies, more focus groups and more plans when what is needed is direct help to essential local services to keep them going. Can my noble friend give us some hope that money that is given to the regional development agencies may also in certain circumstances be used to give direct help to essential local services so that when tourists return to these areas, which I am sure they will within, I hope, a matter of weeks rather than months, there is something for them to find in terms of places to stay, places to eat and drink, and places to buy things? Unless that money, or some money, goes to those businesses now, they will not be there and the regeneration of the rural economy will be made virtually impossible.

Lord Whitty: My Lords, with regard to the first part of what my noble friend said, I recognise that there is a significant degree of frustration in parts of the countryside. However, I hope that her remarks about people taking the law into their own hands—there were murmurs of what I took to be approval for those remarks—do not reflect the view of the House. Everyone wants to achieve as rapid a solution to these problems as possible. That means the slaughtering of

the animals as rapidly as possible. That has taken place. In some cases there was then a delay in the disposal of the carcasses. The authorities are now virtually on top of that problem in the vast bulk of the countryside. As was reported yesterday, in Cumbria there is a delay of only one day in the disposal of carcasses. There is a continuing problem in Devon because of the lack of appropriate sites in terms of the water table level. The biggest problem remains in Devon. However, both in terms of the speed with which animals are slaughtered and the speed with which they are disposed of, we have got over the worst of the problem in the bulk of the country.

My noble friend asked about relief. We believe that the best way of providing relief is to avoid the immediate pressures on those businesses. The Rural Task Force is looking at ways in which we can provide more sustained support for rural businesses as we come out of the crisis. That will include consideration of direct help in particular circumstances, both via agencies such as the RDAs and other bodies. But there is no way in which the Government can guarantee that they will restore or even make a significant contribution to the income that is lost across the range of rural industries as a result of the crisis. That is not the Government's role. The Government's role must be to try to sustain in the best way possible a revival of the rural economy once the crisis is over. However, in order for us to reach that point, our main attention has to be on the eradication of the disease itself. Resources, money and administrative effort are primarily directed to that end.

Baroness Masham of Ilton: My Lords, the Yorkshire Dales are now in the grip of this terrible situation. Healthy animals on farms adjoining infected farms are being destroyed. Those infected farms are not set out on the Internet. Does the Minister agree that the problem of this terrible slaughter is far greater than many people realise? Throughout the country there is a growing revulsion at the killings and it is affecting tourism. What can be done about that?

Lord Whitty: My Lords, there may be revulsion at the killings, but it is our strong advice and view that without the culling process we will not stop the disease affecting yet more areas of the country. It is already clear that the spread of the disease has been rapidly slowed down as a result of the culling process. I appreciate that there have been particular problems and that there has been a negative reaction on the part of some of the public. But not to have engaged in this process would have been the height of irresponsibility.

Viscount Bledisloe: My Lords, does the noble Lord realise that many other people will share the view expressed by the noble Baroness, Lady Miller, that the complacent reiteration of the phrase "return to normality" is deeply depressing? Does the noble Lord really think that it is any good for the rural economy to return to the *status quo* immediately before the outbreak of the disease? Does he not also recognise that many people will have been deeply puzzled by his statement, in answer to the noble Baroness, Lady Miller, that only some parts of the rural economy are suffering from the ill-effects on agriculture? Does he not recognise that without agriculture there will be no rural economy as tourists will not visit countryside that is desolate because the farms just cannot operate?

Lord Whitty: My Lords, I accept only in part what the noble Viscount has said. Clearly, there is a major role for agriculture in sustaining the attractiveness of rural areas in general. However, only a minority—a very small minority—of employment in rural areas is provided by agriculture and only a relatively small proportion of GDP is provided by agriculture. In addition to that, the supply industries and many others have a relationship with the health and prosperity of agriculture and they have indeed suffered. In many parts of the country that was palpable as a problem prior to foot and mouth striking and making the situation much worse. But there were also areas where there was great hope for the rural economy, both in terms of its tourist attractions and in terms of the way in which farming and other traditional industries were diversifying across the rural scene and providing jobs and new prosperity for our rural areas. That has to be recognised. The enhancement of that as well as the revival of agriculture will be an important part of bringing the rural economy back to normality. When I use that phrase I am not saying that normality is likely to be restored within a matter of months; it may take some considerable time. Nevertheless, all sectors, not simply agriculture, will have a part to play in that.

Lord Monro of Langholm: My Lords, is the Minister aware of the statements made by the Chief Scientific Officer and by Ministers that we are almost over the hump? That is far from true. The situation in the countryside is absolutely desperate, as was implied earlier by the noble Baroness, Lady Miller. Sheep are being slaughtered in enormous numbers. There is not a sheep alive within 50 miles of me. They have all been slaughtered. That was the right policy but it was started far too late. If it had not been for the Army, God knows where we would now be. It is high time that the Government stopped tinkering with this matter and really began to understand the kind of money that is required. My local authority reckons that it has already spent £90 million on trying to help. Will the Government provide such sums to local authorities in Cumbria, Devon and the Midlands and to Dumfries and Galloway through the Scottish Executive? I do not think that the Government have any idea of what the situation is like in the countryside at the present time.

Lord Whitty: My Lords, I think that the Government are well aware not only of the devastation caused by this disease, but also of the significant expenditure of resources being made by public authorities, as well as the impact on the private sector. Clearly, the Government will need to look at the position of those local authorities which have been most susceptible to the pressures referred to by the noble Lord. I believe that the response of the

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Government has not been too slow, as the noble Lord has suggested, but that decisive action has been taken at appropriate points and that the spread of the disease has been slowed down very effectively and, it is hoped, will now be stopped. In achieving that, not only have we had the support of the majority of farmers, but also the close involvement of public authorities, expert advisers and, indeed, the important contribution made by the Armed Forces in delivering the programme.

We recognise that we need to keep farmers and rural communities with us and that the effort to explain why these steps have to be taken, and thus involve people in the process, has formed an important part of our policy. For that reason, it is important that we do not exaggerate the degree of frustration with or level of attack on government authorities that has taken place. By and large, a level of understanding has been demonstrated, along with a high degree of co-operation between public authorities and local communities.

Lord Lea of Crondall: My Lords, although one would not expect Thatcherite principles of market economy to be applied to agriculture which has always been a special case, is it not remarkable nevertheless that many of the voices so raised around the House now depart so far from those principles to say that this industry should be supported in every way possible in order that everyone's income is maintained?

Noble Lords: Oh!

Lord Lea of Crondall: My Lords, perhaps I may put the question. I do not need to go through the entire list of industries in this country which have suffered great problems of closure and loss of income. I would say that, over the years, this has not generally been the position as regards agriculture, given the £3.5 billion a year coming from the CAP, and the £1.5 billion from import levies, along with many other forms of support that might be called "market externalities". When this crisis is over, a review of the future of agriculture and the countryside should be conducted.

Does my noble friend agree that we should recognise that the Government, in their Statement today and in other Statements, are maintaining a high degree of market intervention? Does he further agree that frustration has been expressed in part over the culling policy, but that that policy is now proving successful—*The Times* publishes a chart each day showing the reduction in the number of new cases in relation to the epidemiological forecast?

Lord Whitty: My Lords, I certainly agree with the last point made by my noble friend. I have made the same point twice in the course of my remarks; namely, that the spread of the disease has now been restricted. Provided that that continues, we can look forward to the time when this disease will have been beaten.

As regards my noble friend's earlier points, it is true that the agricultural sector has received substantial support over the years and that other industries which have been faced with structural change and other pressures—including rural industries such as coal mining—regrettably did not receive the same degree of support. Nevertheless we all recognise that agriculture is a special case. It is important to understand that farmers are being compensated not for their loss of income but for their loss of assets in relation to the beasts that have had to be culled. That distinction must be drawn between agriculture and the rest of industry.

The Countess of Mar: My Lords, I am glad that the noble Lord has made the position clear as regards the position of farmers and their incomes. Speaking as a farmer's wife, all we seek is a fair price for the products that we produce. Whichever way that is met, that is all that is necessary.

Will the noble Lord answer the question put to him by the noble Lord, Lord Dixon-Smith, regarding who is responsible for selecting the sites for the funeral pyres and the burial of animals? The Minister said that his department was responsible for the landfill sites, but he has not said who is responsible for the other sites. We have seen horrendous sights: bonfires; dismemberments; half-burnt animals swinging in the air on the end of cranes; and animals being disinterred from burial sites. These events have taken place because of the incorrect selection of sites. How many more times will this happen?

Lord Whitty: My Lords, I indicated earlier in my remarks that certain sites may have been wrongly identified. Furthermore, the Environment Agency and other bodies have to ensure that the environmental impact resulting from the use of such sites at the levels originally proposed does not have undesirable effects on water quality or air quality either immediately or in the medium term. For that reason, some restrictions have been imposed on the use of such sites. We are confident that we have now identified sites which are appropriate, both for landfill and for mass burning. We shall use those sites, not necessarily as intensively as might originally have been thought, but in a manner that will not generate public health problems or have long-term effects on drinking water standards.

Armed Forces Bill

Second Reading debate resumed.

4.57 p.m.

Lord Craig of Radley: My Lords, the quinquennial review of the service Acts is an important reminder that the Armed Forces have a unique statutory position in this country and in society. I do not need to spell out in your Lordships' House why that should be, or that, so far as the Army is concerned, it goes back to the Bill of Rights 1688.

It is of course important that the service Acts are reviewed and kept in line with developments in the criminal law as they affect the rest of our society. Traditionally, this has led to amendments to these Acts tracking other legislation, but at a respectable

distance, as it were, from the dates of enactment. Apart from the delays imposed by the legislative timetable, it seemed to be sensible—indeed, prudent so far as the armed services were concerned—to see how the new legislation was developing in its application, and a framework of caselaw had evolved. Given an interval of a few years, it would then be time to incorporate those aspects of the legislation into the service Acts which were valuable and important to the armed services themselves.

Thus it has been possible for Parliament to ensure that the services' unique disciplinary status was in tune with contemporary trends in the law, without endangering the vitally important aspects of trust and respect within the services, up and down the chain of command, for their disciplinary practices. In places, the Bill before us today demonstrates that traditionally cautious approach. Only now, many years after their enactment, are we seeing provisions and amendments from the Police and Criminal Evidence Act 1984, the Prosecution of Offences Act 1985 and the Sexual Offences (Amendment) Act 1992 being adapted and incorporated into the service discipline Acts. Detailed drafting apart, I think that steps such as these are to be welcomed.

For all those reasons, I question whether it is right to include Clause 33, which provides a general order-making power to enable the Secretary of State to introduce modifications into the service discipline Acts at any time, incorporating very recent changes in criminal legislation. In other ways, too, the approach in the Bill before us goes much further than has been traditional. In Part 2, dealing with powers of entry, search and seizure, the helpful Explanatory Notes prepared by the Ministry of Defence state that it is "desirable", but not essential, that the so-called "inherent powers" of a commanding officer should be clarified and put on to a statutory footing.

The reasoning seems to be that this will help to avoid the risk of a successful challenge to searches instigated by a commanding officer being made under the European Convention on Human Rights. Is that a risk to be avoided at all costs—or, at least, to attempt to avoid it at a disproportionate cost in terms of the diminution of the authority of a commanding officer and of the complexities of the alternative arrangements which are spelt out in Clauses 2 to 16?

Even allowing for the steps being taken to harmonise with the Police and Criminal Evidence Act 1984, the complexities are legion. We have pages to define the reasonable grounds for belief that a search should be authorised by a judicial officer; more pages to detail the rules for the reasonable grounds for a service policeman to search a vehicle, as long as the said vehicle is not,

"in a garden or yard occupied with and used for the purposes of a dwelling or of any service living accommodation falling within section 15(1)(a), or on other land so occupied and used".

The "dwelling" I have mentioned,

"does not include any dwelling which is permanently or temporarily occupied or controlled by any of Her Majesty's forces".

On the other hand, "premises", according to Clause 16, includes any place and, in particular, includes—

"(a) any vehicle, vessel, aircraft or hovercraft, and

"(b) any tent or movable structure"—

but not, according to Clause 15, service living accommodation if, or to the extent that, the premises are being used for holding persons in custody or for the accommodation of persons serving sentences of detention or imprisonment. Am I alone in feeling sorry for the service policeman as he attempts to comprehend his freedom of action in discharging his duties?

The Explanatory Notes state that Clause 16(7),

"is designed to avoid any doubt about the effect of sections 2-15"—

but it only heaps complexity on to complexity. Surely that is something to be avoided in the disciplinary provisions for the Armed Forces. I think that I should have the greatest difficulty in passing any promotion examination today in Air Force law based on this Bill.

The Bill's draftsmen have tried to square a very difficult circle. Perhaps recognising that real life will not stand still, they have incorporated a let-out clause for the commanding officer. Clause 7 empowers him to authorise entry and search when he believes that the other methods outlined in the Bill are not going to be timely. The Bill then throws a fig leaf to the human rights lobby with provision for retrospective review by a judicial officer. If he approves the action of the CO, all well and good; but the Bill is silent on what happens in the event that the judicial officer is not satisfied. Both he and the CO will have had to arrive at a very subjective judgment. The latter, the CO's, will be made under the pressure of events; the former will be made in a much calmer atmosphere and the judicial officer will have the benefit of hindsight on which to reach his judgment. The CO will have a wealth of personal knowledge of the probity and character of those he commands; the judicial officer will have none of that background information on which to base his own judgment.

Am I being unfair to the judicial officer? If he is a judge advocate, or one of a number of senior practising UK lawyers who know the Armed Forces well, maybe I am. But tucked away in paragraphs 35 and 36 of Part 1 of Schedule 7 to the Bill are amendments to the service Acts specifying the qualifications for appointment as a judicial officer. The appointment may be made if he or she holds,

"a relevant judicial appointment in any Commonwealth country or colony and has professional or educational"—

note "educational"—

"qualifications in law which appear to the Judge Advocate General to be appropriate".

Eminent these individuals may be in the practice—or maybe only in the theory—of the law, but the Bill leaves it to the Secretary of State, in Clause 8, to make orders governing the powers and duties of all judicial officers. If they are now to play such a prominent part in the application of service discipline, should not their powers—or at least a clear outline of them—and their duties be on the face of the Bill?

[LORD CRAIG OF RADLEY]

What happens if a judicial officer disagrees with the CO's actions? What redress can the CO seek if he is dissatisfied with the judicial officer's review? Indeed, do these non-UK-based judicial officers have to take any form of oath of allegiance to the Crown?

This is another example of the MoD, with the best of motives so far as concerns the Human Rights Act, once more putting commanding officers through the hoop and yet further debasing their authority. We have seen it in relation to summary punishments; we have seen concerns raised by commanding officers about the way in which the International Criminal Court Bill may affect operational judgments and decisions in the heat of battle.

My question, therefore, to the Minister is: do we have to put our services through all of this? When the Human Rights Bill was in committee in February 1998, in answer to concerns which I and other noble Lords had raised about the impact of the Bill on the Armed Forces, the noble and learned Lord the Lord Chancellor said:

"I urge your Lordships to be of the view that the convention is a flexible instrument. It poses no threat to the effectiveness of the Armed Forces".—[*Official Report*, 5/2/98; col. 768.]

If the Bill is accepted in its present form, it makes a travesty of that assurance from the noble and learned Lord.

Would it not be more sensible to follow the more traditional approach and to see how new laws are shaping in the civilian world before we press forward with them in the Armed Forces? We have had very little case law for the Human Rights Act or how the Crown Courts will deal with cases brought by service personnel. I would trade the risk of an occasional successful finding against the Armed Forces under the human rights convention for retention of the inherent powers of the commanding officer, which have long been understood and accepted in the forces themselves.

We are, after all, dealing with volunteer servicemen and women, not a conscript army. I think that the approach in the Bill on this matter is misjudged. Indeed, if the noble and learned Lord the Lord Chancellor is right and I am wrong, the services have no need to act in fear of the human rights legislation at all. Do we really have to rush our fences to incorporate all these provisions before there has been time and opportunity to assess how the Human Rights Act is affecting the services in practice?

5.7 p.m.

Lord Monro of Langholm: My Lords, Perhaps I may first say to the noble and gallant Lord, Lord Craig, how valuable it has been to have displayed today his experience of how an average serviceman will view this legislation. Indeed, I add my congratulations to the noble and gallant Lord, Lord Inge, on the award of the Order of the Garter.

My noble friend Lord Burnham put the political case very well in his speech. I agree with him in regard to Clause 31, which seems to be the main contentious part of the Bill.

Before I go into the Bill—I intend to speak very briefly—I should say to the noble Baroness how much I appreciate what the Army has done over the past six or seven weeks in helping with the foot and mouth outbreak. In my part of the world, Dumfries and Galloway, 52nd Lowland Brigade from Edinburgh has carried out splendid work through the Highlanders and the Gurkhas. Most importantly, they have brought with them an understanding of what had to be done, which has cheered up a demoralised community very extensively. The leadership given by the soldiers has been of tremendous benefit. When my farm lost all its sheep a week ago, the sympathetic approach of the Gurkhas who came to assist could not have been more helpful.

The least that one can say is that, on the whole, the discipline of the services is first class and quite excellent. I am not sure that the Bill makes the law any easier for any servicemen to understand. It adds complication. The poor old Jock in his quarters is thinking, "Well, there's human rights, rules of engagement, orders on Northern Ireland and judicial reviews; am I under the orders of the MoD, NATO, the United Nations or the European army?". This is turning servicemen into barrack room lawyers. I do not suppose that anyone in the services would understand the content of the Bill if it were placed before them today. The noble Baroness and her team should attempt to do all they can to simplify some of the aspects of the Bill. It is desperately complicated.

As a junior officer during the war, I was horrified if I was ever involved in a legal case of discipline or a court martial and was told to do a summary of evidence. It took hours, even days, of work. It took one away from what one was supposed to be doing; namely, helping to win the war. That is the kind of problem that will face officers of all ranks when they attempt to fulfil the terms of the legislation that we are considering.

There are few points that I should like to put to the Minister relating to the service discipline Acts. Matters were greatly helped by the Reserve Forces Act, which brought greater flexibility to our Reserve Forces. The Minister knows how well the Royal Auxiliary Air Force campaigned in the Gulf with our medical air evacuation squadron and the movements squadron that was based in this country. During the Gulf War, the Royal Air Force was stretched to the limit in the United Kingdom servicing aircraft for use in the Middle East. In the Royal Auxiliary Air Force—at which time I was an inspector general—we were very keen to take over the guard duties and other work that members of the Royal Air Force had to do on bases in this country. But that was not possible: it was quite wrong for a reservist to carry live ammunition, and he could not be on guard duty at a gate without carrying ammunition. That kind of problem has been resolved by the Reserve Forces Act. There is no reason why a reservist should not be able to do that kind of work in order to relieve our front line forces who may be serving in the Balkans, the Middle East or elsewhere.

I also want to ask the Minister where matters stand in relation to the RAF police. A year or two ago it seemed to me that there were moves for full-time

reservists becoming RAF policemen. That may or may not be a good idea; however, I should like to know whether the Bill will cover all aspects of the duties of full-time reservists if they are appointed as RAF policemen.

I should like to raise a further matter which is not specifically contained in the Bill but which comes under the heading of discipline, which is what the Bill is all about. I refer to an issue that has been referred to frequently in the press over the years; namely, having women in the front line.

I have the highest regard for the attributes of our servicewomen. They fly fast jets, work with the artillery and are on active service on warships. That is absolutely right. I am glad that they are able to do so, and to do the job so efficiently. However, the Secretary of State for Defence said last October that women are just as likely to be in a position to kill people as men are. That is not really the point. I accept that because they fly aircraft and work with the artillery and so on, they will be doing just that if required to do so. The worry that one has about women being literally in the front line is the fear of the physical difficulty of carrying weights over the distances that a serviceman must cover these days. Could women really have been expected to carry haversacks and weapons over the mountains of the Falklands in such difficult weather and land conditions?

There has to be a balance. Yes, in positions where women can use their skills effectively, they should be allowed to anything that men can do when fighting a war. But where the physical position is impossible, they must accept that they will have to stand back. That is the difference: those who want women to do everything are asking them to do the impossible.

In our regiment squadron in the Royal Auxiliary Air Force, women were trained to an equal standard of efficiency with the men. We were defending aerodromes; therefore, we were not carrying heavy weights and rushing around on our feet for miles and miles. We were in a defensive position. The women were as effective as the men—indeed, some in the squadron were far better shots than some of the men. There is a careful balance to be drawn. I hope that in its thinking the Ministry of Defence will try to draw that distinction in arriving at some future conclusion.

I shall watch the Bill's progress with interest. I do not know how the time will work out, bearing in mind the number of amendments that are likely to be tabled. By and large, one shares the feeling of the noble Lord, Lord Burnham, that we should give the Bill a Second Reading and take the next stage as it comes.

5.16 p.m.

Lord Inge: My Lords, first, perhaps I may thank those noble Lords who have congratulated me on being made a Knight of the Garter. I have not quite recovered from the shock of receiving such an honour.

I welcome a number of the changes proposed in the Bill. Indeed, much of it is uncontroversial. I thank the Minister for the trouble that her office has taken to make sure that we were briefed about the meaning and consequences of the Bill. Much of it is positive. Making warrant officers eligible to sit on courts martial is a good step. I hope that it will not be too long before they can sit on the summary courts of appeal. I shall not, however, tell the Minister what my first company sergeant-major said to me when I was a second lieutenant and sat on a court martial under instruction. His advice was quite clear. I shall tell the noble Baroness after this debate.

I also think it good that people who are not subject to the service discipline Acts who are summoned to attend at courts martials can in future commit an offence. That is important. The introduction of powers to test for alcohol in incidents that may result or risk resulting in death, serious injury or damage is also important. It is good that the service courts will have powers to make orders relating to costs against parties or their legal representatives whose actions or omissions have resulted in another party incurring unnecessary considerable expenditure.

I have one major concern and one major question. My major concern is the one that has been expressed so eloquently by my noble and gallant friend Lord Craig. The Minister for the Armed Forces in another place, Mr Spellar, made two comments. He said that he wants to bring service police powers of search and investigation more into line with PACE. The point is dealt with in Clauses 2 to 16. But he said also that he wanted to check that military law meets the currents needs of the services. In other words, are they being made more effective by the changes in the law? I find a contradiction in the two statements. The changes to the powers of entry, search and seizure that are being introduced meet not the needs of the services but the needs of the European Convention on Human Rights.

When your Lordships discussed the changes to summary dealing, a number of speakers made the point about the increased bureaucracy that the new arrangements for summary dealing would bring about. Secondly, it was pointed out that they were eating away in a substantial way at the authority and effectiveness of the commanding officer and his command team.

One of the reasons for our Armed Forces being so good is that that critical level of command is invested with considerable power; but the commanding officers exercise that power extremely well, and with great care and caution. I believe that we eat away at that power, that effectiveness and that authority at our peril. I am well aware that in the Ministry of Defence the military lawyers, and others, believe that they have protected summary dealing; indeed, they have done so. However, I believe that that has been at the expense of the effectiveness of the commanding officer. There are also other changes. We are talking about the powers being given to the service police. The fact that the commanding officer must now, if he can, refer to a judicial officer will further eat away at that power. It will certainly become more bureaucratic; it will certainly become less responsive; and, as I said, it will weaken the authority of the commanding officer.

[LORD INGE]

By and large, I believe that noble Lords have an understanding of what it means to be a commanding officer of our Armed Forces. I say that because it is worth reminding ourselves that they are in a totally different position, in my judgment, from anyone else. They are asking the people who work for them—and, therefore, for the nation—to put their lives at risk. Unlike many parts of civilian life, the group is fundamentally more important than the individual. Therefore, the commanding officer is concerned about his people 24 hours a day, 365 days a year. Anything that we do to undermine that responsibility and thereby take away his ability to care for, train, look after and lead his command must, I believe, be a mistake. I am concerned that our Armed Forces, unlike the French armed forces, do not have the opt-out clause, or have not been allowed to opt out of the European Convention on Human Rights.

My second point is a question: why has it been thought necessary to give the Secretary of State the general order- making power to amend the service discipline Acts, if need be? I ask that question because I am suspicious. We are talking about the investigation of offences and the powers of arrest and detention. Are we saying that we have to keep up to date with future civilian justice legislation, or do we think that the European Convention on Human Rights—this is where my alarm bells ring—is what I would call a "fast- moving legal target", with which it will be difficult to keep up? If that is the case, are we also saying that the five-yearly review of the Armed Forces Bill is too long to keep in step? If that is so, it seems to me that we are in danger of opening a Pandora's box when we are not yet sure of the possible consequences.

5.22 p.m.

Lord Freeman: My Lords, perhaps I may add what I suppose is almost an *ex post* congratulation to the noble and gallant Lord on the award of the Garter. He will now be able to look up at his banner. But also, as he leaves the House of Lords each day, he will have the almost unique benefit of seeing his own Coat of Arms on the Staircase leading from this House. The honour is richly deserved. All the noble and gallant Lord's friends, and those who worked with him over many years, congratulate him.

Noble Lords: Hear, hear!

Lord Freeman: My Lords, I should like to associate myself very much with the remarks made not only by the noble and gallant Lord who has just spoken but also with those made by the noble and gallant Lord, Lord Craig, especially concerning the possible increasingly invidious position in which commanding officers are likely to be put if the Bill becomes law. I should tell the Minister that I believe that that is a reason for us to pause for reflection on this extremely important point. It is not a mechanistic point, nor a legal point; it is a point of real substance. The two noble and gallant Lords who have spoken from the Cross Benches have enormous experience as commanding officers. I should like to add my modest support for what they have said.

I declare an interest as president of the United Kingdom Council of the Reserve Forces Cadets' Association. The Bill also covers the reserve forces. It is interesting to note that the Armed Forces discipline Acts cover reserve officers at all times, but that they only cover other ranks when they are on duty—an anomaly that I have never properly understood. Doubtless the Minister will be able to enlighten us further in that respect. Of course, as and when the reserve forces are called up in formed units, as I expect they will be, I very much hope to serve in the future. Certainly in peacekeeping roles, both officers and other ranks will be equally bound by the discipline Acts.

Before I turn to my brief contribution to the debate, perhaps I may share the sentiments expressed by my noble friend Lord Monro about the work of the regular and reserve forces in dealing with the foot and mouth outbreak. I was in the north of England last Friday and talked to both regular and reserve force officers, as well as to other ranks. I am sure that I speak for the whole House when I commend their expertise and efforts in dealing with this horrendous problem. If I may say so, the skill that they bring is not noticeably and consistently present in Whitehall departments. I mean no criticism of them, including MAFF. The Armed Forces bring command and control capabilities that are totally absent from our domestic Whitehall departments. I am sure that many noble Lords will agree with me when I say that, with the benefit of hindsight, the Armed Forces should have been brought in sooner. If we ever suffer such a crisis again, I hope that they will be brought in at a much earlier stage.

I have long been concerned about the rules applied by the Treasury in terms of payment to the forces for the use of equipment. That situation occurred again during the outbreak of foot and mouth. Treasury rules normally require full cost payment for the use of equipment, such as helicopters, transport and aircraft. It is high time that we moved to a system of marginal direct cost charging at the event, which would allow the Treasury to review the following year the total costs of dealing with an emergency and to consider a fair allocation of costs. It cannot be right, as it appears to have been during the recent outbreak of foot and mouth, for there to be any doubt in the minds of commanding officers about the need for—or the willingness of—the Ministry of Defence to provide equipment for the civil forces.

I turn to my three brief points for the Minister. First, there is the need for a tri-service discipline Bill. I think that my noble friend Lord Attlee will probably be dealing with this matter in his speech, but I know that most of us believe that such a Bill is to be commended, at least in principle, because it will bring some form of consistency; and certainly efficiency in the use of parliamentary time. My concern is as expressed by the recently-retired Chief of the Defence Staff; namely, that if you have one Bill, you may perhaps lose some

provisions that apply uniquely to one of the four other services. But, however the matter is resolved, I believe that we must press ahead quickly. I ask that the Ministry of Defence treats this as a matter of priority and that it produces a Bill with the aid of parliamentary counsel at an early stage—certainly not at the end of the next Parliament—for wider consultation with the Armed Forces.

Secondly, I should like to commend to your Lordships the use in the House of Commons of the Select Committee system to examine a Bill between Second Reading and the Committee stage. That process occurred during the consideration of the Bill now before us. Perhaps when we come to deal with the next Bill—certainly the tri-service discipline Bill, as far as concerns the Armed Forces—it may be possible, although it raises a constitutional point, to have a joint Select Committee of both Houses so as to enable us to benefit from the expertise available in both places. We are denied the opportunity of prolonged consideration and the taking of evidence from experts on the Bill from which Members of the other place have already benefited. I hope that sufficient time will be allowed by the next government for the tri-service discipline Bill to be properly considered by such a Select Committee. We are not talking about a matter of weeks; we are talking about several months.

My final point relates to Clause 31, with which my noble friend Lord Burnham dealt so robustly and correctly. I do not want to pre-empt what my noble friend Lord Onslow might say, although I should point out that his firm views have already preceded his speech. In my judgment, the principles of Clause 31 are correct. However, I have two concerns in addition to those expressed by the noble Lord, Lord Burnham, which I am sure will be reflected in many amendments which your Lordships will discuss at great length.

First, when a request for assistance is made by local police to the Ministry of Defence Police, who is to set guidelines and priorities? For example, in the case of a national demonstration—as we had in the mid-1980s over the use of Cruise missiles—there may be demonstrations well away from MoD bases but also at those bases. Who is to decide how the scarce resources of the Ministry of Defence Police are to be allocated? Who is to say yes or no to a request from a local constabulary? At the very least guidelines need to be drawn up. It may be difficult to put them in the Bill but they need to be drawn up and published.

Secondly, I refer to the right of individual Ministry of Defence policemen to act in emergencies. Who is to define such an emergency? I have read carefully the Bill and the guidance helpfully prepared by the Ministry of Defence, but I do not think that that matter is made clear enough. We must surely clearly discourage Ministry of Defence policemen from pursuing their own views with regard to dealing with problems reported either in newspapers or on the radio or, indeed, by their own colleagues. Will they divert from a trip between two bases in order to deal with possible assaults and threats to the person? I suggest that, as in the case of the cards issued to infantrymen on the rules of engagement, at the very least clear instructions ought to be issued as to what policemen should or should not be able to do, if the relevant clause is to be passed. Other than that I commend the Bill and I hope that it will receive an unopposed Second Reading.

Lord Renton: My Lords, before my noble friend sits down, I thought that he made a very important point when he said that there should be a Joint Select Committee of both Houses to deal with defence matters in the next Parliament. Does he agree that that has become much more necessary because of the amount of expertise in your Lordships' House and the lack of expertise in another place?

Lord Freeman: My Lords, I am not sure that I associate myself with the latter part of those comments. There is a good deal of expertise in both Houses but it should be combined.

5.32 p.m.

Lord Kimball: My Lords, I start by congratulating the noble and gallant Lord, Lord Inge, on his membership of the noble Order of the Garter. I believe that his description of the duties of a commanding officer impressed every Member of this House. No wonder he got to the top of his profession!

I am concerned about one particular aspect of the Bill: the position of the MoD Police—a police force that has been built up without any proper local authority control and is entirely the responsibility of the Secretary of State for Defence. As I understand the Explanatory Notes to the Bill, the Ministry of Defence may take powers to act without a request for assistance from the Home Department or from a police officer. Those powers are far too wide-reaching.

It is terribly important for everyone in this country to realise that even chief officers of police are subject to the vigilance of police committees. Every year people are elected to those committees which constitute a good safeguard. I cannot imagine that the chief metropolitan commissioner of Northumberland would try to cancel the livelihood and liberties march unless he believed that it would cause disorder or seriously endanger people. I also worry about some chief constables with degrees in sociology. I hope that that does not make them politically corrupt. They are, after all, accountable to their local police committees. I hope that as the members of those committees are elected, they will keep them under firm control.

Let us consider for a moment what happened with the fuel crisis. The Government wanted a force that could break heads and enforce their will. To that end they approached the Ministry of Defence Police for help. I am glad to say that they said that they could not help. I hope that the Bill will not give them additional powers. As I understand it, the Ministry of Defence Police cannot arrest someone who commits an offence outside an MoD establishment. The Ministry of Defence Police should deal only with people who commit offences on MoD establishments.

If the Bill becomes law, the Government will be able to build up a paramilitary force to use against people whom they do not like. We ought to be able to say that

[LORD KIMBALL]
that should not happen here. Now is the moment for us to kick up a fuss to make absolutely certain that that does not happen here. After all, the noble Baroness is working against the clock. Unless she removes the whole of Clause 31, the Bill will not be accepted. However, we may be able to reach a compromise on that matter.

5.36 p.m.

The Earl of Onslow: My Lords, I have now observed the most perfect, glorious and juicy irony of my whole life. Nick Cohen is a rabidly Left-wing journalist on the *Observer*. I was deeply influenced by one of his articles. I shall quote from it at considerable length. However, it never crossed my mind at its most imaginative late at night after seven pints of beer that the noble Lord, Lord Kimball, and Nick Cohen would sing from the same hymn sheet. That is the most marvellous advance in the cause of human liberty. The noble Lord, Lord Kimball, is absolutely right: liberty without eternal vigilance will not survive.

I must briefly digress to congratulate the noble and gallant Lord, Lord Inge, on his award of the Garter. It is the only honour which I lust after completely although I know that I shall not get it. I lust after it because when Lord Melbourne was awarded it he said that he liked the Garter as there was no damned merit in it. There was a rather jolly 18th century Peer who was considered totally eccentric as when he was invited out shooting he used to sit at the third drive at Chatsworth, or wherever it was, wearing his Garter ribbon. That is another reason that I lust after that which, as the noble Lord, Lord Burnham, quite correctly said, I will not be awarded. However, my congratulations are sincere even if my comments may have been mildly flippant.

The Government have in many ways introduced some pretty illiberal measures. I refer to the "three strikes and you're out" measure and their banning the innocent from having pistols while the supply to the ungodly has in no way diminished. They have attempted to restrict jury rights and now they have produced Clause 31 of this Bill. It is worth while quoting from Mr Cohen. No one has as yet denied the following point. He states that the Bill proposes that,

"the 3,500 officers in the Ministry of Defence Police ... should be free to search and arrest any citizen, and to break whatever strikes, fuel protests and anti-nuclear demonstrations upset Ministers".

That constitutes a Napoleonic police, as permitted by Clause 31. The article continues—this point was mentioned totally correctly by the noble Lord, Lord Kimball—

"No independent inspectorate investigates complaints. Its officers are not soldiers, but they are armed and trained to deal with obedient squaddies, not the lippy public outside the barracks. At present they can investigate only the alleged crimes of servicemen and women and defence contractors. This sensible precaution is now being dismissed as an absurd anachronism".

I offer many congratulations to the noble Baroness, Lady Symons, on entering the blessed state of holy matrimony. It is to be recommended. My old woman has put up with me for 35 years. I suppose my noble friend Lord Burnham is going to criticise that as well. However, today the noble Baroness has said that if officers driving across Wiltshire Plain saw a man loitering suspiciously near an empty building or holiday cottage, they could arrest him and search him for housebreaking tools. No police force has ever asked for such powers, but the Bill will allow the Ministry of Defence Police to do that.

The Ministry of Defence Police have made some serious errors recently. As Nick Cohen went on to point out:

"It accused Major Milos Stankovic, who served with distinction in Bosnia, of spying, for example. He was born in Rhodesia and brought up in the West Country, but his Serb name was enough to blacken his character. The charges were dropped".

Mr Cohen also said:

"Nigel Wylde, a former lieutenant-colonel who was decorated for bravery in Northern Ireland, was hounded for two years for a supposed breach of the Official Secrets Act. ... He had helped a journalist writing an account of military tactics in Ireland. The book—*The Irish War* by Tony Geraghty—was not banned and remains on sale to this day. The information on the use of electronic surveillance Wylde and Geraghty discussed was in the public domain. As Wylde was not a serving officer, his arrest by MoD police was probably illegal. For all that, the prosecution was only abandoned days before he was due to go to court after a stunned Attorney General called in the papers and ordered the MoD to back off".

There seem to be enough worries about the behaviour of the MoD Police as it is, but there is now a suggestion that they can become a national police force with powers over everybody else without a proper watch committee, however feeble that control may be.

Parliament exists because our forebears decided that James II should not use arbitrary powers for the standing army. We have the quinquennial Acts because William III was not allowed a standing army except when the Mutiny Acts or the Army Act were renewed every year. Having a national police subject only to the control of a Minister without any outside check or balance goes to the core of English and British liberties.

I make jokes occasionally because I think it is fun to do so, but on this issue I am being totally and completely serious. This is tyrannical legislation. I use the word, "completely" advisedly. The provision is not necessary. If it to be enacted, it needs to be done by a full Act of Parliament, with proper discussion at all stages so that we all know exactly what we are doing, not shovelled in by the back door. I sincerely hope that your Lordships will remove Clause 31 from the Bill.

5.43 p.m.

Lord Roper: My Lords, I join others in congratulating the noble and gallant Lord, Lord Inge, on his Garter. Unlike Lord Melbourne's, it was well merited. I also congratulate the Minister on her marriage. In the light of that, I am not sure whether we shall need to move the amendment that we were considering to Part 6 to permit Ministers to be married in military chapels.

It is a pleasure to speak from the Front Bench on the Bill. I regret that I may have fewer opportunities to take part in your Lordships' debates on defence in the future.

As the noble Lord, Lord Burnham, and the noble Earl, Lord Onslow, have made clear, the Bill is of great constitutional importance, because the authority given by the quinquennial Act is precious to the structure between civilians and the military. During this transitional period of the development of new democratic societies in central and eastern Europe, we are spending a great deal of time explaining to them how to develop proper civilian and military relationships. The model and procedures that we have developed are of considerable value.

The Select Committee in another place proposed accelerating the production of the single tri-service Act. The noble Lord, Lord Freeman, pointed out that some specificities of particular services might be lost if we moved too quickly. I believe that there would be gains and that on balance we ought, if possible, to have a tri-service Act before the next quinquennial Bill is due.

Reference has been made to the specificity of military discipline and service. I started my military career not in soft beds, but in a hammock on a mess deck in an aircraft carrier, which was made a little more tolerable by the presence in the same mess of two other present Members of your Lordships' House. We all served as ordinary seamen and we discovered at an early stage that military life was different.

That is one of the problems that we need to consider. The noble Lord, Lord Burnham, referred to political correctness. We need to decide how and in which ways military society and discipline will evolve as other ideas and thoughts change in society. How should we take into account attitudes towards gender balance and diversity that are part of society today? That will cause tension, but in the Bill and in other ways the Government have attempted to strike a balance. There are particular points on that issue to which I shall return.

I strongly agree with what has been said about the advantages of the special procedure of the *ad hoc* Select Committee that operates in the House of Commons. Twenty five years ago, I sat on the Select Committee considering the Armed Forces Bill 1976, under the chairmanship of Richard Crawshaw, who was not only a very good walker, but also a very good chairman. That was a particularly interesting occasion. Serving on that Select Committee is an important education for all who take part. During the debate on the Queen's Speech, my noble friend Lord Wallace and I suggested that this House should consider using the special procedure that is available to us for a Select Committee to consider the Bill. That will not be possible on this occasion, but I agree with the noble Lord, Lord Freeman, that we should return to the issue, doing it either in parallel with the Commons or jointly.

Like the noble and gallant Lord, Lord Inge, I thank the Minister for the briefing that she provided to Members of your Lordships' House earlier this year, when it was possible to raise some of our concerns about the Bill.

We have to deal with some fundamental issues of the basis of military justice in those areas where it does not deal purely with military discipline, but overlaps with issues that are dealt with by the civilian criminal courts for the rest of society. The noble and gallant Lord, Lord Inge, said that certain provisions in the Bill could seriously erode the role of the commanding officer. There is a complicated balance to be struck. Anything that the noble and gallant Lord says on the issue must be taken very seriously. We shall no doubt come back to it in Committee. The noble and gallant Lord has not yet persuaded me of his case, but he has convinced me that there is an issue that we need to discuss.

There are further and wider problems of how far military justice can be seen to be independent and impartial when senior officers sit in judgment and there is no jury. Are those serious restrictions? I believe that we have found—not in this but in other legislation—ways of coping with possible challenges to our system of military justice which could be raised by the European Convention on Human Rights. I do not envisage the risk of a further deterioration in this area, as was suggested by the noble and gallant Lord. However, we may well have to return to some of these points in Committee when we consider the question of the future role of the European Convention on Human Rights.

As has become clear, Part 4 of the Bill, and in particular Section 31, raises the most complicated and difficult problems—those which arise in dealing with the Ministry of Defence Police. This is a very difficult issue; for example, there is the general problem of assistance to the civil powers. Such assistance can, of course, be fully beneficial and appreciated, as has been the case with regard to the work carried out by our services in relation to the current emergencies arising from foot and mouth disease.

Here, we are talking about a specific type of assistance to the civil powers; namely, that given by the Ministry of Defence Police to their colleagues in normal county constabularies. I believe that that raises a range of serious issues. The noble Lord, Lord Burnham, took the view that it would be better if this were dealt with in a separate Bill. That will not happen. He went on to say that at present he was minded to support the clauses concerned, even though some of his noble friends do not appear to share his view on the matter. From these Benches—

Lord Burnham: My Lords, if the noble Lord will forgive me, I said that there was enough in Clause 31 to allow us to support it, but there was also much in it that we would criticise and would want to amend.

Lord Roper: My Lords, I am most grateful to the noble Lord. I was about to come to that very point.

[LORD ROPER]

I read the proceedings of the Select Committee in another place. They provided another useful source of information on these matters in addition to the material which appeared in the Sunday *Observer*. They perhaps set out the issue rather more fully than the interesting article to which the noble Earl referred. Of course, in a number of cases that could be valuable and useful.

However, as raised by the noble Lord, Lord Burnham, in his questions to the Minister, it is extremely important to see precisely what protocols will be developed. I believe that we shall need to consider this clause as it comes out of Committee before we are able to say whether or not we can support it. A number of serious matters must be clarified further along the lines mentioned by a number of noble Lords in this debate.

As has been said, this is a constitutional Bill of some importance. We shall not oppose it tonight, but we hope to have an opportunity to return to it and to deal in particular with the matters to which I have referred.

5.53 p.m.

Earl Attlee: My Lords, I begin by reminding your Lordships that I have an interest as a serving TA officer and, as such, am subject to many of the provisions of the Army Act 1955. Noble Lords should note that the SDAs apply as equally to reserves as they do to regular forces.

My noble friend Lord Burnham was not sure whether he welcomed all the Bill. Of course, what is welcome is that our Armed Forces are under full parliamentary control, and our debate today is part of that process. Many of the provisions described by the Minister are very welcome. That is, of course, the main purpose of the Bill—a routine service, as it were. I am sure, too, that Schedule 7(31) will be welcome to some service families.

The noble Lord, Lord Wallace of Saltaire, said that the Bill had been thoroughly examined in another place. It was certainly examined, but I do not believe that the Select Committee there has the experience of your Lordships, particularly that concentrated on the Cross Benches—a point emphasised by my noble friend Lord Renton.

The noble and gallant Lord, Lord Craig, referred to the difficulties of the commanding officer. He also said that he was sorry for the service policemen. My thoughts turn to the difficulties facing the commanding officers of the future. I am sorry for them. The noble and gallant Lord expressed his concern regarding the ECHR and the Human Rights Act.

My noble friend Lord Monro questioned whether servicemen would understand the Bill if it were put before them. The fact is that even commanding officers and their adjutants are hazy about some of the precise details of the legislation. However, I hasten to add that good advice is always available to them. I have brought into the Chamber the Queen's Regulations for the RAF, but it is too heavy for me to hold in one hand.

The noble and gallant Lord, Lord Inge, shared the concerns of his noble and gallant friend Lord Craig regarding the erosion of the powers of the commanding officer. He also referred to the opt-out of the fast-moving target of the ECHR that is enjoyed by the French. It seems that the military experts—I do not count myself as one of them—are becoming increasingly concerned about the ECHR, the ICC et al.

My noble friend Lord Freeman referred to the fact that volunteer reserve officers always come under the SDAs. Although that is, indeed, an anomaly, it is also an advantage. A while ago I was travelling on the Tube and saw a group of soldiers enjoying, shall we say, a night on the town to the full. One growl from me in "officer mode" was enough for them to pipe down a little. Knowing that it was my duty made it possible for me to do so; if it had not been my duty, I should not have bothered.

My noble friend Lord Freeman also touched on the allocation of cost associated with military assistance to the civil community. Sometimes the training value of such assistance to the TA unit can be immeasurable, but it can be stopped by an accountant, who can measure the cost precisely.

Perhaps I may offer my congratulations to the noble and gallant Lord, Lord Inge, on his appointment and to the noble Lord, Lord Roper, on his.

My noble friend Lord Burnham articulated his concerns regarding the new powers of the MoD Police. The noble Lord, Lord Wallace of Saltaire, referred to conservative concerns regarding the possible emergence of a national MoD-based police force and poured water on the idea. He then went on to explain, far better than I could, the potential dangers of such a development. His noble friend Lord Roper then amplified those concerns.

My noble friend Lord Burnham referred to political correctness. The noble Lord, Lord Hunt, challenged my noble friend to define political correctness. My noble friend asked for a little time to reply, but I can do so now in my own humble way. "Political correctness" is being marked by or adhering to a typically progressive orthodoxy, often involving issues of race, gender, sexual orientation, ecology and the environment. When applied to the Armed Forces by those with no relevant experience, there is usually a failure to recognise the realities of warfare involving significant casualties and personal sacrifice.

We expect our Armed Forces to operate to the highest moral standards because of, and not in spite of, the tasks that they might have to undertake. Indeed, the demands of such tasks may be more than the human mind and body can stand without suffering permanent damage.

My noble friend Lord Monro drew attention to the valuable activities of women in the Armed Forces. Further use of women in the Armed Forces is under review. Women have much to offer the services, but a decision on their future role must be a military one and not a matter of political correctness.

Many noble Lords welcomed the new role for warrant officers in courts martial. I believe that to be a positive development. However, I want to follow on from the hint given by the noble and gallant Lord, Lord Inge. Warrant officers are much tougher and more unforgiving than junior officers. As I believe the Minister said, they are also more experienced. They will also be able to relieve a load from commissioned officers.

Clause 25 will compel witnesses to attend a court martial. I have no difficulty with that, but I have a related concern. I believe that there is no compulsion on a member of the volunteer reserves to attend a court martial as a defendant. If he or she delayed matters long enough, time would run out for the proceedings and the volunteer could continue with his or her service. I am not convinced that that is proper and I may return to that matter in Committee.

My major concern about the Bill, and that of the noble Lords, Lord Wallace of Saltaire and Lord Roper, is that the Minister has failed to deliver a tri-service discipline Act. The Minister stated that it was never the intention to introduce a tri-service Act at this point. However, that does not alter the fact that a tri-service Act is desirable. Noble Lords will recall that during the passage of the Armed Forces Discipline Act 2000 about 18 months ago, the legislation was presented to your Lordships' House as an interim measure. We have been concerned about that for some time. I regret that even the previous administration did not make any progress in that regard, although they introduced the useful Reserve Forces Act, which was mentioned by my noble friend Lord Monro.

Surely the first stage should involve a consolidation process bringing together the three service discipline Acts as amended into a single Act but making no substantial changes to the law in the process. I do not necessarily suggest using the consolidated Bill procedure because there may be difficulties if simple minor changes are required. However, I do not regard that as being terribly difficult. Such an exercise would, however, be exceptional, because it would involve the horizontal consolidation of a set of parallel Acts rather than the usual process of the vertical integration of a series of Acts. It should not be forgotten that the Army Act and the Air Force Act are very similar. The principal difference involves the ranks that are quoted.

It is vital to understand that the desire for a tri-service discipline Act is not a way of moving to a single armed service. It is even essential to maintain the separate ethos and, most importantly, the traditions of each service. Noble Lords will recognise that ethos and tradition cannot be legislated for. Over the years, noble Lords on all sides of the House have made the case for a single Act that gives a clear framework of discipline for all service personnel, who nowadays find themselves working alongside and under the command of—or even in command of—personnel from other services.

During the passage of the Armed Forces Discipline Act 2000, the noble Lord, Lord Molyneaux, and my noble friends Lord Peyton and Lord Campbell of Alloway and others made it clear that new primary legislation was required. It would simultaneously bring together the separate service discipline Acts and complete the process of updating the legislation into a single whole.

The Queen's Regulations for each service are very detailed but many matters are repeated for each service. For instance, chapter 16 of the Queen's Regulations for the RAF has 27 pages covering courts martial, and chapter 45 has 47 pages on baggage allowances! I cannot see why there should be any difference with regard to those two matters across the services. I accept that we are some way off having tri-service Queen's Regulations.

The previous administration did not succeed in introducing a tri-service Act. I point out that the Army and the RAF legal services between them have two two-star officers, two one-star officers and about eight full colonels or equivalent. Given that those officers are also lawyers, is there just too much inertia for Ministers—even for the noble Baroness—to move, whatever the advantages of doing so? We have proposals that we hope to advance in Committee which, if agreed to, would ensure that the same thing does not happen again.

6.4 p.m.

Baroness Symons of Vernham Dean: My Lords, as is usual during the passage of legislation affecting the Armed Forces, we have had an interesting and wide-ranging debate. Such debates invariably benefit from the wealth of experience and knowledge that is available in your Lordships' House, but which is not found there exclusively. However, we have the advantage of the wisdom of the noble and gallant Lords, Lord Inge and Lord Craig of Radley. I, too, congratulate the noble and gallant Lord, Lord Inge, on his well-deserved honour.

Noble Lords have heard about the variety of measures that the Bill will introduce. They are designed to improve the Armed Forces discipline system. Some of those measures are adapted from practices that already operate in the civilian criminal system but others are only of relevance to the Armed Forces. In all cases, they have been the subject of careful consideration by the services. As Sir Michael Boyce, the Chief of the Defence Staff, assured the Select Committee in another place, there is nothing in the Bill that would make discipline more difficult to maintain. It would clearly be of concern to noble Lords, Ministers and chiefs of staff if the Chief of the Defence Staff had felt otherwise. However, he told that Select Committee that he was satisfied that the Bill will, in some areas, improve the way in which discipline is conducted. I am grateful to the noble Lord, Lord Burnham, for acknowledging that.

The noble Lords, Lord Burnham, Lord Wallace and Lord Freeman, and the noble Earl, Lord Attlee, raised the issue of a tri-service Act. They rightly pointed out that the Select Committee in another place wanted such an Act within three years. However, I believe that it was the noble Lord, Lord Freeman, who rightly said

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that one must be careful not to lose anything of value when drawing up a tri-service Act. The important point is to get such an Act right, not simply to have it as quickly as possible. In my opening speech I said that we should examine the feasibility of bringing forward such an Act in the way in which the Select Committee in another place asked us to do. We will consult, as we did with the Armed Forces Discipline Act 2000, which recently passed through your Lordships' House.

The noble Lord, Lord Freeman, discussed a joint Select Committee. I find that an attractive idea, not least because there is such expertise in your Lordships' House. I see the merit in the proposal but, as the noble Lord knows, that is a matter not for me but for the usual channels. I am sure that he will make his representations accordingly.

Many noble Lords—notably the noble and gallant Lord, Lord Craig of Radley, who was strongly supported by his noble and gallant friend Lord Inge—discussed the reasons that the Bill is so important. Part 2 establishes for the first time the key powers of military and other service police and of commanding officers to investigate offences by members of the Armed Forces. In doing so, it covers two main areas, which are of great importance: first, the stopping and searching of members of the services and of service vehicles, and, secondly, the searching of the accommodation of members of the services, for evidence of offences.

The noble and gallant Lord, Lord Craig of Radley, wants us to look further at the accommodation issue; I am sure that we shall return to it in due course. It would be of great assistance to service police and commanding officers if they had a clear statement of what their powers were. That would also be much fairer to members of the services because everyone would know clearly where they stood.

The noble Lord, Lord Burnham, was extremely concerned about what he described as a creeping political correctness. Although he did not use the same language, the noble and gallant Lord, Lord Craig, was also concerned about what might be described as the civilian system being unnecessarily imported into military discipline. There are key differences between the civilian criminal justice system and the discipline procedures operated by the Armed Forces. Trial by court martial rather than by jury is perhaps the most obvious, but the chain of command's responsibility for the maintenance of discipline is also important. We are considering importing only those aspects of civilian procedures that are relevant to the services. I say to the noble Lord, Lord Burnham, that our policy in that regard is very much in line with that of the previous administration. On Second Reading of the last five-yearly Armed Forces Bill, the noble Earl, Lord Howe, said:

"Where it is sensible and practical that they should do so, the services' procedures for investigating and trying offences closely resemble those of the civilian system".—[*Official Report*, 3/6/96; col. 1102.]

Our position is no different now that we are in office. We believe that it is essential to define the powers of the service police and of commanding officers in investigating offences for two major reasons. First, it will enable the service police and commanding officers to carry out their investigations with greater confidence. That greater confidence also implies a better understanding of their authority among those with whom they are operating. Secondly, it will ensure that people subject to service law can see for themselves that they are being treated fairly.

The noble and gallant Lord, Lord Inge, remains concerned about the impact on commanding officers. Of course, we can and shall discuss that in Committee. But as I indicated in my opening remarks, we must recognise that, although the Armed Forces are indeed in a different position, as the noble and gallant Lord said, and although the group is more important than the individual, as he said, the curtailment of an individual's rights must be only what is necessary so as not to impair the operational effectiveness of the Armed Forces.

The point is that that operational effectiveness must not be compromised. But the individual's rights should not be curtailed if that operational effectiveness is not compromised. If it is not, surely the rights of an individual should not be any less than those of any other individual.

Many noble Lords concentrated their remarks on Clause 31. I look forward as much as any of your Lordships to debating that more fully in Committee. However, I remind the House that the noble Lord, Lord Burnham, said that something must be done. He said that it is not clear where the powers lie. He said that the powers should be clarified. I agree with that and we must now look at the best way of achieving it.

On Clause 31, the noble Earl, Lord Onslow, said that we had some very ambitious pretensions as regards a national police force. He was quite eloquent, as he is on many occasions, in persuading us that there was some perfidious reasoning behind the Government putting forward that clause. The purpose of the clause is nothing like as ambitious as the noble Earl wishes to persuade your Lordships that it is.

The Earl of Onslow: My Lords, it is not the ambition; it is the general convenience that this will be quite a useful thing to have which allows those effects to happen. That is the danger. It is what Lord Hartington in the 1880s would say that we should be saying, "Rather not" rather than that we should do something about it. These things happen because people recommend them and they become convenient. The bad effect is what I forecast it to be.

Baroness Symons of Vernham Dean: My Lords, the noble Earl may not have imputed the reason for putting forward the clauses, although I rather understood him to have done so, but he has again confirmed that he believes that that will be the outcome.

But the extension of the MDP jurisdiction in the clauses would not be appropriate to some of the crises which some of your Lordships have cited except, of

course, under the provision of standing arrangements in the vicinity of defence land. This is not a national police force.

However, the MDP would be able to lend officers to help another force dealing with a crisis if requested to do so by that other force. But the MDP would not be involved as a force itself. The individuals on loan would be entirely under the direction and control of the borrowing force. Such lending of officers or other resources is already possible between Home Office forces, if I may use that terminology without incurring your Lordships' wrath.

The point is that if police forces can already lend officers between them, why should the MDP be any different? It would not be establishing the MDP as a single force being able to move in, which is very much what the noble Earl implied, perhaps because he had not taken on board fully those points which I have just made.

But I point out to him that we are very pleased that the Association of Chief Police Officers has been broadly supportive of those proposals, and that is another point worth bearing in mind.

The noble Lord, Lord Kimball, asked who will decide what happens and who will say whether or not the MDP should move in. That would be down to the local constabulary and it would be the chief officer of the MDP who would decide whether or not it was appropriate in the localised situation under discussion.

The noble Lord also wanted to know who would be in charge. Where MDP resources are made available to the local force on secondment or to assist with special demands, as in Schedule 5, the chief constable of the receiving force would be in charge of those MDP assets. Where MoD Police undertake duties under Clause 31, either at the request of the local force or officers or in exercise of emergency power, the police constable of the MoD Police force would be in charge and would be responsible. I hope that that has clearly laid out those two courses for the noble Lord.

The noble Lord, Lord Freeman, asked who will decide whether there is an emergency. The emergency powers to intervene without a request are exercisable only in very closely defined circumstances and essentially—this is the point—where violence is threatened. I hope I made that clear in my introductory remarks but no doubt we shall return to that matter.

I emphasise to the noble Lord, Lord Kimball, that we are not looking at creating a national police force. We are looking at more effective policing methods under certain extremely limited circumstances. It is not a paramilitary police force. I saw that the noble Lord, Lord Kimball, was as surprised as, no doubt, Mr Nick Cohen will be when he finds, on reading the noble Earl's remarks, that they agree with each other. But it is worth nothing that Mr Nick Cohen appears to have based his article on a number of misconceptions. One of those was that Part II, which is concerned with the powers of the service police, applies to the Ministry of Defence Police. Mr Nick Cohen appears to have fallen into the very trap which I asked your Lordships not to fall into when I put forward my opening remarks.

The noble Lord, Lord Wallace of Saltaire, asked us to give further thought to the accountability of the MoD Police. The chief constable of the MoD Police reports directly to the Secretary of State for Defence and through him, of course, to Parliament, although like other police chief constables he is free from all political control over operations. The Secretary of State is advised by a police committee which includes three independent members and two police advisers who are present or former HM inspectors of constabulary. Members of the public can, and indeed do, raise matters with Ministers through their MPs and through complaints procedures. The MoD Police are subject to regular inspections by HM Inspectorate of Constabulary which will now, for the first time, be placed on a statutory basis as a result of a government amendment to this Bill in another place introduced—I am sure the noble Lord, Lord Burnham, will be the first to say this—very much in response to opposition concerns on this matter. The role of the Police Complaints Authority extends to complaints against the MDP in exactly the same way as it does for other police forces.

Questions were raised about Clause 33, principally by the noble and gallant Lords, Lord Craig of Radley and Lord Inge. Any changes to the service discipline Acts made under this clause will reflect changes to the civilian criminal system which have already been the subject of parliamentary scrutiny. Any instrument which makes changes to primary legislation will need the consent of Parliament before it comes into force. As I have already indicated in answer to a Written Question from the noble Lord, Lord Burnham, the issues surrounding the use of secondary legislation and the body of legislation concerning the Armed Forces will be considered as part of the work on the proposed tri-service Bill and, as I have indicated, we shall do everything we can to bring that forward as quickly as possible.

The noble Lord, Lord Wallace of Saltaire, expressed concern that the Bill allows passages of some of the HMIC reports on the MDP to be omitted from publication. Restrictions on publication of the reports are exactly the same as those in the provisions for the Police Act 1996. The only possible exclusion is where it would be prejudicial to national security or the personal safety of individuals. I am sure that the noble Lord would say that such factors could not be ignored.

The noble Lord, Lord Monro, raised questions about the wider employment of women. I hope that the noble Lord will be pleased to know that a tri-service report led by the Army, and supported by the other services, was produced on 15th March this year. It is a factual report and presents the results of academic and other work that will contribute to an assessment of the impact on combat effectiveness—a point about which he was concerned—of removing the present exclusion of women from the Royal Marine general service, the Household Cavalry, the Royal Armoured Corps, Infantry and the RAF Regiment.

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The report does not make any recommendations. Currently the services are conducting a risk analysis within their respective areas. We hope that the results will be presented to the Chiefs of Staff and to Ministers by mid-summer. At the moment that is all I can say on that matter, but I hope that we shall be able to discuss it further in the summer.

I turn to the interesting remarks made principally by the noble Lord, Lord Burnham, and the noble Earl, Lord Attlee, in relation to political correctness. Nothing that we are discussing now, or that we discuss in relation to disability or to women in the Armed Forces, should be allowed to compromise the operational effectiveness of the Armed Forces. However, there are matters of respect for other people; there are matters of respect for everyone, irrespective of issues such as gender and race. I am sure that none of your Lordships would want to sneer at such respect being given where it is properly due.

I offer my congratulations to the noble Lord, Lord Roper, on his promotion, although the reason for it is sad. I shall be sorry to lose his wisdom in our future defence debates.

I know that your Lordships would not want me to conclude without paying tribute on behalf of the House to the men and women of our Armed Forces. Primarily this Bill is about those men and women. We often acknowledge the unique role of our forces. We expect a great deal of them and, as your Lordships will appreciate only too well, invariably they fulfil our expectations. Their readiness and their ability to get on with the task in hand, however challenging it may be, are demonstrated day in and day out overseas, and particularly in this country at the moment. I was grateful for the remarks made by the noble Lords, Lord Monro and Lord Freeman. I shall draw them to the attention of the service chiefs who I am sure will be pleased to read them.

I am sure that noble Lords will agree with me that we are fortunate in having men and women in the three services who serve this country with such commitment, loyalty and distinction. I commend the Bill to the House and I look forward to debating it in future with your Lordships.

On Question, Bill read a second time, and committed to a Committee of the Whole House.

Hepatitis C

6.23 p.m.

Lord Morris of Manchester rose to ask Her Majesty's Government what further help they are considering for people who were infected with hepatitis C by contaminated National Health Service blood products and the dependants of those who have since died in consequence of their infection.

The noble Lord said: My Lords, the scriptures tell of,

"a man of sorrow and acquainted with grief".

This debate is about a whole community in sorrow and for whom acquaintance with grief—recurrent and often abject grief—is an inescapable fact of daily life. So too is a burning sense of injustice.

To work with and for the haemophilia community—as I have the honour to do as President of the Haemophilia Society—is at once humbling and inspiring. I say this as a serial legislator on the problems and needs of disabled people for over 30 years now, both as their first-ever Minister and the author of successful Private Members' Bills—twice chairing the international committee that informed UN pronouncements on disability rights—and thus having worked with people with severe disability in all its forms world-wide.

And I know of no disability group anywhere whose courage, fortitude and moral strength exceed those of Britain's haemophilia community in facing what doctors of the highest distinction—including some noble Lords—see as the worst treatment disaster in the history of the National Health Service.

That my noble friend Lord Burlison is again on duty in this debate, as he was to respond to the exchanges about the disaster on my Starred Question on 26th March, is most welcome to me on personal grounds. For I have long held him in the highest regard. He will, though, understand that the further absence this evening of the noble Lord, Lord Hunt, as a Health Minister, will be disquieting to the haemophilia community, more particularly in view of the Prime Minister's letter of 30th January to Eddie O'Hara MP—copied to me and clearly also to my noble friend—about compensation for people with haemophilia infected with hepatitis C, which stated that,

"Lord Hunt in the Department of Health has responsibility for this policy issue".

My noble friend Lord Burlison will, I am sure, want to explain, when he comes to reply this evening, why the Minister cannot attend a debate that is so very important to the haemophilia community.

Already disabled by a rare, life-long bleeding disorder requiring continuous medical treatment—for which there is no cure—people with haemophilia have twice been infected *en masse* by unclean NHS blood and blood products. Of a community of 6,000 people, some 4,000 were infected with hepatitis C (HCV), of whom 1,240 were also infected with HIV. Of those with HIV infection 818 have since died of AIDS-related illnesses; and well over 100 of those infected with HCV alone have in consequence died of cirrhosis and liver cancer. Now there is what is officially described as a "theoretical" risk that hundreds of people with haemophilia have been infected yet again, this time with variant CJD by a blood donor who has since died of the disease.

Almost everyone with haemophilia now over 15 was infected with HIV and HCV by unclean NHS blood and blood products; and of a haemophilia community of some 6,000, now approaching 1,000 have died of one or other of these two life-threatening viruses.

Others are now in very poor health, many of them terminally ill, and have lost their jobs, homes and, in some cases, family due to infection.

Among those not so far seriously affected, there is the daunting worry of not knowing which of them will develop AIDS-related illnesses or chronic liver disease. No one with HCV infection, regardless of their health now, can obtain life insurance except at prohibitive rates. And excluding them from help from the Macfarlane Trust denies those with young families and other dependants even the peace of mind of knowing that, if they become terminally ill, they will be provided for.

Yet there is still no positive response from Ministers to the Haemophilia Society's calls for an independent public inquiry into this appalling disaster and the provision of financial help for its victims. This compounds their sense of injustice. They see themselves as forgotten, cast aside as "yesterday's people": too small and powerless a community to be treated as politically important in a society that is being told more and more insistently from Whitehall how economically strong and affluent Britain has now become.

There have been sympathetic words from successive governments. But as a member of the Haemophilia Society now suffering the cruelly punitive effects of end-stage HCV, told me recently:

"It is not sympathy we want from Governments—it is justice—and I find it heartless and unforgivable that they still refuse us even a public inquiry".

It should not be necessary for me to have to make this further plea for elementary justice for sick and deeply vulnerable people now living under a death sentence for the mistake of having trusted in the cleanliness of NHS blood and blood products. After all, when the Green Paper on Welfare Reform was published on 26th March 1998, Ministers told both Houses of Parliament that the Government's,

"commitment to the vulnerable is non-negotiable".

That ringing declaration raised hopes nowhere more visibly than in the haemophilia community. For no Minister who has spoken to anyone trying to cope with end-stage HCV can doubt their vulnerability or that of their dependants. Indeed, the word "vulnerable" might have been invented to describe them.

That no public inquiry has yet been held into a medical disaster on this scale—leaving 95 per cent of patients with the devastating complications of two life-threatening viruses—is without precedent in the modern era. And it does nothing to assuage the anguish and anger of the victims and their dependants to hear Ministers saying that so grave a disaster is now best forgotten; that it is time to "draw a line" under what happened; and that the haemophilia community should "move on". Indeed, they regard such statements as offensive and bereft of any understanding of the extent of sorrow and grief in their small, closely-knit community as more and more of them become terminally ill and die of infection by unclean NHS blood products. Yet fortunately they are not without friends good and true, as I was reminded again this morning by a deeply well informed and very moving letter of support for them from Vicky Vidler, who chairs the Royal College of Nursing's Haemophilia Nurses' Association.

In effect, people with haemophilia given NHS blood products in the 1970s were human guinea-pigs for a new form of treatment. The risks were not explained to them; and despite the scientific knowledge then available to Whitehall that hepatitis could be transmitted in blood, no warnings were given to enable haemophilia patients to make an informed choice.

However, no one has been held to account and no apology has been made. There have quite rightly been public inquiries into the spread of BSE, paediatric cardiac care in Bristol and the retention of human tissue at Alder Hey. Public inquiries have also been held, again quite rightly, into the sinking of the "Marchioness" and the Paddington rail disaster. But far more people have died through the mass infection of haemophilia patients than in all these cases. Why, then, does this much bigger disaster not merit a public inquiry?

For the Department of Health's own "internal inquiry"—which tersely reported in 1998—to be seen in Whitehall as any kind of substitute for a public inquiry is also offensive to the haemophilia community. Reputable journalists freely describe this caricature of an inquiry as,

"a whitewash perpetrated behind closed doors".

Its findings were demonstrably flawed. They again peddled the fallacy that, unlike HIV, hepatitis C does not involve social stigma; and they simplified the last government's reasons for compensating only HIV infection to the point of crude inaccuracy. At any public inquiry its findings would have been summarily repudiated. Indeed, what the department's in-house "inquiry" did was to make the case for an independent public inquiry into the disaster all the more compelling and it is indefensible that we are still left waiting for that inquiry.

The Haemophilia Society has given Ministers evidence galore that the stigmatising of those with hepatitis C by people who fear they too could become infected is every bit as strong as that of HIV infection. Also like those infected with HIV, but without compensating help from the Macfarlane Trust, they have the same lack of access to financial services. Yet current medical opinion suggests that up to 80 per cent of them will develop chronic liver disease; and that up to 25 per cent may develop cirrhosis, which can progress to liver cancer.

The HCV virus progresses more slowly than HIV. It can take 20 to 30 years but, once active, it is highly dangerous. Nevertheless, those infected are left to cope unhelped by the Macfarlane Trust created to help others in the same plight. And the only fair and just way forward is to extend the trust's remit to end the inequity that now so illogically divides the haemophilia community.

The setting up of the Macfarlane Trust for HIV-infected people was an acceptance of moral responsibility for their loss and hardship. An

[LORD MORRIS OF MANCHESTER]

exception was made from normal NHS practice in regard to medical negligence and legal liability for people who were infected with that life-threatening virus. And the present Government, who came to power committed to higher moral standards, must do no less now for others infected by another life-threatening virus in the same small community, at the same time and by the same route. There is exactly the same moral responsibility for loss and hardship in the two cases. Yet as this Parliament approaches it fifth year parity is still denied.

The NHS was founded on a moral principle in which we on these Benches can take special pride. But as my noble friend Lord Winston, Vice-President of the Haemophilia Society, has said:

"Moral principles impose obligations and responsibilities; and there is a price as well as an advantage in taking the moral high ground".

The last government paid that price in the case of HIV infection. The moral promise on which this Government came to power alone commits us to do the same now for people infected in the same way with HCV.

Notwithstanding the creation of the Macfarlane Trust to compensate for HIV infection, Health Ministers still repeatedly state that, for compensation to be awarded, the NHS must be found to have been negligent. This was stated yet again on 29th March (cols. 410-11) after my noble friend Lord Peston had said that he did not understand the Government's ethical position in regard to HCV infection.

"On all sorts of grounds which once, at least, our party used to believe",

he said,

"compensation is exactly the right path to take".

But in response, my noble friend Lord Hunt, speaking for the Department of Health, strongly insisted that compensation could not be awarded unless it could be,

"shown that a duty of care is owed by the NHS body; that there had been negligence; that there had been harm; and that the harm was caused by the negligence".—[*Official Report*, 29/3/01; cols. 410-11.]

But that is not so. His brief was wrong. Moreover, had it been right, as Karin Pappenheim, Chief Executive of the Haemophilia Society, has aptly responded:

"It would mean that under this Government—on the strength of their decisions on HCV infection to date—there would have been no Macfarlane Trust at all".

This and other Labour Governments have not, of course, uniformly insisted on proof of medical negligence before compensating NHS patients. For example, payments under the vaccine damage payments scheme, introduced when my noble friend Lord Callaghan was Prime Minister, have been substantially increased by the present Government, just as they have also increased the Macfarlane Trust's funding. Another example of their readiness to compensate without legal liability is the financial help recently agreed for British survivors of Japanese prisoner-of-war camps.

And indeed 27 years ago, the then Labour Minister for War Pensions changed the law to give benefit of doubt where ex-servicemen with cardiothoracic illnesses, having served in a theatre of war where gas was used as a weapon of war, applied for war pensions or their widows for war widows' pensions. I well recall this further example because I was the Minister who took that decision; and I did so without any prompting from its beneficiaries. So I speak in this debate as the advocate not of a new departure in social policy but of due respect for honourably humane precedent.

In truth, the issue is not one of inflexible rule but of political will and priorities. And I suspect that few of us here, or in another place, would have to "ask the audience" or "phone a friend" to discover the right thing to do in this case.

There are two more issues I want briefly to address. The first concerns the game of Russian roulette now being played with the haemophilia community. Despite the gruesome history of contaminated NHS blood, the vast majority of people with haemophilia over 16 are still made to rely on plasma-based products, rather than the safer—but more costly—genetically engineered recombinant Factor 8 or 9. But the Department of Health still sees nothing wrong in making them accept the "theoretical" risk of using plasma-based blood products, even although risks they have already been forced to face proved far from "theoretical". In approaching 1,000 cases they were deadly.

What possible justification is there for denying them the safer treatment? In Scotland and Wales it is already available as of right to everyone in need: children and adults alike. In England it is provided for people over 16 only if they are fortunate enough to live in the right area. And this cruelly discriminatory policy is made all the more shocking by the potentially grave further risks of blood-borne infection now revealed by the recent disclosure that plasma from a man later diagnosed with vCJD was used in 1996 and 1997 to manufacture haemophilia treatment.

Here again, the risk is played down by officials. The department's Chief Medical Officer is quoted as saying that the risks of vCJD infection are "purely theoretical". But these words offer no comfort to parents in shock from knowing their child has been treated with plasma derived from a donor with vCJD. They and others ask why—if the risks are in fact "purely theoretical"—it should have had to be put to the test by people already twice infected by other "theoretical" but lethal risks? Only a ministerial pledge to make the safer treatment available to everyone will be acceptable. The Haemophilia Society has repeatedly called for that pledge and this debate is an appropriate occasion for it to be given.

I come now to Mr Justice Burton's landmark High Court judgment on 26th March. His core finding was that the supplier of blood to NHS patients has a legal duty to supply clean blood and significant compensation was awarded. Yet some 4,000 people with haemophilia were supplied with unclean blood and blood products and, while the judgment applies

directly only to offences after the Consumer Protection Act came into effect in March 1988, any attempt to deny its benefits to the haemophilia community would provoke moral outrage.

The unmistakable logic of the High Court's judgment is that it is right in principle to compensate NHS patients infected by unclean blood; and unless that logic is accepted and applied to the haemophilia community, any continuing ministerial claim to the moral high ground is plainly untenable. For without question the issue is one of moral right; and in none of the parliamentary campaigns in which I have been involved in over 37 years in Parliament—even thalidomide and that for statutory recognition of dyslexia—have I felt so strongly that campaigning ought not to have been necessary.

There has been enormous all-party backing by MPs for Motions calling for equality of treatment to end the gratuitously added distress now imposed on many of the most needful victims of the historic tragedy of unclean blood. I especially recall now that Alan Milburn, the present Health Secretary, was among the signatories of a Motion tabled in another place in my name calling for exactly what I seek in this debate. That Motion, like all the others, made it plain that this is not an issue for party animus—of right and left—but one of right and wrong.

Most of all this evening, I urge Ministers not to demean this House and another place by making legal action, here or internationally, the only way to resolve an issue that is so obviously one of social decency and moral right. Knowing as they will the outcome of the legal action taken on behalf of the haemophilia community in France, I suspect that my preference for resolving this issue, if at all possible, by other than legal means will be shared by health officials here.

In France two senior officials, Dr Michel Garretta and Dr Jean-Pierre Allain, were convicted and sentenced to four years in prison and ordered to pay the sterling equivalent of £1.2 million on charges of "distributing tainted blood" that infected more than 1,250 French haemophilia patients, 273 of whom have since died. A third senior health official was given a four-year suspended sentence—but still heavily fined—and the Health Ministers resigned "in disgrace".

But my call in this debate is not to inflict retribution on public servants. It is simply to achieve social justice for a small but grievously hurt community. I ask of Ministers only that they should now let right be done and in its proper setting: here in Parliament.

6.42 p.m.

Lord Clement-Jones: My Lords, I believe that the House should heartily thank the noble Lord, Lord Morris, for raising this issue yet again. It is unfortunate that I should have to congratulate the noble Lord on his dogged persistence in raising this issue time and time again. I can remember at least two previous debates this time last year and another in 1998. I remember innumerable Starred Questions on the subject, and yet the noble Lord must reiterate the same issues and points time and time again in debate. It is extremely disappointing that tonight we hold yet another debate to point out the problems faced by the haemophilia community as a result of the infected blood products with which the noble Lord has so cogently dealt tonight.

Many of us are only too well acquainted with the consequences of infected blood products which have affected over 4,000 people with haemophilia. We know that as a consequence up to 80 per cent of those infected will develop chronic liver disease; 25 per cent risk developing cirrhosis of the liver; and that between one and five per cent risk developing liver cancer. Those are appalling consequences.

Those who have hepatitis C have difficulty in obtaining life assurance. We know that they have reduced incomes as a result of giving up work, wholly or partially, and that they incur costs due to special dietary regimes that they must follow. We also know that the education of many young people who have been infected by these blood products has been adversely affected. The noble Lord, Lord Morris, was very eloquent in describing the discrimination faced by some of them at work, in school and in society, and their fears for the future. He referred to the lack of counselling support and the general inadequacy of support services for members of the haemophilia community who have been infected in this way.

There are three major, yet reasonable, demands made by the haemophilia community in its campaign for just treatment by the Government. To date, the Department of Health appears to have resisted stoically all three demands. First, there is the lack of availability on a general basis of recombinant genetically-engineered blood products. Currently, they are available for all adults in Scotland and Wales but not in England and Northern Ireland. Do we have to see the emergence of a black market or cross-border trade in these recombinant products? Should not the Government make a positive commitment to provide these recombinant factor products for all adults in the United Kingdom wherever they live? Quite apart from that, what are the Government doing to ensure that the serious shortage of these products is overcome? In many ways that is as serious as the lack of universal availability. Those who are entitled to them find it difficult to get hold of them in the first place.

The second reasonable demand of the campaign is for adequate compensation. The contrast with the HIV/AIDS situation could not be more stark. The noble Lord, Lord Morris, referred to the setting up of the Macfarlane Trust which was given £90 million as a result of his campaigning in 1989. The trust has provided compensation to people with haemophilia who contracted HIV through contaminated blood products. But there is no equivalent provision for those who have contracted hepatitis C. The Government, in complete contrast to their stance on AIDS/HIV, have continued to reiterate that compensation will not be forthcoming. The Minister of State for Health, Mr Denham, said some time ago that at the end of the day the Government had concluded that haemophiliacs infected with

[LORD CLEMENT-JONES]
hepatitis C should not receive special payments. On 29th March of this year the noble Lord, Lord Hunt, in response to a Starred Question tabled by the noble Lord, Lord Morris, said:

"The position is clear and has been stated policy by successive governments. It is that, in general, compensation is paid only where legal liability can be established. Compensation is therefore paid when it can be shown that a duty of care is owed by the NHS body; that there has been negligence; that there has been harm; and that the harm was caused by the negligence".—[*Official Report*, 29/3/01; col. 410.]

The Minister said something very similar on 26th March. This means that the Government have refused to regard a hepatitis C infection as a special case despite the way in which they have treated AIDS/HIV sufferers who, after all, were adjudged to be a special circumstance. These are very similar situations.

In our previous debate on this, noble Lords referred to the similarity between the viral infections. They are transmitted to haemophiliacs in exactly the same manner; they lead to debilitating illness, often followed by a lingering, painful death. I could consider at length the similarities between the two viral infections and the side effects; for example, those affected falling into the poverty trap. We have raised those matters in debate before and the Government are wholly aware of the similarities between the two infections.

The essence of the debate, and the reason for the anger in the haemophilia community, is the disparity in the treatment of haemophiliacs infected with HIV and those who, in a sense, are even more unfortunate and have contracted hepatitis C. We now have the contrast with those who have a legal remedy, which was available as demonstrated in the case to which the noble Lord, Lord Morris, referred, and are covered by the Consumer Protection Act 1987. This latter case was in response to an action brought by 114 people who were infected with hepatitis by contaminated blood. The only difference between the cases that we are discussing today and the circumstances of those 114 people is the timing. Is it not serendipity that the Consumer Protection Act 1987 covers those 114 people but not those with haemophilia who are the subject of today's debate?

It is extraordinary that the Government—I have already quoted the noble Lord, Lord Hunt—take the view that it all depends on the strict legal position. Quite frankly, the issue is still a moral one, as we have debated in the past. In fact, the moral pressure should be increased when one is faced with the comparison with both that case and the HIV/AIDS compensation scheme. People with haemophilia live constantly with risk. We now have the risk of transmission of CJD/BSE. What will be the Government's attitude to that? Will they learn the lessons of the past? I hope that the Minister will give us a clear answer in that respect.

I turn to the third key demand of the campaign by the haemophilia community. Without even having had an inquiry, the NHS is asserting that no legal responsibility to people with haemophilia exists. The Government's position—that they will not provide compensation where the NHS is not at fault—falls down because that is precisely what the previous administration did in the case of those infected with HIV. An inquiry into how those with hepatitis C were infected would perhaps establish very similar circumstances.

Other countries such as France and Canada have held official inquiries. Why cannot we do the same in this country? The Government's refusal to instigate a public inquiry surely fails the morality test. Surely the sequence of events which led up to what has been widely referred to as one of the greatest tragedies in the history of the NHS needs to be examined with the utmost scrutiny. Why do the Government still refuse to set up an inquiry? Is it because they believe that if the inquiry reported it would demonstrate that the Government—the department—were at fault?

Doctors predict that the number of hepatitis C cases among both haemophiliacs and the general population is set to rise considerably over the next decade. The Department of Health should stop ignoring the plight of this group. They should start to treat it fairly and accede to its reasonable demands. The Government's attitude to date has been disappointing to say the least. This debate is another opportunity for them to redeem themselves.

6.51 p.m.

Lord Astor of Hever: My Lords, like the noble Lord, Lord Clement-Jones, I, too, thank the noble Lord, Lord Morris of Manchester, for initiating this important debate. It is always a great pleasure to speak in a debate initiated by the noble Lord. I, too, pay tribute to him for his dogged persistence in returning again and again to this cause about which he has spoken so movingly today. The Haemophilia Society is indeed fortunate to have him as its very effective president.

We on these Benches share his concern for the plight of those haemophiliacs who received infected blood products before the hepatitis C infection could be removed. People with haemophilia are a small but vulnerable patient group who, through no fault of their own, have suffered a lot. We feel a great deal of sympathy for them. I agree with the noble Lord, Lord Morris, that they have shown incredible courage, fortitude and moral strength.

We, on these Benches, have always argued against no-fault compensation for medical accidents in the NHS. But we feel that there are a number of ways in which the Government can and should be helping these unfortunate people.

First, haemophilia sufferers should be treated equally, irrespective of where they live. That is not happening. Comprehensive care centres provide specialised care and support for patients and their families. However, as the noble Lord, Lord Clement-Jones, said, the provision of these centres is uneven. They are also subject to postcode rationing. Some NHS regions have several care centres while others are under-provided. The South West has none. For haemophiliacs living in Cornwall or Devon the nearest

centre is in Basingstoke, Hampshire, 237 miles from Penzance. The Trent region, however, has four centres.

During the course of the debate in November last year in the name of my noble friend Lord Howe, the Minister, the noble Lord, Lord Hunt, told the House that the Haemophilia Alliance was developing a national service specification to help standardise all aspects of haemophilia services. This was intended to get rid of unacceptable variations in care. I understand that the Government are still considering the representations. Can the Minister tell the House when the specification might be published?

I also understand that the Government are setting up a hepatitis C expert steering committee which will produce an important consultation document. How wide a remit, and how much authority, will that document have over the wide range of specialist services including haemophilia which treat, support and care for people with hepatitis C?

There is currently no nation-wide system to identify and monitor all people with haemophilia infected with HCV. What plans do the Government have to ensure that, in the interests of the safety and well being of this patient group, such a system is created?

The majority of health authorities either do not provide treatment for HCV or only on a limited and inadequate scale. The combination therapy, involving Interferon alpha and Ribavirin, which is able to cure up to 40 per cent of patients, costs some £9,600 per annum per patient. Although NICE recommended that patients suffering from moderate or severe HCV should be given the combination therapy, there are concerns that the NICE guidance will not be enough to solve the postcode lottery. This is gambling with lives—and despite repeated assurances from Ministers that people with haemophilia would not be denied treatment for HCV. Timely drug treatment does reduce the long-term costs of care, particularly the need for expensive liver transplants. Can the Minister tell the House how the Government intend to honour these ministerial assurances?

We believe that the barrier to funding relatively expensive drug therapies could be eliminated by the creation of a central funding mechanism for such exceptional medicines quite separate from health authority budgets. I know that the Minister, the noble Lord, Lord Hunt, has reservations on this score. However, it is unlikely that health authorities will follow NICE guidelines despite the additional resources which have been put into the health service. I should be grateful to know, therefore, whether the Minister's department has further reviewed our suggestion to ensure that people with haemophilia are not refused their only hope of a cure. It cannot be right that there is unequal access in different areas to this treatment.

As the noble Lord, Lord Clement-Jones, pointed out, there are fears that the Government are putting haemophiliacs in England at risk from vCJD. In England, unless they are new patients, or under 16, haemophiliacs must use blood products derived from human blood with all the risks, including CJD, which this might entail. Haemophilia sufferers in Scotland, Wales and Northern Ireland, on the other hand, are given the safe, genetically-produced, recombinant factor 8. This is also postcode care for haemophiliacs.

This is most apparent in the English haemophilia centres in Liverpool and Manchester to which patients from North Wales go for treatment. The policy adopted by the NHS commissioners in Wales means that all haemophiliacs living in North Wales are entitled to receive recombinant factor 8 irrespective of age, postal code or viral status, and attend the Manchester or Liverpool centres. However, many people living in Manchester, Liverpool and the surrounding areas do not have the same rights and benefits. The Government must now stop treating haemophiliacs in England as second-class citizens. After all, as the noble Lord, Lord Morris, said, the Government came to power on a commitment to the vulnerable that is non-negotiable.

I therefore ask the Minister what plans the Government have to ensure that plasma-derived treatments are successfully screened for new variant CJD. What reason is there for further denying to adult haemophilia sufferers in England the safer recombinant clotting factors? Was the decision to withhold this treatment taken on financial or clinical grounds? Was it because there is a world shortage of recombinant factors 8 and 9? If that is the case, what representations are the Government making on behalf of the haemophilia community to secure a full supply to the UK as soon as possible?

There seems to be a lack of welfare support for many haemophilia sufferers. I have received several reports of a lack of information in DSS offices at a local level. I am aware that the Minister is not a DSS spokesman. However, it would be helpful to have some reassurance that this problem will be looked at.

We feel that far more funding is needed for research. There is much about HCV that remains unknown. The precise mechanisms by which HCV causes liver cancer have not been identified. We still need a simple, cost effective and reliable diagnostic assay test, both for the initial detection of HCV and for monitoring the disease as it progresses. Perhaps the Minister can touch on funding for research when he winds up.

The noble Lords, Lord Morris and Lord Clement-Jones, both mentioned in some detail the High Court judgment made by Mr Justice Burton. Doubtless the Minister will comment on the Government's response.

I much look forward to the Minister's remarks in winding-up, particularly as I have lobbed him a formidable number of questions. I quite understand that he may not be able to answer them all tonight, but perhaps he could respond by letter to the others.

7.1 p.m.

Lord Burlison: My Lords, I join noble Lords in thanking my noble friend Lord Morris of Manchester for raising this issue. After haring his submission today, no one can be in any doubt of the noble Lord's commitment to this cause. Like other noble Lords,

[LORD BURLISON]

I know that, as president of the Haemophilia Society, he will pursue this issue in a dogged fashion until he makes progress generally on behalf of that society.

Perhaps I may also assure your Lordships that my noble friend Lord Hunt of Kings Heath, like myself, feels very strongly about the issue. The fact that this debate has taken place tonight demonstrates yet again the strength of feeling within this House on behalf of people with haemophilia and hepatitis C.

Haemophilia is a lifelong, painful and debilitating condition. But modern treatment is very effective, with patients now able to look forward to a good quality of life. Sadly, during the late 1970s and indeed the 1980s, the majority of regularly treated patients with haemophilia were infected with either HIV or hepatitis C before it became possible to remove those viruses from clotting factors made from human plasma.

As a result, around 4,000 to 5,000 haemophiliacs are estimated to be infected with hepatitis C and around 500 are still living with HIV. Most of those with HIV are also infected with hepatitis C. This co-infection may accelerate the clinical course of both disorders as well as making the haemophilia more difficult to manage. They therefore face considerable medical and psychological problems over and above those faced ordinarily by people with haemophilia.

The Government have enormous sympathy for haemophiliacs in this situation. It is therefore essential that the National Health Service is properly geared up to delivering the full range of clinical and support services needed by people with haemophilia and treatment-acquired infections. These include routine and emergency medical treatments, drug therapies, physiotherapy, counselling, genetic services and specialised services for HIV and hepatitis.

I shall say more about these broader issues in a moment, but first I want to respond to the many points made by noble Lords. I begin with the call on the Government to provide financial assistance for people with haemophilia and hepatitis C and their dependants. As Members of this House are well aware, we met the Haemophilia Society in 1997 and listened to its arguments for a special payment scheme for people with haemophilia and hepatitis C similar to that in place for HIV. After long and careful consideration, we came to the same conclusion reached by the previous government; that a special payment scheme should not be established. Succeeding Ministers have reviewed that decision and have reached the same conclusion. It has also been debated on numerous occasions in both Houses. It is not a view we have come to lightly. I can assure noble Lords that every one of my colleagues who has looked at this issue and met individuals directly affected by this tragedy has found this a most difficult position to arrive at.

The Government have also considered the suggestion that we might provide a limited special payment scheme or hardship fund. However, as we do not make payments to other groups or individuals inadvertently harmed by the National Health Service, the same arguments apply. We believe that the financial needs of people whose condition results from inadvertent harm should be met through the benefits system. I know that the Haemophilia Society does excellent work in ensuring that people with haemophilia are made more fully aware of their benefit entitlements.

It has been the policy of successive governments that compensation or other financial help to patients is paid only when the National Health Service or individuals working in it are at fault. The underlying principles are clear cut and independently established under common law. They apply to personal injury cases in general, not just those arising from health care. There have been no new developments to change this long-standing policy.

We are currently assessing the implications of the recent decision in the High Court (raised by noble Lords) to award damages to 114 people infected with hepatitis C though blood transfusion before the introduction of screening for the virus in September 1991. The case was brought under the Consumer Protection Act 1987 which introduced strict liability for products judged to be defective. However, the judgment does not impact on the question of compensation for haemophiliacs with hepatitis C who were infected before the Act came into force in March 1988.

The Government have decided not to seek leave to appeal against the judgment. Although an appeal would have provided an opportunity to seek clarification on some aspects of the judgment that may have a bearing on the future liability of the National Health Service bodies, the Government did not wish to subject the claimants to a further period of uncertainty while an appeal was under way.

As I mentioned, we are now focusing on the implications of the judgment, which will take time to consider. However, we have no plans for the introduction of a no-fault compensation scheme. Such a scheme would have far-reaching policy and financial implications which would need to be explored very carefully.

During the course of our debate, comparisons have made between the decision not to offer special payments to haemophiliacs with hepatitis C and the special payments established in the late 1980s for haemophiliacs with HIV and the *ex gratia* payments we are making to people with variant CJD and their families. However, there are significant and real differences between these situations.

In the case of HIV, we need to think back to the circumstances of the late 1980s when HIV was having a vast and dramatic impact. It was a source of fear and a stigma for all those who became infected with the virus. There was wide-scale public reaction. HIV then was a new sexually transmitted infection which was rapidly fatal. There was no treatment and, at that time, death from IDS-related diseases was considered inevitable.

It was in that context that special payments were introduced and the Macfarlane Trust was established. We see this as a reflection of those truly exceptional circumstances and the very poor prognosis at that time for people with haemophilia who became infected with HIV.

Questions have also been asked about the parallels between those infected with hepatitis C and those with variant CJD. However, while the Government have agreed *ex gratia* payments for victims of variant CJD in the wake of the Phillips inquiry, the circumstances and background to this situation are truly exceptional. It therefore does not change our long-standing policy on compensation for injuries caused by the National Health Service, which I firmly believe is the right one.

The noble Lord, Lord Astor, raised the issue of comprehensive care centres. There are 18 centres throughout England and smaller haemophilia centres in each National Health Service region in England providing care and counselling to haemophiliacs.

Noble Lords have called for a public inquiry. I can understand that people infected with hepatitis C want to know how it happened and why it could not have been prevented. But the fact is that this was a global problem linked to developing science and technology. It was not confined to the UK or linked to some local breakdown in blood product development. No public inquiry is likely to provide a satisfactory answer. Our aim now is to move forward to enable people with haemophilia and hepatitis C to get on with their lives and to look constructively at how we can improve their health and well-being here and now.

Several points have been made about the provision of recombinant clotting factors. Recombinant clotting factors are commercially produced through genetic engineering outside the human body. They are not yet entirely free from human products, as they contain small amounts of human albumin as a stabiliser. The Haemophilia Society, the UK Haemophilia Centre Doctors Organisation and others have petitioned us to make recombinant Factor 8 and Factor 9 the treatment of choice for people with haemophilia. That is largely on the grounds that recombinant products are regarded as free from the risk of transmission of as yet unknown viruses and free from the theoretical risk of variant CJD.

There is a serious world-wide shortage of recombinant clotting factors. That has been exacerbated recently by the temporary removal from the market of a Factor 8 product used extensively in the UK. The Government have been working closely with the UK Haemophilia Centre Doctors Organisation and with suppliers of clotting factors to manage the situation in a way that best meets the needs of haemophilia patients. However, that illustrates the very real problems faced by the UK and other countries in securing sufficient and sustainable supplies of these products.

That is one of the factors uppermost in our minds in considering the call to place all adult haemophilia patients in England on recombinant clotting factors. We have not yet come to the end of our deliberations on the issue, so I am unable today to give noble Lords the assurances they are seeking. The Government already require National Health Service trusts to provide recombinant Factor 8 and 9 for all new haemophilia patients and children under 16. Other patients can also receive recombinant if it is prescribed for them, although there is no requirement on trusts to do so. Over 50 per cent of the clotting factors prescribed in the National Health Service in England are currently recombinant. However, the fact remains that there is insufficient recombinant clotting factor available now and in the immediate future to give it to every patient who would like to have it.

However, I can assure the House that the plasma derived clotting factors that patients are receiving are just as effective as recombinant products. Since the introduction of viral inactivation they have had an excellent safety record. They are made from non-UK plasma to reduce the theoretical risk of variant CJD and are subject to the same rigorous assessment for safety, quality and efficacy as all other medicines. Manufacturers of blood products, such as the National Health Service-owned Bio Products Laboratory, are also required to meet very stringent requirements of good manufacturing practice regulated by the Medicines Control Agency.

Looking to the future, the Government want haemophiliacs with hepatitis C to receive the best treatment and care we can provide; and that is where I hope we can begin to focus our energies.

Lord Morris of Manchester: My Lords, I am grateful to my noble friend for giving way. The noble Lord, Lord Astor of Hever, raised a specific case. In Manchester's haemophilia treatment centre, patients from North Wales have to be treated more beneficially than local people because of a decision by the Welsh Assembly. What possible defence can be offered for treating people in Manchester differently from people from North Wales who are visiting the North-West of England to attend the treatment centre? They have to be prescribed recombinant treatment as of right and regardless of age and, therefore, are treated more beneficially than Manchester patients. Is it not possible now to say that such discrimination cannot continue?

Lord Burlison: My Lords, the noble Lord, Lord Astor, raised the issue in relation to recombinant factors and treatment. I tried to set out the difficulties surrounding that issue at the moment. The Government are considering the issue. Indeed, when they are in a position to do so, they will make a decision. If the noble Lord is not happy with that, I am ready to write to him.

The noble Lord, Lord Astor, raised the issue of consistency of treatment. There is evidence that greater consistency is needed across the country in the delivery of clinical care for haemophilia patients. The professional groups with an interest in haemophilia have recommended the development of a set of minimum standards for service delivery. That should be a very effective way of helping to standardise all

[LORD BURLISON]

aspects of haemophilia services in the longer term and get rid of any unacceptable variations in care. With that in mind, the Haemophilia Alliance, which includes the Haemophilia Society and the UK Haemophilia Centre Doctors Organisation, has developed a national service specification. The specification outlines the key components of a high quality haemophilia service, whether that is provided in the larger comprehensive care centres or the smaller haemophilia centres. That is currently out for consultation. The Department of Health will be submitting its comments shortly.

The Government recognise the importance of hepatitis C as a public health issue and the need to ensure that effective prevention, testing and treatment services are in place. It is essential that activities to tackle hepatitis C are developed in a strategic and co-ordinated manner. I believe that we are already doing that, but we wish to develop and strengthen our efforts.

As noble Lords will be aware, the Government have recently announced the establishment of a multi-disciplinary steering group to assist in developing a strategic approach to hepatitis C. The steering group, which is chaired by Professor Howard Thomas of Imperial College School of Medicine, will bring together issues relating to prevention, control and treatment. It will produce a document by the end of this calendar year for consultation with the National Health Service, professional bodies and voluntary and community sector organisations.

In 1999 we asked NICE to assess the interferon/ribavirin combination therapy as a matter of urgency. NICE's guidance was published last autumn and provided clear and authoritative advice for clinicians and healthcare providers. Combination therapy is recommended as the treatment of first choice for moderate to severe hepatitis C in previously untreated patients and patients treated with interferon monotherapy who responded but have relapsed. The treatment should make a significant improvement to the prognosis for many people with hepatitis C.

Several other therapeutic agents which also show great promise are in development. Other treatments are being researched, such as different combinations of drugs. The next few years are likely to see significant developments and improvements in the treatments available.

As I have outlined, there is much that we can do and are doing through improved treatments and services to help people with haemophilia. We shall continue to work with all those involved in haemophilia care to improve the services and support available to haemophiliacs with hepatitis C.

Lord Ackner: My Lords, before the noble Lord sits down, I wonder whether he can help me on one point. I understand fully the principle to which the Government have adhered; namely, that compensation is not paid in a situation such as this, where negligence cannot be established. What would assist me would be to understand how the position of haemophiliacs differs from that of victims of criminal injuries; that is, persons who have been injured by criminal activity. Millions of pounds have been spent and continue to be spent, but there is no question of any negligence or vicarious liability. Can the noble Lord explain how to differentiate one from the other?

Lord Burlison: My Lords, I understand the noble and learned Lord's question, but I do not think that I can assist him. This is an area I would be quite loath to go into. I shall write to the noble and learned Lord on the matter.

House adjourned at twenty-two minutes past seven o'clock.

Written Answers

Monday, 23rd April 2001.

Subsidiarity and Repatriation of Powers

Lord Pearson of Rannoch asked Her Majesty's Government:

Further to the Written Answer by Baroness Scotland of Asthal on 27 February (*WA 127*), what were the last three occasions upon which, as a result of the application of the principle of subsidiarity, action at member state level was chosen; and by whom such a choice was made. [HL1327]

The Parliamentary Under-Secretary of State, Foreign and Commonwealth Office (Baroness Scotland of Asthal): The treaty establishing the European Community provides that, in areas which do not fall within its exclusive competence, the Community shall take action in accordance with the principle of subsidiarity only if the objectives cannot be sufficiently achieved by the member states.

The institutions of the Community are required by the Amsterdam Protocol on the Application of the Principles of Subsidiarity and Proportionality to ensure that the principle of subsidiarity is complied with.

It is not possible to specify the last three occasions on which the principle was applied. The institutions are required to apply it constantly. Its successful application means that often proposals for EC action are simply not brought forward.

The Commission prepares an annual report on the application of subsidiarity. Its last report, entitled *Better Lawmaking 2000* and available in the Library of both Houses, provides specific examples of how the principle is put into practice.

EU: Enhanced Co-operation

Lord Shore of Stepney asked Her Majesty's Government:

What were their reasons for agreeing in the Nice Treaty to abolish the United Kingdom's last-resort veto in the European Council on proposals for enhanced co-operation in matters that come within the treaties establishing the European Communities and in provisions relating to the Third Pillar of the Treaty of European Union. [HL1374]

Baroness Scotland of Asthal: In an enlarged EU it is not reasonable for one member state to hold up all the others wishing to proceed with enhanced co-operation, provided that the rigorous conditions for enhanced co-operation have been met. These provide that enhanced co-operation is open to all and that the single market is protected; and will help ensure that there is no development of an inner core.

In addition, the appeal clause we secured allows a member state to seek discussions by the European Council of a proposal for enhanced co-operation before any decision is taken. This is the right balance between the interests of member states and the benefits of greater flexibility in an enlarged EU.

Turkey

Lord Hylton asked Her Majesty's Government:

What response they have received from the Government of Turkey to recent inquiries concerning multiple-allegations that women in official custody or under interrogation have suffered rape and other forms of torture. [HL1427]

Baroness Scotland of Asthal: We are concerned about the recent case of 19 people who have made allegations about rape and torture in police custody in Turkey. Our embassy in Ankara raised this case most recently on 23 March with the Turkish Ministry of Foreign Affairs. We have not yet received a substantive response from the Turkish Government. Our consulate-general in Istanbul attended the first hearing on 21 March. We will continue to monitor this case closely.

Lord Hylton asked Her Majesty's Government:

Whether they are discussing with the Government of Turkey the closures of newspapers and the fines imposed on media owners and editors, especially where the state security court is involved; and whether these matters are being examined in connection with Turkey's application for membership of the European Union. [HL1428]

Baroness Scotland of Asthal: We monitor closely the human rights situation in Turkey, including restrictions on freedom of expression. We have on a number of occasions raised concerns with the Turkish authorities. The European Commission also regularly publishes reports reviewing Turkey's progress towards meeting the criteria for EU membership (agreed at the 1993 Copenhagen European Council). The most recent report (November 2000) is available in the Library.

The Turkish Government stated in their recently published national programme that they will review their legislation governing freedom of expression.

Macedonia and Kosovo: Albanian Insurgents

Lord Moynihan asked Her Majesty's Government:

What action they have encouraged NATO to take in order to make clear to the ethnic Albanian insurgents in Macedonia and in Kosovo that violence is not in the long-term interests of all the peoples in the region. [HL1432]

Baroness Scotland of Asthal: Throughout the crisis in Macedonia the UK has strongly supported the strenuous efforts of NATO and its Secretary General, Lord Robertson. We fully endorsed the Secretary General's statement of 21 March which called on all

political leaders, especially in Kosovo and in ethnic Albanian communities in Macedonia, to condemn violence unreservedly and work to end it. UK forces in Kosovo, with Scandinavian support, have formed an extra battlegroup, Task Force Cambrai, which has deployed to the Kosovo Macedonian border to help prevent unauthorised crossings by extremists groups.

Lord Moynihan asked Her Majesty's Government:

What action they have taken to emphasise Britain's support for the Macedonian Government following the recent actions of ethnic Albanian insurgents in Macedonia. [HL1431]

Baroness Scotland of Asthal: From the outset of the crisis the UK has led efforts in the UN, EU and NATO to condemn the extremist violence in Macedonia. We drafted and supported UNSCR 1345 which made clear the international community's support for the Macedonian Government and the territorial integrity and sovereignty of Macedonia. Throughout the crisis British Ministers have been in close contact with Macedonian counterparts. On 5 April the Foreign Secretary visited Skopje to meet the Macedonian President, Prime Minister and Foreign Minister and leaders from the ethnic Albanian political parties.

European Community and Nice Treaty

Baroness Harris of Richmond asked Her Majesty's Government:

What is the effect of changes to Articles 137 and 144 of the treaty establishing the European Community to be made by the Treaty of Nice, in particular the extension of the list of matters in Article 137(1) and the creation, in Article 144, of a Social Protection Committee. [HL1458]

Baroness Scotland of Asthal: The Treaty of Nice extends the list of matters in Article 137(1) to include the modernisation of social protection systems. This is limited to co-operation between member states (such as the exchange of information and best practice): the harmonisation of legislation is explicitly excluded.

New Article 144 provides a legal base for a non-legislative committee to monitor the development of social protection policies in the member states and to promote the exchange of information and experience between them. The establishment of the committee was agreed at the Lisbon European Council. This amendment merely gives it a formal legal base.

Missile Defence

Lord Judd asked Her Majesty's Government:

What is their estimate in terms of obligations under Article III, V, VI and IX of the Anti-Ballistic Missile Treaty of any role to be played by RAF Fylingdales and RAF Menwith Hill in United States plans for missile defence. [HL1491]

Baroness Scotland of Asthal: The US has yet to put forward any specific missile defence proposals and has not therefore requested the use of UK facilities in this regard.

In addition, the UK is not a party to the Anti-Ballistic Missile Treaty.

Northern Iraq

Lord Ahmed asked Her Majesty's Government:

What work is currently being undertaken by the Department for International Development in northern Iraq. [HL1677]

Baroness Amos: In the Financial Year ending 31 March 2001, DfID provided approximately £3 million in humanitarian assistance to northern Iraq for mines-affected communities, village rehabilitation for internally displaced and vulnerable women and children, physiotherapy for children with physical disabilities, social support for older persons, the development of a statistical capacity to assist the Kurdish administration in the planning of humanitarian aid policies, and an integrated water management programme, focusing on 2,500 families in 123 urban and rural communities. We are funding these projects through Save the Children Fund, ACORN, Kurdistan Children's Fund, Christian Aid/ REACH, HelpAge International, 4RS, Durham University and Mines Advisory Group.

DfID is also providing funds for Liverpool University to carry out research into a possible healthcare programme for the victims of weapons of mass destruction.

European Community: UK Contribution

Lord Shore of Stepney asked Her Majesty's Government:

Further to the Written Answer by Lord McIntosh of Haringey on 3 April (*WA 109*) on contributions to the European Community's own resources, and the statement that figures for the year 2000 are not yet available and that the Government do not "forecast the contribution of other member states", what was the basis for the Prime Minister's statement to the House of Commons (H.C. Deb., 11 December, col. 349) that by 2006 Britain would be making a "net contribution roughly equivalent to France and Italy for the first time in our membership". [HL1650]

Lord McIntosh of Haringey: As I explained to the noble Lord in my reply on 3 April, the Government do not forecast the contribution of other member states on an annual basis. However, estimates have been produced for the net contribution of France and Italy in 2006. These are based on the assumption of only six new member states, and are at 1999 prices, and indicate that the net contribution of France will be around 5 per cent of the EC Budget and that of Italy

around 4 per cent. Based on the same assumptions, the United Kingdom's net contribution in 2006 would be around 5 per cent.

Foot and Mouth Disease: Cost

Lord Marlesford asked Her Majesty's Government:

What are their estimates of the cost to gross domestic product to date of the foot-and-mouth outbreak and the additional public spending to date arising from the outbreak. [HL1715]

Lord McIntosh of Haringey: As my right honourable friend the Chief Secretary to the Treasury said on 22 March (*Official Report*, col. 358W) and 5 April (*Official Report*, col. 239W), it is not possible at this stage to make a robust assessment of the economic impact. The Treasury, MAFF and other interested departments are keeping a range of possible outcomes under review. My right honourable friend the Minister for Agriculture reported in his statement to the House on 9 April that, "we have committed more than £500 million to farmers so far" (*Official Report*, col. 706). At present it is not possible to estimate the final cost of the outbreak with any reliability.

Judicial Appointments

Lord Roberts of Conwy asked Her Majesty's Government:

Whether the statement in Chapter 5, paragraph 56, of the Ministerial Code that, in respect of civil servants, Ministers have "a duty to ensure that influence over appointments is not abused for partisan purposes" applies to legal appointments made by the Lord Chancellor; and, if not, why not. [HL934]

The Lord Chancellor (Lord Irvine of Lairg): Paragraph 56 of the Ministerial Code refers to the Civil Service. However, the appointment of judges and Queen's Counsel is purely on the basis of merit, and there are many safeguards built into the system, not least the recent appointment of the First Judicial Appointments Commissioner, who has access to every interview, every piece of paper and every meeting in the appointments process.

Government TV Advertising: Close Caption Subtitles

Lord Swinfen asked Her Majesty's Government:

Whether it is the policy of all government departments to ensure that any television advertisements that they commission always provide closed caption subtitles for deaf and hard of hearing people. [HL703]

The Minister of State, Cabinet Office (Lord Falconer of Thoroton): Advertising is the responsibility of individual departments. However, the Central Office of Information, which handles the majority of government advertising, has a policy that any government commercials that are commissioned through it provide closed caption subtitles for the deaf.

The only exceptions are recruitment commercials for the Armed Forces.

Written Answers: Reference to Published Documents

Lord Stoddart of Swindon asked Her Majesty's Government:

Further to the Written Answer by Lord McIntosh of Haringey on 8 February concerning the practice of referring to services in the public domain when providing factual information in Written Answers in the *Official Report* (*WA 115*), whether they will reconsider their position in the light of their concern and disquiet expressed around the House about the treatment of Written Answers during the discussion on the Lord Renton's starred Question on the subject (H.L. Deb., 12 February, cols. 6-9). [HL749]

Lord Falconer of Thoroton: The Government are committed both to fully answering all questions put to them and to the better use of electronic communication, and have noted the concerns of the House. The Government recognises that when referring to other published material in Written Answers it may well be appropriate to include the more significant elements of the material with appropriate brevity in the Written Answer. This will depend on the merits of each individual case.

Public Sector Appointments: Register of Volunteers

Lord Avebury asked Her Majesty's Government:

Whether they will require counties and unitary authorities to compile and maintain a register of volunteers for public sector appointments and to advertise the register in libraries, town halls, doctors' surgeries, citizens advice bureaux and websites. [HL843]

Lord Falconer of Thoroton: There are currently no plans for counties and unitary authorities to compile and maintain a register of volunteers for public sector appointments.

However, the Public Appointments Unit (PAU) in the Cabinet Office maintains a computerised register of people who wish to be considered for appointments to the boards of public bodies. It provides names from the register in response to specific requests from government departments. Anyone can nominate themselves or others for inclusion on the register. Self-nomination is encouraged, and in recent years has become the most common form of nomination.

Information about the PAU is sent to a range of organisations on a regular basis, and is also available on the Internet at www.cabinet-office.gov.uk/quango. Individuals with specific interests are also advised to register their names with the relevant government departments.

Millennium Dome: Preferred Bidder Correspondence

Baroness Noakes asked Her Majesty's Government:

Whether the Government will publish a copy of the letter sent to Legacy plc when it was made the preferred bidder for the Millennium Dome; and [HL872]

Whether they will publish the letter sent to Legacy plc terminating the preferred bidder status in relation to the Millennium Dome. [HL874]

Lord Falconer of Thoroton: We do not intend to publish the preferred bidder letter at present. Legacy are not precluded from further involvement in the process; and the letter and associated documentation contain information which could be of use to other potential bidders and undermine the Government's negotiating position.

Under the terms of the preferred bidder letter, Legacy plc's status as preferred bidder expired on 14 February 2001. I am today placing in the House libraries a copy of a letter dated 15 February from the Competition Director to Legacy plc, notifying them of the Government's decision that was announced on the same day (*Hansard,* col. 221W).

Millennium Dome: Best Value

Baroness Noakes asked Her Majesty's Government:

What advice they received as to best value for money for the taxpayer in selling the Millennium Dome site if the Dome were retained. [HL873]

Lord Falconer of Thoroton: In considering bids for the Millennium Dome, the Government have received advice both from officials and from outside professional advisers as to best value for money. They will continue to do so.

EU Institutions: UK *Stagiaires*

Lord Harrison asked Her Majesty's Government:

Whether they are satisfied with the number of young Britons taking up positions as *stagiaires* in European Union institutions; and what they are doing to encourage more young people to learn about the workings of the European Union. [HL1176]

Lord Falconer of Thoroton: The Government aim to raise European awareness amongst young Britons by promoting training opportunities such as the institutions' *stagiaire* schemes. We have been satisfied with the number of British *stagiaires* in recent years, particularly in the European Commission, where Britons account for more than 10 per cent of the total number of *stagiaires* at each intake.

The Government produces guidance on each of the institutions' *stagiaire* schemes and UK studentships to European centres of learning—to which the Government make a generous allocation of scholarships for students from the UK. The information is available on request, at careers services, at careers events and via the Internet.

Northern Ireland Human Rights Commission

Lord Laird asked Her Majesty's Government:

Why they consider that the Northern Ireland Human Rights Commission is representative of the entire community when it has no representatives from any of the ethnic minorities, from the evangelical Protestant community or from the 22 per cent of the population who consider themselves to be Ulster Scots. [HL1336]

Lord Falconer of Thoroton: None of the members of the Northern Ireland Human Rights Commission was appointed to represent any particular group or section of the community within Northern Ireland. Each was appointed on his or her own merits but with regard to the statutory requirement that the Secretary of State should "as far as practicable secure that the Commissioners, as a group, are representative of the community in Northern Ireland". The Secretary of State for Northern Ireland remains committed to complying with the obligations placed on him by Sections 68(3) and 75 of the Northern Ireland Act in making any future appointments. In making appointments, however, the Government are inevitably constrained by the numbers and quality of applications made.

Lord Laird asked Her Majesty's Government:

When they will start the process of recruiting a chief executive, chief commissioner and members of the Northern Ireland Human Rights Commission for its next statutory period; and whether they will ensure that it reflects all strands of Northern Irish society. [HL1337]

Lord Falconer of Thoroton: The chief commissioner and other existing members of the Northern Ireland Human Rights Commission were appointed for three years from 1 March 1999. The Commissioner for Public Appointments recommends that public appointees should initially be assessed for their willingness and suitability for reappointment six months before the end of their appointment and, if appropriate, a further appointments process should then be run.

The Government are currently seeking to appoint further commissioners through open competition following the resignation of Angela Hegarty in

January. All further appointments to the Commission will be made with regard to the Secretary of State's statutory obligations under s.68(3) of the Northern Ireland Act 1998.

The chief executive is directly employed by the Northern Ireland Human Rights Commission, so her employment is a matter for the commission itself. The chief commissioner has been asked to write to the noble Lord. A copy of his letter will be placed in the Library.

Lord Laird asked Her Majesty's Government:

Whether they will require the Northern Ireland Human Rights Commission to place the answers to all relevant parliamentary Questions, including letters placed in the Library of the House, on the commission's website. [HL1378]

Lord Falconer of Thoroton: It is for the Northern Ireland Human Rights Commission itself to decide what is placed on its website. We will, however, put the noble Lord's suggestion to the commission.

Lord Laird asked Her Majesty's Government:

Who is the accounting officer for the Northern Ireland Human Rights Commission. [HL1553]

Lord Falconer of Thoroton: Mr Joe Pilling, Permanent Under-Secretary of State at the Northern Ireland Office and principal Accounting Officer for all money within the NIO Vote, has designated Professor Brice Dickson, Chief Commissioner of the Northern Ireland Human Rights Commission, as Non-Departmental Public Body accounting officer for the Commission.

Internet Access

The Earl of Northesk asked Her Majesty's Government:

By what criteria they intend to measure the target of achieving universal Internet access in the United Kingdom by 2005; and whether the target is to be applied to access at home, at the workplace or in the community. [HL1357]

Lord Falconer of Thoroton: In March 2000, the Prime Minister announced our commitment that everyone who wants it will have access to the Internet by 2005. In doing so, he made clear that access could be at work; at home through a personal computer, digital television, games console or other devices; on the move by telephone or other wireless device; or at a nearby public access point.

The Office of National Statistics monitors Internet access and use at home, work and in the community on a quarterly basis. We will continue to track our progress against this research.

In addition, colleagues at the Department for Education and Employment have recently set up an ICT Research Centre whose remit includes assessing access to ICT by age, gender, socio-economic group, disability and ethnicity.

Ministerial Code: Monitoring

Lord Lester of Herne Hill asked Her Majesty's Government:

Whether they support the appointment of an officer to provide independent advice to Ministers on their responsibilities under the Ministerial Code, to conduct independent investigations of alleged breaches of the code, and to report to the Prime Minister and to Parliament. [HL1392]

Lord Falconer of Thoroton: The Government's position on this issue is set out in their response to the sixth report of the Committee on Standards in Public Life (Cm 4817).

Doctors' and Dentists' Pay Review Body: Chairman

Lord Alli asked Her Majesty's Government:

If any announcement regarding the chair of the Doctors' and Dentists' Pay Review Body from 1 March is to be made. [HL1747]

Lord Falconer of Thoroton: The Prime Minister has appointed Mr Michael Blair QC to be Chair of the Doctors' and Dentists' Pay Review Body from 1 March for a period of three years.

Equine Industry: Promotion

Lord Harrison asked Her Majesty's Government:

What are their plans to expand the equine industry in Britain to boost the rural economy. [HL829]

The Minister of State, Ministry of Agriculture, Fisheries and Food (Baroness Hayman): The Government recognise the major contribution which the equine industry makes in generating economic activity in the countryside. Although the scope for expansion may be limited in some sectors of the industry, there are likely to be significant opportunities in particular areas such as the breeding of high performance horses. Steps have been taken to facilitate diversification into horse enterprise on farms, and the horse sector can benefit from measures operated under the England Rural Development Programme, for which funding of £1.6 billion has been provided over seven years. The Government's policies for rural development were set out fully in the Rural White Paper in November 2000 and many of these will benefit, directly or indirectly, the equine industry and horse users.

Foot and Mouth Disease Virus

The Countess of Mar asked Her Majesty's Government:

What is the lowest pH level at which the foot-and-mouth disease virus will survive; and what is the pH range of air in the United Kingdom atmosphere. [HL1563]

Baroness Hayman: The viability of foot and mouth disease virus depends on pH and temperature. The virus is most stable at neutral pH levels, but will not survive indifinitely. Acidic or basic pH levels decrease the survival time, as do high temperatures. As an example, in laboratory conditions, foot and mouth disease virus survives at pH 6.0 for only two minutes.

As pH is a measurement of the acidity or basicity of aqueous or other liquid solutions, it is not possible to give the pH range of air. We assume that the question refers to airborne spread of the virus. The factors that affect airborne spread include wind direction, wind speed, wind veer, ambient temperature and relative humidity.

The Countess of Mar asked Her Majesty's Government:

What is the normal pH of living animal tissue; what pH levels are achieved by *rigor mortis*; and whether the reduced levels are maintained during the decay of carcasses. [HL1564]

Baroness Hayman: The normal pH of living animal tissues is approximately neutral. During *rigor mortis*, the pH in skeletal muscle falls below 6.0, which is sufficient to inactivate foot and mouth disease virus. The exact value depends on the species of animal and type of muscle. Viable virus can still be isolated, however, from the bone marrow and lymph nodes of carcasses. The pH levels during decay depend on many factors and may rise after *rigor mortis*; however the virus cannot be reactivated by a rise in pH levels.

The Countess of Mar asked Her Majesty's Government:

Whether pH levels achieved in meat from healthy slaughtered animals, frozen or chilled without the carcass being hung, are sufficiently low to kill foot-and-mouth disease virus. [HL1565]

Baroness Hayman: To inactivate the virus in meat, it is essential that a pH level below 6.0 has been reached before deboning. This can be achieved by chilling at 2 degrees C for 24 hours or by electrical stimulation. If the meat is frozen before the pH levels drop during *rigor mortis*, then the foot and mouth virus can survive for long periods, but may be inactivated during the thawing process.

Foot and Mouth Disease: Racehorse Industry

The Countess of Mar asked Her Majesty's Government:

In what circumstances veterinary officials of the Ministry of Agriculture, Fisheries and Food, advising the Chief Veterinary Officer about matters related to the foot-and-mouth disease epidemic, have been given emoluments from the racehorse industry. [HL1244]

Baroness Hayman: MAFF officials have received no such emoluments.

Foot and Mouth Disease: Mr Feakin and Mr Cleave

The Countess of Mar asked Her Majesty's Government:

On what dates, if any, they issued emergency instructions to the State Veterinary Service about dangerous foot-and-mouth disease contacts associated with the livestock dealers Feakin and Cleave; what were the reasons for any such instructions; and how many foot-and-mouth outbreaks, if any, are so far directly traceable to the activities of these two dealers, including any outbreaks in France and Holland. [HL1455]

Baroness Hayman: The Ministry issued emergency instruction to the State Veterinary Service concerning specific market tracings on 6, 10, 14 and 16 March. These instructions were part of the tracing process to identify all premises with animals that had been exposed to infection, including those which had passed through the dealerships of Mr Feakin and Mr Cleave. These premises were regarded as Dangerous Contacts, and all susceptible livestock on these premises were slaughtered. Mr Feakin and Mr Cleave were mentioned by name in an emergency instruction issued on 16 March 2001.

Epidemiological enquiries are continuing into the links between each outbreak and a full report will be published in due course. Currently, at least 80 outbreaks are traceable to movements through the dealerships of Mr Feakin and Mr Cleave. We are liaising with the authorities in France and the Netherlands and also with the appropriate local authorities in the course of these enquiries.

Foot and Mouth Disease: Milking Cow Vaccination

Baroness Byford asked Her Majesty's Government:

When vaccination of milking cows against foot and mouth disease will commence; and whether the animals vaccinated can be used for breeding purposes. [HL1533]

Baroness Hayman: We are actively considering the use of vaccination as a disease control measure. Vaccination is not a substitute for our current slaughter policy and would only be a tool as part of this approach. European Commission rules would enable vaccinated animals to be used for breeding purposes subject to certain conditions which are set out in the Decision of the EC Standing Veterinary Committee of 28 March.

Foot and Mouth Disease: Veterinary Assistance

Baroness Byford asked Her Majesty's Government:

Whether the Ministry of Agriculture, Fisheries and Food has written to all United Kingdom's

veterinary businesses (both large and small animal practices) to ask for their assistance in the fight against foot and mouth disease; and, if so, on what dates they were approached. [HL1534]

Baroness Hayman: The Ministry wrote to all regional Animal Health Offices on 23rd February 2001, with the request that they contact all veterinary practices in each division to see if they had any staff to assist with the foot and mouth outbreak. In addition, advertisements for temporary veterinary surgeons have been placed on the MAFF website http://www.maff.gov.uk/ and in the journal *The Veterinary Record*. Requests for assistance have also been made through the Royal College of Veterinary Surgeons and British Veterinary Association.

Foot and Mouth Disease: Financial Support to Farmers

Baroness Byford asked Her Majesty's Government:

Whether financial support referred to in the statement by Baroness Hayman on 9 April (H.L. Deb., col. 1013) extends to those farmers who are restricted from selling their animals either under the 30-month scheme, or because the lambs have cut second teeth. [HL1786]

Baroness Hayman: The measures referred to in my statement make no general provision for paying compensation to farmers for losses resulting from their inability to enter cattle into the Over Thirty Month Scheme or to have their cattle slaughtered for human consumption before they reach 30 months of age. The Government are keeping the position of producers affected in these ways under review. In the meantime, cattle of all ages may be entered into the Livestock Welfare Disposal Scheme if the circumstances are appropriate.

British Beef: Export to France

The Earl of Caithness asked Her Majesty's Government:

What will be the benefit for the United Kingdom from a favourable resolution of the court case against France for its failure to allow the import of British beef. [HL1801]

Baroness Hayman: A favourable resolution should enable British beef to be exported to France; which was our most significant export market prior to the 1996 export ban. It would also reinforce the message to consumers in other countries that beef produced under the Date-based Export Scheme is as safe as any in the world. This should benefit the export trade once current restrictions due to foot and mouth are lifted.

MAFF Disease Emergency Control Centre: Hours of Operation

Lord Luke asked Her Majesty's Government:

Whether they will arrange for Ministry of Agriculture, Fisheries and Food personnel to be available at Page Street until at least 10.30 pm every evening to cover the shift system being operated by veterinarians in foot-and-mouth diagnosis and slaughter. [HL1772]

Baroness Hayman: The two shifts currently operated by veterinary staff in the Disease Emergency Control Centre (DECC) at Page Street are from 08.00–16.00 hours (early shift) and 13.00–21.00 hours (late shift). Administrative personnel are on hand to support the vets at Page Street through both shifts. A duty veterinary advisor is available at other times outside the shift system.

Farm Subsidies

Lord Pearson of Rannoch asked Her Majesty's Government:

What is the total of the annual subsidies paid to United Kingdom farmers:

(a) through the Common Agricultural Policy: and

(b) otherwise. [HL1695]

Baroness Hayman: Expenditure on CAP measures in the UK was, on average, £3.4 billion per annum during the period 1996–97 to 2000–01. This includes expenditure on direct payments and market support measures. The latter are not necessarily paid direct to farmers. This figure excludes the additional support farmers receive from the consumer through the maintenance of EU agricultural prices above world levels by the CAP. During the same period, expenditure by UK agricultural departments on other support to agriculture was, on average, £178 million per annum.

Lord Pearson of Rannoch asked Her Majesty's Government:

What is the total cost to the United Kingdom taxpayers of:

(a) the Common Agricultural Policy; and

(b) other mechanisms which support United Kingdom farmers. [HL1696]

Baroness Hayman: Between 1996 and 2000, the UK contributed, on average, £10.6 billion to the EU budget. Over the same period, the Common Agricultural Policy represented, on average, 48 per cent. of total expenditure from the EU budget. Expenditure by UK agriculture departments on other support to agriculture was £178 million, on average, between 1996 and 2000.

Rod Fishing Licences

Lord Mason of Barnsley asked Her Majesty's Government:

How many national fishing licences were sold during the last year: in the categories: (a) salmon, (b) trout and (c) coarse fishing; what prices are

being charged for the 2001 season, and from which outlets; and whether there are any changes in the qualifications for a licence. [HL1641]

Baroness Hayman: The provisional numbers of national rod fishing licences sold in 2000–01 were:

(a) salmon and sea trout; 29,549

(b) coarse fishing (including non-migratory trout) 1,075,434

(NB there is no separate trout or coarse fish licence)

The cost of the various types of licences for the 2001–02 season are:

Licence type	*Migratory Salmonids*	*Coarse and Trout*
Full	£59	£20
Concessionary	£29.50	£10
Junior	£29.50	£5
8-day	£16.50	£6.50
1-day	£5.50	£2.50

These licences can be obtained from all post offices in England and Wales and some on the Scottish border, as well as from some larger fisheries. Licences may also be obtained by telephone (0870 1662662) or via the Internet (www.environment-agency.gov.uk/fish).

Anyone can buy a national licence. The criteria for eligibility for concessionary licences are unchanged, although the price of a licence has been halved for junior anglers.

Foot and Mouth Disease: Grazing on Set-aside Land

Lord Northbourne asked Her Majesty's Government:

Whether in view of the foot and mouth emergency and the desirability of minimising movements of stock, they will immediately lift restrictions on grazing of livestock on set-aside land in cases where stock are in need of keep and no other suitable grazing is available in an adjacent or nearby field. [HL1572]

Baroness Hayman: Restrictions on set-aside land were lifted on 16 March 2001. The European Commission agreed to our request for a derogation from Arable Area Payment Scheme rules to allow set-aside land to be used for grazing, without loss of aid payment. This applies where no alternatives are available due to movement restrictions resulting from the foot and mouth disease outbreak.

National Minimum Wage: Hospitality Sector

Lord Harrison asked Her Majesty's Government:

In the light of the statistics in the British Hospitality Association 2001 Contract Catering Survey, what has been the impact of the introduction of the national minimum wage in the hospitality sector. [HL1604]

The Minister for Science, Department of Trade and Industry (Lord Sainsbury of Turville): Employment in the United Kingdom has grown by over 430,000 since the introduction of the minimum wage. The number of jobs in the hotel and catering sector—which includes a high proportion of low paid jobs—increased by 14,000 between March 1999 and September 2000. The independent Low Pay Commission's third report found no adverse effects on the economy or employment; in fact employment had increased in a range of service industries.

The Government recognise that for some employers the national minimum wage presents a challenge. We will be working through the Small Business Service and the trade associations to ensure that firms in this sector are able to make the necessary adjustments to manage the changes arising from minimum wage increase due in October.

Post Offices: Horizon Programme Installation

Baroness Byford asked Her Majesty's Government:

Whether all post offices have been successfully equipped with a modern, online electronic platform. [HL1614]

Lord Sainsbury Of Turville: I understand from Post Office Network that the main Horizon programme has now been completed with the successful installation of the system in over 17,500 outlets (98 per cent of all post offices). There remain a small number of outlets (approximately 300) where there are special factors involved, but Post Office Network plans to complete installation in all but 50 of these remaining outlets by June, with any outstanding installations to be done as quickly as possible thereafter.

Worktrain Internet Service

The Earl of Northesk asked Her Majesty's Government:

What conclusions can be drawn from the fact that the worktrain.gov.uk search engine does not recognise the word "Internet" but returns the error message "Internet has not been recognised. It may be mis-typed or not in our dictionary. Please type in different job title." [HL1621]

The Minister of State, Department for Education and Employment (Baroness Blackstone): Worktrain is an important new service on the Internet, providing information about jobs, training and careers. It was launched by the Secretary of State for Education and Employment on 8 March 2001.

Users can search for jobs by selecting from a list of different types of work or specify a job in their own words. At present the word "Internet" is not included

in the job titles listed, as relatively few job vacancies in related work are held by the Employment Service. However, the searching system is being enhanced to include additional words which people frequently use and the word "Internet" will be added shortly.

Work Based Training for Adults: Contract Award Criteria

Lord Smith of Leigh asked Her Majesty's Government:

What criteria Employment Service Contracting Division used in awarding the recent contracts for Work Based Training for Adults; and how they intend to ensure effective delivery of those contracts. [HL1637]

Baroness Blackstone: The competition to award contracts for the delivery of Work Based Learning for Adults was conducted by ES officials in line with public procurement principles and followed requirements set down by the European Commission.

ES officials sought outline delivery proposals from among organisations which had already passed through a pre-qualification process. They evaluated these against predetermined quality criteria drawn from guidance provided to all those invited to bid. The evaluation looked at how the bidder proposed to deliver and manage the provision and the outcomes they would achieve, supported by relevant evidence.

Responsibility for managing these contracts will rest with teams based in Employment Service Districts, who will be familiar with local requirements. Contract management activity is underpinned through a quality framework agreement between ES and the provider. There will be co-ordination with the activities of the Adult Learning Inspectorate and the Learning and Skills Council to ensure consistency of approach to providers.

New Deal Employment Statistics

Lord Mason of Barnsley asked Her Majesty's Government:

Under the New Deal Programme for the under 25s, what is the average cost over the last 12 months of placing an individual into (a) sustainable employment, and (b) sustainable self-employment, giving the figures both nationally and specifically for the Yorkshire and Humberside region. [HL1640]

Baroness Blackstone: Information over the 12 months since February 2000 to January 2001 (the most recently published set of monthly statistics) shows that almost 174,000 young people started on the programme and 104,000 jobs have been taken up, of which more than 80,000 have been sustained. In Yorkshire and Humberside, nearly 19,000 young people have joined the New Deal and nearly 12,000 jobs have been taken up, of which 9,000 have been sustained. On average around £2,000 is spent on each participant on the New Deal for young people and the cost per sustained job is around £5,000 both nationally and in Yorkshire and Humberside. Statistics are published each month that show the numbers of young people who find a job through New Deal: these do not distinguish between self-employed and employed earners.

In today's youth labour market, it can take young people one or two starts before they settle in a job. Because of this, the Government's approach is to calculate the cost per job figure including both sustained and unsustained jobs. Any job can offer considerable benefits to the participant through increased self-confidence and useful work experience, even if the job does not last. Calculated on this basis, the cost per job figure is around £4,000. People who leave for a job that does not last and return to claim the Jobseeker's Allowance will be offered further help from the New Deal.

Airport Slot Allocations

Lord Pearson of Rannoch asked Her Majesty's Government:

With reference to paragraph 17 of the Presidency Conclusions of the Stockholm European Council:

(a) what are the European Commission's existing rules on airport slot allocations;

(b) why the Commission is planning to present a comprehensive proposal to revise those rules; and

(c) whether the rules under (a) or (b) above form part of the European Single Sky. [HL1726]

The Minister of State, Department of the Environment, Transport and the Regions (Lord Macdonald of Tradeston): The answer is as follows—

(a) the existing rules governing the allocation of airport take-off and landing slots are set out in EC Regulation 95/93, given force in UK law by the Airports Slot Allocation Regulations 1993 (SI 1993 No. 595) (as amended). In brief, the regulation enables member states, where demand for slots at an airport exceeds supply and there is no prospect of the imbalance being redressed in the short term, to appoint a slot co-ordinator to undertake slot allocation. He is required to act in an independent manner, and to perform his duties in a neutral, transparent and non-discriminatory way. Slots are allocated on the basis of priority criteria set out in the regulation, in international guidelines, and in any airport-specific local rules.

(b) EC 95/93 placed a duty on the Commission to report to the European Parliament and the Council on the effects of the regulation three years after its entry into force, and to place a proposal for the continuation or revision of the regulation before the Council by 1 January 1996. This deadline was comprehensively missed. But the additional time has enabled further consideration of the impact of the regulation, particularly as regards its declared objectives of encouraging market entry and facilitating competition. Her

Majesty's Government welcome the proposal that there should be comprehensive reform. It has put forward to the Commission the argument that a revised system should adopt a market-based approach to slot allocation, with the auctioning of newly created and recycled slots, and legitimised and transparent trading of slots between air carriers.

(c) The rules explained above do not form part of the Single European Sky.

East Coast Main Line Franchise

Lord Greaves asked Her Majesty's Government:

When they expect to make a decision on the new franchise for operating passenger train services on the East Coast Main Line. [HL1734]

Lord Macdonald of Tradeston: Revised proposals from both Virgin/Stagecoach and GNER were received by the Strategic Rail Authority (SRA) on 17 April. Once the SRA has considered these, it will decide whether to proceed with a request to the Secretary of State for a direction to authorise early replacement of the Inter City East Coast franchise. Any such request will be given appropriate and timely consideration.

Transport Act 2000, Section 223: Entry into Force

Lord Berkeley asked Her Majesty's Government:

When they intend to bring into effect Section 223 of the Transport Act 2000, giving the Rail Regulator powers to require the provision, improvement and development of railway facilities. [HL1711]

Lord Macdonald of Tradeston: Section 223 of the Transport Act will be brought into force as soon as any necessary exemptions have been made. We expect to consult the Rail Regulator and other interested parties on a draft exemption order before the summer Recess.

Luton and Dunstable Guided Busway Proposal

Lord Berkeley asked Her Majesty's Government:

What is the status of the application as part of the local transport plan scheme by Luton Borough Council last July for funding for a guided busway between Luton and Dunstable. [HL1713]

Lord Macdonald of Tradeston: Major local transport plans such as the proposed guided busway between Luton and Dunstable, known as Translink, are considered by the department as part of the overall strategy in the authority's local transport plan. More work is needed by the authority on the economic appraisal of Translink before the department can reach a provisional view on whether it passes the tests that have been established to determine eligibility for government funding. A revised appraisal is expected shortly. Should the department's provisional view be that it passes these tests, the authority would then apply for powers to build the scheme under the Transport and Works Act.

"How to get an elected mayor" Brochure

Lord Smith of Leigh asked Her Majesty's Government:

What was the cost of publishing the brochures produced by the Department of the Environment, Transport and the Regions and intended for the public on *How to get an elected mayor*, published in March 2001. [HL1635]

The Parliamentary Under-Secretary of State, Department of the Environment, Transport and the Regions (Lord Whitty): The cost of production and delivery of 10,000 copies to local authorities in England for them to distribute to local people was £38,861 inclusive of VAT.

Foot and Mouth Disease: Assistance to Tourism and Rural Business in the North West

Lord Smith of Leigh asked Her Majesty's Government:

Whether they intend to deal with the economic and social consequences of foot and mouth disease in areas like Cumbria by using resources from existing Objective 2 allocations for 2000–06 or by applying for new resources from the European Union. [HL1636]

Lord Whitty: The Objective 2 Programmes for England have recently been formally approved by the European Commission. Within the approved framework, individual programmes have flexibility to respond to foot and mouth in the way most appropriate for their region.

The North West Programme Monitoring/Regional Committee met on 30 March 2001. It delegated authority to the European Programme Secretariat to enable it to deal with an accelerated application for £1 million European Regional Development Fund (ERDF) to match North West Development Agency funding for business support measures to assist the rural and tourism sectors. That application is in full compliance with the eligibility rules under the programme. It has now been submitted by the NWDA and an offer has been issued by the Secretariat.

Under that project, business support agencies can obtain additional funding for an enhanced service to those sectors in the North West hit particularly hard by the drop in tourism and rural business.

Foot and Mouth Disease: Reopening of Footpaths in Cumbria

Lord Greaves asked Her Majesty's Government:

How long they estimate it will take to reopen footpaths and fells of the Lake District to walkers

(a) once the foot and mouth disease outbreak in Cumbria has peaked; and (b) after the last case has been identified in the county; and [HL1729]

Whether they expect the footpaths and open fells in the Lake District National Park to be reopened any time during 2001. [HL1730]

Lord Whitty: We hope that it will be possible to open most footpaths and open fells in the Lake District National Park before the end of 2001. The rate of opening will, however, depend on the course of the disease. It is too soon to say how long after the last case the area can be declared free of infection. But paths can be considered for reopening on a case-by-case basis as the situation evolves, and we welcome the fact that Cumbria County Council has already been able to lift restrictions on some of its footpaths.

Foreign Registered Vehicles: Road Accidents

Lord Berkeley asked Her Majesty's Government:

Whether records are kept of the number of foreign registered vehicles involved in road accidents; and, if not, what would be the cost of so doing. [HL1712]

Lord Whitty: Data on foreign registered vehicles involved in road accidents are not available. However, the gathering of such data in the future is to be assessed as part of the upcoming five-year rolling review of the STATS 19 collection system.

Foot and Mouth Disease: National Parks

Baroness Miller of Chilthorne Domer asked Her Majesty's Government:

What measures they are taking to ensure that Britain's national parks will be able to uphold their statutory purposes during and after the foot and mouth crisis. [HL1796]

Lord Whitty: We have asked National Park Authorities to produce estimates of extra costs they have incurred and loss of income resulting from the effects of foot and mouth. We are committed to ensuring that the Park Authorities continue to fulfil their statutory duties.

Braille Labelling for Medicines

Lord Shore of Stepney asked Her Majesty's Government:

What is their response to the introduction by the Co-operative Group (CWS) Limited in their Welcome Store in Stepney of Braille labelling on over-the-counter medicines; and whether they will encourage the wider use of Braille labelling for medicines. [HL1609]

The Parliamentary Under-Secretary of State, Department of Health (Lord Hunt of Kings Heath): The Government strongly support this initiative by the Co-operative Welcome Store in Stepney which was launched by my right honourable friend the Secretary of State for Education and Employment on 13 March. By enabling ready identification of important medicines in daily use such as aspirin and paracetamol, this initiative represents a major step forward for safe self-medication for blind and partially sighted people. Solving the technical problems in achieving this will bring benefits more widely, as the initiative is rolled out to Co-operative food stores and pharmacies across the country.

The Government are committed to ensuring that all medicines are used correctly and safely on the basis of full and comprehensive product information. The Medicines Control Agency, in the guidelines to the pharmaceutical industry, encourages marketing authorisation holders to make statutory medicines information accessible for the blind and partially sighted via Braille, large print and audio.

Parkinson's Disease: Diagnosis

Lord Harrison asked Her Majesty's Government:

What is their response to the recent report by Professor David Burns of Newcastle General Hospital that some 25 per cent of patients thought to have Parkinson's disease have been wrongly diagnosed. [HL1666]

Lord Hunt of Kings Heath: The Government have not been made aware of particular difficulties in the diagnosis of patients with Parkinson's disease. The Government will continue to emphasise that all doctors, including general practitioners, receive training designed to ensure they have the basic skills, knowledge and experience to provide quality services to patients, including those with Parkinson's disease, and to respond to changing patterns of disease and modern methods of healthcare delivery.

Community Pharmacies

Lord Morris of Manchester asked Her Majesty's Government:

What proposals they have to assist community pharmacists in providing discrete quiet areas in pharmacies for counselling on medicines management, pharmacist prescribing and other services. [HL1704]

Lord Hunt of Kings Heath: The Government's programme for pharmacy in the National Health Service in England is set out in *Pharmacy in the Future—Implementing the NHS Plan* published in September 2000, copies of which are available in the Library. In that document we said that we will be discussing with the Pharmaceutical Services Negotiating Committee changes to the terms of service

and distribution of remuneration for community pharmacy to establish minimum standards and to promote and reward high quality services. The standard of premises and the provision of private consultation areas are likely to be among the issues discussed.

Lord Morris of Manchester asked Her Majesty's Government:

What help they are considering to enable community pharmacists, especially those who are single-handed, to engage an additional pharmacist to assist in the provision of new services; and what material encouragement they will provide to help community pharmacists to undertake the additional training required for such services. [HL1705]

Lord Hunt of Kings Heath: There are many opportunities for community pharmacists to become involved in providing additional services on behalf of the National Health Service. Such services may be funded in a variety of ways and pharmacists and pharmacy owners will seek to negotiate payments which appropriately take into account any investment they have made or will need to make in staffing and training.

In addition, the continuing professional development of pharmacists and their staff will be one of the issues we intend to include in discussions with the Pharmaceutical Services Negotiating Committee in due course about changes to existing terms of service and national remuneration arrangements for community pharmacy in order to promote and reward high quality services.

We will also continue to support the provision of training materials for community pharmacists through our Centre for Pharmacy Postgraduate Education. This will include new training materials to meet new health priorities such as medicines management.

Pharmacy Workforce

Lord Morris of Manchester asked Her Majesty's Government:

What steps they are taking, in consultation with pharmacy organisations, to ensure an adequate supply of pharmacists to provide the new services which they and the profession now seek to make available. [HL1706]

Lord Hunt of Kings Heath: Workforce modelling previously undertaken by the Department of Health suggests a 12 per cent. increase in the pharmacy workforce between 1998 and 2003, despite the change to a four-year undergraduate course. Building on this experience, the department is supporting the Royal Pharmaceutical Society of Great Britain's initiative to establish a pharmacy workforce advisory group to scope future pharmacy workforce needs and advise on how supply and demand could be managed.

Home Care and Non-residential Services

Lord Morris of Manchester asked Her Majesty's Government:

What is the Department of Health's timetable for responses to its consultation paper on fairer charging policies for home care and non-residential services and the issuing of final guidance; and whether, and if so when, it is intended to tell local authorities that their policies should not reduce disabled people's incomes below income support levels. [HL1707]

Lord Hunt of Kings Heath: Consultation ended on 30 March and we are now considering the responses. We intend to issue statutory guidance to local councils during the summer.

Contaminated Blood: Judgment

Lord Morris of Manchester asked Her Majesty's Government:

Further to the Written Answer by Lord Hunt of Kings Heath on 5 April (*WA 130*), whether their response to Mr Justice Burton's judgment in the High Court on 26 March concerning contaminated blood supplied by the National Blood Authority will be reported first to Parliament. [HL1708]

Lord Hunt of Kings Heath: The Government have decided not to seek leave to appeal against the judgment given by Mr Justice Burton on 26 March.

Although an appeal would have provided an opportunity to seek clarification on some aspects of the judgment that may have a bearing on the future liability of National Health Service bodies, the Government did not wish to subject the claimants to a further period of uncertainty while the appeal was under way.

The Government are now focusing on the implications of this judgment, which will take time to consider.

Interactive Television Systems: Statutory Provisions on Data Processing

The Earl of Northesk asked Her Majesty's Government:

What statutory provisions apply to the processing of data by interactive television systems and digital set top boxes. [HL1568]

Lord McIntosh of Haringey: The processing of data by interactive television systems and digital set top boxes is covered by the provisions of the Data Processing Act 1998 and as such comes under the auspices of the Information Commissioner.

Contract Catering: Increased Turnover

Lord Harrison asked Her Majesty's Government:

What is their response to the increased turnover in the hospitality industry, as shown in the British Hospitality Association 2001 Contract Catering Survey. [HL1603]

Lord McIntosh of Haringey: The Government are pleased to note that the British Hospitality Association's survey reports an 8.5 per cent. increase in turnover in contract catering from 1999 to 2000.

New Opportunities Fund: Freehold Land

Baroness Byford asked Her Majesty's Government:

Whether all land acquired under New Opportunities initiatives will be subject to enduring covenants, preventing its use for industry or commercial development or for housing. [HL1613]

Lord McIntosh of Haringey: No; it is currently a requirement of the New Opportunities Fund's financial directions that grant conditions for freehold land apply for 80 years. In some cases it may be proper to apply enduring or restrictive covenants; but this will depend on the individual circumstances of a grant proposal for land purchase.

Parliamentary Pay Review

Lord Marlesford asked Her Majesty's Government:

What is the date on which they received the report of the Senior Salaries Review Body's review of parliamentary pay and allowances; and when they expect to publish it. [HL1056]

The Lord Privy Seal (Baroness Jay of Paddington): The Chairman of the Senior Salaries Review Body wrote to the Prime Minister in late February enclosing a copy of the report.

The Government published the report on 16 March.

EU/US "Safe Harbours" Agreement

The Earl of Northesk asked Her Majesty's Government:

How many American multinationals have signed up to the "safe harbour" agreement between the European Union and the United States; and whether the agreement is operating effectively. [HL1105]

The Parliamentary Under-Secretary of State, Home Office (Lord Bassam of Brighton): The United States Department of Commerce maintains a list of organisations adhering to the safe harbour arrangements. On 10 April 2001, 37 organisations were listed. Without more detailed information than that which the list provides, it is not possible to identify multinationals. The Government have no reason to believe that the safe harbour arrangements are not functioning effectively.

National High-Tech Crime Unit

The Earl of Northesk asked Her Majesty's Government:

Whether recruits to the National High-Tech Crime Unit are trained in the United States rather than the United Kingdom; and, if so and in light of the apparent absence in the United Kingdom of adequate training facilities for the Unit and Information Technology security services generally, what plans they have to address this. [HL1778]

Lord Bassam of Brighton: Staff joining the National Hi-Tech Crime Unit will receive their core training in the United Kingdom. Some staff will undertake training in the United States in the use of specific computer forensics tools by attending courses delivered by the product manufacturers. Home Office National Police Training is reviewing the hi-tech crime training needs of the police service as a whole.

"Hard-working Families": Definition

Lord Greaves asked Her Majesty's Government:

What is their definition of a "hard-working family". [HL1363]

Lord Bassam of Brighton: The Government are committed to supporting families who work hard to balance their work and family commitments looking after children and their dependents. That is why we are improving rewards from employment, helping people into employment and improving support for parents, including child care, and for carers and poorer pensioners.

Immigration Act Detainees: Telephone Calls

Lord Hylton asked Her Majesty's Government:

How they reconcile the statement of the Lord Davies of Oldham on 27 March (H.L. Deb., Col. 255) that "detainees held in prisons have access to a telephone, although the telephones are used in the main for incoming calls" with the Written Answer by Lord Bassam of Brighton on 29 March (*WA 59*) that "prisoners may not receive incoming telephone calls and faxes. However, exceptional provision has been made for Immigration Act detainees held in the dedicated centres at Lindholme and Haslar prisons to receive incoming telephone calls and faxes". [HL1751]

Lord Bassam of Brighton: The position is as stated in my earlier Answer, *WA 59*, 29 March. I understand that my noble friend Lord Davies of Oldham is writing to those who took part in the debate on 27 March to

clarify or expand upon a number of points, and the issue of access to telephones to receive incoming calls is one such point.

Firearms Database

Lord Marlesford asked Her Majesty's Government:

Whether the Firearms Certificates Database, required under Section 39 of the Firearms (Amendment) Act 1997, is still expected to be operational in February 2002, as indicated in the letter of 20 November 2000 from the Minister of State at the Home Office, Mr Charles Clarke, to Mr Robin Corbett MP. [HL1769]

Lord Bassam of Brighton: I understand from the Police Information Technology Organisation (PITO), which is responsible for taking this project forward, that the database is still expected to be operational around February 2002.

Persistent Offenders: Sentencing

Lord Dholakia asked Her Majesty's Government:

Whether they will publish, for the most convenient recent period, an analysis of:

(a) the number of offenders who appeared before the courts for sentence following convictions on four or more previous occasions;

(b) the types of offence for which they had received their most recent conviction;

(c) the types of sentences they received: discharges, fines, community sentences, imprisonment up to 12 months, 12 months to four years and four years and over; and

(d) the period of time which had elapsed since the offence for which the offender had been convicted on the last previous occasion, showing separate figures for men and women and for those aged under 18, 18-25, and over 25; and [HL1762]

What estimate they have made of (1) the numbers of offenders who over a 12-month period are likely to appear before the courts for sentence following a fifth or subsequent conviction; (2) the types of offence for which they will most recently have been convicted; and (3) the period of time which will have elapsed since their last previous conviction. [HL1761]

Lord Bassam of Brighton: Readily available data relates to a sample of offenders who were convicted of standard list offences during 20 days in 1998. The total number of offenders convicted of standard list offences during the sample period was 33,808 males and 4,941 females, of whom 12,599 males and 995 females had been convicted on four or more previous occasions (i.e. they were being sentenced on a fifth or subsequent occasion). The table gives an age and gender breakdown of the most recent offence, sentence imposed, and an analysis of the time since the offender's last previous conviction. An estimate for a 12-month period can be made by multiplying the same figures by 13.

Table: Offenders sentenced during four sample weeks of 1998 who had four or more previous convictions

	Males						*Females*					
	Age under 18		*Age 18-25*		*Aged 26 and over*		*Age under 18*		*Age 18-25*		*Aged 26 and over*	
Total number of offenders in sample who have convictions on four or more previous occasions	657		4,323		7,619		41		324		630	
Offence on most recent conviction:												
Violence against the person	36	5.5%	269	6.2%	571	7.5%	1	2.4%	14	4.3%	23	3.7%
Sexual offences	0	0.0%	13	0.3%	68	0.9%	0	0.0%	0	0.0%	1	0.2%
Burglary	112	17.0%	503	11.6%	480	6.3%	2	4.9%	9	2.8%	10	1.6%
Robbery	24	3.7%	73	1.7%	60	0.8%	2	4.9%	3	0.9%	2	0.3%
Theft and handling stolen goods	263	40.0%	1,311	30.3%	2,035	26.7%	19	46.3%	156	48.1%	323	51.3%
Fraud and forgery	4	0.6%	85	2.0%	240	3.2%	1	2.4%	24	7.4%	32	5.1%
Criminal damage	14	2.1%	65	1.5%	118	1.5%	0	0.0%	2	0.6%	7	1.1%
Drug offences	26	4.0%	407	9.4%	947	12.4%	0	0.0%	24	7.4%	55	8.7%
Other indictable offences	29	4.4%	443	10.2%	591	7.8%	5	12.2%	40	12.3%	78	12.4%
Summary standard list offences	149	22.7%	1,154	26.7%	2,509	32.9%	11	26.8%	52	16.0%	99	15.7%
Total	657	100.0%	4,323	100.0%	7,619	100.0%	41	100.0%	324	100.0%	630	100.0%
Sentence received on most recent conviction:												
Absolute or conditional discharge	117	17.8%	425	9.8%	1,005	13.2%	8	19.5%	54	16.7%	128	20.3%
Fine	67	10.2%	1,157	26.8%	2,558	33.6%	7	17.1%	71	21.9%	178	28.3%
All community sentences	276	42.0%	1,186	27.4%	1,852	24.3%	19	46.3%	114	35.2%	194	30.8%
Imprisonment: less than 12 months	136	20.7%	995	23.0%	1,340	17.6%	6	14.6%	63	19.4%	81	12.9%
Imprisonment: 12 months to less than 4 years	29	4.4%	430	9.9%	537	7.0%	1	2.4%	11	3.4%	14	2.2%
Imprisonment: 4 years and over	0	0.0%	49	1.1%	134	1.8%	0	0.0%	2	0.6%	3	0.5%
Imprisonment: all sentence lengths	165	25.1%	1,474	34.1%	2,011	26.4%	7	17.1%	76	23.5%	98	15.6%
Other sentence	32	4.9%	81	1.9%	193	2.5%	0	0.0%	9	92.8%	32	5.1%
Total	657	100.0%	4,323	100.0%	7,619	100.0%	41	100.0%	324	100.0%	630	100.0%

Table: Offenders sentenced during four sample weeks of 1998 who had four or more previous convictions

	Males						Females					
	Age under 18		Age 18-25		Aged 26 and over		Age under 18		Age 18-25		Aged 26 and over	
Time since the last previous conviction and most recent conviction:												
Less than 3 months	265	40.3%	1,151	26.6%	1,261	16.6%	15	36.6%	102	31.5%	137	21.7%
3 months or more, but less than 6 months	84	12.8%	387	9.0%	408	5.4%	5	12.2%	34	10.5%	47	7.5%
6 months or more, but less than 9 months	154	23.4%	730	16.9%	917	12.0%	11	26.8%	65	20.1%	84	13.3%
9 months or more, but less than 12 months	101	15.4%	840	19.4%	1,026	13.5%	7	17.1%	60	18.5%	106	16.8%
12 months or more, but less than 18 months	36	5.5%	497	11.5%	822	10.8%	3	7.3%	27	8.3%	76	12.1%
18 months or more, but less than 24 months	12	1.8%	305	7.1%	566	7.4%	0	0.0%	14	4.3%	37	5.9%
24 months or more	5	0.8%	413	9.6%	2,619	34.4%	0	0.0%	22	6.8%	143	22.7%
Total	657	100.0%	4,323	100.0%	7,619	100.0%	41	100.0%	324	100.0%	630	100.0%

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