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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Monday 8 February 2010

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House of Commons

Monday 8 February 2010

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

HOME DEPARTMENT

The Secretary of State was asked—

Advisory Council on the Misuse of Drugs

1. **Mr. Robert Goodwill** (Scarborough and Whitby) (Con): What recent advice he has received from the Advisory Council on the Misuse of Drugs on drugs which cause so-called legal highs. [315829]

7. **Mr. David Jones** (Clwyd, West) (Con): What recent advice he has received from the Advisory Council on the Misuse of Drugs on drugs that induce so-called legal highs. [315835]

The Secretary of State for the Home Department (Alan Johnson): In March last year, my predecessor commissioned the ACMD to provide advice on so-called legal highs or new psychoactive drugs. Following receipt of the council's advice, we have banned a number of substances, including synthetic cannabinoids, such as Spice, benzylpiperazine and gamma-butyrolactone—BZP and GBL respectively. As a priority, I am now expecting advice from the ACMD on the cathinone group of drugs, including mephedrone.

Mr. Goodwill: Does the Home Secretary share my concern that the purveyors of those pernicious preparations can often be one step ahead of the authorities, either by reformulating the molecules slightly or by marketing them as, for example, plant food?

Alan Johnson: I do. That is why it is very important to get a generic classification, so that we can cover whole areas and not allow the manufacturers of those drugs to shift around. We can actually make illegal a whole range and classification of those drugs.

Mr. David Jones: There is growing concern in north Wales over the increasing use of mephedrone, which as the Secretary of State knows is a substance related to ecstasy, and which is readily available on the internet, where it is marketed as plant food. Children as young as 14 years old are reported to be using it. He mentioned that he is expecting a report from the ACMD on the group of substances that includes mephedrone, but can he say when he expects to receive it?

Alan Johnson: Yes, I spoke to Professor Les Iversen, the new chair of the ACMD, last week. This is a priority for the council—an absolute priority. It expects to receive the advice on 22 February. Thereafter, it expects to make a decision in early March. It is a priority and the council is moving as quickly as it can, consistent—this is the point I made earlier—with trying to ensure that it deals not only with mephedrone, but the whole generic group, so we will not be fooled by the manufacturers' shifting around.

Dr. Brian Iddon (Bolton, South-East) (Lab): As we consider substances in the cathinone group of chemicals—that includes khat, by the way, which is used by people from the horn of Africa—is there not a danger that, as we put more and more substances into the ABC classification, we merely displace the problem? There is an endless list of chemicals and natural products that chemists can supply on to the market. Is there not also a danger of displacing illicit drug users to using products in the legal market?

Alan Johnson: I accept that there may be a danger. That is why the ACMD is composed not only of scientists, but of others, including police officers, others from law enforcement agencies and so on. It is very important that I take the council's advice, and its advice will be much wider than just the classification; it will also look at the kind of issues that my hon. Friend raises.

James Brokenshire (Hornchurch) (Con): Professor Les Iversen, the interim chairman of the ACMD is quoted this morning as saying:

“It is a quite scary scenario”

that schoolchildren can buy legal highs such as mephedrone over the internet and take them freely. Professor Iversen wrote to the Home Secretary on 22 December advising that the selling of mephedrone in a form for which it is clearly unintended, as we have heard,

“could have serious public health implications”.

What action have the Government taken in response to Professor Iversen's advice?

Alan Johnson: Professor Iversen's advice is in the context of the work of the ACMD. His letter to me on 22 December pointed out that that is why this matter is the council's priority. We will receive its advice and guidance before we take action. That is the correct sequence of events.

Student Visas (Fraud)

2. **David T.C. Davies** (Monmouth) (Con): What steps he is taking to reduce levels of fraud in relation to student visas. [315830]

The Minister for Borders and Immigration (Mr. Phil Woolas): We introduced the points-based system for students in March 2009. We estimate that around 2,000 colleges have ceased offering courses to overseas students as a result. Our review of tier 4 is aimed to close down the consequential attempts to gain entry to the UK for non-student purposes.

David T.C. Davies: Apart from language schools, colleges offering legitimate degree courses and other courses would be expected to have a high proportion of British nationals. The Home Secretary and his Ministers can almost certainly find many dubious, bogus colleges simply by investigating those with a surprisingly high number of foreign national students on their rolls. Why will they not do so?

Mr. Woolas: We have done so, and we continue to do so. As I said, we estimate that around 2,000 colleges have had to withdraw courses for overseas students or close. Previously there was not a sponsored licence system. The great advantage of the points-based system is that we can now hold not just the student to account, but the sponsor too.

Rob Marris (Wolverhampton, South-West) (Lab): My understanding is that across the subcontinent, in places such as Chandigarh, Jalandhar, Nepal and New Delhi, the UK Border Agency has temporarily ceased processing tier 4 student applications because of the huge volume of work. When will reprocessing recommence?

Mr. Woolas: My hon. Friend is right. Precisely because we have the new system, we can monitor where we think there might be abuse. We have had to suspend tier 4 applications in three such posts. We will reopen those posts for applications as soon as possible, and we intend to lay out the findings of the new review as soon as possible.

Chris Grayling (Epsom and Ewell) (Con): Back in November, the Minister said:

“We have clamped down on student visas now and we have a much better system.”

What has changed since then?

Mr. Woolas: The hon. Gentleman is quick to criticise the points-based system. It is precisely because we can close down the bogus colleges, by having the sponsored licence system, that people who wish to abuse our hospitality then look for other methods to gain entry into the United Kingdom. He should know that controlling the borders is a constant campaign against those who wish to abuse our system. That is what we are doing, and I would welcome his support in that endeavour.

Chris Grayling: Three months ago the Minister said that

“we have a much better system.”

There will obviously be a suspicion that the Government are simply delivering pre-election rhetoric in an area where there are widespread concerns. Let me test the Minister on the substance of the proposals. Yesterday he announced that people on student visas will now be allowed to work only 10 hours a week, not 20. Can he tell the House how many students have been prosecuted for working more than 20 hours a week?

Mr. Woolas: It is clear that the hon. Gentleman drafts his questions based on a press cuttings service. What he described is neither what we said nor what the press reported, but let me assume that it is, just for his benefit. The proposals relating to dependencies and work times are for those at sub-degree level, as has been urged on us by some people. However, I repeat: I would seriously

ask him to support the Government in this endeavour, otherwise he will rightly be accused of being more interested in criticising us than in providing an immigration system. We closed down the bogus colleges—around 2,000 of them—but there are attempts by some with bad intentions towards our country to get around that, so we have had to review that again.

Criminal Offences (Repeal)

3. **Norman Baker** (Lewes) (LD): What plans he has to identify criminal offences that might be repealed. [315831]

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): The Government keep all legislation under review.

Norman Baker: I am most grateful for that thorough answer, but may I point out to the Minister that in the 19 criminal justice Acts introduced since 1997, 68 sections and 25 schedules have not yet been fully implemented, and that of the thousands of new criminal offences that have been introduced, many are ludicrous or unnecessary, such as offering for sale a game bird killed on Christmas day? When are the Government going to stop their knee-jerk reaction every time a problem arises—saying that a new law is required—and have a policy of removing unwanted and unnecessary legislation?

Mr. Hanson: I am grateful to the hon. Gentleman for reminding us of the number of criminal justice Acts that this Government have introduced. Perhaps he would include among the pieces of legislation that he would wish us to review the Criminal Justice Act 2003, which allows new evidence for serious crimes, and introduces new sentences for murder, sexual and violent offences, and DNA fingerprints, bringing 37 killers and 90 rapists to justice, or the Anti-social Behaviour Act 2003, which gives the power to close crack houses. The Liberals voted against both Bills at Third Reading. I am sure that the hon. Gentleman would find a way to remove many of those provisions, because ultimately the record shows that the Liberals have been soft on crime.

Mr. Denis MacShane (Rotherham) (Lab): I welcome the fact that in recent years up to 90,000 people have been charged with hate crime—crimes of racism and anti-Semitism, and attacks on gay people—with conviction rates of up to 80 per cent. That is making Britain a more decent and fairer place. I do wish that the Liberal Democrats would stop rubbishing efforts to bring a bit more justice to many areas where we have an unjust society.

Mr. Hanson: Indeed. Every Liberal Democrat Member of the House has lower crime, more police officers and more resources to tackle crime than in 1997. The Bills—now Acts—that we have taken through the House have helped to contribute to that. On balance—on the Criminal Justice Act, on antisocial behaviour and on licensing, and in the Lib Dem freedom Bill—the Lib Dems have voted against all those measures.

Chris Huhne (Eastleigh) (LD): Everybody is in favour of updating and modernising the law, but in answer to our parliamentary questions, we learn that the sheer

number of new offences under this Government since 1997 is now more than 4,200, which is frankly staggering. Up to 2008, we were churning out 27 new offences a month; under this Prime Minister, the figure has now gone up to 33. Many merely replicate perfectly serviceable offences. What proposals is the Minister making to ensure that new offences do not duplicate those that are already on the statute book?

Mr. Hanson: That is part of our overall general review. We want to see the police using effective legislation—for example, DNA recording for recordable offences, allowing the police to detain people who have been arrested for a recordable offence. That happened under legislation that the hon. Gentleman voted against, through which 37 killers and 90 rapists to date have been brought to court and are in prison as a result. That is the sort of legislation I believe in, but it is the sort of legislation that the Liberal Democrats have voted against.

Chris Huhne: The Minister really should not be making partisan points when, frankly, the degree of new legislation is plunging police officers, magistrates and other others who are forced to deal with it into considerable confusion. The Home Secretary and the Minister may know of a useful precedent in another common law country of Canada, where they have simplified the criminal law with a penal code. Does the Minister agree that that is a useful initiative for us to follow and will he commit the Government to looking at establishing a simple penal code for England and Wales?

Mr. Hanson: The Government's priority is cutting crime and making sure that we have sufficient powers to tackle it. I am sure that there is common consent across the House that legislation for parenting orders, fly-tipping, dispersal orders and closing crack houses are all useful. Again, the hon. Gentleman voted against them.

Ports (Security)

5. **Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): What recent discussions he has had with the Secretary of State for Transport on security at ports. [315833]

The Secretary of State for the Home Department (Alan Johnson): My noble Friend the Secretary of State for Transport and I speak regularly about security matters involving port security, as well as wider security issues. My officials also work closely with those in the Department for Transport.

Mr. Crabb: Given that the Government have now given the green light for the privatisation of Dover and the other remaining UK trust ports, does the Home Secretary agree that a port like Milford Haven in my constituency, which controls access to 20 per cent. of the UK's gas supplies and a quarter of the UK's remaining oil refineries, is not a suitable candidate for privatisation and that ports that house critical national infrastructure should stay under national control?

Alan Johnson: I feel like signing up to this campaign. Unfortunately, it is not my responsibility, but that of the Secretary of State for Transport.

Keith Vaz (Leicester, East) (Lab): I welcome the steps taken by the Government in respect of body scanners at Manchester and Heathrow airport. Does my right hon. Friend agree that what are necessary now are international standards to deal with international terrorism because although we can do the very best we can in this country—and, indeed, within the EU—if countries outside the EU do not raise their game, this will pose a real problem in dealing with international terrorism?

Alan Johnson: My right hon. Friend is absolutely right. Incidentally, we are introducing scanners at Birmingham airport as well. The issue is an international one. That is why I was pleased at the progress made at Toledo when the EU Interior and Justice Ministers, together with Janet Napolitano, the American Secretary of State for Homeland Security, agreed on a way forward not just in relation to what we do extra-EU, but intra-EU as well. Issues such as providing information on passenger records must be as important for travellers within the EU as for those travelling outside it. That, together with measures on body scanners and other security matters, must be tackled on an international basis.

Damian Green (Ashford) (Con): The Home Secretary always makes a lot, as he has just now, of the importance of embarkation controls on e-Borders when he talks about security at ports and airports. Will he confirm that the previous embarkation controls were dismantled by this Government? Yesterday, the Home Secretary said on the "Andrew Marr Show" that the previous Government "did away" with embarkation controls when, in fact, that happened on 16 March 1998 under the present Government. I have the written answer here with me. Will he confirm that he was misleading viewers yesterday and also that the full replacement system will not cover all our ports until 2014, giving us 16 years of unprotected borders?

Alan Johnson: The embarkation controls for most medium-sized airports and ports were abolished in 1994 under the previous Government. I believe I also said on the "Andrew Marr Show" that the previous Government were probably right to do so, in the sense that those embarkation controls were worth very little when it came to checking whether people were leaving the country. There was supposed to be a marrying up with the landing cards, but there was horrendous incompetence. What the Conservative Government failed to do was to introduce a replacement, which we have sought to do. As for the hon. Gentleman's comments about 2014, 95 per cent. of e-Borders will be in place by 2011. The remaining 5 per cent. relate to the small ports and harbours, which will necessarily take longer. However, all air travel will be covered by 2011.

Police Officers (Criminal Records)

6. **Mr. Gordon Prentice** (Pendle) (Lab): How many serving police officers in England have a criminal record. [315834]

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): Police officers are expected to demonstrate the highest professional standards of behaviour. Information on the number of serving officers

who have criminal records is not held centrally. Decisions on whether to employ an individual who has such a record are a matter for each individual force.

Mr. Prentice: My spies tell me that hundreds of serving police officers have a criminal record. My question is about applicants with a criminal record, who can be rejected by the chief constable concerned without the chief constable giving reasons. Is there not a case for an appeal mechanism, perhaps to a police authority, for someone who desperately wants to become a police officer, has turned over a new leaf and is a completely reformed character?

Mr. Hanson: The regulations for police applications are governed by the Police (Conduct) Regulations 2008, which, as I am sure my hon. Friend knows, set out the conduct and standards of professional behaviour expected of police officers. Those hoping to join the service must declare on application whether they have any convictions or cautions, spent or otherwise. As my hon. Friend has said, the matter is one for the chief constable concerned. I am happy for police authorities to have roles on the issue, but ultimately it is for the local force to determine the seriousness of the offence concerned.

Stop-and-Search Powers

8. **Mr. David Heathcoat-Amory (Wells) (Con):** What recent assessment he has made of the effectiveness of stop-and-search powers under section 44 of the Terrorism Act 2000. [315836]

15. **Michael Fabricant (Lichfield) (Con):** What recent assessment he has made of the effectiveness of the use of stop-and-search powers under section 44 of the Terrorism Act 2000; and if he will make a statement. [315844]

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): The Home Office and police keep the effectiveness of section 44 under constant review. The noble Lord Carlile, the independent reviewer of terrorism legislation, also reviews the operation of section 44 and reports his findings to Parliament. I believe that section 44 remains an important tool in countering the threat of terrorism.

Mr. Heathcoat-Amory: Since the police can use random stop-and-search powers to look for personal items such as cameras, and people can be stopped from photographing public buildings, are we not in danger of going back to what East Germany was like before the wall came down, when people could be arrested for photographing a bridge? As Parliament's intentions in this respect are being exceeded, will the Government look again at the matter in order to maintain confidence between the public and police?

Mr. Hanson: I believe that Parliament's intentions are being met. We face a severe threat of potential terrorist activity. Every approval of section 44 powers is by a senior officer in the local police force, and is then subject to my approval as the Minister, and to independent review by the noble Lord Carlile. In London alone over the last year, we have seen a 40 per cent. increase in the

use of section 44. It remains an important tool in stop and search, not least because it is a deterrent and can help to foil potential terrorist activity.

Michael Fabricant: The Minister keeps referring to Lord Carlile, who has himself said that

"section 44 is being used far too often on a random basis without any reasoning behind its use".

Both the Aberystwyth and Lichfield camera clubs have told me that people taking innocent photographs have been stopped in London. It is not good enough; when will it change?

Mr. Hanson: I am sorry, but Lord Carlile, in his report on 2008, published last June, said that section 44 remains

"necessary and proportional to the continuing and serious risk of terrorism."

This is a matter for operational judgments by the police. In the Crime and Security Bill Committee, the Opposition tabled an amendment to delete the whole of section 44, which would not be sound or viable. Section 44 serves a function and protects the public, and I hope that the Opposition will support its use.

Mr. Crispin Blunt (Reigate) (Con): As the Minister knows, the amendment concerned was a probing amendment to encourage debate on the matter. As he also well knows, the stop-and-search powers under section 44 have been falling into disrepute, given that 180,000 searches took place in 2008 under those powers. The Government's failure to act has meant that Liberty and the judges are now acting for them. Uncertainty about what powers will be available to the police have hindered planning for the Olympic games, for example. That has created a substantial mess. Will the Minister apologise to those who will have to sort out that lamentable inheritance?

Mr. Hanson: I will not apologise for the fact that we have a power that helps to protect people in the city of London—potentially—from severe terrorist activity. In the past year alone, there has been a 40 per cent. reduction in the use of stop-and-search powers in the Greater London area. The powers are strictly monitored, and they are used for a purpose. We will examine the ruling by the European Court of Human Rights, and we are currently considering an appeal, but let us not get away from the fact that this is important legislation. It is being used properly, and I support its continued use.

Firearm and Shotgun Licences

9. **Mr. Andrew Robathan (Blaby) (Con):** How many police (a) officers and (b) civilian staff are employed in the administration and checking of firearm and shotgun licences. [315837]

The Parliamentary Under-Secretary of State for the Home Department (Mr. Alan Campbell): In March 2009, 62 police officers were employed in the firearms and explosives functions in England and Wales, alongside 582 police staff of whom five were police community support officers.

Mr. Robathan: I am sure that we are all very concerned about the scourge of gun crime in this country, but I wonder whether this expensive, bureaucratic paraphernalia does much to combat it. Can the Minister tell us exactly how many weapons used in crime have been legally registered?

Mr. Campbell: The number of firearms offences has fallen in each of the last five years, partly because we have some of the tightest controls on legally held guns to prevent them from being used by criminals. It is true that legally held weapons are being stolen, and the Association of Chief Police Officers and the British Shooting Sports Council are trying to establish what further advice is necessary.

Immigration System (Tier 4)

10. **Mr. Rob Wilson** (Reading, East) (Con): What recent assessment he has made of the effectiveness of the operation of tier 4 of the points-based immigration system. [315838]

12. **Andrew Selous** (South-West Bedfordshire) (Con): What recent assessment he has made of the effectiveness of the operation of Tier 4 of the points-based immigration system. [315841]

18. **Mr. Desmond Swayne** (New Forest, West) (Con): What recent assessment he has made of the effectiveness of the operation of tier 4 of the points-based immigration system; and if he will make a statement. [315847]

The Minister for Borders and Immigration (Mr. Phil Woolas): The review of tier 4 has made a number of recommendations, including the setting of a new minimum standard of English for those who wish to study at below degree level—including English language students—and measures to stop short-term students from bringing their dependants to the United Kingdom, to halve the amount of time for which students studying at below degree level can work, and to withdraw their dependants' permission to work. We will present consequential rules shortly.

Mr. Rob Wilson: A leaked memo revealed that the Government had been warned by an immigration intelligence unit that tier 4 of the points-based system was “significantly weaker” than the system that preceded it. Does the Minister now accept that his Government introduced a system that was far too easy for bogus students and bogus colleges to exploit?

Mr. Woolas: No, I do not, but I understand why the hon. Gentleman is worried if that leak is all that he has to go on. The report was not accurate. We have responded to the concerns expressed by our front-line staff, as we rightly should, but the information gathered by our officers misrepresented the position by suggesting that officers did not have enough powers. We are taking measures to give them more power, but I hope that the hon. Gentleman is reassured to learn that that we are able to do that precisely because we established that system. In the past, there were no controls of this nature.

Andrew Selous: What is the Minister's best estimate of the number of bogus students who are working more than the permitted number of hours in the black economy?

Mr. Woolas: I take the issue very seriously, which is why we are seeking to tighten the regime, but I hope the hon. Gentleman accepts the logic of my answer. It is not possible to say how many bogus students are working above those limits, because, by definition, they are acting outside the regulations. We have, of course, been given estimates, and the best estimate is that the new tier 4 system prevented about 2,000 colleges from admitting overseas students. The action that we are taking is consequential to that, as we continue to engage in what is in effect a cat-and-mouse game with those who wish to abuse our hospitality.

Mr. Swayne: Does the Minister agree that points acquired for a course offer or a bank statement are no substitute for the judgment of an experienced immigration officer who has satisfied himself that an applicant is coming to the country only to study, will leave after completing his studies, and is not coming here to work?

Mr. Woolas: I have always admired the hon. Gentleman's common sense. The answer is yes, I do agree with him, but it is not a case of either/or. Of course the immigration official at port has powers, and we are seeking to enhance them. It is right for there to be checks on the finances—the availability of money for people to support themselves—but it is also right for officers, both in overseas posts and here, to be satisfied that an applicant is genuine. In that context, our biometric fingerprint visas and foreign national identity cards do a superb job.

Mr. Stephen Hepburn (Jarrow) (Lab): Will the Minister give my constituents an assurance that their jobs are not under threat from legitimate immigration, and that he will be tough on bogus immigration?

Mr. Woolas: Yes and yes. The system my right hon. Friend the Home Secretary has put in place is a fantastic system. It says that we will allow people into the country under tier 2 where there are skills shortages, but also that in those skills shortage areas there must be training programmes for indigenous and local people, so that the jobs are also available to them.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): The Minister will recall the debates we had last year about the two Patagonian women who wanted to come to Wales to learn Welsh. How will the imposition of a minimum level of English assist them and other people in their circumstances? Instead, it will make things 10 times worse, will it not?

Mr. Woolas: The Government are fully aware of the importance of the cultural links between Wales and Patagonia. Indeed, if I was not previously aware of that, I am now, but I am afraid I have to tell the hon. Gentleman that however lovely the two girls were—and they were—we cannot waive the immigration rules just because he likes them. We have to have robust rules, and there is a consensus in the House—there was not one

five years ago, but there is now—that English language is a desirable requirement for people who wish to immigrate into our country.

Chris Grayling (Epsom and Ewell) (Con): I am glad that the Minister has now worked out what he actually did announce yesterday. Let me probe him on that, therefore. The reality is that these announcements will only have any value if they are enforceable, so can he answer this question: how many students have been prosecuted for working more than the current 20-hour-a-week limit?

Mr. Woolas: To be fair to me, I did not announce anything yesterday. Turning to the hon. Gentleman's serious point, however, I do not have the figures for prosecutions in respect of the number of hours worked, but I will see whether I can provide them to the House as I am sure they are available. I am surprised that the hon. Gentleman does not welcome these policy proposals, however. It is important that the system is not abused. If somebody is coming here to study for a genuine course, that should be facilitated given the importance, which I know he accepts, of overseas students to our economy in the short and long term. That should be the reason for entry, rather than so that, as an indirect consequence, people are in fact coming here to work, which undermines the points-based system that I think both he and I support.

Identity Fraud

11. **John Robertson** (Glasgow, North-West) (Lab): What steps his Department is taking to reduce the incidence of offences involving identity fraud; and if he will make a statement. [315839]

The Parliamentary Under-Secretary of State for the Home Department (Meg Hillier): The Government are working with a number of agencies to tackle identify fraud and advise the public. This is coupled with our continuing roll-out of identity cards and, in future, modern passports, to provide people with a highly secure means of protecting and proving their identity.

John Robertson: I thank my hon. Friend for her answer. A national identity fraud prevention week study found that more than 59,000 criminal acts of impersonation were recorded in the first nine months of 2009, a 36 per cent. increase on the figure for the same period of 2008. Will my hon. Friend take whatever steps are necessary to make the public aware of these fraudsters, and what legislation can she bring forward to ensure that people are protected?

Meg Hillier: We have no intention of introducing any further legislation because we believe we have the tools in law to deal with this issue, and we already have the identity fraud communications awareness group, a multi-agency group that works to highlight the challenges of identity fraud. I should also reiterate my point that we are rolling out a programme of more secure identity cards and passports, which will enable citizens to protect themselves against this form of crime.

Mr. Nigel Evans (Ribble Valley) (Con): Identity cards will not help people to protect themselves against fraud on the internet. I chair the all-party group on identity fraud, so I am aware that identity fraud is one of the

fastest-growing crimes in the world. Does the Minister believe that financial institutions have a responsibility to make their customers aware of phishing attacks, boiler room fraud and other sorts of ID fraud so that they can better protect themselves?

Meg Hillier: I congratulate the hon. Gentleman on leading some of the work on this matter as chair of the all-party group on identity fraud, and I agree with him that online fraud is a big problem. However, I disagree with him on other things, because ID cards can be a major way of tackling such fraud. In Germany and Belgium, ID cards are often used as a way of proving age online, and that in itself can help to prevent certain fraudulent transactions. Proving identity online can be a way of helping to tackle identity fraud in that area.

UK Visas

13. **Mr. Neil Gerrard** (Walthamstow) (Lab): What recent changes have been made to the service provided by the hon. Members' inquiry line on UK visas. [315842]

The Parliamentary Under-Secretary of State for the Home Department (Meg Hillier): The MPs' visa inquiry line was merged on 4 January with the UK Border Agency's main MPs' inquiry line to provide a single point of contact for hon. Members to inquire about constituency cases.

Mr. Gerrard: I understand the theory that having a single point of contact is a good idea, but what seems to be happening in practice is that the inquiry line cannot answer any questions about visas so they go to the MP account manager, who then takes the matter up with the visa inquiry line people—and thus we go round in a circle. As a result, it is taking far longer to get replies and far longer for us to be able to respond to inquiries from constituents.

Meg Hillier: I am aware that a number of hon. Members used to contact posts direct, but that caused some difficulties because not all overseas posts had a dedicated visa inquiry line. That meant that a visa officer might often not have been available to take calls; it diverted visa officers from dealing with the cases in time; and it meant that they might have had to take certain things out of the queue. It is important that we have a fair access system, so I am happy to talk to my hon. Friend about his experiences, as a very assiduous constituency MP, in this matter. I am happy to arrange a meeting with him to discuss any particularly problematic cases.

UK Border Agency

14. **Mr. Richard Benyon** (Newbury) (Con): What his most recent assessment is of the performance of the UK Border Agency; and if he will make a statement. [315843]

The Minister for Borders and Immigration (Mr. Phil Woolas): UKBA continues to build on our achievements of the past few years, bringing together customs and immigration functions, as well as visa services, here and overseas. UKBA has made strong progress in improving

performance. That has included a significant increase in the number of removals of the most harmful foreign criminals, the speeding up of the rate at which we deal with asylum cases, and the introduction of screening of passenger movements into and out of the UK, which has resulted in more than 5,100 arrests.

Mr. Benyon: Three years ago, the Select Committee on Home Affairs produced a hard-hitting report, containing serious recommendations, on the agency's predecessor organisation. It is with great dismay that those of us involved in that report have recently learned of 40,000 cases that remain unresolved. In addition, the current Home Affairs Committee has produced a good report stating that

"the agency still has a long way to go before it is operating as efficiently and effectively as it needs to do."

Why, with these failings still in place, does the agency feel it necessary to pay out nearly £300,000 in bonuses to its employees?

Mr. Woolas: The hon. Gentleman's point is unfair. As I have explained to the Select Committee, whose Chair is in his place today, the 40,000 cases to which the hon. Gentleman refers are part of the process of getting rid of the backlog and archiving those cases. This is being done precisely to show that we can deal comprehensively with all those backlog cases. As I have said, significant improvements have been made in all the main target areas— asylum processing; removals; border controls; and arrests at the border—as well as in dealing with the legacy cases, with which the Select Committee has been concerned. I hope that the hon. Gentleman will recognise that the big picture is one of significant improvement.

Mr. Lindsay Hoyle (Chorley) (Lab): Of course UKBA needs support, so has the Minister considered employing troops who have been injured, thus giving them a purpose in life? Has he considered whether we should have talks about the establishment of a border force regiment to stop our borders being porous?

Mr. Woolas: My hon. Friend has raised this issue before and has written a detailed letter about it, and I see value in his proposal. Of course these people could bring many attributes to not only our border control but our immigration processes, which is why I have agreed to consider his suggestion.

Mr. James Clappison (Hertsmere) (Con): A few moments ago, in reply to my hon. Friend the Member for New Forest, West (Mr. Swayne), the Minister said that he believed in the discretion of immigration officers in dealing with applications for student visas. Will he tell us what proportion of applicants for student visas are seen by an immigration officer before they arrive?

Mr. Woolas: I accept the point behind the hon. Gentleman's question, but he is confusing two issues. There is the issuing of the visa in the overseas post—of course we see all applicants because we take their fingerprints, and identity fraud is, of course, critical—and there is then the matter, to which his question relates, of the discretion of the border officers at the airport or port. I think the hon. Gentleman agrees that officers should not be able to make a decision without any criteria. There have to be reasonable grounds for suspicion,

because the decision could be challenged. We are trying to get the balance right. I think that I and my right hon. Friend the Home Secretary have responded to the concerns of the immigration officers.

Under-age Drinking

16. **Mr. Jim Cunningham (Coventry, South) (Lab):** What steps the Government are taking to reduce levels of under-age drinking (a) in Coventry and (b) nationally. [315845]

The Secretary of State for the Home Department (Alan Johnson): The number of young people stating that they had consumed alcohol in the previous week is down from 26 per cent. in 2001 to 18 per cent. in 2008. However, those who do drink are consuming much more. The steps we have taken include publishing the youth alcohol action plan, commissioning the chief medical officer's guidance on alcohol consumption and providing £1.5 million in priority areas to tackle under-age sales and to confiscate alcohol from under-18s. We have also run communication campaigns to tell people what action is being taken to reduce alcohol-related crime and disorder in their local area. The legal requirement on those selling alcohol to seek age verification is an important element of the mandatory code that will come into effect later this year.

Mr. Cunningham: I thank my right hon. Friend for that answer. Will he say what discussions he has had in order to implement what he has just outlined with licensing authorities or local authorities as regards the licensing of small stores in neighbourhoods where there are large numbers of young people roaming about at night?

Alan Johnson: We have had discussions with the sector over many months. Of course, we are moving from a voluntary code, which has not worked, to a mandatory code. The views of everyone concerned are being taken into account. A small but significant group of irresponsible corner shop owners and so on thrive on the fact that the responsible part of the sector has age verification rules at the moment and takes action to try to cut down these problems. That can mean that the problem sometimes migrates to the smaller stores. We are talking to the sector, to the industry and to licensees, and that will be shown in the success of the code.

Bob Spink (Castle Point) (Ind): I thank the Government for what they have done in taking this issue seriously. Does the Secretary of State accept that it is always right for the police to involve parents, where possible, when under-age young people are caught in possession of alcohol in public? Does he accept that my private Member's Bill, which became the Confiscation of Alcohol (Young Persons) Act 1997, makes that a requirement?

Alan Johnson: I pay tribute to the hon. Gentleman for pushing for this over a long period of time. Of course, the Policing and Crime Act 2009 will allow the police to confiscate alcohol without having to go through the difficult and convoluted process of having to prove that the youngster concerned intended to drink that alcohol? It can be confiscated without taking those measures.

That and a number of other important initiatives that are being introduced as part of that Act will make an enormous contribution.

Alcohol-related Crime

17. **Ms Sally Keeble** (Northampton, North) (Lab): What steps he plans to take to reduce the level of alcohol-related crime. [315846]

The Secretary of State for the Home Department (Alan Johnson): Alcohol-related violent crime has fallen by a third since 1997, and the 2008 review of the Licensing Act 2003 found that serious violent crime at night was down 5 per cent. since its introduction.

The alcohol provisions in the Policing and Crime Act were introduced on 29 January, including greater powers to tackle irresponsible drinking. Our £1.5 million cash injection into priority areas will include funding for an information campaign to tell people what action is being taken to reduce alcohol-related crime and disorder in their local area.

Ms Keeble: I warmly welcome the implementation of the code to which my right hon. Friend referred in his answer to the previous question. The price of alcohol is going down in Northampton, where it is targeted at students, from £1.50 a pint and 50p a shot, so will my right hon. Friend say whether he will consider the introduction of a minimum price to provide a floor below which the cost of alcohol cannot go?

Hon. Members: Hear, hear.

Alan Johnson: I see that there is Back-Bench support for this. We have been looking at this issue for some time, and the important first step is to get evidence to show that we can link increasing violence to it, and that we can link health issues to the pricing of alcohol. We know that those things are down to alcohol, but is pricing a mechanism that can be used to help the problem? We commissioned the university of Sheffield to provide the most comprehensive study yet of this issue, and we are still examining that report before coming to a conclusion.

Miss Anne McIntosh (Vale of York) (Con): Does the Home Secretary accept that under-age drinking, particularly of alcohol that has been bought in supermarkets and other stores, and antisocial behaviour are rising in market towns such as Thirsk? Will he therefore consider adopting a radical strategy to prevent that sort of under-age drinking from leading to antisocial behaviour?

Alan Johnson: Such behaviour may well be rising in towns such as Thirsk. I have quoted the British crime survey figures which show that alcohol-fuelled violence is down. Consumption by young people is also down; the problem is binge drinking—the hon. Lady is absolutely right to draw attention to that—and the problems that it can cause. I believe that one of the answers for towns such as Thirsk is the so-called Cardiff model, which can be replicated in smaller towns. Under that model, the police, licensees, the local authority and the national health service get together to tackle these issues. In the first year that the model was used in Cardiff, there was a 60 per cent. reduction in the amount of crime associated

with violence on Friday and Saturday nights. Part of that was to do with the introduction of polycarbonate glasses, but there is a whole range of measures that can be brought to bear if the police are helped by local authorities, the NHS and other agencies in tackling these problems.

Topical Questions

T1. [315854] **Tom Brake** (Carshalton and Wallington) (LD): If he will make a statement on his departmental responsibilities.

The Secretary of State for the Home Department (Alan Johnson): In keeping with my departmental responsibilities, I am pleased to announce that, from today, young people aged 16 to 24 who live in Greater London can enrol for a national identity card. Our call centre is taking hundreds of calls a day from members of the public who are keen to get a card, and thousands of application packs have already been requested since the cards were officially launched in November 2009.

Tom Brake: On 14 December, here, the Home Secretary pledged to address how plain-clothed police officers should react in public protests. In contrast, the Association of Chief Police Officers' lead on these matters has said that she will not issue guidance because officers should not be deployed in that way, thereby neglecting the fact that 25 such officers were deployed by the City of London police at the G20 protest. Who leads on this issue: the Home Secretary or ACPO?

Alan Johnson: We have asked ACPO to produce guidance as part of our response to the White Paper of December last year. ACPO is producing guidance that will come before Ministers shortly, of which a key criterion will be that all officers who take part in such activities should be identified by a number. The guidance will be produced shortly.

T3. [315856] **Martin Linton** (Battersea) (Lab): My right hon. Friend will be pleased to know that I am applying for an ID card. I want to know the practical effect of abolishing the national identity register. Surely all the information that I must give to get an ID card—my name, address and date and place of birth—has already been given in my passport application. Will not the abolition of one database while the other is left in place make absolutely no difference?

Alan Johnson: My hon. Friend is absolutely right. It is one thing for the Conservatives to oppose the ID cards that they supported on Second Reading in December 2004 and that the hon. Member for Epsom and Ewell (Chris Grayling) also privately supported in a ten-minute Bill in 2002—it is one thing for them suddenly to flip-flop on that—but it is another thing completely for them to say that one can have a biometric passport, which they support, without a national identity register. That is complete and utter nonsense.

T2. [315855] **Mr. David Heathcoat-Amory** (Wells) (Con): What is the view of the Home Office on the right of prisoners to vote in general elections? I know that there are a number of cases pending on this issue, based on

human rights grounds, and I should like to know whether I should ask to go canvassing in Shepton Mallet prison next weekend.

Alan Johnson: I am tempted to say it is OK if the prisoners vote Labour. Happily, this is a matter for the Ministry of Justice, on which the Home Office does not yet have a view.

T5. [315859] **John Mann** (Bassetlaw) (Lab): Ever since I raised with the Prime Minister the question of policing distribution in Nottinghamshire in early December, I am pleased to say that 84 police have been permanently redeployed to the north of the county. Will my right hon. Friend ensure that Her Majesty's inspectorate, which is currently looking at Nottinghamshire Police, look long, hard and deep at why it required an intervention on the Floor of the House before those police were properly redeployed?

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): My hon. Friend will know that there has been a redeployment of officers to his constituency and there are still record numbers of police officers in Nottinghamshire. The inspectorate is undertaking a capability review, which I expect to be completed within the next four or five weeks. It will give a view on the potential for future policing of Nottinghamshire.

T4. [315857] **Norman Baker** (Lewes) (LD): The Home Secretary will be aware that Kent police have accepted that they behaved inappropriately in indiscriminately using section 44 powers at the Kingsnorth power station demonstration, as well as behaving in other ways that are unacceptable, including assaulting peaceful demonstrators, as I witnessed with my own eyes. What lessons is the Home Secretary drawing from that incident to ensure that police tactics do not replicate it in future?

Mr. Hanson: There are a number of lessons to be learned from the Kingsnorth incident, and Kent police are looking at those. One of the wider issues has been the policing of protests generally. That is why, in the White Paper before Christmas, we indicated strongly that we needed to examine the issue, draw up guidance, and work with ACPO and authorities to do so. We are in the process of completing that guidance, which I hope to bring before the House after the general election.

John Reid (Airdrie and Shotts) (Lab): The Minister will understand that I take a particular interest in the effectiveness and efficiency of the Home Office and its administration. In the light of the recent capability review, may I extend my congratulations to all those in the Home Office who have brought about such improvements in recent years, particularly in immigration, borders and the treatment of asylum cases, including the backlog? Will he extend the congratulations of the House on the efforts that have been made by the staff in the Home Office?

Alan Johnson: My right hon. Friend makes an important point. For everybody working in the Home Office—all the people who went through a period when, if I remember the description that my right hon. Friend gave, it was probably less than perfect—to come from that capability

review, which placed the Home Office, I believe, second from the bottom of all Whitehall Departments to second from the top, is an enormous tribute. I also pay tribute to my right hon. Friend for laying some of the foundations upon which we are now able to build in the Home Office.

T6. [315860] **David T.C. Davies** (Monmouth) (Con): On the train this morning I read a document which appeared to suggest that foreign national prisoners who are in prison in the UK are being allowed to leave up to nine months before the halfway point of their sentence, and are being given £5,000 as a present for when they arrive back where they came from. Can the Home Secretary assure me that that document was a malicious forgery and that such a thing could not possibly be happening in Britain today?

The Minister for Borders and Immigration (Mr. Phil Woolas): I am glad the hon. Gentleman was reading such a document on the train. I suggest he reads the *Daily Mirror* in future. He will see in that newspaper this morning that the crime figures are down. Part of the reason for that is the success that we have had in removing foreign national prisoners. We are doing so at record levels. My right hon. Friend the Home Secretary reminds me that the hon. Gentleman's party opposed the measures by which we are doing that, so I hope the hon. Gentleman changes his reading habits.

Natascha Engel (North-East Derbyshire) (Lab): When my right hon. Friend first took over as Secretary of State for the Home Department, I asked him whether he would consider banning mosquito devices, which send out high-pitched sounds which are very uncomfortable for children and young people. They are so effective and so uncomfortable for children and young people that they are often used to disperse them. If that were any other group, we would cry, "Discrimination!" Now that my right hon. Friend has had a chance to look at mosquito devices, will he ban them?

Alan Johnson: My hon. Friend is right. I remember well how she stumped me at my first Question Time, because I knew absolutely nothing about what she was saying. That is not uncommon for me, but I have since looked into the matter. There is evidence that shows that such devices can be helpful in the circumstances that the hon. Member for Vale of York (Miss McIntosh) described in Thirsk, for instance, where people feel that a congregation of rowdy young people is adversely affecting their quality of life. Where other systems to talk to those young people have not worked, those devices can assist the situation. Of course, there are health and safety aspects and the devices have to be used carefully, but I am afraid I am committed to using any device—or rather, devices that do not involve cruel and unusual punishments, but which bring about the improvement in behaviour that we all seek.

T7. [315862] **Mr. Alistair Carmichael** (Orkney and Shetland) (LD): What progress is the Under-Secretary, the hon. Member for Hackney, South and Shoreditch (Meg Hillier), making in addressing small boat owners' concerns about the proposals in the e-Borders programme to require them to file journey plans when moving between the UK mainland and Northern

Ireland? Why are they necessary when people entering Northern Ireland from the Republic of Ireland will not be listed?

The Parliamentary Under-Secretary of State for the Home Department (Meg Hillier): We are having a lot of discussions with the bodies that represent small yachtsmen, and with yachtsmen themselves. I am dealing with a lot of correspondence on the matter—[*Interruption.*] I mean people sailing small yachts; I do not mind about the size of the yachtsmen or, indeed, yachtswomen. We continue to look at the matter, because the idea is that e-Borders should not be over-burdensome but do its job and ensure that people meaning harm to this country do not reach our shores.

Mr. Tom Watson (West Bromwich, East) (Lab): Police dogs in Yorkshire are entitled to anti-stab vests, yet police community support officers in West Bromwich are not. The Minister knows that procurement is devolved to a regional level, but will he remind the chief constable of the west midlands that the region is now only one of two with police authorities that refuse to issue anti-stab vests to PCSOs?

Mr. Hanson: My hon. Friend has assiduously raised that issue on several occasions, and he will know that ACPO is re-examining the guidance on anti-stab vests for police forces. As he said, only two forces do not issue them. I know that my hon. Friend will continue to look at the matter, and I shall certainly draw his remarks again to the attention of the chief constable.

T8. [315863] **Mr. Henry Bellingham** (North-West Norfolk) (Con): Can the Home Secretary give an exact figure for the number of asylum seekers who have failed their final appeal but still await deportation?

Mr. Woolas: With respect, I shall have to write to the hon. Gentleman with the exact figure. The UK Border Agency chief executive is writing to the Home Affairs Committee—this week, I think—about the current situation. We are now dealing with 60 per cent. of asylum claims within six months, and we have the lowest level of asylum applications since 1993, so good progress is being made.

Mr. Neil Gerrard (Walthamstow) (Lab): Some foreign nationals in the UK already have to obtain biometric cards and, I think, pay for them. What advice will the Minister give to a constituent of mine who, when her credit card was stolen and she went to the bank to sort it out, was told that her biometric ID card was not proof of identity?

Meg Hillier: I shall be very keen to look up that case, because we have had the occasional instance of an ID card not being recognised. In every case so far, however,

the relevant national body has said that it recognises the card as a matter of policy but an individual member of staff has, unfortunately, not been aware of that fact. We are working to get publicity out there, and we will continue to do so.

Simon Hughes (North Southwark and Bermondsey) (LD): What is the result of the Minister's review of immigration policy, which was promised in the Adjournment debate on the Floor of the House on 7 December? We hope that the review will mean that asylum seekers who want to make further representations will not have to go to Liverpool to make their case, even if they have no money to make their case, but will be able to go to their regional office. The Minister indicated that he was sympathetic to that.

Mr. Woolas: I thank the hon. Gentleman for the question and for his persistence in getting it in just at the end of today's session. We did have a very important debate, which I have pondered, and we have established exceptional criteria for those unable to travel, while maintaining the integrity of the scheme.

Mr. Lindsay Hoyle (Chorley) (Lab): The Forensic Science Service centre in Chorley is proposed for closure. I was led to believe that the chief constable of Lancashire police had been reassured about the decision and was happy with it. That is not the case: the police are very concerned about urgent casework not being solved, and about where the scientists will be when it comes to future crime. So we have been misled. What is the answer?

The Parliamentary Under-Secretary of State for the Home Department (Mr. Alan Campbell): I do not believe that anyone has been misled in this regard. People were consulted over the transformation programme. It is important that the FSS undergoes this change in order that we secure the remaining sites. The work that will be undertaken on those sites is a very important part of fighting crime. The transformation process is absolutely essential.

Christopher Fraser (South-West Norfolk) (Con): Further to the question asked by my hon. Friend the Member for Scarborough and Whitby (Mr. Goodwill), some people are stockpiling high levels of "legal high" substances in anticipation of their being banned so that they can sell them on for a profit. What are the Government doing to stop this?

Alan Johnson: As I said earlier, the first step is to take the advice of the ACMD. The second step is to implement that advice as quickly as we can after consultation. The third step, once those drugs are illegal, and once we have a generic classification, is to deal with the people who are then in breach of the law.

Speaker's Statement

3.30 pm

Mr. Speaker: I wish to make a statement to the House about the application of the sub judice rule.

Once criminal proceedings are active by a charge having been made, cases before the courts shall not be referred to in any motion, debate or question. The House will be aware that charges have been made against three Members of the House and that therefore the sub judice rule applies to their cases. The matter is therefore before the courts, and the House and Members would not wish to interfere with the judicial process, risk affecting the fairness of a criminal trial or, furthermore, prevent such a trial taking place.

Devolution (Northern Ireland)

3.31 pm

The Prime Minister (Mr. Gordon Brown): With your permission, Mr. Speaker, I wanted to report to the House at the earliest opportunity on the agreement reached at Hillsborough castle between the Democratic Unionist party and Sinn Fein, and which we and the Irish Government fully support. This agreement will lead to the completion of devolution of power in Northern Ireland. I want also to report on the accompanying arrangements that Parliament will need to make to enable devolution to be completed.

I am making this statement conscious that General de Chastelain has today announced that the Irish National Liberation Army—responsible for more than 110 deaths during the troubles—and the official IRA have decommissioned their weapons. I have also just been informed that the last loyalist organisation, the South-East Antrim Ulster Defence Association, has this afternoon just completed its decommissioning. I think that the House will want to record our thanks to the international commission, which has now overseen decommissioning by the UDA, the Ulster Volunteer Force, the Provisional IRA, and now the INLA and the official IRA—a central part of the process of moving Northern Ireland from violence to peace.

In 1998, with the signing of the Good Friday agreement, Northern Ireland opened a new chapter in the peace process. The St. Andrews agreement marked the next step forward. Now, we have reached a significant and defining moment. Each of the Northern Ireland agreements since 1998 has had a different basis on which it was reached. The Good Friday agreement was an agreement between the participants to the talks, including the two Governments. St. Andrews was an agreement between the two Governments, later endorsed by the parties through their participation in the newly elected Assembly. The Hillsborough castle agreement—the final stage of the journey to completing devolution—was reached between the two parties which are the largest in the Assembly following the 2007 elections. The agreement was the outcome of many hours of talks, consultations and plenary meetings involving all the Assembly parties, and we should be in no doubt about its significance. Without this agreement, the work done at St. Andrews and Belfast could not have been moved forward. Without the completion of devolution, the whole process of devolution and the peace process itself would be at risk. So this agreement is essential to securing the future, because in turn it will also bring stability, investment, and jobs.

For decades, conflicts over institutions have dominated the politics of Northern Ireland. Even in the past two years, a failure to agree on the devolution of policing and justice has cast a shadow over Northern Ireland's politics. When the cross-community vote takes place on 9 March and the parties request the transfer of powers, Northern Ireland's politicians will, by 12 April, have full control over their Government and be able to focus on the economy, on jobs, housing and public services and, of course, on policing and justice. With this agreement, communities once locked in the most bitter of struggles are choosing to be bound together in a shared future with a common destiny. It must be in a spirit of partnership.

[*The Prime Minister*]

None of that could have been achieved without close working with the Irish Government. I know that the whole House will want to pay tribute to the Taoiseach, Brian Cowen; the Irish Foreign Minister, Michael Martin; and the Taoiseach's predecessors, Bertie Ahern and Albert Reynolds. Nor could it have been achieved without the continued and unstinting support of the American Government and Presidents Clinton, Bush and Obama. I especially thank Secretary of State Clinton for her generous support in the last few months.

The agreement is the conclusion of a process. The House will want to record its thanks to Tony Blair for his work and to John Major before him, as well as to previous Secretaries of State for Northern Ireland, some of whom are with us this afternoon. I want to record my personal thanks to them, to the current Secretary of State for Northern Ireland and to his Minister of State, my right hon. Friend the Member for Wythenshawe and Sale, East (Paul Goggins) for the time that they spent in detailed negotiations. I thank them all for their patience, resilience and wisdom.

Two weeks ago, the Taoiseach and I joined the parties for part of the negotiations in Hillsborough. There has been comment about the amount of time needed to reach the agreement. We should recognise that the talks were demanding because they went to the very core of Northern Ireland's shared future, but implicit in the agreement that Sinn Féin and the DUP have now reached and there for all to support is an even greater prize—that the parties seize this opportunity together to build a new trust in a fresh spirit of respect, co-operation and understanding.

It is my view that the agreement represents a reasonable concord to put differences to one side and enter a better shared future in a spirit of good will. Four crucial breakthroughs have been made. First, the parties have resolved the outstanding issues on the transfer of policing and justice powers and agreed a timetable for the completion of the final stage of devolution. Following cross-community consultation, the First and Deputy First Ministers will jointly table a resolution seeking a transfer of policing and justice powers by means of a cross-community vote in the Northern Ireland Assembly four weeks from tomorrow, on 9 March, for devolution to occur on 12 April. This Parliament will then be asked to approve the necessary transfer orders so that devolution can occur on that date.

Secondly, the parties have agreed how the devolution of policing and justice will work in practice and, in particular, how the relationship between the Justice Minister and the Executive will work.

Thirdly, the parties have committed to a new and improved framework for regulating and adjudicating parades, which will maximise cross-community support. At its core is a commitment to ensuring local dialogue, transparency and mediation, as well as specific proposals for dealing with contentious parades. The First and Deputy First Ministers will set up a co-chaired working party to take forward that work, and legislation on the agreed outcomes will be completed in the Northern Ireland Assembly before the end of this year.

Fourthly, the agreement proposes to address how devolved Government could work better in Northern Ireland. In the talks, all parties raised the issue of the

need for greater efficiency, transparency and inclusiveness. It is clear from the agreement that that was firmly recognised. The First and Deputy First Ministers have proposed three very important working groups at executive level, which will begin work immediately. I am pleased that the First Minister is in the House today while we are discussing it.

The first working group will consider how the Executive might function better and how delivery might be improved. The two others will deal with all outstanding Executive business and make recommendations on how progress can be made on all matters outstanding from the St. Andrews agreement.

The House will know that last October, I sent all party leaders in Northern Ireland the proposals for a financial settlement worth an additional £800 million to underpin the new Department of Justice, available only if and when the parties decided to take the historic step of requesting the transfer of policing and justice powers. All the details have been studied by the Assembly and Executive Review Committee. The financial settlement will ensure stability for the new Department, enabling it to deal with the issues outstanding from the troubles and current security needs. I am sure that the House wishes to ensure that in reaching such an agreement, the Department has the stability and resources to complete the Patten proposals on policing and meet the unique pressure of Northern Ireland's past and present security needs.

Taken together, those parts of the agreement will lead to a better functioning Northern Ireland Executive who are better able to focus on growth, jobs, public services and, of course, law and order. I believe that our duty now is to do all we can to encourage the parties to support and give effect to this agreement. Subject to the cross-community vote on 9 March, the First Minister and Deputy First Minister have now agreed to support an accelerated passage for the budget Bill and any related Assembly steps to ensure devolution of powers by 12 April.

Too many lives have been lost in Northern Ireland. Just a few weeks ago dissident republicans tried to murder a police officer, Constable Heffron. They did not succeed, but he was very badly injured. There have been significantly more attacks in the last 12 months than in any recent year. Indeed, just 12 months ago the House will record with sadness the murders of two brave young soldiers, and on 9 March last year criminals also murdered a brave Police Service of Northern Ireland officer, Stevie Carroll.

The IMC report at the end of last year was clear: early devolution would be a potent intervention on the activity of the dissidents. So the decisions made in the last few days are the most powerful signal we can send to those who chose violence over politics. I hope that the whole House will join with me in sending an unequivocal message to those who would defy the will of the people: that the politics of peaceful change must irrevocably succeed in Northern Ireland, and it must overcome whatever obstacles are put in its way.

The next stage is to show that this new stability can bring results in jobs and prosperity. So I am grateful that Secretary of State Clinton has immediately announced her invitation to the First Minister and Deputy First Minister to meet her and the US economic envoy, Declan Kelly, to see how together the UK, Irish and

American Governments can together accelerate all options for encouraging new inward investment and jobs into Northern Ireland.

The peace process has taken men and women of courage, who were prepared to set the past aside in the service of the future. The peace of Northern Ireland and its future stability asks that we all put the interests of all its people above the interest of party. We have a proud record in this House of all-party support for the peace process. Today, it is important that we not only support the principle, but the dates in the agreement. Upon all of us falls the responsibility to make this work. Together we should complete the process of giving the government of Northern Ireland to the people of Northern Ireland. For with policing and justice in the hands of the Northern Ireland executive; the future of Northern Ireland is finally and truly in the hands of its people. I commend this statement to the House.

Mr. David Cameron (Witney) (Con): May I thank the Prime Minister for his statement? We support devolution in Northern Ireland and we welcome the agreement reached between the Democratic Unionists and Sinn Féin. May I start by congratulating the British and Irish Governments and, in particular, the Prime Minister on their determination in helping to bring that agreement about?

As the Prime Minister will know, we have always been in favour in principle of policing and justice powers being devolved to the power-sharing Administration at Stormont. That is why we backed the legislation last year. That is why we will honour the financial package contained in the agreement, and that is why we released a statement immediately on Friday—a statement welcomed by the Northern Ireland Secretary.

Our overriding objective has always been, and always will be, to create a peaceful, prosperous and stable Northern Ireland in which all parts of the community have a shared future. For however long we have to sit on this side of the House, the Prime Minister will always have our fullest support in securing those objectives.

There has been much talk over the past three days of “a new chapter” and of the political process “coming of age”. Does the Prime Minister agree with the First and Deputy First Ministers that there can be no going back? Does not the evil and cowardly attack on Constable Heffron in Randalstown last month, which the Prime Minister mentioned, more than demonstrate the dangers of that? No one should doubt how far we have come. We stand here with the name of Airey Neave, the first MP I remember, emblazoned above that door. He was murdered by the INLA just yards from where we are standing. As the Prime Minister said, General de Chastelain today announced that the INLA has decommissioned its weapons. That is how far we have come.

While the agreement is welcome, does the Prime Minister agree that there are a number of areas that require clarification? These are the position of the Chief Constable; timetables; parading; and some outstanding issues from St. Andrews. Let me take each of these in turn.

Does the Prime Minister agree that the most fundamental principles in devolving policing and justice are the continued independence of the judiciary and the operational independence of the Chief Constable for policing? Of

course, both are already enshrined in the law, and they are reiterated in the agreement. However, the usual formulation, “operational independence”, has become “operational responsibility”. Is there any significance to that change?

On timetables, the agreement proposes the transfer of policing and justice powers, as the Prime Minister said, on 12 April this year. As I understand it, under current legislation the Department of Justice in Northern Ireland, which would of course then be responsible for those matters, is due to be dissolved on 1 May 2012 unless there is an agreement on its replacement. Does that not mean that there is a risk of there being another set of very difficult negotiations unless we can resolve that now?

On parading, the commission established by the First Minister and Deputy First Minister is given just three weeks from 9 February to come forward with agreed proposals. Can the Prime Minister tell us what will happen to the proposed vote on policing and justice powers in the Assembly on 9 March if that deadline is not met, particularly given that there is a linkage between the two issues?

As the Prime Minister said, there is also a working group tasked with looking at improving the way in which the Executive function. I do not believe that there is a timetable for that working group to deliver its recommendations. Can he indicate when that group will be expected to report, and can he tell us whether it has any bearing on the timetable for devolution?

The First and Deputy First Ministers will examine elements of the St. Andrews agreement that have either not been faithfully implemented or not been implemented at all. Can the Prime Minister tell us which issues that will cover?

Last week’s agreement is between the DUP and Sinn Féin, two of the four parties in the Executive in Stormont. On Friday, both the other coalition parties, the Social Democratic and Labour party and the Ulster Unionists, asked for time to study the agreement. Can the Prime Minister tell us what provision there is for that, and what consideration there will be of any reasonable concerns they might have? As the former leader of the SDLP, the hon. Member for Foyle (Mark Durkan), has said:

“We will have to take our turn with other parties in proofing what is proposed, not trying to create problems, but pre-empting any possible shortcomings or problems there are with it so we can actually improve it”.

May I commend that, and say how much I believe all other parties should take a similar approach?

We know from reports that a number of other issues were considered at Hillsborough, including the Irish language and the Presbyterian Mutual Society. There are also reports of agreements not included in the formal text. Can the Prime Minister clarify that?

Finally, we welcome the involvement and engagement of the United States and the discussion on greater US investment promised by Hillary Clinton. Can the Prime Minister confirm that that is, of course, contingent on the implementation of the agreement?

The whole House will want to thank the Prime Minister and the Northern Ireland Secretary for their very hard work to help bring this agreement about. Of course, the devolution of policing and justice is something that we

[Mr. David Cameron]

have to get right, but is it not important also that the politicians of Northern Ireland now move on and focus on the issues that people on the ground really care about, such as health, housing, schools and tackling social problems? Does the Prime Minister share my hope that that—a return to normal, healthy, democratic devolved politics as part of the United Kingdom—can now really happen in Northern Ireland?

The Prime Minister: First, may I thank the right hon. Gentleman for his very generous remarks about how people have come together to make this set of agreements possible? I agree with him that the all-party consensus that has existed on this set of challenges for many years is one that we should want to continue, and one that stands us in good stead for backing the agreements that have been made and for ensuring that on 9 March, we can encourage the Northern Ireland Assembly to make the decision to move forward with the devolution of policing and justice.

I am grateful for the right hon. Gentleman's support for the process and for the investment conference, which will go ahead, but of course only if the agreement is fully implemented with the devolution of policing and justice. I assume from what he said that he also supports the dates that we have set forward—9 March and 21 April—and I am grateful for that, as well. Northern Ireland began to move forward not only when the parties there agreed that they wished to come together to address issues that they had to face in common, but when all parties in this House agreed that it was essential that we worked together as well.

I shall deal with each of the right hon. Gentleman's specific questions in turn. The continued independence of the judiciary is guaranteed by the agreements. The Chief Constable is independent and will continue to be so, and I would read no significance into the use of the word "responsible". He has operational independence and reports to the Policing Board. That will remain, and I think everybody in Northern Ireland believes that that system has worked, and continues to work, well.

As for 2012—the point at which people have got to consider again the issue of the Department of Justice—it is true to say that the parties agreed that it should not at this point be changed, and that to do so might have made it more difficult to get the agreement they have. However, I have no doubt that if the devolution of policing and justice works, all parties will want it to move forward in exactly the way that has been designed, including after 2012.

On the working parties, it is true to say that three working parties are dealing with some of the most difficult issues. The Leader of the Opposition asked me about other issues raised at the talks. One of the working parties is going to deal with the issues that are still outstanding from the St. Andrews agreement—and I should tell him that that means all outstanding issues from that agreement. A working party chaired by junior Ministers on both sides will report to the First Minister and Deputy First Minister, and then to the Executive, on the basis of the agreement reached last week.

The issue of the future of the Executive and how they work deserves the views and recommendations of all parties in the Assembly. One point consistently made to me by the leader of the UUP is that it is important that

the Executive can work well, and indeed better, in future. One issue that prevented the Executive working as well as they should was the cloud hanging over them before they established a solution to the problem of the devolution of policing and justice. It was perhaps inevitable that the Executive would not work as well as they could until that was resolved.

The proposal that has been put forward—it came from the First Minister and the Deputy First Minister—that a working party to be set up would be chaired by the leaders of the UUP and SDLP is a good one. I hope that they will find it possible to take up that offer, which allows them to participate in shaping how the Executive will work in future. When that working party should report is a matter for the parties to agree on, but I know that people will want to move things forward at the earliest opportunity.

I believe that the UUP is meeting today to consider its response, as is the SDLP. I am pleased that the previous leader of the SDLP, the hon. Member for Foyle (Mark Durkan)—he has now given way to Margaret Ritchie, whom I congratulate on her victory in the leadership elections—said that he was in favour of the agreement in principle but that he wanted to be sure of the details. Both those parties will look at the agreement, and I hope they come to the view that it is essential that we move forward with it and support the cross-community vote on 9 March. In my view, that would be the best way of sending a signal not only to those people of violence, but to the rest of the world, that Northern Ireland has resolved the problems that remained; that it is ready to move forward; that it is open to investment from the rest of the world; and, indeed, that it offers a peaceful and secure future.

As the Leader of the Opposition says, discussing housing, health, welfare, social security, education and the other issues that affect the people of Northern Ireland will be the main focus of the Assembly in future. That will be a huge change from the past.

Mr. Nick Clegg (Sheffield, Hallam) (LD): I, too, congratulate the Prime Minister, the Secretary of State for Northern Ireland, the Northern Ireland Minister, the Taoiseach, the Irish Foreign Minister and, as the Prime Minister said, all their predecessors, on the considerable amount of work they put in to everything that led up to this very significant deal between the DUP and Sinn Féin. I also join the Prime Minister in recognising the painstaking work of General de Chastelain and his colleagues on the Independent International Commission on Decommissioning.

The Liberal Democrats have long believed that policing and justice powers should be devolved to the Assembly if and when it wanted such powers. That is a crucial element to devolution, and it will be a momentous achievement if the powers are indeed devolved as early as April, as the agreement has set out.

There is no place for party politics here: the biggest contribution that we in this House can continue to make is to do what we can, on a non-party basis, to ensure that normality returns to Northern Ireland. I am sure that the Prime Minister will recognise—indeed, he already has done—the importance of now bringing on board all the political parties in Northern Ireland, including those that were not directly involved in the negotiations. Will he confirm that he and the Secretary

of State will continue to help all the parties in Northern Ireland to work together constructively to avoid any further logjams in the peace process?

Finally, on one specific point, we share the concerns of our colleagues in the Alliance party that there is little in the agreement on how to build progress on community relations on the ground, which is where it counts, on everything from public services to the role of community groups. Perhaps the current agreement is simply not the appropriate place for such a commitment. Yet it is undoubtedly true that a political agreement between the parties will be durable only if it is accompanied by concrete steps towards greater integration between the communities. I spoke with David Ford about that this afternoon, and I know that he has also raised the issue directly with the Prime Minister. Does the Prime Minister agree that improved community relations are crucial to the future of Northern Ireland, and can he assure us today that the parties in Northern Ireland will work together constructively to take forward an agreed and practical community relations strategy?

The Prime Minister: I am grateful to the right hon. Gentleman, first, for his support for the agreement, and secondly, for his desire that all parties can move forward together in unison in supporting what has been agreed. I agree with him about the importance that the Alliance party has given to the talks. It was there from the beginning of the talks, and it was there right to the end. I praise David Ford, the leader of the Alliance party, and all the Alliance Members I talked to for their willingness to enter into discussions about the future of the Executive and, in particular, the programme for the Government. The Executive's strategy for cohesion sharing and integration is one of the vital foundations of Executive policy for the future. The Alliance party is keen to see that that policy shapes the work of the Department of Justice and other Departments for the future.

I can assure the right hon. Gentleman that the creation of a shared and better future, based on tolerance and respect for cultural diversity, is absolutely essential to what all parties have agreed they wish to see. They are going to bring forward a programme of cohesion and integration for that shared and better future. I thank the Alliance party for its involvement in that, as I thank all the parties for the way in which they have approached the final stage of the negotiations.

John Reid (Airdrie and Shotts) (Lab): It is very difficult for those of us in the House from outside Northern Ireland to understand just how challenging, difficult and sensitive the issues of law and order, and justice are. It is therefore to the credit of all the parties in the Northern Ireland, including the First Minister and Deputy First Minister, who have shown the courage and resilience to carry the process forward. May I also thank the Prime Minister and his Secretary of State? The role of the British Government, as an honest broker and a guarantor of the process and the settlement, is essential. If, after all the decades of mistrust, the Government ever deviate from that role of being an honest broker and become in any way partisan in those agreements, that will be very much to the detriment of the continuation of that process.

The Prime Minister: First, let me pay tribute to the work that my right hon. Friend did as Secretary of State for Northern Ireland and also during his period as

Home Secretary, with responsibility for security. He has contributed to the process that has ended today, with the announcement here that the parties wish to support the devolution of policing and justice, and wish for that to happen only a few weeks from now.

I also agree entirely with my right hon. Friend that it has been of great benefit to the peace process that there has been all-party support in this House—all-party support when the Conservative party was in government, with Labour supporting the Conservatives, and all-party support while we have been in government, with the Conservatives, Liberals and other parties supporting what we do. If at any time we had lost that sense that this House was united in seeking to advance the peace process and the security of Northern Ireland, we would all have been the losers from it. I am determined that we work in the role of trying to move agreement forward between the parties.

My right hon. Friend is absolutely right to mention the important role of the First Minister and the Deputy First Minister. Without their determination to come to an agreement, without their skills at negotiation and without the patience that they showed when the negotiations were very difficult, we could not have succeeded in reaching an agreement. It is right to commend the First Minister and the Deputy First Minister, as I said, for the statesmanship they have shown in bringing their parties together and at the same time bringing Northern Ireland together.

Mr. Peter Robinson (Belfast, East) (DUP): May I join in the thanks to the Prime Minister, the Secretary of State for Northern Ireland and the Minister of State for the support and encouragement they have given throughout this process? May I express a firm and unalterable commitment to ensuring that every element of this agreement is faithfully implemented? We all have ways as individual parties of ensuring that the brakes can be put on and that things can be brought down, but only collectively can we ensure that we take them forward and that the process works.

I noticed that the Prime Minister emphasised the word “many” when he referred to the many hours of negotiations that had taken place, but will he accept that there are very special circumstances in respect of these sensitive functions and that the agreement reached acknowledges the independence of the courts and the operational independence of the Chief Constable and ensures that there is no interference in the role carried out by the Police Service of Northern Ireland board? It ensures that we have a Justice Minister, who will be elected by a cross-community vote in the Assembly and will have the support of all sections of our community and that any quasi-judicial decisions will be taken outside the political Executive who would be in power, so that there is an ability for any urgent decisions to be taken prior to the Executive's having to be consulted? Does he agree that all of these matters will give confidence to the people of Northern Ireland, who will be delighted at the fact that a new way forward is being offered in respect of parading, which has cost so much in the past in Northern Ireland?

Will the Prime Minister therefore accept that the institutions that we already have in Northern Ireland are not the politician's institutions, as the institutions belong to the people, so any alteration or addition to

[*Mr. Peter Robinson*]

them belongs to the people as well? It therefore becomes imperative that the institutions being changed have the support of the community and that there is confidence among that community. It can be expressed in two ways—through the consultation process outlined in the agreement and through the support of all the parties in the Assembly, and without that we cannot move forward.

The Prime Minister: I am very grateful to the First Minister. I was incredibly moved when he said in his speech on Friday that for all parties there must be “no going back”, as there had been too much violence and too much conflict. As he said, there was only one way to go now, and that was forward. I confirm that everything he said about the Department of Justice, its relationship with the Executive, the powers of the Justice Minister and the quasi-judicial decisions that he or she would make is absolutely correct and in the agreement. What is most satisfying is that this agreement is jointly authored by the First Minister and the Deputy First Minister—by the Democratic Unionist party and by Sinn Féin working together. In the preliminary or prefix to the agreement, it states that they will address the problems on the basis of trust, “mutual respect and equality”. I believe that that has come out of a long process of negotiation, through which people have had to come together, put aside the differences of the past and reach a solution for the future.

The First Minister is also absolutely right that there is a process of consultation, which he and the Deputy First Minister have inaugurated. On that basis of that consultation, they will put forward what they feel is the right resolution to the Assembly on 9 March. If that resolution is acceptable, we will of course move forward to the devolution of policing and justice by 12 April. I have made it clear that we will do everything in our power here to get the relevant changes put into effect in this Parliament to make that possible, while ensuring that the Department of Justice will be able, with the necessary financial arrangements in place, to start to deal with the problems it faces. I entirely agree that with the right hon. Gentleman that there is no going back. What has come out of these negotiations is the wish of every single party to move forward. I hope that every single party in the Assembly will now assent to the proposals and make them the basis of a very strong vote in the Assembly on 9 March.

Mark Durkan (Foyle) (SDLP): May I welcome the Prime Minister’s statement and, more importantly, the positive announcement on Friday of which he and others were part? May I say to him that, based on experience, the public might feel a bit more hope if there was a wee bit less hype? Although some of us might have misgivings about how the Minister is to be appointed, as that departs from the Good Friday agreement—which, unlike all other agreements, was solemnly endorsed overwhelmingly by the people of Ireland, north and south—will he acknowledge that we nevertheless support the firm date for the devolution of policing and justice, and my party will vote for it in the Assembly and for any related measures in this House?

The Prime Minister and others have touched on the relationship between the Minister of Justice and the Executive. Does he recognise that some of us are also

concerned about the relationship between the devolved and non-devolved functions? That interface could be sensitive, and we would not want controversies arising in which the Minister of Justice in Northern Ireland is left pleading ignorance and impotence. That would not be good for the integrity and credibility of a devolved justice system.

The Prime Minister: First, let me thank the hon. Gentleman for his outstanding record as leader of the Social Democratic and Labour party. I first met him 25 years ago, and have seen him work patiently for peace in Northern Ireland over the 25 years. He has an outstanding record in arguing the case not just for peace but for economic justice in Northern Ireland. We thank him for his service as a member of the SDLP.

I am also grateful for the hon. Gentleman’s comments this afternoon. Although he is not a signatory to the agreement, he has not only supported it in principle but said that he will wish to vote for it on 9 March. I hope that is the message that all parties will take up so that we can move forward.

Obviously, the arrangements between the Minister of Justice and the United Kingdom Government will be such that he or she will be kept properly informed about what is happening, and will be able to make the decisions subject to the devolution of policing and justice in Northern Ireland. I believe that the process that is being agreed will work smoothly, so I assure him in that regard. Most of all, however, the House wants to thank him for everything that he has achieved.

Sir Patrick Cormack (South Staffordshire) (Con): On behalf of the Northern Ireland Affairs Committee, I unreservedly congratulate the Prime Minister, Secretary of State and Minister of State on what they have helped to bring about. I also congratulate the First Minister and Deputy First Minister on their courage and persistence. Will the Prime Minister also recognise, sensitively, that the Ulster Unionist party and SDLP—under Lord Trimble and John Hume, who were jointly awarded the Nobel peace prize for their efforts—showed us how to begin this road within Northern Ireland? Will he impress on them that their continued presence and participation is essential for success? We do not want the current Executive and Assembly to collapse as theirs did, but they have a vital role in ensuring that it will not do so.

The Prime Minister: I thank the hon. Gentleman for his chairmanship of the Northern Ireland Affairs Committee. He was in Northern Ireland as we were having talks and played a part himself in encouraging the parties to accept that an agreement is absolutely necessary. I value the comments and representations of the UUP and SDLP, and I of course have huge respect for Lord Trimble and John Hume and for what they achieved over the years. However, it is important to recognise that we now have an agreement. Although the parties are right to look at the detail of the agreement, it is important that they make up their minds—in my view, the right decision would be to support the agreement. The former leader of the SDLP has said today that he will support it, and I hope that soon we will have the same answer from the Ulster Unionist party.

In the past, we have succeeded through all parties in the House seeking peace. The importance of this agreement is that it is between the parties in Northern Ireland, and

the wider the agreement, the better it will be for the future. I have had talks with the DUP and Sinn Fein, but I have also had talks with the SDLP, the UUP, and, of course, the Progressive Unionist party. All have a big part to play in the future of Northern Ireland, and I hope they will be able to vote yes in the cross-community vote on 9 March, and that they will tell us soon that that is what they wish to do.

Frank Dobson (Holborn and St. Pancras) (Lab): I congratulate the Prime Minister, the Secretary of State and the Minister of State, and all who took part in the exceptionally protracted negotiations. Although there has been criticism of the length of time that those negotiations took, I do not think that the people who took part in them should be embarrassed. It is in the nature of things that the most difficult issues are left until the last bit of any negotiations, and these negotiations involved dealing with a couple of issues that no one had managed to address before. I think that the people involved deserve to be congratulated, and I think that the rest of us will wish them well in difficult circumstances.

People in Northern Ireland still think of old, unhappy, far-off things, of battles long ago, and even of battles more recently. Everyone in the country must wish those who took part in the negotiations well, and wish the people of Northern Ireland well as a result of the product of those negotiations.

The Prime Minister: My right hon. Friend is well respected in the House, and has taken an interest in these issues throughout the time during which I have known him. When he says that this is the time to move forward and that this is the time not only to reach the agreement but to implement it as quickly as possible, I think most Members will agree that the right thing to do is to bring people together, to move forward and put the past behind us, but to ensure that the devolution of policing and justice is intact so that it is in place in only a few weeks' time.

Mr. Andrew Mackay (Bracknell) (Con): I strongly endorse what the Prime Minister said about the vital importance of a bipartisan approach in the House throughout the peace process. I also join him in hoping that both the SDLP and the UUP will be able to sign up fully to the agreement. May I gently put to him, however, that those two parties felt somewhat marginalised because they were not as involved in the negotiations as many of us thought that they should be? I hope that lessons can be learnt both by the Government and by the First and Deputy First Ministers.

The Prime Minister: I am grateful for the right hon. Gentleman's support for the agreement, and also for the support that has come from both the UUP and Sinn Fein. Let me say to him, however, that we held a number of plenary sessions in Hillsborough castle, and invited all the parties to them. I tried to meet all the party leaders individually, not just the First Minister and Deputy First Minister but all the representatives of all the parties. I met representatives of the UUP and the SDLP on a number of occasions to go through the issues that were at stake, and the plenary sessions were an important part of the process.

Of course I understand that the UUP and the SDLP will want to look in detail at what the agreement entails, but I think that the UUP's main concern—which was about the working of the Executive—will be best addressed by a working party of the Executive, chaired by the leader of the UUP alongside the leader of the SDLP. I hope that, having made their offer, the First Minister and Deputy First Minister will receive a positive response from the leadership of the UUP in particular. We received a positive response from the SDLP today, and I hope that a positive response from the UUP will come soon. I believe that the sooner we see Northern Ireland politics resolved to move ahead with this issue, and the sooner the community sees that the parties are able to reach an agreement, the better it will be for the future of Northern Ireland.

Sir Stuart Bell (Middlesbrough) (Lab): It is a long road that we have taken since the Anglo-Irish agreement of 1985—from violence to peace, as the Prime Minister has said—but does not statesmanship bring peace, does not patience bring peace, and does not peace bring prosperity, as anyone who has visited Northern Ireland will know? The Prime Minister has talked of jobs, stability, growth and inward investment. Can we not build on that statesmanship and that patience to enhance the economy of Northern Ireland and bring prosperity to all?

The Prime Minister: I am grateful to my hon. Friend, who is always listened to with care in the House. I think he will acknowledge the huge amount of work done by the Secretary of State and the Minister of State—and, previously, by my right hon. Friend the Secretary of State for Wales when he was also Secretary of State for Northern Ireland—in pushing forward Northern Ireland's economic future.

We know that Northern Ireland is looked to by the rest of the world because of what has been achieved. The statesmanship of those people who came together to reach an agreement is applauded in every part of the world. One of the lessons that Northern Ireland has sent to the world is that if tensions can be reduced and conflict removed, prosperity can result. Northern Ireland has had more jobs and more investment as a result of the decisions that its politicians have made.

Hillary Clinton has offered to meet the parties from Northern Ireland, and she will want to help run and organise an investment conference that will bring more jobs to Northern Ireland. I believe that companies will now look at Northern Ireland and know that, once this agreement is voted through the Northern Ireland Assembly, the future of Northern Ireland will be far more stable and therefore investment will be far more beneficial to them and to Northern Ireland. So this agreement not only brings to an end a long period of conflict about the institutional future of Northern Ireland, but it means that there is the possibility—indeed, the probability—of more jobs coming to Northern Ireland. The economic future of Northern Ireland looks more secure this week than it did last week.

Mr. Nigel Dodds (Belfast, North) (DUP): The whole House welcomes the news on decommissioning by the paramilitary groups mentioned by the Prime Minister. As we are nearing the end of that process, can he say

[Mr. Nigel Dodds]

when and if an inventory of the various decommissioned arsenals will now be published at its conclusion, as was originally agreed? The agreement is in keeping with the manifesto pledges of my party. There are a number of elements to it, including on better delivery by the Executive and on parades, and we expect everybody to act in good faith. We know that the Government are the guarantor of delivery so will he accept that if there is bad faith—we sincerely hope there is not in relation to delivery—that there are means and devices open to us to ensure that there is delivery on the issues of parades and better functioning of the Executive. We cannot have policing and justice on the one hand without delivery of the other elements on the other and they cannot be sustained one without the other. Those means must be open to us as a party to deliver, just as Sinn Féin has threatened in the past. Along with this, however, we are also certain that people in Northern Ireland want to move ahead. They do not want to go back. They want to build a better future, and we are all absolutely committed to making that happen.

The Prime Minister: I am grateful for the terms in which the hon. Gentleman has expressed his hopes for the way forward for Northern Ireland. It is a way ahead in which there is peace and stability, as well as trust. He is absolutely right that we and the Irish Government are guarantors of this agreement and wish to see it work, and, as he said, that means there must be delivery on all the issues—delivery on issues that are difficult for some parties, but delivery on them as they have promised in this agreement. I repeat to him that the working party that has been set up will look at all the issues that are outstanding from the St. Andrews agreement, and it will be able to report on all these issues so we can see what progress has been made and what progress can, if necessary, be made in the future.

The hon. Gentleman is also absolutely right to record our thanks to the Independent International Commission on Decommissioning. When we consider that it has now overseen decommissioning by the UDA, the UVF, PIRA, the INLA and now the Official IRA, we can see that it is a central means by which we have moved from violence to peace. I not only want to thank the international commission, but to confirm that it will conduct a series of reports, and there will be a report in the end on armaments. That will be the concluding work of the commission.

Mr. Adrian Bailey (West Bromwich, West) (Lab/Co-op): May I join others in congratulating my right hon. Friend the Prime Minister on the success in what must have been an incredibly gruelling process of negotiations? May I also welcome the steps in further decommissioning that have been undertaken by bodies in Northern Ireland? Although I recognise that this devolution process will send a very powerful signal to the remaining violent dissidents in Northern Ireland, what assessment has he made in practical terms of the new arrangements in dealing with those who might still wish to pursue the course of violence?

The Prime Minister: We will never be complacent. We will continue to monitor and pursue those dissident groups that hold to a policy of violence in Northern

Ireland. We know that they are a real threat, which is why we have stepped up the resources available to the security services and, as part of the financial agreement, we have made sure that the Executive ministry responsible for justice and policing is properly resourced. So we will do everything we can to take on this terrorist threat. It is important to recognise, however, that in one day the INLA, the Official IRA and the last loyalist organisation, the South-East Antrim UDA, have completed their decommissioning, and that is a move from violence to peace that those in all parts of the House will want to commend. So I remain optimistic that those people who support the political process—who are strengthened by the agreement that has been made in the past few days—will always defeat those people who wish violence to replace politics in Northern Ireland.

Christopher Fraser (South-West Norfolk) (Con): As chairman of the all-party group on Northern Ireland, may I also commend my right hon. Friend the Leader of the Opposition for his support for the process of the devolution of policing and justice? I am sure that the Prime Minister agrees with me that continuity of effort and engagement in the process by all political parties will be essential in the highly charged timetable and atmosphere before a general election. Can he confirm that all-party briefings will continue should this Parliament be dissolved during what will be a crucial time for the people of Northern Ireland?

The Prime Minister: I think the hon. Gentleman wants me to comment on something on which I shall not comment. The one issue I shall comment on is the all-party briefings that have been given, particularly by the Secretary of State for Northern Ireland to his opposite numbers, which will continue. We will keep people in touch with developments. The outstanding issue that we really must address is our wish to build all-party support in Northern Ireland for this agreement; it is important to recognise that it was an agreement of two parties—it is not an agreement between the Governments—and it will work only, as the First Minister said, if we can secure wider support before the cross-community vote that will take place in Northern Ireland on 9 March. I hope that the hon. Gentleman can use his good offices to persuade any of the parties still looking at this issue and wondering about the right way for them to address the future that it is worth their being unequivocal in their support for moving this process forward and using the working party process to deal with the issues that they have raised.

Michael Connarty (Linlithgow and East Falkirk) (Lab): May I add my congratulations to the Prime Minister and to all the individuals and parties who took part in this very important agreement on justice and policing? May I speak on behalf of some of the people who perhaps were not there in spirit and who cannot move forward quite as easily as the parties would seem to be able to do? Such people include those whose relatives and family—including my own—were killed in the McGurk's bar bombing. The people who did it are known to the person who was found guilty of being part of the group, but their names have never been given. Many families wonder where their loved ones are buried but that has never been revealed. Does the Prime Minister assess this move as bringing forward the possibility

that these things will be laid to rest and that people in the innocent community of Northern Ireland will genuinely be able to move forward?

The Prime Minister: There is a need to deal with the issues that arise from the past—of course, the Eames commission has looked at this—but we also know that we must move forward. I appreciate that feelings are still very raw in many communities as a result of what has happened over these past decades, but I hope that having dealt with some of the issues of reconciliation as we have done through the commission that sat to consider this matter, we can now also agree that we must move forward to build that better future.

Dr. Julian Lewis (New Forest, East) (Con): When responding to my right hon. Friend the Member for Witney (Mr. Cameron), the Prime Minister explained that issues outside the formal text of the agreement will be dealt with by a special working party, but I did not hear him tell the House what these issues are. Will he take this opportunity to do so?

The Prime Minister: They are all the outstanding issues on the St. Andrews agreement that are within the scope of the working party.

Lembit Öpik (Montgomeryshire) (LD): Having been involved in Northern Ireland matters for many years, may I express my relief and my congratulations to all those concerned on an achievement of which all parties, this Government, this Prime Minister and his predecessor, Tony Blair, can be truly be proud? Could this case study in conflict resolution at home offer lessons for negotiated solutions to apparently intractable conflicts abroad?

The Prime Minister: I think the important thing is for us to move to 9 March and then to 12 April and show that the process that has been engaged in so determinedly by the political parties in Northern Ireland has definitively worked. We still have to get some people on board to make that happen. I agree with the hon. Gentleman that all around the world people admire what has been achieved in Northern Ireland; it has been the subject of not only Nobel peace prizes, but much examination by people who are in conflict zones. I think that one of the lessons is that if the tension and the conflict can be reduced, people can be shown the benefits of peace and therefore the benefits of not moving back to a position where conflict is endemic in their society. I think that Northern Ireland can show not only the courage of politicians who have reached difficult decisions to get to peace but the benefits that have come from that peace

process. Belfast and much of Northern Ireland have been transformed economically as a result of the decisions that have been made and people's willingness to invest in Northern Ireland for that better future.

Mr. Andrew Pelling (Croydon, Central) (Ind): The Prime Minister, in his statement, emphasised the importance of American investment for the prosperity of Northern Ireland. Is there also an important role for investment flows within the United Kingdom? One way to do that might be to try to get higher interest in Northern Ireland among the English media. What can the Government and the Northern Ireland Government do to encourage that?

The Prime Minister: The interest in Northern Ireland will cease to be based on long-standing conflicts and on the issues that are not yet resolved after the agreements that we have seen reached there. It will be based on how Northern Ireland is moving forward and on the talent, genius and potential of the Northern Ireland people, their ability to innovate, their strong universities, the education system, which is improving, and the innovative work of many businesses, some of which receive inward investment but some of which are generated by Northern Ireland talent on its own. The focus in Northern Ireland in future will be on the economic choices and social improvements that are made in that country. When people look at Northern Ireland today, they see a Northern Ireland that is different from a few years ago. In a few years' time, if the whole focus of the Assembly is on jobs, health, welfare, the environment, tourism and all those issues, that will be how people will wish to look at Northern Ireland—it is a beautiful country with great people, who have come together and confronted and surmounted difficult times.

Bob Spink (Castle Point) (Ind): I congratulate the Prime Minister and the First Minister on their personal work at Hillsborough. How will the Prime Minister ensure the total independence of the Chief Constable in order to retain community support?

The Prime Minister: The Chief Constable is operationally independent and reports to the Policing Board. That is how we secure the independence of the Chief Constable. I must say that, from my discussions in Northern Ireland, I think that people are satisfied that the Chief Constable has those powers, assumes those responsibilities and is able to act with operational independence. I believe that he and his predecessor are respected for the way in which they are independent of the political process.

Point of Order

4.27 pm

Bob Spink (Castle Point) (Ind): On a point of order, Madam Deputy Speaker. The right hon. Member for Witney (Mr. Cameron) is seeking to visit my constituency and he has not informed me. He sought the use of a public building, my excellent SEEVIC college, for political campaigning. Might a word from you, Madam Deputy Speaker, help him to act more appropriately? Do I smell further Tory panic?

Madam Deputy Speaker (Sylvia Heal): I am sure that all right hon. and hon. Members in this House are aware of the courtesies when visiting other Members' constituencies. The hon. Gentleman's comments are on the record and will no doubt have been noted.

Terrorist Asset-Freezing (Temporary Provisions) Bill (Allocation of Time)

4.28 pm

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): I beg to move,

That the following provisions shall apply to the Terrorist Asset-Freezing (Temporary Provisions) Bill:

Timetable

1.—(1) Proceedings on Second Reading, in Committee, on consideration and on Third Reading shall be completed at today's sitting in accordance with the following provisions of this paragraph.

(2) Proceedings on Second Reading shall (so far as not previously concluded) be brought to a conclusion four hours after the commencement of proceedings on the Motion for this Order or at 8 pm (whichever is the earlier).

(3) Proceedings in Committee, on consideration and on Third Reading shall (so far as not previously concluded) be brought to a conclusion at 10 pm.

Timing of proceedings and Questions to be put

2. When the Bill has been read a second time—

(a) it shall (Notwithstanding Standing Order No. 63 (Committal of bills not subject to a programme order)) stand committed to a Committee of the whole House without any Question being put;

(b) the Speaker shall leave the Chair whether or not notice of an Instruction has been given.

3.—(1) On the conclusion of proceedings in Committee, the Chairman shall report the Bill to the House without putting any Question.

(2) If the Bill is reported with amendments, the House shall proceed to consider the Bill as amended without any Question being put.

4. For the purpose of bringing any proceedings to a conclusion in accordance with paragraph 1, the Chairman or Speaker shall forthwith put the following Questions (but no others)—

(a) any Question already proposed from the Chair;

(b) any Question necessary to bring to a decision a Question so proposed;

(c) the Question on any amendment moved or Motion made by a Minister of the Crown;

(d) any other Question necessary for the disposal of the business to be concluded.

5. On a Motion so made for a new Clause or a new Schedule, the Chairman or Speaker shall put only the Question that the Clause or Schedule be added to the Bill.

6. If two or more Questions would fall to be put under paragraph 4(d) in relation to successive provisions of the Bill, the Chairman shall instead put a single question in relation to those provisions.

Consideration of Lords Amendments

7.—(1) Any Lords Amendments to the Bill shall be considered forthwith without any Question being put.

(2) Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.

8.—(1) This paragraph applies for the purpose of bringing any proceedings to a conclusion in accordance with paragraph 7.

(2) The Speaker shall first put forthwith any Question already proposed from the Chair.

(3) If that Question is for the amendment of a Lords Amendment the Speaker shall then put forthwith—

(a) a single Question on any further Amendments to the Lords Amendment moved by a Minister of the Crown, and

(b) the Question on any Motion made by a Minister of the Crown that this House agrees or disagrees to the Lords Amendment or (as the case may be) to the Lords Amendment as amended.

(4) The Speaker shall then put forthwith—

(a) a single Question on any Amendments moved by a Minister of the Crown to a Lords Amendment, and

(b) the Question on any Motion made by a Minister of the Crown that this House agrees or disagrees to the Lords Amendment or (as the case may be) to the Lords Amendment as amended.

(5) The Speaker shall then put forthwith the Question on any Motion made by a Minister of the Crown that this House disagrees to a Lords Amendment.

(6) The Speaker shall then put forthwith the Question that this House agrees to all the remaining Lords Amendments.

(7) As soon as the House has—

(a) agreed or disagreed to a Lords Amendment, or

(b) disposed of an Amendment relevant to a Lords Amendment which has been disagreed to,

the Speaker shall put forthwith a single Question on any Amendments moved by a Minister of the Crown and relevant to the Lords Amendment.

Subsequent stages

9.—(1) Any further Message from the Lords on the Bill shall be considered forthwith without any Question being put.

(2) Proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.

10.—(1) This paragraph applies for the purpose of bringing any proceedings to a conclusion in accordance with paragraph 9.

(2) The Speaker shall first put forthwith any Question which has been proposed from the Chair.

(3) The Speaker shall then put forthwith the Question on any Motion made by a Minister of the Crown which is related to the Question already proposed from the Chair.

(4) The Speaker shall then put forthwith the Question on any Motion made by a Minister of the Crown on or relevant to any of the remaining items in the Lords Message.

(5) The Speaker shall then put forthwith the Question that this House agrees with the Lords in all the remaining Lords Proposals.

Reasons Committee

11.—(1) The Speaker shall put forthwith the Question on any Motion made by a Minister of the Crown for the appointment, nomination and quorum of a Committee to draw up Reasons and the appointment of its Chairman.

(2) A Committee appointed to draw up Reasons shall report before the conclusion of the sitting at which it is appointed.

(3) Proceedings in the Committee shall (so far as not previously concluded) be brought to a conclusion 30 minutes after their commencement.

(4) For the purpose of bringing any proceedings to a conclusion in accordance with sub paragraph (3), the Chairman shall—

(a) first put forthwith any Question which has been proposed from the Chair, and

(b) then put forthwith successively Questions on motions which may be made by a Minister of the Crown for assigning a Reason for disagreeing with the Lords in any of their Amendments.

(5) The proceedings of the Committee shall be reported without any further Question being put.

Miscellaneous

12. Paragraph (1) of Standing Order No. 15 (Exempted business) shall apply so far as necessary for the purposes of this Order.

13.—(1) The proceedings on any Motion made by a Minister of the Crown for varying or supplementing the provisions of this Order shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.

(2) Paragraph (1) of Standing Order No. 15 (Exempted business) shall apply to those proceedings.

14. Standing Order No. 82 (Business Committee) shall not apply in relation to any proceedings to which this Order applies.

15.—(1) No Motion shall be made, except by a Minister of the Crown, to alter the order in which any proceedings on the Bill are taken or to recommit the Bill.

(2) The Question on any such Motion shall be put forthwith.

16.—(1) No dilatory Motion shall be made in relation to proceedings to which this Order applies except by a Minister of the Crown.

(2) The Question on any such Motion shall be put forthwith.

17. The Speaker may not arrange for a debate to be held in accordance with Standing Order No. 24 (Emergency debates)—

(a) at today's sitting, or

(b) at any sitting at which Lords Amendments to the Bill are, or any further Message from the Lords is, to be considered, before the conclusion of any proceedings to which this Order applies.

18.—(1) Sub-paragraph (2) applies if the House is adjourned, or the sitting is suspended, before the conclusion of any proceedings to which this Order applies.

(2) No notice shall be required of a Motion made at the next sitting by a Minister of the Crown for varying or supplementing the provisions of this Order.

19. Proceedings to which this Order applies shall not be interrupted under any Standing Order relating to the sittings of the House.

20. The Speaker shall not adjourn the House at the sitting on the day on which the Bill is sent back to the House from the Lords until—

(a) any Message from the Lords on the Bill has been received;

(b) he has reported the Royal Assent to any Act agreed upon by both Houses.

As set out in my written ministerial statement of 5 February, the Terrorist Asset-Freezing (Temporary Provisions) Bill is being introduced as an urgent temporary measure to prevent assets from being unfrozen and returned to terror suspects as a result of the Supreme Court's decision to quash the 2006 terrorism order without a stay. That decision had effect from 4 February.

The Government have had urgent discussions with the relevant banks following the Supreme Court's decision not to grant a stay and those banks have confirmed that in the light of the Government's decision to bring forward immediate legislation providing retrospective legal authority for them to continue existing freezes, no funds will be unfrozen as a result of the Supreme Court's judgment.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): I am grateful to the hon. Lady for giving way, but will she be good enough to tell us why, given the reports of the Newton Committee in 2001 and the Joint Committee in 2004, as well as the facts that the relevant litigation started in 2008, was in the Court of Appeal in October 2008 and came before the Supreme Court in October 2009, primary legislation was not put before the House long ago that could have been the subject of proper consultation and debate?

Sarah McCarthy-Fry: We believe that we had strong grounds in law for introducing the secondary legislation under the United Nations Act 1946—and I should point out that the Court of Appeal agreed with us—so the matter is by no means clear-cut.

National security and public protection are priorities for the Government. We aim to ensure that there is no gap in the asset-freezing regime, that suspected terrorist funds cannot be diverted and used for terrorist purposes and that suspected terrorists do not get free access to the UK's financial system. That is why we are moving

[Sarah McCarthy-Fry]

this motion to ensure that there is rapid discussion of the Bill today, and I am sure that hon. Members will contribute to that debate. We consider it necessary for the UK's national security to act swiftly to restore asset freezing on a temporary basis under primary legislation.

Mr. Neil Gerrard (Walthamstow) (Lab): My hon. Friend says that the banks have agreed to continue to freeze assets pending the passage of emergency legislation, so on what legal basis will they be freezing assets in that period?

Sarah McCarthy-Fry: I take on board my hon. Friend's point, but I remind him that we are debating a motion to set out the time in which we will discuss the Bill. It would be better to discuss the issue that he raises when we get to Second Reading, or Committee, if the motion is agreed to.

Lembit Öpik (Montgomeryshire) (LD): I shall leave the detailed discussion of the Bill's content to my more expert colleagues. I am concerned about the frequency with which we seem to be allocating time to expediting legislation on an emergency basis. Why do the Government increasingly feel that they have to rush things through? We have had a long time to discuss this issue, as the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) has pointed out, but the Bill seems to have been jammed right up towards the end of the Session.

Sarah McCarthy-Fry: Again, I take on board the hon. Gentleman's point, but, obviously, we are not in control of the Supreme Court's timetable. If we are to debate the issue of proper scrutiny and the length of time given to the Bill, it would be better to get the motion passed so that we can get on with discussions about whether this is the right way of proceeding. The measure is a temporary one that would be used while we introduce permanent measures, with time for Parliament fully to scrutinise our proposals.

4.32 pm

Mr. Mark Hoban (Fareham) (Con): Let me be clear from the outset: we shall not oppose the programme motion because the time spent doing so would eat into the time allowed for proper debate of the Bill, but the Minister must accept that the Bill is being rushed through today because the Government have failed to put in place a proper timetable in which proper primary legislation could be produced. My right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) rightly said that the Government have had plenty of notice regarding this matter: there have been repeated warnings to them about the basis on which the terrorist orders were being issued. Rather than rush through measures this afternoon, the Government could have acted earlier to ensure that there was a proper basis on which to make the orders.

We recognise, however, that the judgment that the Supreme Court issued on Thursday quashing the orders means that terrorists could have access to financial resources and the financial system, and that it is therefore vital that the Bill should complete its Commons stages

today and receive Royal Assent as soon as possible. If the Bill is not enacted, terrorist suspects could have access to finances and could use them to facilitate terrorist acts. I think that we all agree that it would be better if we were not in this situation now and if the Government had read the warning signals clearly and introduced primary legislation sooner so that they would not be reduced to rushing through emergency measures today.

4.34 pm

Keith Vaz (Leicester, East) (Lab): I shall be brief and support the Minister in what she is trying to do. It is vital that the matter comes before the House, as it has done, as soon after the Supreme Court judgment as possible. Clearly, it could have been brought before the House on Friday, but it is much better that it should be before the House today in order to allow for proper scrutiny.

The motion deals solely with the allocation of time. If we deal with it quickly, all the proper points that have been raised by the hon. Member for Fareham (Mr. Hoban) and others as to why we are in this position can be addressed during the substantive debate. Of course we would like to know why this happened and why Parliament did not have an opportunity to vote on it previously, but I hope that we can make quick progress on the motion and have a proper debate on the substance.

4.35 pm

Mr. David Heath (Somerton and Frome) (LD): I wish that that argument were more persuasive, and that there was an opportunity during the substantive debate to cover these matters. However, the accelerated procedure is predicated entirely upon the lack of opportunity to deal with these matters earlier, and we must ask the Government why that is the case. I am deeply unhappy with the accelerated procedure unless there are very strong reasons for it.

No one wants criminal terrorists to be able to use money to support terrorist operations, so it is a seductive argument to suggest that we must push the Bill through, whatever its merits, in the shortest possible time in order to fill the lacuna. But the lacuna is of the Government's making, and that is what they need to recognise.

Keith Vaz: I am not disputing for one moment that we should scrutinise the Government and question them about why they have reached this position, but we had better get on with agreeing the motion so that we can spend appropriate time on the Bill. If the hon. Gentleman believes that the Bill must be passed today, he must accept that today will end at midnight, unless the Liberal Democrats have a way of extending it beyond midnight, so the quicker we get on to discussing the motion, the better.

Mr. Heath: The right hon. Gentleman, who has been in the House many years, knows that parliamentary procedure allows us to extend a day indeterminately, if we so choose. Such is the Alice in Wonderland world in which we live. I do not propose to do so, but the Minister must respond to the fact that, as has been pointed out by the right hon. and learned Member for

Sleaford and North Hykeham (Mr. Hogg), that there have been a number of occasions when the procedures that underlie the Bill have been thrown into question, when the Government had the opportunity to act and chose not to. They chose not to act in the context of what they claim is an urgent requirement to have the legislation in place. I should have thought that a prudent Government who felt that that was the case would have introduced primary legislation at an earlier stage, as a belt-and-braces measure. They would not have waited for the Supreme Court to deliver its judgment. They would have put in place a properly debated, properly considered Bill in order to put the matter beyond doubt, and they have not done so.

The fast-track legislation justification in the explanatory notes is the key to the allocation of time motion. Under our procedures now, the Government are required to give answers to various questions about why we should accept the proposition. In response to the question,

“What efforts have been made to ensure the amount of time made available for Parliamentary scrutiny has been maximised?”, the Government simply say that this is the first opportunity since the quashing of the 2006 Order. As we have heard, it was possible to address the issue before the Supreme Court made that judgment, but they chose not to do so.

In response to the question,

“To what extent have interested parties and outside groups been given an opportunity to influence the policy proposal?”

the Government state:

“In light of the pressing need to put in place primary legislation . . . the Treasury have not had an opportunity to consult external stakeholders specifically about the Bill.”

What an extraordinary thing not to have done if they knew that there was a possibility of having to introduce legislation.

A further justification is offered. In answer to the question,

“Has an assessment been made as to whether existing legislation is sufficient to deal with any or all of the issues in question?”

the Government state:

“No existing legislation is in place which would have the effect of saving temporarily the UN Terrorism Orders, or providing comparable powers to make asset freezes.”

I accept the first part of that contention—that there is nothing precisely based on the UN terrorism orders; but on the statute book there are certainly comparable powers to make asset freezes, because over the past few years the Government have inundated us with Acts that deal with precisely that problem. There is the Terrorism Act 2000, and the Anti-Terrorism, Crime and Security Act 2001, part 2 of which deals specifically with the making of freezing orders.

The Government’s case is undermined irrevocably by one Supreme Court judge, Lord Hope, who, in the judgment of Ahmed against the Government, said:

“Detailed provision is made in Schedule 3 for the content of freezing orders, including a system for the granting of licences authorising funds to be made available. Orders made under the Act are subject to the affirmative resolution procedure . . . and they cease to have effect after two years . . . To a large degree, the power to make freezing orders under this Act enables the Treasury to do what paras 1(d) and 2(d) of SCR 1373(2001) require. But it is more precisely worded, and it contains various safeguards.”

That is what the Treasury do not like—the fact that existing legislation contains the safeguards that Parliament felt appropriate. The Treasury therefore chooses not to use that—

Madam Deputy Speaker (Sylvia Heal): Order. Could I remind the hon. Gentleman that we are talking about the allocation of time? I am sure that there will be an opportunity for him to develop those arguments later.

Mr. Heath: But, Madam Deputy Speaker, my point is precisely about the allocation of time, because it is precisely about the justification for the fast-track procedure that is stated quite clearly in the explanatory memorandum. The case for the fast-track procedure is that no other legislation is in place, yet Lord Hope in the Supreme Court makes it abundantly clear that other legislation is in place. He says:

“Yet the Treasury have, it seems, chosen not to make use of the powers given to them by this Act, preferring to use the general power under section 1 of the 1946 Act.”

He goes on to say:

“In my opinion the rule of law requires that the actions of the Treasury in this context be subjected to judicial scrutiny.”

That is a powerful judgment that fatally undermines the Government’s case that no other legislation will enable them to safeguard the national interest. They simply choose not to use what is already in place.

Lembit Öpik: Is my hon. Friend effectively saying that, when faced with the inconvenience of checks and balances on human rights, this Government prefer to declare an emergency, have a debate and try to sweep them away—in rather the same way that they had three goes at banning Brian Haw, who still happens to live in Parliament square?

Mr. Heath: My hon. Friend is absolutely right; he has got it in one. That is why the allocation of time motion is before us today. There is one abhorrent point in it, incidentally. Given the difficulties inherent in such legislation, and the Supreme Court’s judgment, I find it extraordinary that, if another place makes suggestions to us about how the legislation might be improved, all those amendments will be dealt with in one hour by this House. These matters strike at the fundamental liberties of citizens: by Executive decision, their assets can be frozen on the basis of suspicion. This House would not be doing its job properly if it were to accept that.

At the end of the day, the legislation is before us because the Government have been found to be acting ultra vires and failing to secure proper parliamentary approval. Other Commonwealth jurisdictions have had no problem in that respect: the Australian and New Zealand Governments had no problem in going back to their Parliaments and asking for their approval properly. However, the arrogance of this Government and, in particular, the Treasury means that they do not understand what Parliament is for, and they do not understand the proper scrutiny of Bills. That is why the motion is before us today, and I invite my right hon. and hon. colleagues to vote against it.

4.44 pm

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): I, too, rise to express my considerable anxiety at what we are doing.

[Mr. Douglas Hogg]

First, I accept that we will have to enact the Bill today. Leaving aside the fact that the Government have a majority, the truth is that the Bill has to go through because we are where we are, but the Government's conduct in this matter is wholly lamentable, and within the rules of order I wish to spell out why. First, the timetable provides for very brief discussion. All stages of this Bill have to be finished by 10 o'clock tonight. The hon. Member for Somerton and Frome (Mr. Heath) made a good point about the Lords amendments as they are provided for in the timetable motion. Given that the Bill was published at the end of last week, those in the other place will have a little more time to reflect on what has happened, and I have no doubt that they will come forward with amendments. However, this House will be given only one hour to consider those amendments. That is wholly lamentable.

Lembit Öpik: Does it strike the right hon. and learned Gentleman as ironic that the Government want to rush this through in such a way that they could build in further failings in the legislation, which could be prevented if we had proper scrutiny? Once again, they are legislating in haste and allowing themselves the risk of repenting at leisure.

Mr. Hogg: Yes, I agree with that. Nor is it necessary, because the provisions of the Bill—I will not expand on those at the moment, Madam Deputy Speaker—enable previous Acts to be validated and declared legal, so we could take a more leisurely approach in the knowledge that if the banks refused to transfer money, they would be protected by the language of the statute that we will pass in due course.

The truth is that this House has had almost negligible time for consideration. The Bill was published on 5 February. It puts into primary legislation the language of the statutory instrument that attracted such serious criticism in the Supreme Court. Lord Hope said, in terms, that it was an affront to democracy—that it struck at the heart of democracy—and this House is being asked to echo those provisions by the end of today's business. That is a scandal. It is no surprise, either, that Lord Hope should have been so concerned, because the freezing provisions in the 2006 order are very wide in their impact. Furthermore, the designation procedures whereby individuals are designated as persons caught by the provisions are not subject to any proper review. Anybody who supposes that judicial review is a proper remedy in this class of case is making a very serious mistake. Speaking of mistakes, the penalty for infringing the offences in the legislation that we will pass in three hours or so is seven years' imprisonment, which is a very serious tariff.

One of the problems inherent in the timetable motion is the fact that right hon. and hon. Members have not had a chance to consider amendments. The Bill was published on 5 February—last Friday—and today is Monday. Sensible people do not set about drafting amendments until they have had an opportunity to consult. There can have been no consultations; it is therefore not surprising that there are so few amendments. What is more, none of the amendments deals with the central issue—whether there should be a proper judicial review or appeal process as to the scope of freezing

orders or as to designation. That is not because such amendments are not required or justified in law—clearly, the Supreme Court was looking for precisely that class of amendment—but rather because this thing has been so rushed that right hon. and hon. Members have not had an opportunity to formulate them. That shows how dangerous this timetable motion is.

The Minister said, “Well, of course, until the last moment we were confident of winning in another place.” That is a lamentable approach to the matter. First, the issues were very grave and required primary legislation. Secondly, as I said in my intervention on the Minister—if she would be good enough to listen—Lord Newton of Braintree, who has had huge ministerial and other experience in this place and elsewhere, headed a committee that said, in terms, that legislation of this class should be primary legislation. That view was repeated in 2004 by the Joint Committee on Human Rights. Let nobody say that the Government have been caught by surprise. They have known for a long time.

Furthermore, the litigation that gave rise to the Supreme Court judgment began in 2008, entered the Court of Appeal in October 2008 and reached the Supreme Court in October 2009. There was ample time to introduce primary legislation, or at least draft proposals, that could be consulted on among those with an interest in the matter. That was all the more necessary and important because the principal legislation involved is secondary legislation that never went through the parliamentary process. The measures had no Committee stage, Second Reading or Report, yet they will enable the Treasury on “reasonable suspicion” to designate a person, leaving them unable to deal with their financial affairs.

That is lamentable. The timetable motion will pass, I know, and the Bill will pass into the other place. In view of the timetable motion, I suspect that it will be largely unchanged when it returns. True, it has a sunset clause, but that expires at the end of this year, so for nearly 12 months, potentially unjust legislation will be on the statute book. That is the fault of this Government—arrogant, uncaring, undemocratic and smug. Happily, the general election is coming soon.

4.51 pm

Sarah McCarthy-Fry: I have listened with interest to hon. Members' contributions on the motion. The main thrust of the arguments can be made on Second Reading and during debate on the clauses; I just want to put a couple of points on the record.

Our terrorist freezing Orders in Council were made in good faith. The Court of Appeal agreed with the Government on the matter in October 2008. I point out that one of the Supreme Court judges, Lord Brown, in the minority, considered that the United Nations Act 1946 gave the Treasury wide enough powers to draft the Al-Qaida and Taliban (United Nations Measures) Order 2006 as it did.

I emphasise that the Bill will establish a temporary measure. We have published a longer Bill intended to undergo proper scrutiny; I am sure that one of the arguments that we will have this evening involves how much time people consider is enough for proper scrutiny.

I hesitate to contradict the hon. Member for Somerton and Frome (Mr. Heath), who speaks for the Liberal Democrats, but the powers under the Anti-terrorism,

Crime and Security Act 2001 are not comparable. They can be used only against threats emanating from outside the UK, not domestic threats such as UK-based terrorists. With that, I hope that I can persuade him not to oppose the motion, which I commend to the House.

Question put.

The House proceeded to a Division.

Madam Deputy Speaker: I ask the Serjeant at Arms to investigate the delay in the Aye Lobby.

The House having divided: Ayes 376, Noes 56.

Division No. 72]

[4.53 pm

AYES

Afriyie, Adam
 Ainger, Nick
 Ainsworth, rh Mr. Bob
 Ainsworth, Mr. Peter
 Alexander, rh Mr. Douglas
 Allen, Mr. Graham
 Amess, Mr. David
 Ancram, rh Mr. Michael
 Anderson, Mr. David
 Arbuthnot, rh Mr. James
 Armstrong, rh Hilary
 Atkinson, Mr. Peter
 Austin, John
 Bacon, Mr. Richard
 Bailey, Mr. Adrian
 Bain, Mr. William
 Baird, Vera
 Balls, rh Ed
 Barker, Gregory
 Barlow, Ms Celia
 Baron, Mr. John
 Barron, rh Mr. Kevin
 Battle, rh John
 Bayley, Hugh
 Beckett, rh Margaret
 Begg, Miss Anne
 Bell, Sir Stuart
 Bellingham, Mr. Henry
 Benn, rh Hilary
 Benyon, Mr. Richard
 Beresford, Sir Paul
 Berry, Roger
 Betts, Mr. Clive
 Binley, Mr. Brian
 Blackman, Liz
 Blizzard, Mr. Bob
 Blunkett, rh Mr. David
 Blunt, Mr. Crispin
 Bone, Mr. Peter
 Borrow, Mr. David S.
 Boswell, Mr. Tim
 Bottomley, Peter
 Brady, Mr. Graham
 Brazier, Mr. Julian
 Brennan, Kevin
 Brown, Lyn
 Brown, rh Mr. Nicholas
 Brown, Mr. Russell
 Browning, Angela
 Bryant, Chris
 Burden, Richard
 Burgon, Colin
 Burnham, rh Andy
 Burns, Mr. Simon
 Burrowes, Mr. David

Burt, Alistair
 Butler, Ms Dawn
 Byrne, rh Mr. Liam
 Caborn, rh Mr. Richard
 Cairns, David
 Campbell, Mr. Alan
 Campbell, Mr. Ronnie
 Carswell, Mr. Douglas
 Caton, Mr. Martin
 Cawsey, Mr. Ian
 Challen, Colin
 Chapman, Ben
 Clark, Greg
 Clark, Ms Katy
 Clark, Paul
 Clarke, rh Mr. Charles
 Clarke, rh Mr. Kenneth
 Clarke, rh Mr. Tom
 Clelland, Mr. David
 Clifton-Brown, Mr. Geoffrey
 Clwyd, rh Ann
 Coaker, Mr. Vernon
 Coffey, Ann
 Connarty, Michael
 Cooper, rh Yvette
 Cormack, Sir Patrick
 Cousins, Jim
 Crabb, Mr. Stephen
 Crausby, Mr. David
 Creagh, Mary
 Cruddas, Jon
 Cummings, John
 Cunningham, Mr. Jim
 Curry, rh Mr. David
 Curtis-Thomas, Mrs. Claire
 David, Mr. Wayne
 Davies, David T.C.
 (*Monmouth*)
 Davies, Philip
 Davies, Mr. Quentin
 Davis, rh David
 Dean, Mrs. Janet
 Denham, rh Mr. John
 Dhanda, Mr. Parmjit
 Dismore, Mr. Andrew
 Djanogly, Mr. Jonathan
 Dobbin, Jim
 Dobson, rh Frank
 Dodds, Mr. Nigel
 Donohoe, Mr. Brian H.
 Doran, Mr. Frank
 Duddridge, James
 Duncan, Alan
 Dunne, Mr. Philip
 Eagle, Angela

Eagle, Maria
 Ellman, Mrs. Louise
 Ellwood, Mr. Tobias
 Engel, Natascha
 Ennis, Jeff
 Etherington, Bill
 Evans, Mr. Nigel
 Fabricant, Michael
 Farrelly, Paul
 Field, rh Mr. Frank
 Field, Mr. Mark
 Fisher, Mark
 Fitzpatrick, Jim
 Ffello, Mr. Robert
 Flint, rh Caroline
 Flynn, Paul
 Follett, Barbara
 Foster, Mr. Michael
 (*Worcester*)
 Foster, Michael Jabez
 (*Hastings and Rye*)
 Fox, Dr. Liam
 Francis, Dr. Hywel
 Francois, Mr. Mark
 Fraser, Christopher
 Gale, Mr. Roger
 Gardiner, Barry
 Garnier, Mr. Edward
 Gauke, Mr. David
 George, rh Mr. Bruce
 Gibb, Mr. Nick
 Gilroy, Linda
 Godsiff, Mr. Roger
 Goodman, Helen
 Goodman, Mr. Paul
 Gove, Michael
 Gray, Mr. James
 Grayling, Chris
 Green, Damian
 Greening, Justine
 Greenway, Mr. John
 Grieve, Mr. Dominic
 Griffith, Nia
 Gummer, rh Mr. John
 Hague, rh Mr. William
 Hain, rh Mr. Peter
 Hamilton, Mr. David
 Hammond, Mr. Philip
 Hammond, Stephen
 Hanson, rh Mr. David
 Harman, rh Ms Harriet
 Harper, Mr. Mark
 Havard, Mr. Dai
 Hayes, Mr. John
 Heald, Mr. Oliver
 Healey, rh John
 Heathcoat-Amory, rh
 Mr. David
 Henderson, Mr. Doug
 Hendry, Charles
 Hepburn, Mr. Stephen
 Herbert, Nick
 Hill, rh Keith
 Hillier, Meg
 Hoban, Mr. Mark
 Hodge, rh Margaret
 Hollobone, Mr. Philip
 Holloway, Mr. Adam
 Hoon, rh Mr. Geoffrey
 Hope, Phil
 Hopkins, Kelvin
 Howarth, rh Mr. George

Howarth, Mr. Gerald
 Howell, John
 Howells, rh Dr. Kim
 Hoyle, Mr. Lindsay
 Humble, Mrs. Joan
 Hunt, Mr. Jeremy
 Hurd, Mr. Nick
 Hutton, rh Mr. John
 Iddon, Dr. Brian
 Illsley, Mr. Eric
 Irranca-Davies, Huw
 Jack, rh Mr. Michael
 Jackson, Glenda
 James, Mrs. Siân C.
 Jenkin, Mr. Bernard
 Jenkins, Mr. Brian
 Johnson, rh Alan
 Jones, Helen
 Jones, Mr. Martyn
 Jowell, rh Tessa
 Joyce, Mr. Eric
 Kaufman, rh Sir Gerald
 Keeble, Ms Sally
 Keeley, Barbara
 Keen, Alan
 Kelly, rh Ruth
 Kidney, Mr. David
 Kumar, Dr. Ashok
 Ladyman, Dr. Stephen
 Lait, Mrs. Jacqui
 Lammy, rh Mr. David
 Lansley, Mr. Andrew
 Laxton, Mr. Bob
 Lazarowicz, Mark
 Leigh, Mr. Edward
 Letwin, rh Mr. Oliver
 Levitt, Tom
 Lewis, Dr. Julian
 Liddell-Grainger, Mr. Ian
 Lidington, Mr. David
 Linton, Martin
 Lloyd, Tony
 Loughton, Tim
 Love, Mr. Andrew
 Lucas, Ian
 Luff, Peter
 Mackay, rh Mr. Andrew
 Maclean, rh David
 MacShane, rh Mr. Denis
 Mactaggart, Fiona
 Malik, Mr. Shahid
 Malins, Mr. Humphrey
 Mallaber, Judy
 Mann, John
 Maples, Mr. John
 Marsden, Mr. Gordon
 Maude, rh Mr. Francis
 May, rh Mrs. Theresa
 McAvoy, rh Mr. Thomas
 McCabe, Steve
 McCarthy, Kerry
 McCarthy-Fry, Sarah
 McDonagh, Siobhain
 McFadden, rh Mr. Pat
 McFall, rh John
 McGovern, Mr. Jim
 McGuire, rh Mrs. Anne
 McIntosh, Miss Anne
 McIsaac, Shona
 McKechin, Ann
 McKenna, Rosemary
 Merron, Gillian

Michael, rh Alun
 Miliband, rh David
 Miliband, rh Edward
 Miller, Andrew
 Mitchell, Mr. Andrew
 Mitchell, Mr. Austin
 Moffat, Anne
 Moffatt, Laura
 Mole, Chris
 Moon, Mrs. Madeleine
 Morden, Jessica
 Morgan, Julie
 Mullin, Mr. Chris
 Munn, Meg
 Murphy, rh Mr. Jim
 Murphy, rh Mr. Paul
 Murrison, Dr. Andrew
 Naysmith, Dr. Doug
 Neill, Robert
 Norris, Dan
 O'Brien, Mr. Stephen
 Olnier, Mr. Bill
 Osborne, Mr. George
 Owen, Albert
 Pearson, Ian
 Penning, Mike
 Penrose, John
 Plaskitt, Mr. James
 Pound, Stephen
 Prentice, Bridget
 Prentice, Mr. Gordon
 Primarolo, rh Dawn
 Prisk, Mr. Mark
 Pritchard, Mark
 Prosser, Gwyn
 Purnell, rh James
 Randall, Mr. John
 Raynsford, rh Mr. Nick
 Redwood, rh Mr. John
 Reed, Mr. Andy
 Reid, rh John
 Rifkind, rh Sir Malcolm
 Robathan, Mr. Andrew
 Robertson, Hugh
 Robertson, John
 Robertson, Mr. Laurence
 Robinson, Mr. Geoffrey
 Rooney, Mr. Terry
 Rosindell, Andrew
 Roy, Lindsay
 Ruddock, Joan

Ryan, rh Joan
 Sarwar, Mr. Mohammad
 Scott, Mr. Lee
 Seabeck, Alison
 Selous, Andrew
 Shapps, Grant
 Sharma, Mr. Virendra
 Shaw, Jonathan
 Sheerman, Mr. Barry
 Sheridan, Jim
 Simmonds, Mark
 Simon, Mr. Siôn
 Simpson, Mr. Keith
 Singh, Mr. Marsha
 Skinner, Mr. Dennis
 Smith, rh Mr. Andrew
 Smith, Ms Angela C.
(Sheffield, Hillsborough)
 Smith, rh Angela E. *(Basildon)*
 Smith, Chloe
 Smith, Geraldine
 Smith, rh Jacqui
 Snelgrove, Anne
 Soames, Mr. Nicholas
 Southworth, Helen
 Spellar, rh Mr. John
 Spelman, Mrs. Caroline
 Spicer, Sir Michael
 Spring, Mr. Richard
 Starkey, Dr. Phyllis
 Stewart, Ian
 Streeter, Mr. Gary
 Stuart, Mr. Graham
 Syms, Mr. Robert
 Tami, Mark
 Tapsell, Sir Peter
 Thomas, Mr. Gareth
 Timms, rh Mr. Stephen
 Timpson, Mr. Edward
 Todd, Mr. Mark
 Touhig, rh Mr. Don
 Trickett, Jon
 Truswell, Mr. Paul
 Turner, Mr. Andrew
 Turner, Dr. Desmond
 Tyrie, Mr. Andrew
 Ussher, Kitty
 Vaizey, Mr. Edward
 Vara, Mr. Shailesh
 Vaz, rh Keith
 Walker, Mr. Charles

Waltho, Lynda
 Waterson, Mr. Nigel
 Watkinson, Angela
 Watson, Mr. Tom
 Watts, Mr. Dave
 Whitehead, Dr. Alan
 Wicks, rh Malcolm
 Wiggin, Bill
 Williams, rh Mr. Alan
 Williams, Mrs. Betty
 Wilson, Phil
 Winnick, Mr. David
 Winterton, Ann
 Winterton, Sir Nicholas

Winterton, rh Ms Rosie
 Wood, Mike
 Woodward, rh Mr. Shaun
 Woolas, Mr. Phil
 Wright, David
 Wright, Mr. Iain
 Wright, Jeremy
 Wright, Dr. Tony
 Wyatt, Derek
 Yeo, Mr. Tim
 Young, rh Sir George

Tellers for the Ayes:
Mr. Frank Roy and
Mrs. Sharon Hodgson

NOES

Alexander, Danny
 Baker, Norman
 Brake, Tom
 Breed, Mr. Colin
 Brooke, Annette
 Browne, Mr. Jeremy
 Bruce, rh Malcolm
 Burstow, Mr. Paul
 Burt, Lorely
 Cable, Dr. Vincent
 Campbell, rh Sir Menzies
 Davey, Mr. Edward
 Farron, Tim
 Foster, Mr. Don
 George, Andrew
 Gidley, Sandra
 Goldsworthy, Julia
 Hancock, Mr. Mike
 Harris, Dr. Evan
 Harvey, Nick
 Heath, Mr. David
 Hemming, John
 Holmes, Paul
 Horwood, Martin
 Howarth, David
 Hughes, Simon
 Huhne, Chris
 Hunter, Mark
 Kramer, Susan
 Lamb, Norman

Laws, Mr. David
 Leech, Mr. John
 Llwyd, Mr. Elfyn
 McDonnell, John
 Mulholland, Greg
 Oaten, Mr. Mark
 Öpik, Lembit
 Pelling, Mr. Andrew
 Price, Adam
 Pugh, Dr. John
 Reid, Mr. Alan
 Rennie, Willie
 Rowen, Paul
 Russell, Bob
 Sanders, Mr. Adrian
 Spink, Bob
 Stunell, Andrew
 Swinson, Jo
 Webb, Steve
 Williams, Hywel
 Williams, Mark
 Williams, Mr. Roger
 Williams, Stephen
 Willis, Mr. Phil
 Willott, Jenny
 Wyatt, Derek

Tellers for the Noes:
Sir Robert Smith and
Dan Rogerson

Question accordingly agreed to.

Terrorist Asset-Freezing (Temporary Provisions) Bill

Second Reading

5.9 pm

The Chief Secretary to the Treasury (Mr. Liam Byrne): I beg to move, That the Bill be now read a Second time.

The whole House would wish that today's provisions were not required, yet we are realists, and we know that the real world demands action of the kind proposed in the Bill. Terrorism continues to pose a threat to the United Kingdom. Indeed, the Home Secretary recently apprised the House of the fact that the terrorist threat is now judged as severe—in other words, highly likely at any time.

As hon. Members know, terrorist organisations, including al-Qaeda, have executed or planned a succession of attacks with the aim of causing mass casualties. Many of our constituents have been affected or caught up or murdered. Yet the economics of that threat are frighteningly simple. The cost of a terrorist attack is low, yet its impact is devastating. The attacks on London on 7 July 2005, for example, cost the perpetrators just £8,000, yet the price paid by the British people was immeasurably greater.

For that reason, we seek to fight back with every appropriate weapon, which must include control of finance, assets and cash. Without resources, terror networks are unable to plan, organise or execute attacks, for which reason the United Nations requires that all states:

“Freeze without delay...assets”

and

“resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts”.

Our tools therefore must include action against terrorist finance, which is now an important part of the UK's counter-terrorism strategy.

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con) *rose*—

Mr. Byrne: Before I give way to the right hon. and learned Gentleman, I should make clear that my remarks this afternoon will touch on the background to the Bill, its contents, and some of the safeguards that it is vital for the House and another place to debate.

Mr. Hogg: That is very important and we look forward to hearing what safeguards will be put in place. However, it would be helpful to know why, having had ample time, the Government have never before put the provisions into primary legislation, and have relied always on statutory instruments, which were not subject to proper scrutiny.

Mr. Byrne: That is a fair point, and I will talk about it later in my remarks. Suffice it to say, the United Nations Act 1946 was fairly clear, and it is probably worth reading the relevant clause for the benefit of the House:

“If...the Security Council of the United Nations call upon His Majesty's Government in the United Kingdom to apply any measures to give effect to any decision of that Council, His Majesty may by Order in Council make such provision as appears

to Him necessary or expedient for enabling those measures to be effectively applied, including...provision for the apprehension, trial and punishment of persons offending against the Order.”

In the eyes of the Government, that was an effective legal base on which to introduce terrorism legislation.

Mr. John Gummer (Suffolk, Coastal) (Con): I am happy that the Government felt that that was the effective legal base. The issue that many of us want to raise is this: if such matters are not debated in Parliament, the disadvantage is that the necessary safeguards are often not put in place. The problem—on both sides of the House—is that the Government seem not to believe that Parliament is the proper place for such decisions.

Mr. Byrne: Parliament is the proper place to debate those safeguards. That is why, alongside this temporary Bill, we published a full Bill that will transpose the relevant orders into statutory legislation. We will debate that question a little later, but it is vital that the House is given a full opportunity to pressure-test the proposals in that second, main Bill.

Mr. Humfrey Malins (Woking) (Con): As we know, the measures are fairly draconian, but what does the Minister think was the original intention? Was the standard that the Government would have only to say that a person was involved in terrorism, or would they have needed a reasonable suspicion or evidence? What was the standard or test originally and what is it today? Could it be that the original test required something higher?

Mr. Byrne: Perhaps the hon. Gentleman will intervene again to clarify one point. When he refers to the “original test”, is he referring to the original test in Orders in Council or in the United Nations Act 1946?

Mr. Malins: I might be wrong, but I think I am referring to the original test not in Orders in Council but in the 1946 Act.

Mr. Byrne: The 1946 Act did not set out any such test; rather, it set out a broad power for the Government to introduce measures, including those for

“the apprehension, trial and punishment of persons offending against the Order.”

That was the legal basis that was tested by the Supreme Court. The Supreme Court's judgment in taking away the foundation on which the Government had rested was reasonably narrow. The Supreme Court refused to read “expedient” as wide enough to cover reasonable suspicion—that is perhaps the point that the hon. Gentleman was making. Rather, it concluded that it would be wrong to give “expedient” such an expansive meaning where the result is such an interference with individuals' rights.

David Howarth (Cambridge) (LD): That is the crucial point. The Court made its decision because the order undermines fundamental rights. The Court was making the point that the Government should not undermine fundamental rights, and especially not without any parliamentary procedure. The right hon. Gentleman seems to be rearguing his case before the Supreme Court. He does not seem to accept the fact that he lost the case.

Mr. Byrne: The reason why I am here this afternoon is that we lost the case. The point that I was hoping to make is that under the terms of the United Nations Act 1946, which I have read out, it is quite easy to see how the Government proceeded in good faith, because that Act appeared to give quite generous provision for the Government to bring forward proposals giving effect to UN Security Council resolutions.

Mr. Neil Gerrard (Walthamstow) (Lab): The real issue is not so much the 1946 Act, but Security Council resolution 1373, the terms of which the Supreme Court referred to in determining that the orders should be quashed. The court talked about reasonable suspicion and whether it was a basis for taking action.

Mr. Byrne: I will address that point slightly later, because it touches on the issue of designation, on which it is important to debate the test that the Government must meet. Just to clarify, the Supreme Court struck down the legal basis for the Terrorism (United Nations Measures) Order 2006. However, two further terrorism orders depend on the same provision in the 1946 Act, which is why they are the subject of the legislation before us today. There is a fourth order—the Al-Qaida and Taliban (United Nations Measures) Order 2006—of which the Supreme Court struck down article 3(1)(b), which concerns United Nations Security Council resolution 1267, and I will touch on that in more depth in a moment or two.

The history of our fight on this front is not long. The asset-freezing regime introduced by the Security Council dates back only to 1999, when it was established as part of the fight against the Taliban. It was quickly extended to include Osama bin Laden and persons associated with al-Qaeda. In the weeks following 11 September 2001, the UN created a separate requirement on member states to freeze the assets involved in terrorism more generally, where individuals were identified by member states. The way in which the Government responded allowed us to act quickly. Using secondary legislation under the 1946 Act, we ensured that our freezing regime was in place by 10 October 2001, just 12 days after the United Nations made its resolution in New York.

The United Kingdom was the first nation to be judged fully compliant with the international standards set by the Financial Action Task Force. Today, around £375,000 in suspected terrorist assets is frozen. That includes around £150,000 frozen under the secondary legislation in the terrorism orders. A much smaller figure is frozen under the Terrorism Act 2006, on which the Supreme Court passed judgment.

When, therefore, the Supreme Court struck down the legal basis on which we acted in good faith, we thought it imperative to act rapidly to present this Bill before the House. Our use of the United Nations Act 1946 was, as I have argued, logical because it says that the Government can make provisions through Orders in Council when “necessary or expedient”. As my hon. Friend the Exchequer Secretary has already pointed out, the Court of Appeal agreed with the judgment; the Supreme Court did not, which is why we find ourselves here this afternoon.

David Howarth: That brings us to the issue of what the Government are doing now about the Supreme Court’s judgment. Why have they not simply used the

2001 Act to freeze the assets of such individuals, as Lord Hope in the Supreme Court said specifically that, in his opinion, that Act would apply?

Mr. Byrne: I am not sure whether the hon. Gentleman is referring to the 2001 Act or the 2001 order.

David Howarth: I am referring to sections 4 and 5 of the Anti-terrorism, Crime and Security Act 2001. Lord Hope said that the freezing regime in that Act applied to the individuals before the Court in the Ahmed case.

Mr. Byrne: We did not do so for the simple reason that that is not a sufficiently general defence. Indeed, the 2001 Act deals with threats emanating from outside the UK, whereas the terrorism order regime that we are seeking to legislate for today touches on threats that emanate from inside the UK, specifically from UK individuals.

David Howarth: This sounds like a point of detail, but it is crucial to what is happening today. Section 5 of the 2001 Act applies the freezing regime not just to individuals abroad, but to any individual in this country who is assisting that individual. What the Minister says applies only to circumstances where the whole plot is domestic. That did not seem to apply in the cases before the Court; how many other cases are there where the plot is entirely domestic?

Mr. Byrne: I could not speculate on how many cases the security services are monitoring where the threat is entirely domestic, but let me be clear that the provision to which the hon. Gentleman is alluding would not cover UK persons unless we could demonstrate a link to external persons who pose a direct threat to the UK or to UK nationals. In the case of a UK plot, the link would, as the hon. Gentleman says, be absent. The point of the regime is that it is designed to enable preventive action. That is why, as is common in much national security legislation, the thresholds in question include reasonable suspicion.

Mr. Hogg: The right hon. Gentleman will be familiar with much of the anti-terrorism legislation in place, so he will know that most Acts have provided for at least limited repeal or review of the orders made thereunder. The right hon. Gentleman has known for a long time that he might have to legislate in this context, but his Bill provides for no form of review or appeal against the scope of the freezing orders or, for that matter, against designation. Why did he not make such provisions in the Bill?

Mr. Byrne: I hope to touch on the question of judicial review later in my remarks, but there are three basic points to be made in response to the right hon. and learned Gentleman. First, the Government were relying on the United Nations Act 1946 in good faith. Before the Supreme Court passed judgment, it would not have helped our case to bring legislation forward that showed that we were worried about that or that we wanted to provide for a different legal basis.

Secondly, that judgment having been passed, it is surely right for the Government to bring forward comprehensive legislation to deal with the problem that we are trying to solve. I personally do not think that

such legislation should be whipped through the House. Even for a period as short as eight weeks, such proposals, if transposed into legislation, should benefit from Select Committee pre-legislative scrutiny and be subject to a review by Joint Committees, which would take a considerable period. However, because the Supreme Court did not grant a stay in its judgment, about £16,500 linked to about 14 people could, under the Terrorism Act 2006, suddenly be made available. My view was that the best strategy was to put in place temporary legislation to help ensure that the banks kept those assets frozen while the House was able to take the time to put on the statute book a more substantive answer to the Supreme Court's judgment.

Mr. Mark Hoban (Fareham) (Con): When the matter was discussed with the Treasury last week, plan A was to put a Bill on the statute book in eight weeks. The sudden conversion to greater time being spent and more pre-legislative scrutiny arises simply as a consequence of the Supreme Court's judgment on Thursday to quash the orders. What else has accounted for the Chief Secretary's change of mind?

Mr. Byrne: There is the simple idea that eight weeks is not an ideal time in which to pass the legislation. The legislation could have gone through in eight weeks, but if it is possible to give the House more time to debate it, that is surely right. What changed last week was the Supreme Court's decision not to grant a stay. It would have been unreasonable to ask the banks to keep the money frozen for the amount of time it would have taken the House to give the matter proper consideration.

Mr. Andrew Dismore (Hendon) (Lab): My right hon. Friend has published the draft Bill, which is available in the Vote Office, and I welcome his invitation to my Committee to scrutinise it. Were we required to do so, however, it would not take us eight weeks to produce a report on the Bill. I have half scrutinised it already, and I can tell him now what the issues are, including lack of right of appeal and the test to designate someone in the first place.

Mr. Byrne: I look forward to that debate ensuing.

Mr. Hoban: The route available now to the Government—the emergency Bill today and a longer period of scrutiny—could have been the plan originally discussed between ourselves and the Treasury when the issue first arose. Suddenly, the Government have had a change of heart. We could have had the emergency legislation before us today and the longer discussion period for the Bill, but when the Supreme Court issued its original judgment, the longer Bill was the preferred option. There was no sense then from the Treasury that there was a plan B. It has suddenly arisen as a consequence of last Thursday's judgment.

Mr. Byrne: The answer to the hon. Gentleman is simple. The Supreme Court said that it was willing to consider a stay, but its judgment on Thursday was that it was unprepared to grant that stay. Therefore, the Government had to ensure that assets already frozen under the Terrorism Act—the orders that had effectively been quashed—remained frozen. That gives the House the opportunity to consider in more detail and depth

the provisions of the orders that we will seek to put into primary legislation in a much longer period. That debate will produce a better piece of legislation at the end of it.

If passed, the Bill will restore the UK's terrorist asset-freezing regime in primary legislation, but only as a stop-gap. It will allow the House to scrutinise our proposals while eliminating any risk of a gap in our asset-freezing regime. I would like to outline briefly the Bill's effects, before touching on some of the questions around safeguards.

The Bill seeks to maintain the Treasury's power under the Orders in Council to designate persons if they meet both required conditions of the legal test: first, reasonable suspicion that the person is involved in terrorist activity; and secondly; that the designation is necessary for public protection. The effect of a designation is: to forbid dealing with a designated person's funds and economic resources; to forbid making funds or economic resources available to such persons; and to forbid funds or economic resources being made available to a person when the designated person will obtain significant financial benefit. The orders will continue to provide for licences to permit access to funds and to ameliorate the effect of the sanctions. The Treasury will remain open to the full range of legal challenge of its asset-freezing decisions. However, the Bill seeks retrospective provision for the legal authority for banks and any other institution to maintain existing freezes between the date of the Supreme Court judgment and Royal Assent.

Mr. Hogg: The Chief Secretary said that the Treasury will be subject to the full weight of judicial review, but he will be the first to acknowledge that that is a limited remedy, which falls far short of the specific appeal mechanisms that should be in place to determine the justice or otherwise of particular orders as they affect particular individuals, and the designation of those individuals.

Mr. Byrne: I shall discuss judicial review in a little more detail shortly. The point that I am making is simply that this Bill does not give the Treasury any retrospective protection in relation to decisions made between the handing down of the Supreme Court judgment and Royal Assent.

There are five safeguards that I wish to mention in order to provoke what I think is an important debate about the dimensions of the Bill. Let me begin by dealing with the question of who is included in its ambit. The orders that we propose to underpin ensure that—as I have said—individuals and organisations can be designated only if a reasonable suspicion test is met, and if a second test establishes that action is needed to protect the public. Freezes will be removed from those for whom the legal test fails. The Treasury has a track record of actively reviewing designations and revoking them when they no longer meet the legal tests. Of the 51 United Kingdom designations made under orders to date, 18 have been revoked following a Treasury review—for example, when criminal charges have been dropped, or when an individual is no longer considered to pose a significant threat.

The Treasury must be satisfied that there are reasonable grounds to suspect a person, and reasonable grounds for suspicion must always be based on fact. The facts are provided in a statement of case prepared by the

[Mr. Byrne]

police or the security services, and the basis for action is endorsed by the financial action taskforce. The Treasury does not casually make up a determination of what is in the interests of public protection and what is not. In determining whether a person constitutes a threat, it will consider the advice of the police and the security services.

Mr. Dismore: Is either the whole or the gist of the factual matrix to which my right hon. Friend has referred available to the person whose assets are to be frozen, in accordance with the requirements of asset-freezing?

Mr. Byrne: Yes, and when individuals wish to challenge decisions that entail closed-source evidence, the special advocacy procedure is also available.

The second question on which I want to touch is whether the proposed acquisition of powers by the Executive strikes the right balance between protecting national security and protecting the rights of our citizens. The Bill aims to ensure that the Government's actions are proportionate, and that they intervene only to the extent that is necessary to disrupt terrorist finance. That approach mirrors international best practice for terrorist asset-freezing, which in turn reflects standards set out by the financial action taskforce. The orders therefore include a licensing regime which ensures that designated persons have access to legal aid and living expenses. A wide range of other expenses can also be allowed when it is judged safe for that to be done.

The licensing regime is now sophisticated and well developed, and helps us to guarantee the proportionality of asset-freezing. Last week, in her statement to the House on licensing, the Exchequer Secretary announced a new approach that will safely lighten the impact of the regime on the families of designated individuals. The Treasury will continue to report to Parliament each quarter on the operation of the asset-freezing regime.

Mr. Robert Syms (Poole) (Con): Is the test of reasonable suspicion carried out individual by individual or organisation by organisation? If an organisation with 2,000 or 3,000 members were deemed to be a threat to the state, would it be possible to freeze the funds of those 2,000 or 3,000 people, or would they be dealt with on a case-by-case basis?

Mr. Byrne: I am grateful for the opportunity to clarify the position. They would be dealt with on a case-by-case basis, and in line with code A of the Police and Criminal Evidence Act 1984, which provides the Government with guidance on reasonable grounds for suspicion.

Mr. Dismore: My right hon. Friend mentioned the licensing regime, which governs people's living expenses. I do not see any provision in the draft Bill that provides for an appeal or review at the instigation of the individual concerned if he claims that the amount allowed is not enough. Is there any way in which such an individual can question the amount?

Mr. Byrne: Yes, indeed. Licensing decisions can be, and are being, challenged in court to ensure that they are appropriate.

The third safeguard on which I want to touch is what qualifies an official to make a decision, because it is important for the House to consider the accountability of the decision taker. Decisions are not taken by unelected officials. Asset-freezing decisions are made personally, assiduously and carefully by the Exchequer Secretary, and officials advising her draw their counsel from either the police or the Security Service, and, where appropriate, that may include information from criminal trials. Wider evidence must also be provided, where it exists, but the final decision rests with the Minister.

The fourth question on which I want to touch is transparency and whether decisions are taken in secret or in a transparent manner. It is essential that these decisions are made in a transparent manner, so the orders will continue to ensure that designated persons are informed of their designation along with an explanation, that the public are informed of the person's name and location by a notice on the Treasury's website, and that the House is informed through a quarterly report on the operation of the regime, including information on new designations, reviews and de-listings, the amount of funds frozen and licensing statistics.

Finally, there is the critical question of how decisions taken by the Exchequer Secretary are open to challenge; we might discuss this further later. The orders we seek to underpin provide a clear route by which any individual affected by a designation or a licence can contest the Exchequer Secretary's decision. They can make an application to the High Court to have that decision set aside. Courts can then judge whether the grounds of a decision were reasonable, and can scrutinise the Minister's decision that the designation was necessary for public safety. That scrutiny will include all the material before the Treasury when the decision was made and any material available that should have been considered. The courts have the power to quash Treasury designations if they are found not to have met the strict criteria set out in the orders. At the point of the designation, the Treasury issues a legal expenses licence, which includes legal aid. That means that the designated person is able to seek legal assistance immediately and challenge the Treasury's decision.

Mr. Dismore: Presumably, that is on the basis of the test of judicial review, according to my reading of the draft Bill. However, as long ago as the 2003-04 Session, my predecessor at the Joint Committee on Human Rights had already indicated that

"judicial review provides only a very limited protection against legislative orders of this kind".

My Committee comes back to that point time and again in other aspects of counter-terrorism policy, too. How can my right hon. Friend be sure that what he is proposing will be human rights compliant, bearing in mind the wealth of evidence to the contrary?

Mr. Byrne: I am confident that the courts have the necessary latitude to consider the two tests that an individual needs to fail to become designated. First, there must be reasonable evidence that they are involved in terrorist activity, and the courts are perfectly able to consider the evidence on which the Minister relied when making that decision. Secondly, the courts are able to consider whether the freezing of an individual's assets is necessary in order to protect the public. Even if there is

information from closed sources, procedures are available that ensure that courts are able to review that material, too.

Mr. Hogg: The right hon. Gentleman is doing his best to reassure the House, but does he understand that there is a fundamental difference between judicial review and reviewing the merits? Judicial review is essentially designed to determine whether the Minister is acting properly, but reviewing the merits is basically designed to determine whether an order is just; and whereas the provisions deal with the former, they do not deal with the latter.

Mr. Byrne: I understand that, but I think that the protection in place is appropriate, because in the first instance we are dealing with whether there is reasonable suspicion—and reasonable suspicion is the right point on which to rely, because we are seeking to act in a pre-emptive manner in order to ensure that the economic resources available to somebody involved in terrorist activity are not used for a terrorist attack or the maintenance of terrorist infrastructure. The test of reasonable suspicion is a lower one, but clear guidance as to what constitutes reasonable suspicion is available. It is important that the courts are able to look at the evidence available to a Minister, on which that Minister relies, and investigate whether they made a proper and rational decision based on it. Thus, a second test also needs to be considered: whether the asset-freezing order put in place is needed for the protection of the public.

Mr. Gerrard: Let us be clear that the court will see that evidence but the person who is the subject of the order will not see it, because the special advocate procedure is being used. It is, thus, difficult for that person to produce counter-arguments to the evidence put before the court.

Mr. Byrne: Only closed-source evidence is used in the special advocate procedure, but we must ensure that appropriate checks and balances are in place. I am satisfied that against the test of reasonable suspicion judicial review is an appropriate way to ensure that Ministers act rationally and in the spirit of the law.

I wish to say a word about the sunset clause, which is important for the House to debate. We proposed a sunset clause period in this Bill ending 31 December 2010, but amendments have suggested that that is too long. The House must strike a balance between urgency and careful deliberation. The Bill is designed to solve the urgency problem; given that a stay of judgment was not handed down by the Supreme Court, it is important that assets frozen under the Terrorism Act 2006 remain frozen. Two further terrorism orders rely on the same UN Act for their legal substance and there is therefore a risk that they are vulnerable to being struck down. In addition, there is a problem in respect of those individuals covered by clause 3(1)(b) of the Al-Qaida and Taliban (United Nations Measures) Order 2006. However, these assets are frozen under EC regulations. The only issue with freezing things under EC regulations is that sanctions are not attached, so the Government will introduce secondary legislation to attach sanctions to those EC regulations.

Mr. Gummer: The Minister is being his usual charming self in explaining these matters, but I wish to press him again. There is a fundamental difference between the

courts making a decision as to whether a Minister has acted properly and a decision as to whether a Minister has acted justly. The thing that I do not understand is why the Government do not think it proper to make sure that the issue of justice is involved when an appeal takes place, because that is why we are fighting terrorists. Justice is crucial to the whole argument and not to refer to it is worrying.

Mr. Byrne: I do not want to take a single word away from the opportunity that we will have to debate this legislation at more length. The right hon. Gentleman makes a good point to show why the House needs some time to debate our proposed transposition of the Orders in Council, on which we are relying, into primary legislation. These are exactly the kinds of debates that we need to test. The only point that I should make this afternoon is that the judicial review test is the norm in a number of other national security contexts and courts have demonstrated readily that it can be adapted to ensure an appropriately robust level of scrutiny of ministerial decisions.

Let us return to the final question of a sunset clause. If, as I hope, the House agrees this legislation over the two days, it will need to turn its mind to considering the right procedures for debating the full legislation in order to tease out some of the questions that have just been posed. This legislation equips the Executive with strong powers and I could not be confident that, given the looming elections and recesses, this job of scrutiny could be safely dispatched and a full Bill could be taken through both Houses before 31 July 2010—the date that I believe was proposed by the Liberal Democrats. We are therefore asking for a sunset clause of 31 December, in order to ensure that the draft Bill, published last week, is debated in full.

In conclusion, in these times of severe threat to our national security we cannot afford to fail to take the necessary steps to disarm terrorists or to disarm them of their financial power. Without primary legislation of the kind before the House, we will leave gaps in our defences that will give flexibility and capability to people who intend serious harm to the British public. The Bill provides for the safeguards for the citizen set out in the orders to remain in place. Those safeguards, I would argue, are tried and tested defences against the misuse of power by the Executive. At the same time, the Bill will provide Parliament with the proper time needed to consider and debate permanent legislation in full and I therefore commend the Bill to the House.

5.45 pm

Mr. Mark Hoban (Fareham) (Con): Let me make it clear that we will support the Bill tonight. We agree with the Government that there need to be proper controls in place to prevent terrorists and suspected terrorists from having access to their financial resources and the financial system. However, the Government need to recognise that we are here tonight, pushing through this emergency retrospective legislation, because they failed, despite many warnings, to put the asset-freezing regime on to a proper legislative footing. If they had heeded those warnings, we could have dealt with these issues through the proper consideration of a proper Bill, rather than with the three-clause emergency Bill before us today.

[Mr. Mark Hoban]

Each of us wants to ensure that our country is protected from terrorist threats. There are many aspects to those threats, but one of the essential elements is finance—the money to buy the plane tickets, to buy chemicals, or to rent a lock-up garage. Although the three orders at the heart of the Bill cover only 33 people and £151,000, that would be sufficient to fund terrorist activity. By denying terrorists or those suspected of participating in terrorist acts access to their funds and the financial system, we are restricting their ability to mount further terrorist acts.

If we freeze the assets of terrorists or suspected terrorists, it helps us to thwart the acts that they were planning, which is something that the Prime Minister emphasised when he was Chancellor. In a speech at Chatham House on 10 October 2006, he set out clearly the importance of this issue, ranking the importance of tracking terrorist assets alongside that of the code breakers of Bletchley Park during the second world war. He said that

“we can create what some will call a modern ‘Bletchley Park’ with forensic accounting of such intricacy and sophistication in tracking finance and connections that it can achieve, for our generation, the same results as code breaking at the original Bletchley Park did sixty years ago.”

He stressed that it was important not just to be able to track assets but to take the right steps to freeze those assets. He went on to say:

“Tomorrow the Privy Council will lay before Parliament a new terrorism order which will give the Treasury the power to stop funds reaching anyone in the UK suspected of planning terror or engagement with terror.”

Of course, it was the 2006 order that was quashed by the Supreme Court on 27 January. Now we know what the Prime Minister meant when he went on to say:

“And, as terrorist finance operates on a global scale, we know that we are only as strong as our weakest links.”

So what was the weakest link? It is now clear that it was the order about which the Prime Minister boasted. The modern-day Bletchley Park was neutered because the order was quashed.

Mr. Gummer: I think my hon. Friend is being too kind to the Government. The problem is that this attitude is not limited to these issues—the Government, on almost every issue, would prefer legislation that is not debated in the House and that does not receive proper scrutiny to legislation that goes through the House. My hon. Friend ought not to limit his comments to this situation, serious though it is.

Mr. Hoban: My right hon. Friend is right. The Government have sought to limit scrutiny of legislation on a series of measures and they have sought to override the interests of Parliament. At the heart of the reasons behind the need for the Bill today is the fact that the Government overrode the interests of Parliament—they circumvented Parliament and they are paying the price for that by having to force through this Bill.

I was referring to the Prime Minister’s speech at Chatham House. He went on to say:

“And such is the threat that the message must go out: we will not yield, relax, rest, ever become complacent or lower our guard.”

But it seems that the complacency to which the then Chancellor of the Exchequer referred was complacency at the heart of the Treasury, which failed, despite repeated warnings, to put the orders on a proper basis that would withstand legal challenge. As I shall set out in more detail later, the Treasury has had plenty of warnings about the legislative basis for the orders, but it was complacent and it failed to act, thereby putting us in the position that we are in today of needing to pass the legislation to safeguard our nation’s interests.

This is another example of the Government’s cavalier attitude to Parliament. The orders, which deny fundamental human rights, were put in place without proper parliamentary scrutiny. Let me give my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) a few more examples. The Supreme Court announced that it was quashing the orders on the same day that the Exchequer Secretary was brought before the House to explain why there had not been proper parliamentary scrutiny of another Treasury decision that related to terrorism. Later this month, we are to debate a package of reforms that will strengthen the House and weaken the Executive’s grip on it, but the relevant order has been written in a way that minimises the chance of those reforms going through. Even in their dying days, the Government have yet to learn that one cannot ignore Parliament. Today’s emergency Bill is a reminder of what can happen when one does. If the Government had respected Parliament and put primary legislation in place, they would have avoided having to rush through these emergency measures today.

I do not particularly want to rehearse the details of the case that the Supreme Court heard or the reasons for the Court’s judgment, but I think that we need to understand why the Government are having to introduce this Bill today. As I have said, we all recognise the importance that finances and access to the financial system play in terrorism. The three orders that are covered by the Bill restrict the ability of those who are suspected of involvement in terrorist acts to access their money and the system, but that process is intrusive, as Lord Hope made clear in paragraph 38 of the Court’s judgment. He said:

“The effect of the regimes that the”

terrorism order and the al-Qaeda order

“impose is that every transaction, however small, which involves the making of any payments or the passing of funds or economic resources whether directly or indirectly for the benefit of a designated person is criminalised. This affects all aspects of his life, including his ability to move around at will by any means of private or public transport.”

He went on to say, in paragraph 39:

“For example, HAY has been denied access to any funds since September 2005. His only permitted subsistence support is in kind provided by his wife. She is permitted, by licence from the Treasury, to access welfare benefits, which are the family’s sole source of support. But she may spend money only on what the Treasury determines are ‘basic expenses’. Until recently she was required to report to the Treasury on every item of household expenditure, however small, including expenditure by her children.”

The impact of the restrictions on the lives of the people who are affected by the orders should not be underestimated. In paragraph 31, Lord Hope referred to three suspects—A, K and M—and explained the effects of the orders on them. He said:

“A and K no longer live with their families, and their current whereabouts are unknown. Their solicitor, with whom they have not been in contact for a number of months, attributes their

disappearance to the damaging effects upon them and their families of the regimes to which they were subjected by the Treasury. It placed an extraordinary burden on their wives, created significant mental health difficulties and led ultimately to the breakdown of their marriages. M's marriage has also broken down, but he has continued to have a close relationship with his children. He lives at his ex-wife's address where his children live also."

Jacqui Smith (Redditch) (Lab): Given the hon. Gentleman's understandable concerns about the impact of such measures on families, does he welcome, as I do, the Treasury's recent decision not to investigate or impose on spouses restrictions such as those he is concerned about? Many of us share his concerns about spouses, but the Treasury has already acted on those issues.

Mr. Hoban: I am trying to illustrate the impact that the regime has. The Treasury has relaxed some of the rules and there has been a change in relation to the nature of the three orders. There has also been reform of the system of licensing and exemption. In the 2009 order, there is much greater acceptance of the terms; indeed, the Treasury is trying to migrate a number of the people who are covered by the earlier orders on to the 2009 order.

The judgment continues:

"A, K and M have never been charged or arrested for terrorism related offences."

So the Government have introduced an intrusive regime that denies people who are suspected of crimes some of their fundamental rights under the European convention on human rights, including those under article 1 on protection of property, article 8 on respect for privacy and family life and article 6 on the right to a fair trial. As Lord Brown argued in paragraph 192:

"The draconian nature of the regime imposed under these asset-freezing Orders can hardly be over-stated...Undoubtedly, therefore, these Orders provide for a regime which considerably interferes with the...rights".

He went on:

"Similarly, it is indisputable that serious questions arise as to the sufficiency of protection of the article 6 rights of those designated."

David Howarth: Before the hon. Gentleman moves on to the fundamental rights aspect of the orders, may I bring him back to an earlier quote from the Supreme Court's judgment, which stated that A and K have disappeared? How does it help the fight against terrorism that people who are suspected of taking part in terrorism simply go underground?

Mr. Hoban: The hon. Gentleman has a point. I assume, and hope, that while A and K might have disappeared in the eyes of their solicitors and the judges, they have not disappeared in the eyes of the police and security services. Perhaps the Minister can clarify that point later. It would be a perverse reaction to the orders for A and K to disappear without trace.

What was the basis of the orders? As we have established, they were introduced under section 1 of the United Nations Act 1946, which was enacted to enable the implementation of the UN charter and Security Council resolutions. Measures under section 1 of the Act are introduced by Orders in Council, so there is no primary legislation or secondary legislation under either the affirmative or the less onerous negative procedure. So

those fundamental breaches of human rights were put into force by the Executive—the Government—and not by Parliament. The Supreme Court has ruled that the orders go beyond what is required to implement the relevant Security Council resolution and are therefore ultra vires, but how did they go beyond the resolution? It was because of the reasonable suspicion test. Article 4(2) of the Terrorism (United Nations Measures) Order 2006 states:

"The conditions are that the Treasury have reasonable grounds for suspecting that the person is or may be—

(a) a person who commits, attempts to commit, participates in or facilitates the commission of acts of terrorism".

The Court took the view that these provisions exceed the powers given to the Treasury under section 1 of the 1946 Act. In paragraph 61 of his judgment, Lord Hope said:

"I would hold that, by introducing the reasonable suspicion test as a means of giving effect to"

resolution 1373,

"the Treasury exceeded their powers under section 1(1) of the 1946 Act. This is a clear example of an attempt to adversely affect the basic rights of the citizen without the clear authority of Parliament"

Mr. Hogg: The fact that the Treasury adopted the reasonable suspicion test, which has proved unsatisfactory in the eyes of the Supreme Court, demonstrates the lack of wisdom of legislating by way of secondary legislation. Does my hon. Friend agree that if this matter had gone before the House in primary legislation, there would have been substantial protest from us and, no doubt, other right hon. and hon. Members regarding the use of the reasonable suspicion test, which is a low standard of proof?

Mr. Hoban: My right hon. and learned Friend makes an important point, and it was because of the lack of parliamentary scrutiny that the Supreme Court reached the conclusion that it did on the orders.

Let me continue to quote from paragraph 61. It goes on to say that

"fundamental rights cannot be overridden by general or ambiguous words. The absence of any indication that Parliament had the imposition of restrictions on the freedom of individuals in mind when the provisions of the 1946 Act were being debated makes it impossible to say that it squarely confronted those effects and was willing to accept the political cost when that measure was enacted. In my opinion"

the terrorism order

"is ultra vires section 1(1) of the 1946 Act".

So if there had been a proper parliamentary process that had sanctioned depriving those who were suspected of involvement in terrorist acts of their rights, the Supreme Court would not have quashed the orders, but in the absence of that process, the Court felt that the powers were outside the scope of the Act.

As several right hon. and hon. Members have said, there were plenty of warnings. In addition to the way in which the case was pursued through the courts, there were three other warnings to the Government about the risk that they were taking in using the 1946 Act as the basis of the terrorist freezing orders. Those warnings were the Foreign Affairs Committee report on Sierra Leone in 1999, the Newton committee report of 2003, and the precedents used in other common law jurisdictions.

[Mr. Hoban]

I shall say a little about them to demonstrate that the Government had the warnings but chose not to hear them.

The Foreign Affairs Committee looked at how the Government imposed sanctions on Sierra Leone using the 1946 Act, and highlighted the need to use primary legislation to underpin the future use of those powers. In its 1999 report, the Committee drew attention to the way in which a resolution of the Security Council about the imposition of sanctions against Sierra Leone had been implemented by an Order in Council, but the Security Council resolution did not define Sierra Leone, leaving the extent of its application ambiguous. The Order in Council defined it in terms that removed any ambiguity but arguably went beyond the scope of the resolution. In the same way, in the present order the Government arguably went beyond the scope of the Security Council resolution that they were seeking to implement.

In its report, the Committee said that the way in which the Order in Council was dealt with was unacceptable as it was subject to no parliamentary procedure. Had it been necessary—this goes back to the point made by my right hon. Friend the Member for Suffolk, Coastal—for a Minister to appear before a Standing Committee on Delegated Legislation or to defend the order on the Floor of the House of Lords, it was likely that wider attention would have been given to its true meaning and extent.

In paragraph 23 of its report the Select Committee recommended that

“the United Nations Act 1946 be amended so that delegated legislation made under section 1 was subject to affirmative resolution in both Houses of Parliament.”

So the Foreign Affairs Committee highlighted the problem that we see today, where the order overreached the Security Council resolution, and recommended that the affirmative resolution procedure should be used in the future.

A second warning arose from Lord Newton’s review of the Anti-terrorism, Crime and Security Act 2001, which conferred powers on the Treasury to make freezing orders on residents of a country or territory outside the UK. Comment has already been made about the number of Acts on the statute book that could be used to freeze assets. A point that Justice made in its submission on the Bill was to ask why parts 1 and 2 of that Act and parts of the Terrorism Act 2000 and the Prevention of Terrorism Act 2005 could not have been used in place of the Bill. It would be helpful if the Minister addressed that issue when winding up the debate, as it has triggered widespread concern.

The 2001 Act was reviewed by a Committee of Privy Counsellors chaired by Lord Newton. Lord Newton said in his report that powers under part 2 were unlikely to be used while the 2001 order was in place. He argued in his conclusions that

“freezing orders for specific use against terrorism should be addressed again in primary legislation, based on the well-tested provisions of the Terrorism (United Nations Measures) Order 2001”. This is another warning that the basis of the orders should be explicit in primary legislation. In retrospect, the 2001 order might not be seen as robust as later iterations, but the point that Lord Newton made about primary legislation is still valid.

The third warning was the way in which other nations have implemented the orders. Having originally opted for implementation using their equivalents of the 1946 Act, New Zealand and Australia subsequently set up the orders using primary legislation. Lord Hope responded to this by stating in paragraph 50 of the judgment:

“The regimes that both Australia and New Zealand have introduced by means of primary legislation are exacting. But they contain various, albeit limited, safeguards and in so far as they interfere with basic rights of the individual that interference has been expressly authorised by their respective legislatures.”

That is not the route that the Government have chosen to go down.

So there were warnings from the Foreign Affairs Committee and Lord Newton’s committee and the precedent from other common law jurisdictions that primary legislation was the preferred route, but the Government chose to ignore those and we have to put through this emergency legislation today.

No one should be under any illusions about the gravity of the measures in the Bill. Because the Supreme Court quashed the orders on Thursday morning, those subject to the orders could have accessed their bank accounts and the financial system with impunity since then. The Treasury sought the co-operation of the financial services sector to ensure that this could not happen, even though those subject to the order have the same right as you and I to use those assets.

I should like to ask the Minister about the period between the Supreme Court’s quashing of the orders on Thursday and the Bill gaining Royal Assent. Can she confirm that the provisions in clause 2 are sufficient to protect banks and other financial institutions from claims made by those subject to the freezing orders if, between 4 February and Royal Assent, they sought to withdraw money from their bank accounts? Has the Treasury granted an indemnity to any financial institution covered by this?

Where the Treasury has been given powers to grant further directions in clause 1(3)(a), can the Minister clarify under which order—the 2001 order, the 2006 order or the 2009 order—new directions would be issued where a terror suspect has been recently identified?

The final point that I want to raise with the Minister, to which I will return at greater length in the Committee stage, is the sunset clause. As I indicated in an intervention on the Chief Secretary, until last Thursday there was only one plan in town. It was to publish a longer, substantial Bill that would put the freezing orders on a proper footing through primary legislation, with a view to completing the parliamentary process by no later than 31 March 2010. That is the document that was published last week.

The view then was that that would give time for adequate scrutiny and it would have allowed Parliament to debate the measures properly. That is the offer that was on the table, and we reiterated to the Exchequer Secretary last Thursday that we were content to continue down that route, as well as participating in discussion of the Bill today. We believe it is right for this to happen, and it would reduce the period during which the Government were dependent on this emergency Bill. That is the basis of the amendment that we will move later.

The issue demonstrates the importance of reviewing the patchwork of anti-terrorism legislation. In its submission, Justice asked why parts 1 and 2 of the

Anti-terrorism, Crime and Security Act 2001 and parts of the Terrorism Act 2000 and the Prevention of Terrorism Act 2005 could not be used in place of the Bill. Surely it is time to move beyond a piecemeal approach to national security legislation, and consolidate the legislation and ensure that it is compatible with fundamental rights and freedoms.

The Bill is necessary, because without it those suspected of involvement in terrorist activity could have been free to use their financial assets and the financial system. We do not know how they would have used this freedom, but it would have been reckless for the Government not to take steps to restrict that access, given the Supreme Court's ruling. But in supporting the Government's actions today, we cannot and will not ignore the fact that the Government are in this mess because they failed, despite all the warnings, to put the orders on to a proper basis. To deny people's right to the freedoms that we take for granted, they bypassed Parliament and failed to seek Parliament's approval for the action that they took. The Government's repeated failure to respect Parliament has led them to the position that they are in today.

In 2006 the Prime Minister said that

"as terrorist finance operates on a global scale, we know that we are only as strong as our weakest links."

Today proves that the weakest link was the Treasury, the Department that the Prime Minister ran. It was the Department that failed to put the orders on to a proper footing. It failed to respect Parliament. It failed to respond to the warning signs from home and abroad. In passing the Bill tonight, we are bailing out the Prime Minister and getting the Government out of a hole, but it is the right thing to do to safeguard our country.

6.8 pm

Jacqui Smith (Redditch) (Lab): I welcome the Bill and the speed with which the Government have introduced it. Nobody would want any Bill to have to pass all its stages in one day, and for the House to miss the opportunity of pre-legislative scrutiny, but I am wholly convinced that the serious risk of no effective provisions being in place for terrorist asset freezing following the Supreme Court decision and, significantly, following the Supreme Court's refusal to suspend that judgment, justifies the unusual action being taken by the Government today.

Opposition Members have made much about the Government somehow failing to heed the warning signs of legal action against the orders, but the High Court's quashing of the order in early 2008 was overturned later that year by the Court of Appeal.

Mr. Hogg: I can understand the right hon. Lady taking a legalistic point of view, but surely she should also go to the high ground and look back to 2001 and Lord Newton's Committee, or to 2004 and her hon. Friend the Member for Hendon (Mr. Dismore) and his Joint Committee on Human Rights. They did not interpret the matter on legalistic grounds; they based their contention on the fact that the measures should have been in primary legislation on broad, ethical grounds.

Jacqui Smith: My point is that there was not only significant legal advice that the 1946 Act was a legitimate ground for introducing Orders in Council in order to

translate UN Security Council resolutions, but legal justification between October 2008 and the point at which the Supreme Court upheld once again those individual appeals. The idea that every time a piece of legislation—primary or secondary—faces a challenge in the courts, the Government should rush to Parliament to pass separate legislation in order to mitigate the challenge is ridiculous. If anybody would like to estimate the time that we would spend here legislating on that basis, they would find that none of us would get home on any night at all.

As my right hon. Friend the Chief Secretary to the Treasury said, we continue to face a serious threat from terrorism; and, despite the hard work of our police and our security and intelligence agencies at home and abroad, recent events have demonstrated that the threat remains from the al-Qaeda leadership, their immediate associates, their affiliates throughout the world and from rogue individuals who espouse their view and ideology. The scope and nature of that threat mean that we need a broad approach to tackling it. With the rule of law and the protection of human rights at its heart, the first priority of any counter-terror strategy must be to catch and prosecute those responsible for planning, facilitating and carrying out attacks, and to take action through our courts. The almost 200 successful convictions since 2001 are evidence of our commitment to, and success in, pursuing that route.

However, the threat is such that we should also use the broadest range of methods, including non-prosecution where necessary, to disrupt activity and make the UK as hostile as possible to terrorist planning and facilitation. An important element of that must be cutting the finance that funds attacks and networks. Terrorists need money to plan and carry out attacks, although, as my right hon. Friend identified, it is worrying how little an amount can cause terrible damage and loss of life. As he said, it is estimated that the 7/7 attacks on London cost £8,000. The improvised explosive devices that are used to attack our forces abroad can cost much less even than that.

Terrorist organisations also need money to sustain networks and provide financial support to terrorists and their families. The sums are likely to be greater, but they provide for the infrastructure of terror. We need to ensure that those who radicalise individuals and peddle the ideology that supports terrorism are tackled as they raise the funds for such work. It is suggested that work to limit funding internationally is successfully hampering the work of al-Qaeda. That activity is welcome, but it shows how important action on terror financing can be.

In recent years, that work has been scaled up throughout Government, involving the Serious Organised Crime Agency and the private sector. Work is in place to deter terrorists from using the financial system, to detect them when they do and to use financial tools to disrupt them. I understand that financial intelligence and investigation tools are used to support all counter-terrorist investigations, and we have excellent, specialist terrorist financial investigation capacity in this country.

Asset freezing is only one element of that work, but it is important. As my right hon. Friend said, our asset-freezing regime is based on international recognition, through the UN, of its significance in helping to counter the terror threat. As we have heard, the UN maintains under Security Council resolution 1267 a list of individuals and entities connected to al-Qaeda and the Taliban.

[Jacqui Smith]

Security Council resolution 1373, adopted in September 2001, broadened that approach, recognising that individual states needed to take action against those within their territories who funded terrorism, even if they were not on the UN-held list. Given the fragmented terror threat and the growing phenomenon of individuals who self-radicalise or act alone following radicalisation, the legislation before us seems an important and appropriate development of the asset-freezing regime. That may well explain, as my right hon. Friend and my hon. Friend the Exchequer Secretary have explained, why the Anti-Terrorism, Crime and Security Act 2001, which confines itself to restraints on terrorists or acts that have been inspired overseas, may be insufficient. Given the fragmented terror threat, it is not inconceivable that wholly domestically organised and determined terrorist threats and networks may be operating, and we need an asset-freezing tool to use against them, too.

At the heart of the Supreme Court ruling was neither the principle of asset freezing nor even its practice in the UK, although the judges rightly commented on the onerous requirements, as other Members have said. At its heart was the translation of Security Council resolutions into UK law.

David Howarth: It is important for the House to understand why the Supreme Court did not consider the human rights aspect of the legislation. It thinks, and thought, that, because of the al-Jedda case, the implementation of Security Council resolutions takes precedence over all human rights under the European convention. That seems to be a wholly different position from saying that it is all right in human rights terms to pass such legislation.

Jacqui Smith: I was not making that argument; I was arguing that the Supreme Court made its decision on the basis of the translation of UN Security Council resolutions into UK law, rather than on the detail of the legislation's implementation or even on some of the other questions, which Members from all parts have rightly raised.

Mr. Hogg: The right hon. Lady is right in part, but she will also accept that Lord Hope's judgment, for example, was to the effect that the provisions in the orders were, in a democratic state, incompatible with civil and political rights.

Jacqui Smith: Surely the key element is that, given the significant and onerous nature of the proposals, it was wrong to implement them without sufficient parliamentary oversight and scrutiny. The Government are attempting to put right the first stage of that today.

Given the seriousness of the threat, and given that there was legal advice to support the use of the 1946 Act, it is understandable that the Government thought it suitable. Its use has been ruled *ultra vires*, and the right response is to bring forward primary legislation, first, as quickly as possible in order to plug the gap.

Members from all parts of the House, but Opposition Members in particular, have criticised the speed with which the legislation has been brought forward, and I am sure that the Government would have liked more

time for parliamentary consideration and external consultation. That, presumably, is why they asked the Supreme Court to suspend its decision: to maintain the asset-freezing orders in place while Parliament had the chance to consider the issue. That request was of course dismissed. It would be useful if my hon. Friend the Exchequer Secretary could confirm that its dismissal has potentially freed up considerable assets for terrorist use, enabling the people whom the orders covered to make free use of those assets and any financial institutions that they like. It is also worth pointing out that had not the Government moved quickly with this proposed emergency legislation, the financial institutions that have implemented the freeze could have been placed in a position whereby legal action could be taken against them.

If the Supreme Court decision is really about the will of Parliament, it is a bit hard to understand why Parliament could not be given sufficient time to consider the implications of the proposed legislation. Rightly, the Bill is temporary: its provisions will fall by the end of 2010. We should have more time to consider the nature of the provisions and the safeguards in place. This asset-freezing regime is onerous on individuals and their families. I am pleased that in introducing a new order last August to replace the 2006 and 2001 orders, the Government ensured that any restrictions are more carefully tailored to areas of genuine concern. They have made the safeguards more explicit and freed up the situation of spouses and families. Furthermore, in the last quarter, as reported in last November's report to the House, 35 licences had been issued. These licences ensure that living requirements and finance for legal assistance can be met while other assets are frozen. I hope that my hon. Friend the Minister will take the opportunity, as far as she is able, to outline those restrictions and safeguards and tell the House what kinds of licences have been issued to ensure exemptions for necessary expenditure for living costs.

It is clear that dealing with this will take more time than we have today. That is why I welcome the publication of the pre-legislative scrutiny of the draft Terrorism Asset-freezing Bill, which was published at the same time as this Bill, and which gives Committees of the House, hon. Members and external stakeholders a proper opportunity to look in detail at the provisions, safeguards, restrictions and processes that are being put in place. However, I hope that consideration of that Bill will be brought forward as quickly as possible so that the House has the opportunity for the important full scrutiny. The scale of death and destruction willed by terrorists costs money. The building of networks comes at a price. In doing the job of countering this threat, it is necessary to recognise that reality and use a range of tools to tackle it. Asset freezing is an important tool in doing that, and we must ensure that those whom we task to keep us safe have it at their disposal. The Bill will ensure that protection in the short term; for that reason, I hope that we pass it today.

6.22 pm

Dr. Vincent Cable (Twickenham) (LD): We have heard three speeches in support of the Bill. I have to say that Liberal Democrat Members are not yet persuaded, but we will listen to the remainder of the arguments.

Under Security Council resolution 1373, the UK Government are obliged to take action to prevent and suppress the financing of terrorist acts and to freeze without delay the funds or other financial assets of persons who commit or attempt to commit terrorist acts. If there were purely a technical problem in giving effect to that resolution, we would all be bending over backwards to help the Government to achieve their aim; certainly, we do not want floods of money going into the acquiring of terrorist weaponry. However, that is not the issue; the issue is the position of the Supreme Court. I do not usually read Supreme Court rulings—I spend my time reading much more exciting things such as tables of economic statistics—but I was amazed by the trenchancy of the language, with references to “draconian”, “drastic”, “oppressive” and “paralysing” activities within the framework of these orders. The Bill has been described as very bad legislation. More importantly, in some ways, the legislation—not in our view but in the view of the Supreme Court justices—is unnecessary. That is why we remain highly sceptical about its validity.

More positively, I appreciate the fact that the Government have consulted quite extensively over the past few days. I have been consulted more extensively than at any time in my past five years in this job—even more than I was at the height of the banking crisis. In my more generous moments, I think that a spirit of consensus has broken out within Government; in my more cynical moments, I think that the Government are in a hole and desperately trying to get everybody on board. However, we will approach this constructively. My hon. Friend the Member for Cambridge (David Howarth) and I have tabled a series of amendments that are intended to be constructive and to deal with what we think are the defects in the Bill, particularly the lack of clarity in the safeguards governing reasonable suspicion and the appeals process.

I pay tribute to the non-governmental organisations, Justice and Liberty, which have produced at very short notice—it is only 24 hours since the legislation was published in draft form—extremely impressive and detailed notes cross-referencing the legal points. That is particularly helpful to people like me who are not lawyers and tend to approach these complex legal and constitutional issues with all the enthusiasm of an ordinary member of the public faced with a mathematical economic treatise.

In terms of the nature of the problem to be addressed, let me deal first with the question whether this legislation is necessary. We have had an extended discussion, prompted by my hon. Friends the Members for Somerton and Frome (Mr. Heath) and for Cambridge, about whether it would be possible to use the alternative powers that are available, with a lengthy exchange on the Anti-terrorism, Crime and Security Act 2001. I was surprised to see Ministers swatting aside the judgments of Supreme Court justices as if they had perpetrated some elementary undergraduate error in failing to understand what the existing Acts were all about. It is possible that Lord Hope and his colleagues do not have a basic understanding of the law, but that strikes me as being rather unlikely. However, let us assume for the moment that they are wrong—that they completely misinterpreted what the 2001 Act was all about and failed to realise that there were limitations on its use. In that context, it is worth quoting what Justice said in its summary of the alternative legal powers:

“there are already a great many provisions in UK law that give effect to the government’s obligations under resolution 1373. These include sections 14-19 of the Terrorism Act 2000 (criminalising the use of funds or other property for purposes connected with terrorism); Parts 1 and 2 of the Anti-Terrorism, Crime and Security Act 2001”

and

“the Prevention of Terrorism Act 2005 (control orders). Even the provisions of the Proceedings of Crime Act 1998 may be used to seize funds that result from terrorist activity.”

I hope that Ministers will give us a clear explanation as to why these powers are not usable or not appropriate, because the Supreme Court evidently thinks that they are.

Mr. Gummer: Does the hon. Gentleman agree that the fact that there is a significant amount of doubt about this brings us back to the point that if the Government had introduced in the House the provisions that they put through outside the House, then precisely these issues could have been raised by Members of Parliament, which is the way that Parliament ought to be used?

Dr. Cable: I am sure that that is right. The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) referred to the fact that the Supreme Court justices had described this whole process as an offence against democracy, and that is a striking way of summarising what the right hon. Gentleman says about Parliament being the democratic forum in which these debates are properly conducted.

Let me turn to the reasons why the Supreme Court justices considered these powers, which we are legitimising for a further period—the best part of a year—as draconian, drastic, oppressive and paralysing, and go over some of the points that were made. The Government quoted Lord Brown in support a few moments ago because he ruled in their favour on one order. None the less, Lord Brown said in his comments:

“The draconian nature of the regime imposed under these asset-freezing Orders can hardly be overstated. Construe and apply them how one will—and to my mind they should have been construed and applied altogether more benevolently than they appear to have been—they are scarcely less restrictive of the day-to-day life of those designated (and in some cases their families) than are control orders. In certain respects, indeed, they could be thought to be even more paralysing.”

As for the orders’ impact on family life, the former Home Secretary, the right hon. Member for Redditch (Jacqui Smith), intervened a few moments ago to say that the Government had made an announcement to the effect that the family provisions would be relaxed. However, as I understand it, they are being enforced currently, and were described by a Supreme Court justice in the following terms:

“The overall result is very burdensome on all the members of the designated person’s family. The impact on normal family life is remorseless and it can be devastating”.

That language is not moderate, especially coming from people in a profession normally associated with understatement.

The deputy president, Lord Hope, concluded in discussing the orders:

“The consequences of the Orders that were made in this case are so drastic and so oppressive that we must be just as alert to see that the coercive action that the Treasury have taken really is within the powers that the 1946 Act has given them.”

[Dr. Cable]

That is strong stuff. We should take note of it, not merely of the purely legal points being disputed.

We return to two central principles. The first is the point about reasonable suspicion. The notes prepared for us by Justice and Liberty state that other countries with similar approaches to the law have also grappled with this problem: what is the right balance between absolute proof and reasonable suspicion? Even the Australians, who could hardly be accused of being soft on terrorism and who have had to cope with bombings in Bali and elsewhere, apply a tougher standard of proof. A Minister must be persuaded that an individual is involved in terrorism. That is a somewhat stricter test than reasonable suspicion, which is why my colleague and hon. Friend the Member for Cambridge and I have tabled amendments to strengthen the safeguards on that point.

On appeals, it is worth recalling again what Lord Rodger, another justice, said:

“the harsh reality is that mistakes in designating will inevitably occur and, when they do, the individuals who are wrongly designated will find their funds and assets frozen and their lives disrupted, without their having any realistic prospect of putting matters right.”

That is why appeals should be heard on issues of substance and not simply of procedure.

Mr. Hogg *rose*—

Dr. Cable: I know that the right hon. and learned Member for Sleaford and North Hykeham and the right hon. Member for Suffolk, Coastal (Mr. Gummer) have been trying strenuously to communicate in this debate, so I will give way.

Mr. Hogg: I am grateful to the hon. Gentleman. Will he also keep in mind page 19 of the 2004 report by the Joint Committee on Human Rights? It makes the point that judicial review, which is the only protection afforded by the draft Bill and indeed the order, affords

“only a very limited protection against legislative orders of this kind, except where they contravene European Community law.”

We must recognise that judicial review *per se* is not an examination of the merits of an order.

Dr. Cable: Exactly. That is the point that I made, and I am grateful for the clarification.

It is to the Government’s credit that they have acknowledged the problems arising from the case and are now discussing a sunset clause. There is a debate to be had about what a realistic period is. The Government propose 10 months, and I think that the Conservatives have proposed until the end of March. It is difficult to see how a Select Committee could do a proper review or both Houses could take a proper approach to the review of legislation by the end of March.

Equally, though, one should not overestimate how much time such things take. Reviews can run concurrently rather than consecutively, and the hon. Member for Hendon (Mr. Dismore) helpfully suggested that his Committee works fast. We are not at all persuaded that 31 July is too far away for a proper scrutiny of legislation with proper debate and all the necessary stages in Parliament.

In conclusion, problems arise when legislation is introduced very rapidly on a 24-hour basis. Long before I got involved in politics—in the year I got married, which was just over 40 years ago—my wife and I discovered while we were making wedding preparations that her family and most of our friends who were British subjects were being declared stateless by the British Parliament, because they happened to be east African Asians. On the basis of a panic and “facts” that subsequently turned out to be wholly incorrect, they were, in effect, systematically stripped of their British citizenship.

That was not the first case of fast-track legislation, and the Bill before us will not be the last, but we must learn from experience that legislation taken in great haste and panic is often very bad legislation. Liberty’s evidence on emergency legislation to the Constitutional Committee sums up not just the Commonwealth Immigrants Act 1968 but the Bill perfectly:

“When legislation is introduced into Parliament and passed within a few weeks or even days it is impossible for Parliament fully to analyse and debate the proposals put before it. It is also extremely difficult for NGOs and civil society to have the time to examine the proposals and brief parliamentarians on the likely impact... Legislation drafted in haste will inevitably contain errors, be they minor or more substantial. Even more worryingly, the policy behind such legislation will at best be ill-thought out and at worst may be motivated by political objectives to be ‘seen’ to be responding to an event or judgment.”

That is exactly where we are today.

6.36 pm

Mr. Neil Gerrard (Walthamstow) (Lab): It is good that for the first time, we are debating what is in the orders, at least to some extent. It has been mentioned that we should have had an opportunity to do so before now. I recall from the passage of the Counter-Terrorism Act 2008 that that Bill included a section dealing with asset-freezing orders and some aspects of how they could be challenged. The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg), the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) and I tabled some amendments that would have permitted us to debate those clauses, but as so often happens on Report, as a result of the timetabling motion, our amendments were never reached, so no debate on the orders ever took place.

What we are being asked to do today is to overturn the Supreme Court’s decision. It is important to recognise that that does not simply involve dealing with a technical error. The Supreme Court did not overturn the orders on a technical issue; it quashed them in strong language, as was pointed out. In this emergency legislation, we are effectively bringing into law orders that were quashed by the Supreme Court in strong language.

It is interesting to read the retrospective bits in the Bill. One will protect the banks during the period from the Supreme Court’s decision to Royal Assent. What would the position be of somebody who gave money during that period to someone who was subject to a freezing order? Would they have any protection?

The orders put into effect UN Security Council resolution 1373, which concerns preventing and suppressing the financing of terrorist acts and criminalising

“the wilful provision or collection...of funds...with the intention that the funds should be used...to carry out terrorist acts”.

We used the United Nations Act 1946 to bring the orders into force. They allowed the Treasury to designate individuals against whom measures should be taken, and the Bill will keep them in force. It then becomes a criminal offence for any person to make available any funds—there is no *de minimis* level—to the designated person. Licences are granted to allow the designated person to receive payments for their daily living expenses, but the operation of those licences has been such that those people and their families have had to produce detailed accounts for the Treasury of every penny that they have spent.

I hope that, when we eventually debate the draft Bill after it has been published, we will look into the need for a requirement to consider whether there is evidence that could lead to a prosecution before using the designation mechanism. As it stands, there is no necessity to establish a connection between the designation and any suspicion of involvement in terrorist activity.

The description of the orders as “draconian” by the Supreme Court has already been mentioned, as has their effect on the individuals concerned. Sometimes, their effects have been quite astonishing. For instance, in 2008, some people who were the subject of these orders wrote to the Treasury to ask whether it was permissible under the orders to buy new boots, trainers and shoes. The Treasury responded that this raised complex issues about what constituted a basic expense as opposed to an extraordinary expense, and that these were matters for which ministerial approval would be required. That was the extent to which the orders were impinging on the lives of the individuals who were subject to them.

Mr. Syms: Under the legislation, no one is allowed to give economic assistance to someone placed under such an order. That leaves the individual or family totally dependent on the regime that the Treasury has set up. Anyone who gives such assistance is at risk of becoming the subject of an order themselves.

Mr. Gerrard: Absolutely; it is a criminal offence to give such assistance.

There were queries about whether paying for an Oyster card or allowing someone to borrow a car would constitute giving them economic assistance. There was constant correspondence between the solicitors representing those individuals and the Treasury to try to determine exactly where the boundaries of the orders lay. Any new legislation must ensure that there is absolute clarity on what people are permitted to do while under designation, and on what constitutes a criminal offence.

The important issue of the basis on which people are designated—the ground of reasonable suspicion—has been raised a number of times. Lord Brown said in another case in which he was discussing this standard of proof:

“To suspect something to be so is by no means to believe it to be so; it is to believe only that it may be so”.

We are talking about a very low standard of proof. In quashing the order, the Supreme Court judges’ statements made that clear. Some of the arguments in this debate have suggested that the Supreme Court’s reasons related to the use of the United Nations Act 1946. I suggest that there is far more to it than that.

Mr. Hogg: The hon. Gentleman is making an interesting point about reasonable suspicion. Perhaps he will accept this analogy. Police officers can arrest on reasonable suspicion, but a charge requires a much higher level of proof, and a conviction requires a yet higher one. In other words, the ground of reasonable suspicion is right at the lowest level of the hierarchy.

Mr. Gerrard: That is clearly the case, and that is why I am worried about the use of reasonable suspicion in imposing sanctions on individuals. We could be dealing with people about whom, yes, there might be a suspicion, but there is no proof. That is an important distinction.

In dealing with the question of reasonable suspicion, the Supreme Court had quite a lot to say. Lord Hope said that Security Council resolution 1373 was not phrased in terms of reasonable suspicion. He said that it referred to persons who

“commit, or attempt to commit, terrorist acts”.

He said that transposition of the direction into domestic law raised questions about what was necessary or expedient. He clearly said:

“It was not necessary to introduce the reasonable suspicion test in order to reproduce what the Security Council resolution requires.”

That was echoed in comments made by the other Supreme Court judges.

The Bill will bring in temporary legislation that will be in place for a few months at most. The draft Bill, which has been published, will produce more permanent legislation. We are not here this evening to debate the draft Bill, but it is important that it should be debated in great detail at the appropriate time, and that the issues that we have debated to some degree today—reasonable suspicion, safeguards and the appeals system, for example—should be thoroughly considered when the draft Bill is debated.

This Bill will clearly go through this evening, but I would not want it to be followed by a rush to permanent legislation. That is what would happen if we tried to get the legislation in place by 31 March. Whatever permanent legislation we introduce must be thoroughly examined. It has been pointed out endlessly today that one of the failings of the process has been that the orders were never scrutinised by Parliament in the first place. We should not make a similar mistake when introducing the permanent legislation that will follow these measures. We should not try to push it through in a hurry without proper pre-legislative scrutiny, without proper examination by a Bill Committee, or without a decent debate on Report and in the other place.

It is important to include a sunset clause in the Bill. Legislation such as this, which does virtually nothing except overturn a Supreme Court ruling—it is retrospective legislation in many ways—must be put in place only on a temporary basis. It is also important that the House should leave itself reasonable time to get the permanent legislation in place. I would certainly not be happy with any attempt to rush it through before 31 March, because that would not give us enough time. Nor am I convinced that legislation of this nature would best be dealt with in the first weeks of a new Parliament. I am therefore not unhappy with the sunset clause as it stands, because it is desperately important to give this whole matter the thorough examination that it simply has not had so far.

6.48 pm

Mr. Robert Syms (Poole) (Con): The challenge to strike a balance between fighting against terrorism, which we all know to be a major threat, and preserving our freedoms is one of the most difficult that the House faces. Some years ago, I was on a delegation to Russia. We were guests of the Duma, and we talked to a number of its members a short while after the Beslan outrage in which a number of children were taken hostage. The Russians asked us how we got the balance right, and I do not think that any of the British parliamentarians could say, hand on heart, that they were sure that we had ever done so.

Throughout the years when we were dealing with IRA terrorism and, more recently, as we have tried to deal with the worldwide problem, it has been difficult to strike the right balance. It is clear, however, that there is a better chance of doing so if we in Parliament—here and in the other place—have proper debates on these matters. Sometimes, we have legislated in haste, for understandable reasons, and have not got the resulting legislation entirely correct. In other areas of legislation, such as the legislation to enable local government to fight terrorism in various ways, the law of unintended consequences has come into play. Legislation passed through this House very quickly—probably under a guillotine—was used for outturns and objectives that Parliament did not intend. It is a pity that we are back today because the Government did not originally introduce a Bill to overturn the Supreme Court ruling.

The Supreme Court has not been going that long, and I suspect that there will always be some tensions between such a body and Parliament. Nevertheless, given its short history, it is a pity that we are already having to legislate to change its decision. As hon. Members have said, that decision was well considered and the judgments raised some important concerns. As I am not a lawyer, I will not go into those tonight.

When we are fighting terrorism, we have to act quickly and, yes, cutting off funds is an important component. However, we must also have a regime that is fair. As is the nature of things, reasonable suspicion is—as we have heard—a relatively low test. The world being as it is, sometimes we get the wrong person. People can end up caught in web without being involved in terrorism, but these proposals are so draconian that that would have a major impact on their family life.

Mr. Hogg: That is an interesting point, because one only has to ask oneself what review mechanism is available for the person caught in the web. All the Government would have to do is satisfy the court that there was reasonable suspicion that the person was involved in terrorism, not that actual evidence existed of that involvement. It would be very difficult for a suspected person to challenge the finding of the Treasury.

Mr. Syms: Of course that would be very difficult. One suspects that some of these individuals are not necessarily wealthy or well-connected people. If the Treasury set up a regime in which these people had only a limited amount of money to live on and they were not allowed economic assistance, going to the courts would not be a realistic option in many cases, even allowing for what the Chief Secretary said earlier about recourse to legal aid.

Mr. Gummer: Does my hon. Friend agree that the fundamental problem is that if one makes a mistake in this area and an innocent person is affected, it would be a real affront to justice? That person could carry that scar for the rest of his life. Unless there is a proper way to challenge the provisions, we could end up doing the terrorists' work for them.

Mr. Syms: Clearly, if some of the orders are centred on certain communities, that could be the effect. People could feel that they were being picked on. The important point to note is that it is very difficult to deny that you are a terrorist, if someone else has reasonable suspicion of that. How do you prove you are not a terrorist? A judicial review would look at the process that the Minister went through and whether it had legislative support: it would not look at the justice of the case. Even with rushed legislation, I cannot see why it cannot include some form of appeal process. It would not have to involve the whole court system, as it could be a judge sitting in a room somewhere who looked at the evidence and came to a view.

In the House, we have just been through a process—difficult for many—in which we had Sir Thomas Legg looking at our expenses and then a judge providing an appeal process. In this area, which will involve very difficult issues, I cannot see why a judge could not be appointed to consider the information available from the point of view of natural justice and to come to a speedy decision. Why go through the expense of a judicial review that may not even lead to justice?

Mr. Hogg: Although the model of special counsel is in no sense ideal—many aspects of that regime are easy to criticise—such a process provides a limited redress.

Mr. Syms: What we have to consider is not only the broader picture of protecting our constituents, but the innocent man, woman or family caught in this situation, who then find that they have no easy way to get out of it. They may be caught for years in this dreadful situation with no ombudsman to help. I joked earlier about whether being subject to one of these orders might have an impact on someone's Experian credit status, but in reality, someone's life could be totally ruined by being subject to one of these orders.

If we believe that it is right, in the fight against terrorism, to use draconian powers against UK citizens in this way, we must have a system of redress and appeal. Otherwise, natural justice would be offended, and that does the fight against terrorism a disservice. However rushed this legislation, we must consider the process of appeal and the possible impact on individuals' lives. Some innocent people will be caught by this legislation, and we have to bear them and their families in mind.

6.57 pm

Mr. Andrew Dismore (Hendon) (Lab): Unfortunately, there has not been an opportunity for the Joint Committee on Human Rights—or anyone else, for that matter—to scrutinise the emergency legislation from a human rights point of view. That is ironic in view of the Supreme Court's reasons for quashing the order—that asset-freezing measures with a dramatic effect on individuals' fundamental rights had been made by Executive order without

parliamentary scrutiny. It is not clear to me whether the lack of opportunity for the Joint Committee to scrutinise the Bill is the fault of the Government or of the Supreme Court. It is probably a mixture of both.

Personally, I would have preferred it if the Supreme Court decision had been postponed for a while, as suggested by Lord Hope, to provide at least some opportunity for parliamentary scrutiny of the emergency legislation's compatibility with fundamental rights. It looks as though the Supreme Court's order has deprived Parliament of the opportunity to scrutinise the legislation from the human rights point of view, by refusing to postpone the coming into force of that order. In that respect, Lord Hope's dissenting judgment looks a little more persuasive. My Committee has a good record of carrying out such scrutiny quickly. The last time was on the anonymity of witnesses emergency legislation. We produced that report extremely quickly, and we could have done so in this context too, in just a few days.

One further complication is whether we would have been able anyway to scrutinise properly the Bill's compatibility with the Human Rights Act, in light of the al-Jedda judgment. That is an open question, because the judgment is going to the European Court of Human Rights for determination. The al-Jedda judgment said that UN obligations trump any domestic human rights treaty obligations—in this context, the European convention on human rights and, I suppose, the Human Rights Act. However, we would have been able to scrutinise the legislation for compatibility with common-law fundamental principles, which it might also offend. Another interesting question is whether this emergency legislation, or the draft legislation that has been published, will in due course attract a certificate of incompatibility. That may test the lawyers in the light of the al-Jedda judgment.

Last March, the Secretary of State for Justice spoke at a public lecture, I believe at Clifford Chance, and said that the time had probably come to revisit the breadth of our counter-terrorism laws. This episode illustrates why that is necessary. What has happened recently in the challenges to control orders, the AF judgment and now the latest judgment illustrates the importance of such an overall review of our counter-terrorism laws to ensure that we get things right in the first place.

There is no doubt that there is a human rights obligation to protect the public from the threat of terrorism, but one of my concerns is that the House never gets an opportunity to scrutinise that threat properly. The director-general of the Security Service is happy to make speeches to the Society of Editors and answer journalists' questions, and to speak to other learned bodies, but he is not prepared to make the same speech and answer questions before a Committee of the House of Commons or a Joint Committee such as my own.

There is no doubt that it is right and proper to freeze terrorist assets, but it should be done justly and fairly. We are not talking about a huge amount of money—£150,000, which is probably only a fraction of the amount spent on lawyers to argue about the matter. It is probably less than a tenth of that amount. The judgment that I mentioned concerned five men whom the Treasury suspects of involvement in financing terrorism. It is important to note that none of the men has been charged with, let alone convicted of, terrorist financing or, as I understand it, any other terrorist offence.

We have heard about UN Security Council resolution 1373, which obliges us to act to freeze the funds of

“persons who commit, or attempt to commit, terrorist acts”.

It makes no mention of freezing the assets of those only suspected of involvement in financing terrorism. We should examine our terrorism laws in that context. We have a very broad definition of terrorism, going way beyond that of the UN. We also have an enormous range of terrorism offences, which I suspect is more broad than anywhere else in the world—it is certainly in the top bracket—but even in that context none of the individuals involved has been charged with or convicted of an offence. As we have heard, there is no provision for them to challenge the basis on which they have been suspected of involvement. I shall say a little more about judicial review later.

It is worth repeating some of what was said by the Supreme Court. Lord Hope stated:

“It is no exaggeration to say...that designated persons are effectively prisoners of the state...their freedom of movement is severely restricted without access to funds or other economic resources, and the effect on both them and their families can be devastating.”

He stated that the orders

“strike at the very heart of the individual's basic right to live his own life as he chooses”.

Lord Brown stated:

“The draconian nature of the regime imposed under these asset-freezing orders can hardly be over-stated.”

To return to my point about resolution 1373, Lord Phillips stated that it

“nowhere requires, expressly or by implication, the freezing of the assets of those who are merely suspected...Even if the test were that of reasonable suspicion, the result would almost inevitably be that some who were subjected to freezing orders were not guilty of the offences of which they were reasonably suspected. The consequences of a freezing order, not merely on the enjoyment of property, but upon the enjoyment of private and family life are dire.”

We have already heard about the comparisons with other common-law countries, but the real problem is the contradiction with our own basic fundamental principles of the common law. There is no doubt that if this were a Human Rights Act case—because of the al-Jedda case we do not know whether it is—the right to property under article 1 of the first protocol of the European convention on human rights, the right to respect for the family and private life under article 8 and the right of access to the court, protected both by common law and article 6, would be engaged. That prompts the question whether the law before us, in the current emergency legislation or in its final version, will give rise to a certificate of incompatibility under a further legal challenge. Lord Phillips commented:

“Access to a court to protect one's rights is the foundation of the rule of law”,

and that is not provided for in the Bill. Lord Hope concluded:

“The consequences of the Orders that were made in this case are so drastic and so oppressive that we must be just as alert to see that the coercive action that the Treasury have taken really is within the powers that the 1946 Act has given them.”

That was why the Supreme Court ultimately quashed the orders.

[Mr. Andrew Dismore]

We will obviously have to have further primary legislation, but we must consider whether it is needed. We heard from the hon. Member for Twickenham (Dr. Cable) a long list of laws that we already have which could deal with the matter. The Chief Secretary said that they apply only to foreign cases, but we have heard no evidence today about how many of the people currently subjected to the orders in question are exclusively in the foreign domain and how many would therefore be caught by the existing laws. When the Exchequer Secretary responds, it would be helpful if she could say whether it is true to say that none of those cases could have been dealt with under the Anti-terrorism, Crime and Security Act 2001 for jurisdiction reasons, never mind for *raisons d'état*. Lord Rodger stated that

“the harsh reality is that mistakes in designating will inevitably occur and, when they do, the individuals who are wrongly designated will find their funds and assets frozen and their lives disrupted”.

We have heard about the sunset clause, which will come into effect on 31 December. That inevitably means that we are enacting retrospective criminal legislation, and I understand that we may be asked to do that again later this week in another matter, which I shall not go into. The notion of retrospective criminal legislation is always profoundly suspect in any democracy governed by the rule of law. Article 7 of the ECHR makes it clear:

“No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed.”

The other problem with the sunset clause is that it will take us into the next Parliament. My hon. Friend the Member for Walthamstow (Mr. Gerrard) said that we do not have to rush permanent legislation through by 31 March, but having read the draft Bill, I believe that a couple of months would be sufficient to scrutinise it properly and take it through. This Parliament has gained considerable experience in scrutinising counter-terrorism legislation, as we have seen in the significant reductions in Government majorities on it as time has gone by. As Back Benchers have felt more concerned about what has been going on, they have become more confident about challenging some of the arguments advanced. A new Parliament, in which we understand at least a third of all Members will be new, may not have the confidence to challenge the new Government, whether Labour is returned or the Opposition win. That is why it is important that the matter should be dealt with in the existing Parliament. We have shown that we are prepared to stand up, for example on 42 days.

The question is whether the new legislation will move us closer to compliance with Security Council resolution 1373. I do not believe that it will, because we will still have the grounds of reasonable suspicion for making orders, rather than the commission or attempted commission of terrorism acts. There will not be a right of appeal on the facts, and I take issue with the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) on that. He said in an intervention that all the Government would have to prove was that a Minister had acted on reasonable suspicion. That is not right, because on judicial review, the claimant, not the Government, would have to prove on the *Wednesbury* test that the Minister had acted in such an unreasonable way that no reasonable Minister could have concluded

that there was reasonable suspicion of an offence having been committed. Let us remember that that is on the basis of the person concerned not even having a case against them in the first place.

A lot of the evidence will be closed, possibly through the special advocate procedure, and not open to the person involved. It might possibly be available through gisting, but certainly the whole case will not be available to them. If there were a case against them, the chances are that they would have been charged and prosecuted. The prospects of judicial review under the new legislation are a chimera, because it would be impossible to secure judicial review to challenge the basis on which orders are made. We have to have a proper judicial right of appeal, as with the decisions of Sir Thomas Legg, as the hon. Member for Poole (Mr. Syms) said. If we are entitled to have that right on the question of our expenses, surely people in the circumstances that we are discussing are entitled to have a similar procedure to challenge the freezing of all their funds and assets, no matter how small they may be. Judicial review is simply not a fair way of dealing with the issue.

We have heard about legal aid and living expenses being provided under the licensing regime. I challenged my right hon. Friend the Chief Secretary about how that could be appealed against, and he said that it could be challenged in court. Again, however, that would be under the same judicial review test. He gave the example of buying trainers or books, but do we seriously expect a vast amount of legal aid money to be wasted on a judicial review challenge about whether somebody is entitled to buy books or trainers for their kids? That would be the consequence of there not being a proper right of appeal, judicial or otherwise, on the facts of what has been decided, which cannot be fair or right.

Transparency is of course important, but let us remember that in most of these cases we will publish people's names. This is the first counter-terrorism judgment that I have read that names the individuals concerned. In other cases, people are called Mr. A or Mr. B or whatever—their anonymity is protected because they have not been convicted of any offences, and quite rightly. Those in the 14, 28, or 42-day cases have their anonymity protected, as do those subject to control orders, but those in the cases to which I have referred do not. It would be difficult to protect anonymity and achieve the object of the freezing order, but we need to think about some degree of confidentiality. It might be okay to tell the banks, but is it fair to broadcast it to the next-door neighbour?

There are many issues of fairness in the Bill. I suppose the Minister will say, “Well, this is determining a civil issue, not a criminal issue,” but time and again that argument has been thrown out by the courts. Whether we like it or not, when it comes to counter-terrorism legislation, the courts determine criminal responsibility, which should be done using the criminal test.

I have grave doubts about the Bill. The right hon. and learned Member for Sleaford and North Hykeham mentioned the Joint Committee on Human Rights sixth report of 2003-04. That report was published before I was on the Committee, but I wholly agree with its endorsement of the recommendation of the Newton Committee

“that freezing orders for specific use against terrorism should be addressed in primary legislation”.

I think we all agree with that, which I suppose is why we are here today. If that had been done at that time, we would not be here today and the matter would have been resolved long ago.

The Joint Committee report also states clearly that “judicial review provides only a very limited protection against legislative orders of this kind”.

I concur with that. The draft legislation that we will soon be debating simply does not provide the required safeguards. I say to my right hon. and hon. Friends on the Front Bench that I suspect that after the Joint Committee has scrutinised that Bill I will be making a similar speech, should I be re-elected.

7.12 pm

Mr. Douglas Hogg (Sleaford and North Hykeham) (Con): I will be fairly brief, because I know my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) and my hon. Friend the Member for Woking (Mr. Malins) want to speak and the winding-up speeches will start in about half an hour.

I begin by repeating what I said in the debate on the timetable motion: I accept that the Bill must pass and that it would be very unsatisfactory not to have such legislation in place, but I recognise that fact with an extremely heavy heart, because I deplore the process and what we are about to do. The Bill re-enacts the statutory instruments that were much criticised by the Supreme Court. We have been reminded by a number of right hon. and hon. Members as to the trenchancy of the criticisms of those orders made by, for example, Lord Hope.

The 2006 order went through without any parliamentary scrutiny at all. That is an extremely bad thing. We were told by the Chief Secretary to the Treasury that that was permitted by the 1946 Act, but that is not the view of Lord Hope, who said that that measure did not justify the insertion of the reasonable suspicion test. In any event, however, while the Act might have so permitted, it certainly did not require the passage of such measures by way of secondary legislation. What in fact we are doing today is simply re-enacting in primary legislation what was previously in secondary legislation that was deemed offensive in almost all its particulars by the Supreme Court.

It is worth reminding oneself of the scope of the 2006 order, which is being replicated in primary legislation. In the first place, the order creates quite serious criminal offences, which are punishable by a maximum of seven years. That is not trivial. Secondly and differently, to take up the point made by the hon. Member for Walthamstow (Mr. Gerrard), the designation of the person involved in terrorist activity simply involves the reasonable suspicion test, which is a very low standard of proof. In addition, there is no way of challenging that designation outside the judicial review mechanism. As I think everyone but the Chief Secretary recognises, the judicial review mechanism provides a very limited form of review.

One matter of concern to me is that the draft Bill that the House may be asked to consider in due course relies on judicial review as the only safeguard. I agree very strongly with the hon. Member for Hendon (Mr. Dismore), and indeed all others who have spoken, that there needs to be some way of reviewing the issue on the merits. The

2004 Joint Committee report echoes that point. Moreover, the freezing orders are extraordinarily wide in scope. So far as I am aware, having looked at both the draft Bill and the 2006 order, there is, aside from judicial review, absolutely no way in which the scope of the freezing order can be impugned.

I do not think that there is any good reason why proper safeguards should not have been written into the Bill. In fact, there are a number of models on which one could have drawn—pick them off the shelf!. The special counsel procedure in control orders is a case in point. I very much dislike that process, but it is better than nothing. There is no point in the Government’s arguing, “Well, we couldn’t do that, because we thought we were going to win the case in the Supreme Court.” That shows that they were jolly badly advised, because they did not win. Not only did they not win, but as the hon. Member for Twickenham (Dr. Cable) said, the orders were criticised with remarkable robustness by people whose role in life is generally to understate rather than overstate their views. The Government lost not only for legalistic reasons, but for reasons of substance: the Supreme Court thought that the powers given were too draconian.

That was also the view expressed in the 2001 report under the chairmanship of my right hon. and noble Friend Lord Newton of Braintree of the predecessors of the hon. Member for Hendon on the Joint Committee on Human Rights in 2004. The Government have been told time and again that such measures ought to be in primary legislation, not only because primary legislation is the proper vehicle, but because that process enables the House and others properly to review what is proper. On any view, therefore, what we are doing today is draconian.

The measure will last for a year or so, and the sunset clause is in place, which I welcome. I hope that my hon. Friends will forgive me if I dissent from them slightly, but I think that a March sunset is probably too soon, because this is a difficult area of law. I agree with whoever said that he did not want to see our rushing through new legislation that has not properly been considered. I am inclined to think, with some hesitation, that March is too soon, and that even July is too soon. My disposition, with a heavy heart, is to go for the timing in the sunset clause.

I will be happy to end my speech after this point, because I know that my right hon. Friend the Member for Suffolk, Coastal and my hon. Friend the Member for Woking want to speak. We are doing something that is pretty draconian. There is an essential rule in life that one must observe if one is a parliamentarian: all power given away is always, on occasion, abused. That is certain. From that follow two very important consequences. First, one gives away the minimum of power possible to the officers of the state. Secondly, where one must give power away, one must restrict the exercise of that power with proper constraints, reviews and appeals. Under this Bill we are falling foul of both propositions, and I deeply regret that fact.

7.19 pm

Mr. Humfrey Malins (Woking) (Con): I will be brief. I wish to make basically two points, both of which are relevant to the issues under discussion, but have a wider application.

[Mr. Humfrey Malins]

First, I shall say a few words about the importance of parliamentary scrutiny. Lord Hope referred in his judgment the other day to the importance of parliamentary scrutiny and the relationship between Parliament and the Executive—in short, to the ability of this House, through Back Benchers and Oppositions, to scrutinise what Governments are doing, whether in legislation, Orders in Council or whatever else.

I first entered this House 27 years ago. I believe that those 27 years have seen a diminution in our ability to hold the Executive to account and to scrutinise them properly and at length. The late Lord Weatherill, the famous Speaker, told me once that he kept a record of those speeches in this House that actually altered the course of events through the power of their arguments, and there were many in those days. Can you believe it, Mr. Deputy Speaker: speaker after speaker in this House arguing something, and the Government turning round at the end and saying, “They’re right—we’ve lost the argument”? That is what I mean by parliamentary scrutiny. Compared with 25 or 30 years ago, we are impotent in this House when it comes to doing the job for which we were elected.

After parliamentary scrutiny, the next most important point I wish to mention concerns judicial remedy, which has been covered by many other speakers today. Designation and freezing orders are very serious matters indeed. They can have a real effect on a person’s life, and not just in the short term, but in the long term. Over in the Council of Europe, which I attend from time to time, we discuss human rights. We have representatives from many different European countries, some of which have good records, some of which have bad records. A year or two ago, a Swiss lawyer, Dick Marty, brought up United Nations blacklists at the Committee on Legal Affairs and Human Rights, and we had a report on them. He told us what they were and what they meant. Through the United Nations, somebody could be put on a blacklist in relation to terrorist matters, and have their assets frozen and all the rest of it. He told us of a case in Switzerland where the restrictions were such that the person concerned could not leave his own canton, if that is another word for village.

Mr. Hogg: No, it means county.

Mr. Malins: My right hon. and learned Friend confirms that it means county.

The key point was this: what remedy did that man have in relation to that designation? The answer was none. We thought—and I think—that that was a disgrace. If we hand power to the Executive without giving the citizen a proper legal remedy—a right of appeal—we are not doing our duty. If we make a whole series of orders—designation orders, freezing orders and so on—that have such a dramatic impact on someone’s life, do we as a Parliament not have a duty to ensure that we give that individual some hope of overturning them? Otherwise, what kind of world will we be living in?

My right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) and others have pointed out that judicial review is limited. The special advocate procedure is limited. However, we have to do something, because it would be terrible if, in years

to come, we move further in the direction of the Executive being able to do something nasty against citizens, who then do not have the right to say to an independent judge, “Listen, this isn’t fair. It’s not just. Please overturn it.” That is one of the most important factors in our election to this Parliament: we are here to speak up for those who are dealt with in such a way by the Executive that they are defenceless. It is our job to protect them and ensure that they are protected.

Judicial remedies and appeals, and parliamentary scrutiny are two important aspects of this debate. I would hope—but we have not got the time. Oh dear! I hoped we would have had time to explore those issues at some length over the coming months, to ensure the basic rights of our citizens.

7.24 pm

Mr. John Gummer (Suffolk, Coastal) (Con): Today we are discussing what is, in fact, the main purpose of being a Member of Parliament—that is, how the citizen is protected. The danger is that all necessary terrorism legislation can easily be the means by which citizens’ freedoms are eroded. Over the past 250 years of legislation, the moments of most danger to the citizens have been those when we became most aware of the danger to the nation. That is a natural link. It is extremely difficult when we face the realities of terrorism to be as careful as we ought to be about the realities of individual freedom. Yet we are fighting terrorism in order to defend that freedom. That balance is therefore essential in the defence of freedom. We are not putting the one against the other: they are both part of the same effort.

That is why I would suggest to the Government that they have done themselves a disservice by not using the House of Commons as the mechanism by which they ensure that that balance is achieved. The Government have spoken as if, somehow, using secondary legislation—or, indeed, no legislation at all—in order to carry through their requirements has been a necessary consequence of the terrorist threat. In fact, it should be the other way round: the terrorist threat should lead the Government to come to the House of Commons to debate the issues, to ensure that what they do can then be seen as proportionate and just.

That ought to be true in the highest way, but I suggest that it also needs to be true in a rather lower way. Two of my colleagues who have spoken are lawyers. I am not a lawyer. I do not much like the way the courts make law. Law ought to be made here, but if we make the law badly here, we will encourage judges in their increasing desire to make law themselves. Faced with bad law, I understand the anger, which is the only way I can refer to the language used by the Supreme Court—a phrase I dislike entirely. I understand the anger of those judges, who saw that what they were dealing with was wholly contrary to their understanding of the demands of the common law. There is therefore a reason not only for the Government to take Parliament seriously in making such judgments for the bigger scene, but to ensure that the distinction between the purposes of the courts and the nature of Parliament is continued and supported, which is the other issue.

We also have to look carefully at the result of what we are doing today. I recently saw this connection in a wholly different way, but I have seen how, when organs

of government get the bit between their teeth, it is possible to act most unjustly in respect of individuals. What I have seen has seared my view, so I say this to the Exchequer Secretary, who is going to sum up this debate. One has to recognise that many of the people involved are at least innocent enough never to be charged. The figures are interesting, are they not? Of some 51 cases, 18 have been reviewed and dropped. The Treasury has suggested that that is a compliment to its review procedure, but one could think that it was a statement about the danger of the system, because it might be that those people should never have been on the list at all and that it is not the review procedure that should be praised, but the original decision that should be criticised.

Mr. Hogg: I hope that my right hon. Friend will forgive me for making a slightly legalistic point—I know he does not like lawyers very much—but if there had been a proper inter parte review, if he will forgive the phrase, the aggrieved party might have succeeded in many cases in which the Treasury has not reviewed the case in the person's favour.

Mr. Gummer: I entirely agree with my right hon. and learned Friend. That is what really worries me. I could not quite do the mathematics quickly enough, but if 18 cases have been reviewed, another 33 have not been reviewed—yet the people involved in them have not been charged. It is very dangerous to have 33 people subject to draconian punishment, when there has been no possibility for them to raise the issues in a way this House would see as reasonable for citizens of the United Kingdom.

Mr. Dismore: Another thing we do not know about the 18 cases that were reviewed is how long it took before the orders were lifted.

Mr. Gummer: The hon. Gentleman makes exactly the right comment, but that means that we are dealing with 51 people who, to any reasonable person, may have been subject to draconian punishment—I quote the judge in using that term—yet they may not be guilty at all.

I believe that Parliament must be very careful before making judgments based on an assumption that Ministers are decent people—I am sure that the Exchequer Secretary is decent and I am sure she will look at cases very carefully—who are therefore unlikely to get it wrong.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC)
rose—

Mr. Gummer: Before I give way to the hon. Gentleman, let me say that I am a believer in the infallibility of the Pope, but it makes me extremely suspicious of the infallibility of anybody else. In that sense, I do not believe that Ministers are ever infallible. Parliament should never give to Ministers powers that depend on the degree of infallibility that a Bill like this one suggests.

Mr. Llwyd: The Government will always say that powers like this will be used strictly and only occasionally, but may I remind the right hon. Gentleman that, so far as is known, the Icelandic Government have never been involved in any terrorism, but their assets were frozen?

Mr. Gummer: I am not sure that I should be led down that path, Mr. Deputy Speaker, as it would be a chilly one and might lead me to receive complaints from you. I shall continue, rather, with the point that the system we are talking about today depends on a degree of omniscience on the part of Ministers that, having been a Minister myself for 16 years, I do not believe should ever be accorded to them.

Secondly, the system does not provide the transparency of a proper review that we would expect for ourselves. I say to the Ministers present this evening that they should look at this issue by putting a very simple question to themselves: would they like their sons or daughters to be subject to this order? Would they feel that their sons and daughters were able to have a proper consideration of their cases? It is no good thinking about people they do feel any connection with. This is the way for any Member to look at any legislation—how do we believe any particular legislation would treat someone whom we cared about?

That explains why I believe that aspects of this legislation are both intolerable and intolerant. The first is the use of reasonable suspicion as a test. It is a proper test of deciding whether Mr. Jones on the street can properly be brought into the police station for further consideration of some event that has taken place. It is a proper test for beginning a process, but it is not a proper test for ending a process. That is why it is unacceptable.

Secondly, this is not a proper test for a Minister to use, because what will the Minister do when a group of superior people come in and say, “Minister, better not say no to this, because whereas if you get it wrong and do something unhappy to an individual, it will not serve you too badly, if you get it wrong and let the individual free of these restrictions, you may find yourself in trouble”?

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): I cannot sit here and listen to that. I assure the right hon. Gentleman that Treasury officials in no way make remarks like that to me when I make these designations, and I am sure that they have not done so to previous Exchequer Secretaries either.

Mr. Gummer: Let me just say to the hon. Lady that they will not put it as boldly as I do because they are all very neat and charming, but what they always say to Ministers is, “Better not”—and if she has not understood that, I can well understand a number of the decisions that she has made. She has obviously not listened, because they always say, “Better not”—every one of them; it is part of the whole “Yes Minister” programme of indoctrination. Let me tell her that if she thinks anything other than that, I am even more worried about the situation we find ourselves in.

Mr. Hogg *rose—*

Mr. Gummer: Very rapidly.

Mr. Hogg: Very rapidly. My right hon. Friend and I were both Ministers for a long time and most of us had the reputation of being pretty robust, so let me say that my right hon. Friend is right.

Mr. Gummer: I therefore have to tell the hon. Lady that “reasonable suspicion” is a dangerous thing to be put in the hands of any Minister. If I were her, I would

[Mr. Gummer]

refuse it, because it puts her into an impossible position, which she should, in all honour, refuse. Even if she accepts this when there is no appeal against her, she might find that judicial review reveals that she has been unreasonable and that she should not have made that decision, as any fool can see. [Interruption.] It is all very well for the Exchequer Secretary to laugh, but we are talking about the basic rights and freedoms of Her Majesty's subjects, which is no laughing matter.

Some of us have sat in this House, as I have, for 35 years, and I have always thought that my first priority was the defence of the freedom of Her Majesty's subjects. This Government have done more to bypass Parliament and more to restrict the opportunities of MPs to stand up for the freedom of their constituents than any previous Government. Lord Liverpool would have been proud of them, which is about the most insulting thing any historian could say of the present Government. The fact that Lord Liverpool was a Conservative shows just how independent I am on this issue.

I end by saying that we rarely have an opportunity to argue about the basis on which we are here. The fact that there are so few of us in our places to debate this particular issue is itself something that speaks volumes. Although the Government have received no support whatever for the basis on which they have proceeded, we know that they will take no notice whatever of the words spoken on all sides of the House. That is the real criticism of this Government.

Jacqui Smith *rose*—

Mr. Gummer: No, I will not give way—certainly not to the right hon. Lady, who of all people has done more than almost anyone else to press forward this Government's opposition to Parliament. I merely point out to you, Mr. Deputy Speaker, that this is too serious a matter for the Government to refuse to listen to Parliament, but I have no doubt that they will still refuse to do so.

7.39 pm

Mr. David Gauke (South-West Hertfordshire) (Con): It is a pleasure to wind up this Second Reading debate on a matter of great importance, which, as we have heard during this evening's debate, excites great interest and passion. It is vital for Parliament to address issues of protecting the liberty of the individual and national security. A number of contributors to the debate have highlighted the nature of the legislation and of the orders passed under the United Nations Act 1946. The Supreme Court described the legislation as “draconian”, “drastic”, “oppressive”, “burdensome” and “paralysing”, and a number of right hon. and hon. Members have highlighted its imposition—I refer particularly to the comments of my hon. Friend the Member for Poole (Mr. Syms), my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) and my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer). In addressing terrorism, however, it is important that we deal with the freezing of assets and prevent the financial system from being used to perpetrate terrorist acts. That is a huge issue for any Parliament to address—the key point about the Supreme Court ruling is that the matter is for Parliament

to address. My hon. Friend the Member for Woking (Mr. Malins) pointed out the important role of Parliament in that regard. We are therefore grateful to have the opportunity to debate the matter today.

The Opposition's view is that without the Bill we would take a substantial risk that assets of suspected terrorists that are currently frozen would be accessed, which might ultimately lead to terrorist activities. I note that the Liberal Democrats have withheld their position on whether they will support the Bill's Second Reading. In referring to Lord Hope, the hon. Member for Cambridge (David Howarth) made the point that all the orders made under the United Nations Act 1946 could have been dealt with under the Anti-terrorism, Crime and Security Act 2001. However, there is a risk that that might not work, and for those reasons we will support the Bill. I would be surprised if the Liberal Democrats opposed it.

In part at least, we support the Bill because of the situation we find ourselves in. We are where we are. There are two significant concerns about how we got into that position. First, by passing orders under the United Nations Act, the Government were taking a risk that at some point the existing legislation would be invalid, and that suspected terrorists would no longer have their assets frozen unless exceptional action, such as emergency legislation, was taken. The right hon. Member for Redditch (Jacqui Smith), who speaks with the experience of having been Home Secretary, said that we cannot pass a new Act every time we are brought to court—that would fill up the legislative timetable. However, this is an important matter, of fundamental liberties, and surely the Government should have addressed it more quickly.

However, it is a question not just of legality. The second concern is that Parliament has been bypassed. Parliament should have been involved in determining the relevant orders. That is the essence of the Supreme Court's decision. Consequently, the Government can be criticised for doing neither what was constitutionally necessary nor what was constitutionally right.

My hon. Friend the Member for Fareham (Mr. Hoban) set out in forensic detail the warnings that reliance on section 1 of the United Nations Act 1946 was an uncertain basis for the Government's asset-freezing regime. Before the regime was brought in, the Foreign Affairs Committee report of 1999 on Sierra Leone recommended that the United Nations Act should have been amended so that delegated legislation made under section 1 was at least subject to the affirmative procedure, which would have given Parliament some opportunity to debate the matters. In 2003, the Newton committee report recommended that

“freezing orders for specific use against terrorism should be addressed again in primary legislation, based on the well-tested provisions of the Terrorism (United Nations Measures) Order 2001”.

That view was endorsed by the Joint Committee on Human Rights later that year. There have also been international comparisons: the likes of Australia and New Zealand initially made orders under their equivalents of the United Nations Act but then brought in primary legislation that dealt specifically with such matters. In this case, the High Court found against the Government in April 2008—yes, the Court of Appeal overturned it, but the judgment was partially dissenting.

The Government cannot claim a lack of parliamentary time or opportunity to address the matters properly in primary legislation. After all, the Anti-terrorism, Crime and Security Act 2001 and the Counter-Terrorism Act 2008 were opportunities to address the matter properly and prevent the situation in which we find ourselves today. There has been a constituent failure to permit Parliament to consider the issues through primary legislation. A number of right hon. and hon. Members, most passionately my right hon. Friend the Member for Suffolk, Coastal, made the case that the Government have ignored Parliament; they have not taken it seriously. As my hon. Friend the Member for Fareham pointed out, as recently as Thursday the Government broke their undertaking on parliamentary scrutiny in respect of opt-ins under the European Union (Amendment) Act 2008. It is worth quoting what the hon. Member for Birmingham, Edgbaston (Ms Stuart), a Government Back Bencher, said on the matter last week, 4 February, at column 459:

“we again find that Parliament is just some irritating thing that has somehow to be dealt with.”—[*Official Report*, 4 February 2010; Vol. 505, c. 459.]

That describes the Government's approach to asset freezing all along, until the Supreme Court stepped in and said that it was necessary for Parliament to address the matter.

The Government have prevented Parliament from reviewing the legislation and making its voice heard for some years. Even in the Bill, they continue that practice through the sunset clause, which kicks the issue, if not into the long grass, at least beyond the next general election. It is perhaps not surprising, given comments on both sides of the House, not least from Government Back Benchers the hon. Members for Walthamstow (Mr. Gerrard) and for Hendon (Mr. Dismore) in opposition to some of the details of the Bill, that the Government do not want to bring the matter back to the House this side of a general election. It was, of course, the Government's intention to do so less than a week ago—it was striking that the Chief Secretary said that it would clearly be better to allow time. Indeed, the very reason that the Treasury applied to the Supreme Court for a stay was to allow the Government the opportunity to get the legislation through in the next two months. We could still do that—we could pass the Bill today and come back during the next few weeks to scrutinise and debate a full Bill, as was the Government's intention until very recently.

The fact that the Government have been reduced to this situation demonstrates that if one ignores Parliament too long, and fails to show Parliament respect, eventually our constitution balances itself and Parliament's voice is heard. It is a pity that the Government took such risks that emergency legislation had to be rushed through the House.

7.49 pm

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): This has been an interesting debate on an issue which—as the debate has revealed—is difficult and significant. I welcome the Conservatives' support for the Bill, and hope that the Liberal Democrats will support it as well, given the severe consequences to national security—described so eloquently by my right hon. Friend the Member for Redditch (Jacqui Smith)—if it is not passed.

The threat to the United Kingdom today from international terrorism is real and significant. We know that terrorists need finance to carry out attacks. As we have seen, the cost need not be great, but terrorists also need finance to maintain their infrastructure, for training, equipment and recruitment, and to promote their ideology. Their capabilities are severely constrained if they have no access to funds. Over the years, the asset-freezing regime has proved to be a valuable tool for disrupting and preventing terrorist financing.

Our aim is to prevent a gap in the asset-freezing regime, and to ensure that frozen funds cannot be unfrozen and diverted and used for terrorist purposes and that suspected terrorists do not gain free access to the United Kingdom's system. We consider it necessary to the UK's national security to act swiftly to maintain the asset-freezing regime under Orders in Council on a temporary basis while we table further legislation introducing a terrorist asset-freezing regime to primary legislation, allowing time for Parliament to scrutinise our proposals fully.

I welcomed the many and varied points raised by Members, and, in the time available, I shall do my utmost to address them. Let me deal with the major points first. Many Members asked why primary legislation had not frozen the assets at the outset. Orders in Council made under the United Nations Act have proved an accepted way for successive Governments, regardless of party, to give effect to UN Security Council resolutions. The intention of the provision is to ensure that the UK can swiftly implement its UN obligations in respect of matters affecting international peace and security.

By making Orders in Council under the UN Act, we were able to establish our terrorist asset-freezing regime in law within 12 days of UN Security Council Resolution 1373. I am sure Members will understand why rapid action was necessary to deal with terrorist finance in the weeks after 9/11. We continued to believe that the use of Orders in Council under the UN Act was the right approach, and was consistent with the way in which previous Governments had given effect to UN Security Council resolutions.

Some Members—including the hon. Members for Fareham (Mr. Hoban) and for Poole (Mr. Syms)—have asked why we did not use primary legislation once we knew, after the High Court ruling in 2008, that the orders were potentially vulnerable. We concluded that it was right to see the legal process through to the end, in order to be clear about the proper use of the UN Act and the way in which it applied to the orders in question.

David Howarth: Will the Minister give way?

Sarah McCarthy-Fry: I will not. I am sorry.

As Members will know, although the Supreme Court ruled that the Terrorism (United Nations Measures) Order 2006 and article 3(1)(b) of the Al-Qaida and Taliban (United Nations Measures) Order 2006 had gone beyond the scope of the UN Act, the Court of Appeal upheld the Government's position.

Other Members referred to the sunset clause. We think that waiting until the end of the year allows enough time for pre-legislative scrutiny and legislative scrutiny. Some Members agreed, while others did not. I look forward to the debate on the amendments tabled in Committee.

[Sarah McCarthy-Fry]

The UK's terrorist asset-freezing regime has been in place since 2001. These are not new powers, and the regime has been tested operationally and been improved over the years. In 2007, the UK's asset-freezing regime was judged by the financial action task force to be fully compliant with international standards. Ours was the first country to be awarded that top mark. Since then, we have improved the regime further through the Terrorism (United Nations Measures) Order 2009. It includes improved safeguards, such as the requirement that designations can only be necessary for public protection, and that asset freezes are time-limited to a renewable period of 12 months. Let me re-emphasise that the Supreme Court has not found the regime to be contrary to human rights, or to contain inadequate safeguards.

David Howarth: Will the Minister give way?

Sarah McCarthy-Fry: I will in a moment.

The court struck the orders down purely on the grounds that they went beyond the scope of the UN Act. The hon. Member for Cambridge (David Howarth), the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg), my hon. Friend the Member for Walthamstow (Mr. Gerrard) and others quoted what was said by the Supreme Court judges. Lord Brown said:

"I am unimpressed by the alternative grounds on which the Order is challenged, those of certainty and proportionality. Primary legislation introducing this same asset-freezing regime could not have been declared incompatible on those grounds."

Lord Mance, with whom Lord Phillips agreed, said:

"I am at present also unpersuaded that the content of the Orders could be challenged on grounds of lack of proportionality", although he did say that he need express no final view.

David Howarth: The crucial point that the Minister seems to have missed, which was mentioned by both the hon. Member for Hendon (Mr. Dismore) and me, is that the Supreme Court thought that because of the al-Jedda case it could not consider the human rights position. The point is not that it was finding in favour of the Government, but that it could not consider the issue at all.

Sarah McCarthy-Fry: I do not think that that is the argument advanced by one of the judges.

Let me deal with a point raised by the hon. Member for Twickenham (Dr. Cable). Why do we not use other existing counter-terrorism legislation? It has been suggested that counter-terrorism legislation is already in place, and that we should use those powers rather than introducing asset freezing. We have a comprehensive framework to counter financing of terrorism, but none of the other legislation replicates the effects of the asset-freezing regime under the terrorism orders in its preventive nature and in its ability to restrict suspected terrorists' access to the financial system. Furthermore, no other legislation contains such a comprehensive range of prohibitions on third parties' making funds available to

terrorist suspects, such prohibitions being essential to preventing terrorists from circumventing the restrictions and accessing funds.

Many members have asked why we do not use the powers under the Anti-terrorism, Crime and Security Act 2001. The powers under the Act only allow for action to be taken against threats emanating from outside the UK, and can only be used in very limited circumstances in relation to persons in the UK—when the Treasury has a reasonable suspicion that such persons have provided, or are likely to provide, assistance to the persons abroad who are posing the threat to the UK. That means that many of the individuals who are currently subject to asset freezing could not have been designated under this power, including those responsible for the attempted bombing on 21 July 2005. Anti-terrorism, Crime and Security Act freezes would therefore not be sufficient to protect our national security or to meet our UN obligations.

Control orders were mentioned. They do not freeze funds or introduce prohibition on third parties. Suspicious-activity reports under the Terrorism Act 2000 do not freeze funds; they merely delay payments. We cannot monitor spending. As for account-monitoring orders, again there are no prohibitions on third parties and funds cannot be frozen.

Our Terrorism Order 2009 sets out a number of safeguards to ensure that our powers are used proportionately. Designations can only be made when there is reasonable suspicion of involvement in terrorism, and when necessary, for public protection, and asset freezes are time limited to a 12-month period which is renewable. The Treasury actively reviews all cases, and—as the right hon. Member for Suffolk, Coastal (Mr. Gummer) pointed out—has frequently delisted people. Delistings may be due to an acquittal as a result of a decision by the Treasury that a designation is no longer in the interests of public protection. Let me give an example. In 2006, the assets of 19 persons linked to the transatlantic airline plot were frozen. Of those, seven have been delisted. Five were arrested and released without charge, one was convicted, sentenced and released, and one is awaiting trial. Twelve remain listed, 11 have been charged, seven have been convicted and three await trial. One trial has collapsed, and an urgent review is in progress.

The right hon. Member for Suffolk, Coastal also asked whether any Member present would want his or her son or daughter to be subject to these designations. I am sure that no Member would want that, but I am also sure that no Members would want a son or daughter to be a victim of a terrorist bomb or terrorist threat.

We believe in the importance of striking the right balance between protecting national security and protecting human rights. While it is true that the asset-freezing regime has an impact upon human rights, we consider this interference to be necessary in the interests of national security and public protection, and consider it proportionate to those ends.

Question put and agreed to.

Bill read a Second time; to stand committed to a Committee of the whole House (Order, this day).

Terrorist Asset-Freezing (Temporary Provisions) Bill

Considered in Committee (Order, this day).

[SYLVIA HEAL IN THE CHAIR.]

Clause 1

TEMPORARY VALIDITY OF CERTAIN ORDERS IN COUNCIL

8 pm

Mr. Mark Hoban (Fareham) (Con): I beg to move amendment 1, page 1, line 3, leave out ‘31 December 2010’ and insert ‘31 March 2010’.

The First Deputy Chairman of Ways and Means (Sylvia Heal): With this we may take amendment 2, line 2, leave out ‘31 December’ and insert ‘31 July’.

Mr. Hoban: As I said on Second Reading, plan A had been to pass a terrorism (United Nations measures) Bill by no later than the end of March, in order to put the orders on a proper legislative footing. That plan was predicated on the Supreme Court granting the stay for which the Treasury had applied, so that Parliament could put in place the legislation needed to prevent terrorists from accessing their assets. It was on that basis that we entered into discussions with the Treasury and agreed what we felt would be sufficient time in this place and the other place to ensure that the Bill, and the views of external stakeholders interested in the process, could be thoroughly assessed so that the measures were put on to a proper footing. However, the Supreme Court’s decision not to allow a stay because it would—to paraphrase the judgment—confer a sense of legality on orders that were illegal means that the emergency legislation before us today takes priority, and rightly so.

This does not mean that the Government are off the hook in terms of bringing forward a proper statutory basis for these orders. Indeed, we told the Exchequer Secretary last week that we would have been content for the Bill I mentioned to complete its stages today and for us to move on to consider the Terrorist Asset-Freezing (Temporary Provisions) Bill tomorrow, while also ensuring that after we returned from the recess, we would have a day on the Floor of the House in Committee. That Bill would then have passed to the other place where there would have been an opportunity for further scrutiny. The Bill would therefore have been on the statute book by no later than the end of March.

We have pursued that line through introducing amendment 1, as we believe that the Government should move as quickly as possible to put in place proper primary legislation. It seems to us that measures that were described in the court ruling as draconian should not be kept in place for up to 10 months on the basis of a three clause Bill that perpetuates some of the failings of the underlying orders. We believe that the Government should move more quickly so that they take responsibility for sorting out the mess they have created on their watch, rather than deferring any remedial measures until later this year.

There are some issues to be debated; we touched on a number of them on Second Reading. They include the need for proper safeguards to be in place, and the question of whether there should be a different safeguard from judicial review to look at the merits of Treasury applications. The hon. Member for Hendon (Mr. Dismore) commented on the limitations of judicial review as a potential remedy, such as the fact that it could not be used to vary the terms of a licence. These issues are well known and have been fairly thoroughly debated in the context of other legislation, and we believe they are sufficiently well known for scrutiny to take place far more quickly than under the Government’s sunset clause. Indeed, the hon. Member for Hendon said that, given the brevity of the Bill, his Joint Committee on Human Rights could scrutinise the Bill and publish a report quite quickly; he thought it would take a matter of days. That is entirely consistent with the timetable that would flow from our proposed sunset clause. We took his comments as a positive sign, suggesting that we could pass this legislation on a much shorter-term sunset clause than the Government suggest.

The draft Bill published last week is based largely on the 2009 order. The issues in that regard have been well rehearsed over time, and a much wider range of issues will need to be raised. Again, therefore, all the arguments point towards having a shorter-term sunset clause than that which the Government propose—31 March rather than 31 December.

The Government’s sunset clause suggests, of course, that the decision on future legislation will be put off until after the next general election. The hon. Member for Hendon made the point that the House will by then have lost a great deal of its current expertise, given that about a third of Members will leave this place at the next general election. Indeed, many of the Members who took part in the Second Reading debate will not be here the other side of the general election to add their expertise to the debates. That is an added reason to accelerate this process, so we can benefit from Parliament’s collective memory and knowledge of the scrutiny of the raft of anti-terrorism Bills of the last few years.

There is a clear, straightforward argument here. Our amendment 1 provides plenty of time for proper scrutiny. We are following the timetable we agreed with the Government prior to the Supreme Court deciding to quash the orders last Thursday. We believed prior to that that the timetable gave sufficient time for proper parliamentary scrutiny. Our view is that that still holds, and that we should move towards that timetable to give this Government the opportunity to clear up the mess they have created.

David Howarth (Cambridge) (LD): First, let me say that it would have been better if we had dealt with all the amendments before us in one large group.

Amendment 1 is an attempt to introduce a stricter sunset clause. I can see the Government’s point that the end of March is very soon and there is little likelihood of full consideration of the replacement Bill being made in that time, but there needs to be a tighter timetable than the one the Government propose, which is the end of December.

The Bill allows the continuation of a situation that the Supreme Court finds obnoxious in that it undermines fundamental rights. In the words of Lord Justice Sedley,

[David Howarth]

echoed by Lord Hope in the Supreme Court, the UN orders lead to a situation in which subjects of the Treasury's directions are, effectively, prisoners of the state; they are walking prisoners, of course, and two of them have walked away, but the restrictions are so tight, both on the subjects and their families, that, effectively, these people can no longer live their own lives. To echo what Winston Churchill said in 1943 about a situation in which the Executive could throw a man into prison, that is odious in the highest degree. It should not be allowed to continue one hour longer than is necessary. Our view, put forward in amendment 2, is that all the wider consultation and all the Committee consideration of the replacement Bill could be carried out before the election, and after the election it would be perfectly doable and adequate to complete all the stages of a replacement Bill by the summer recess—before the end of July.

When I was listening to the Minister, it suddenly occurred to me why the Government cannot accept our amendment—it is the reason that they cannot state: amendment 2 assumes that the election will be on 6 May or before. I accept that if this Parliament were to run its full course and the election were to be in early June, it could plausibly be argued that there would not be enough time to complete the passage of a replacement Bill by the end of July. I also accept that the Government will not admit in a Committee of the whole House on an emergency Bill what the date of the election will be—[*Interruption.*] Well, they might; it seems that Ministers are about to reveal the date. Of course the Secretary of State for Defence revealed it on television, but that was subsequently withdrawn.

Nevertheless, I draw the attention of Ministers to the briefing prepared by Justice, which has said that even assuming that the Parliament runs its full course it should be possible to get the replacement legislation through by the end of October. Thus, I am very open to the Government rethinking the December date in favour of an October one, even if they are unwilling to move to a July date, for obvious political reasons.

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): Obviously the purpose of both amendments is to reduce the period during which the temporary Bill will have effect. Our Bill provides for a date of 31 December, whereas the amendments propose two alternative dates—31 March and 31 July. I think that we are all agreed on the urgent need to get the long Bill on to the statute book as soon as possible, so the issue to address is how much time is needed to give the lasting legislation the proper level of scrutiny and debate. We believe that the lasting Bill deserves full deliberation in both Houses and that it should benefit from evidence and scrutiny provided by external bodies. The proposed date of 31 December provides for that, but the period up to 31 March does not. Given that the urgent need to legislate is resolved by this Bill, we think that the issues deserve more time for consideration so that we can be sure that the legislation is appropriate. If the debate and arguments put forward on Second Reading of this Bill are anything to go by, there will be a vigorous debate.

Using 31 July would provide more time and the option of pre-legislative scrutiny in the coming months. However, given the upcoming general election and recesses,

it is not certain that such a date would provide time to scrutinise the long Bill properly. I have heard views from hon. Members on both sides of the House in favour of 31 December, as well as arguments in favour of 31 July—another date has also been proposed. I look forward to listening to any other arguments that are put forward, but I urge right hon. and hon. Members to reflect on the lasting benefits of permanent legislation. I really do not think that setting a close deadline helps, so I ask the hon. Members for Fareham (Mr. Hoban) and for Cambridge (David Howarth) not to press their amendments to a Division.

Mr. Hoban: What a difference a week makes, because a few days ago the Minister was happy to push the long Bill through and to reach the deadline of the end of March, and she did not really care that much about pre-legislative scrutiny and getting external voices in. Her approach was just to make sure that we got the Bill on to the statute book in good time.

In a way, the Supreme Court has perhaps given the Minister an opportunity to wriggle out of that, but the real argument is about the fact that to get the long Bill on to the statute book will take up two days of time in this place and three days of time in the House of Lords. Given that legislative time is disappearing because this Parliament is hurtling towards Dissolution, the Government cannot afford to give up that amount of time to put right the mistakes of their own creation. They need to put right the fact that they failed to put in place the primary legislation to give proper backing for these orders. The Government are hiding behind the excuse of wanting to give proper scrutiny to avoid time being taken up putting this Bill on to the statute book as soon as possible to give those orders the support that they need. That is why I wish to put amendment 1 to the vote. We need to send a clear signal from this Committee that we want to ensure that the mistakes committed by the Government are put right quickly. We believe that they can be put right quickly, with proper parliamentary scrutiny, by 31 March.

Question put, That the amendment be made.

The Committee divided: Ayes 125, Noes 307.

Division No. 73]

[8.15 pm

AYES

Afriyie, Adam	Burt, Alistair
Ainsworth, Mr. Peter	Carswell, Mr. Douglas
Amess, Mr. David	Cash, Mr. William
Ancram, Mr. Michael	Clifton-Brown, Mr. Geoffrey
Arbuthnot, Mr. James	Cormack, Sir Patrick
Atkinson, Mr. Peter	Crabb, Mr. Stephen
Bacon, Mr. Richard	Curry, Mr. David
Bellingham, Mr. Henry	Davies, David T.C.
Benyon, Mr. Richard	(<i>Monmouth</i>)
Beresford, Sir Paul	Davies, Philip
Binley, Mr. Brian	Dodds, Mr. Nigel
Blunt, Mr. Crispin	Dorries, Nadine
Bone, Mr. Peter	Duddridge, James
Boswell, Mr. Tim	Ellwood, Mr. Tobias
Bottomley, Peter	Evans, Mr. Nigel
Brady, Mr. Graham	Evennett, Mr. David
Brazier, Mr. Julian	Fabricant, Michael
Brokenshire, James	Francois, Mr. Mark
Browning, Angela	Fraser, Christopher
Burns, Mr. Simon	Gale, Mr. Roger
Burrowes, Mr. David	Garnier, Mr. Edward

Gauke, Mr. David
 Gibb, Mr. Nick
 Gillan, Mrs. Cheryl
 Goodwill, Mr. Robert
 Gray, Mr. James
 Green, Damian
 Greening, Justine
 Greenway, Mr. John
 Gummer, rh Mr. John
 Hammond, Stephen
 Harper, Mr. Mark
 Hayes, Mr. John
 Heald, Mr. Oliver
 Heathcoat-Amory, rh Mr. David
 Herbert, Nick
 Hoban, Mr. Mark
 Hollobone, Mr. Philip
 Holloway, Mr. Adam
 Howell, John
 Hunt, Mr. Jeremy
 Hurd, Mr. Nick
 Jackson, Mr. Stewart
 Jenkin, Mr. Bernard
 Jones, Mr. David
 Lait, Mrs. Jacqui
 Lansley, Mr. Andrew
 Leigh, Mr. Edward
 Letwin, rh Mr. Oliver
 Lewis, Dr. Julian
 Liddell-Grainger, Mr. Ian
 Lidington, Mr. David
 Loughton, Tim
 Luff, Peter
 Maclean, rh David
 Malins, Mr. Humfrey
 Mates, rh Mr. Michael
 May, rh Mrs. Theresa
 McIntosh, Miss Anne
 McLoughlin, rh Mr. Patrick
 Miller, Mrs. Maria
 Milton, Anne
 Mitchell, Mr. Andrew
 Murrison, Dr. Andrew
 Neill, Robert

O'Brien, Mr. Stephen
 Paterson, Mr. Owen
 Penning, Mike
 Penrose, John
 Prisk, Mr. Mark
 Pritchard, Mark
 Randall, Mr. John
 Redwood, rh Mr. John
 Robertson, Mr. Laurence
 Rosindell, Andrew
 Scott, Mr. Lee
 Selous, Andrew
 Shapps, Grant
 Simmonds, Mark
 Simpson, Mr. Keith
 Smith, Chloe
 Spelman, Mrs. Caroline
 Spink, Bob
 Spring, Mr. Richard
 Streeter, Mr. Gary
 Stuart, Mr. Graham
 Swayne, Mr. Desmond
 Swire, Mr. Hugo
 Syms, Mr. Robert
 Tapsell, Sir Peter
 Timpson, Mr. Edward
 Turner, Mr. Andrew
 Tyrrie, Mr. Andrew
 Vaizey, Mr. Edward
 Vara, Mr. Shailesh
 Viggers, Sir Peter
 Villiers, Mrs. Theresa
 Walker, Mr. Charles
 Waterson, Mr. Nigel
 Whittingdale, Mr. John
 Wilshire, Mr. David
 Winterton, Ann
 Winterton, Sir Nicholas
 Yeo, Mr. Tim
 Young, rh Sir George

Tellers for the Ayes:
Bill Wiggin and
Mr. John Baron

NOES

Ainger, Nick
 Ainsworth, rh Mr. Bob
 Alexander, rh Mr. Douglas
 Allen, Mr. Graham
 Anderson, Mr. David
 Atkins, Charlotte
 Austin, Mr. Ian
 Austin, John
 Bailey, Mr. Adrian
 Bain, Mr. William
 Baird, Vera
 Baker, Norman
 Balls, rh Ed
 Barlow, Ms Celia
 Barron, rh Mr. Kevin
 Battle, rh John
 Bayley, Hugh
 Beckett, rh Margaret
 Begg, Miss Anne
 Benn, rh Hilary
 Berry, Roger
 Betts, Mr. Clive
 Blackman, Liz
 Blears, rh Hazel

Blunkett, rh Mr. David
 Borrow, Mr. David S.
 Brennan, Kevin
 Brooke, Annette
 Brown, Lyn
 Brown, rh Mr. Nicholas
 Brown, Mr. Russell
 Browne, rh Des
 Browne, Mr. Jeremy
 Bruce, rh Malcolm
 Bryant, Chris
 Buck, Ms Karen
 Burgon, Colin
 Burnham, rh Andy
 Burt, Lorely
 Butler, Ms Dawn
 Byrne, rh Mr. Liam
 Cable, Dr. Vincent
 Caborn, rh Mr. Richard
 Cairns, David
 Campbell, Mr. Alan
 Campbell, rh Sir Menzies
 Carmichael, Mr. Alistair
 Caton, Mr. Martin

Cawsey, Mr. Ian
 Challen, Colin
 Chapman, Ben
 Clapham, Mr. Michael
 Clark, Paul
 Clarke, rh Mr. Charles
 Clarke, rh Mr. Tom
 Clelland, Mr. David
 Clwyd, rh Ann
 Coffey, Ann
 Connarty, Michael
 Cooper, rh Yvette
 Corbyn, Jeremy
 Crausby, Mr. David
 Creagh, Mary
 Cruddas, Jon
 Cummings, John
 Cunningham, Mr. Jim
 Cunningham, Tony
 Curtis-Thomas, Mrs. Claire
 Davey, Mr. Edward
 David, Mr. Wayne
 Davidson, Mr. Ian
 Davies, Mr. Dai
 Davies, Mr. Quentin
 Dean, Mrs. Janet
 Denham, rh Mr. John
 Dhanda, Mr. Parmjit
 Dismore, Mr. Andrew
 Dobbin, Jim
 Donohoe, Mr. Brian H.
 Doran, Mr. Frank
 Durkan, Mark
 Eagle, Angela
 Eagle, Maria
 Efford, Clive
 Ellman, Mrs. Louise
 Engel, Natascha
 Etherington, Bill
 Farrelly, Paul
 Farron, Tim
 Fisher, Mark
 Fitzpatrick, Jim
 Ffello, Mr. Robert
 Flint, rh Caroline
 Flynn, Paul
 Follett, Barbara
 Foster, Mr. Don
 Foster, Mr. Michael
(Worcester)
 Foster, Michael Jabez
(Hastings and Rye)
 Francis, Dr. Hywel
 George, Andrew
 George, rh Mr. Bruce
 Gerrard, Mr. Neil
 Gilroy, Linda
 Godsiff, Mr. Roger
 Goodman, Helen
 Griffith, Nia
 Grogan, Mr. John
 Hain, rh Mr. Peter
 Hall, Patrick
 Hamilton, Mr. David
 Hancock, Mr. Mike
 Hanson, rh Mr. David
 Harman, rh Ms Harriet
 Harris, Mr. Tom
 Harvey, Nick
 Havard, Mr. Dai
 Healey, rh John
 Hemming, John

Henderson, Mr. Doug
 Hepburn, Mr. Stephen
 Hesford, Stephen
 Hill, rh Keith
 Hillier, Meg
 Hodgson, Mrs. Sharon
 Hoey, Kate
 Holmes, Paul
 Hood, Mr. Jim
 Hope, Phil
 Hopkins, Kelvin
 Horwood, Martin
 Howarth, David
 Howarth, rh Mr. George
 Howells, rh Dr. Kim
 Hoyle, Mr. Lindsay
 Hughes, rh Beverley
 Huhne, Chris
 Humble, Mrs. Joan
 Hunter, Mark
 Iddon, Dr. Brian
 Illsley, Mr. Eric
 Irranca-Davies, Huw
 Jackson, Glenda
 James, Mrs. Siân C.
 Jenkins, Mr. Brian
 Johnson, rh Alan
 Johnson, Ms Diana R.
 Jones, Helen
 Jones, Mr. Kevan
 Jones, Lynne
 Jones, Mr. Martyn
 Jowell, rh Tessa
 Joyce, Mr. Eric
 Kaufman, rh Sir Gerald
 Keeley, Barbara
 Keen, Alan
 Keen, Ann
 Keetch, Mr. Paul
 Khan, rh Mr. Sadiq
 Kidney, Mr. David
 Kilfoyle, Mr. Peter
 Knight, rh Jim
 Kramer, Susan
 Kumar, Dr. Ashok
 Ladyman, Dr. Stephen
 Lamb, Norman
 Lammy, rh Mr. David
 Laws, Mr. David
 Laxton, Mr. Bob
 Lazarowicz, Mark
 Leech, Mr. John
 Levitt, Tom
 Lewis, Mr. Ivan
 Linton, Martin
 Lloyd, Tony
 Llwyd, Mr. Elfyn
 Lucas, Ian
 MacShane, rh Mr. Denis
 Mactaggart, Fiona
 Malik, Mr. Shahid
 Mallaber, Judy
 Marsden, Mr. Gordon
 Martlew, Mr. Eric
 Mason, John
 McAvoy, rh Mr. Thomas
 McCabe, Steve
 McCarthy-Fry, Sarah
 McDonagh, Siobhain
 McDonnell, John
 McFadden, rh Mr. Pat
 McGovern, Mr. Jim

McGuire, rh Mrs. Anne
 McIsaac, Shona
 McKechin, Ann
 McKenna, Rosemary
 McNulty, rh Mr. Tony
 Meale, Mr. Alan
 Merron, Gillian
 Michael, rh Alun
 Miliband, rh Edward
 Miller, Andrew
 Mitchell, Mr. Austin
 Moffat, Anne
 Moffatt, Laura
 Mole, Chris
 Moon, Mrs. Madeleine
 Morden, Jessica
 Morgan, Julie
 Mullin, Mr. Chris
 Munn, Meg
 Murphy, rh Mr. Jim
 Murphy, rh Mr. Paul
 Norris, Dan
 O'Brien, rh Mr. Mike
 O'Hara, Mr. Edward
 O'ner, Mr. Bill
 Ópik, Lembit
 Owen, Albert
 Palmer, Dr. Nick
 Pearson, Ian
 Plaskitt, Mr. James
 Pound, Stephen
 Prentice, Bridget
 Prentice, Mr. Gordon
 Primarolo, rh Dawn
 Prosser, Gwyn
 Pugh, Dr. John
 Raynsford, rh Mr. Nick
 Reed, Mr. Andy
 Reed, Mr. Jamie
 Reid, Mr. Alan
 Reid, rh John
 Rennie, Willie
 Robertson, John
 Robinson, Mr. Geoffrey
 Rogerson, Dan
 Rooney, Mr. Terry
 Rowen, Paul
 Roy, Mr. Frank
 Roy, Lindsay
 Ruane, Chris
 Ruddock, Joan
 Russell, Bob
 Russell, Christine
 Ryan, rh Joan
 Sanders, Mr. Adrian
 Seabeck, Alison
 Sharma, Mr. Virendra
 Shaw, Jonathan
 Sheerman, Mr. Barry
 Sheridan, Jim
 Simon, Mr. Siôn

Simpson, Alan
 Skinner, Mr. Dennis
 Slaughter, Mr. Andy
 Smith, rh Mr. Andrew
 Smith, Ms Angela C.
(Sheffield, Hillsborough)
 Smith, rh Angela E. *(Basildon)*
 Smith, Geraldine
 Smith, rh Jacqui
 Smith, Sir Robert
 Snelgrove, Anne
 Soulsby, Sir Peter
 Southworth, Helen
 Spellar, rh Mr. John
 Starkey, Dr. Phyllis
 Stewart, Ian
 Straw, rh Mr. Jack
 Stringer, Graham
 Stunell, Andrew
 Sutcliffe, Mr. Gerry
 Tami, Mark
 Taylor, Ms Dari
 Thomas, Mr. Gareth
 Thurso, John
 Timms, rh Mr. Stephen
 Todd, Mr. Mark
 Toughig, rh Mr. Don
 Trickett, Jon
 Turner, Dr. Desmond
 Turner, Mr. Neil
 Ussher, Kitty
 Walley, Joan
 Waltho, Lynda
 Watson, Mr. Tom
 Watts, Mr. Dave
 Webb, Steve
 Whitehead, Dr. Alan
 Wicks, rh Malcolm
 Williams, rh Mr. Alan
 Williams, Mrs. Betty
 Williams, Hywel
 Williams, Mark
 Williams, Mr. Roger
 Williams, Stephen
 Willis, Mr. Phil
 Willott, Jenny
 Wilson, Phil
 Winnick, Mr. David
 Winterton, rh Ms Rosie
 Wishart, Pete
 Wood, Mike
 Woodward, rh Mr. Shaun
 Wright, Mr. Anthony
 Wright, David
 Wright, Mr. Iain
 Wright, Dr. Tony
 Wyatt, Derek

Tellers for the Noes:
Mr. Bob Blizzard and
Kerry McCarthy

Question accordingly negated.

Sarah McCarthy-Fry: I beg to move Government amendment 8, page 1, line 5, at end insert—

'(aa) the Terrorism (United Nations Measures) (Channel Islands) Order 2001 (S.I. 2001/3363), the Terrorism (United Nations Measures) (Isle of Man) Order 2001 (S.I. 2001/3364) and the Terrorism (United Nations Measures) (Overseas Territories) Order 2001 (S.I. 2001/3366);'

The First Deputy Chairman: With this we may take the following: Government amendments 9 to 11.

8.30 pm

Sarah McCarthy-Fry: It is important that we maintain our terrorist asset-freezing regime not just in the UK, but for the Crown dependencies and overseas territories. Although the Orders in Council that apply to the Crown dependencies and overseas territories were not directly before the Supreme Court, they were also made under section 1 of the United Nations Act 1946 and are therefore vulnerable to being quashed. Amendment 8 therefore adds the Terrorism (United Nations Measures) (Channel Islands) Order 2001, the Terrorism (United Nations Measures) (Isle of Man) Order 2001 and the Terrorism (United Nations Measures) (Overseas Territories) Order 2001 to the list of orders that are validated by the Bill. If we do not make that change, we will leave the Crown dependencies and the overseas territories without a robust terrorist asset-freezing regime, and we would not fully meet our obligation under UN resolution 1373.

Amendments 9 and 10 validate decisions made by the authorities of the Isle of Man, the Channel Islands and the overseas territories by ensuring that it is not only decisions of the Treasury that are validated. The amendments are consequential to amendment 8. If we want the Isle of Man, the Channel Islands and the overseas territories to be covered, the amendments are also needed. Amendment 9 applies to decisions to issue a direction—that is to make a designation—and amendment 10 applies to decisions to grant a licence.

Amendment 11 is also a consequential amendment, which is necessary to implement the previous amendments. It extends the territorial scope of the Bill to the Crown dependencies and the overseas territories for their respective orders only.

Amendment agreed to.

David Howarth: I beg to move amendment 4, page 1, leave out lines 9 to 11 and insert—
 'are declared to have the same legal force as primary legislation'.

The First Deputy Chairman: With this we may take the following: amendment 5, page 1, line 11, at end insert—

' but subject to the amendments made by section [Amendments to the 2009 Order]'.
 Amendment 6, page 1, line 11, at end insert —

'() In section 63(1) of the Counter-Terrorism Act 2008, add at the end—

“(d) The Terrorist Asset-Freezing (Temporary Provisions) Act 2010.”.

Amendment 7, page 1, leave out lines 13 to 19 and insert—

- '(a) directions purported to be made by the Treasury under the purported Orders mentioned in (2) shall have effect as if they were interim orders;
- (b) licences purported to be granted by the Treasury under purported directions shall have effect as if they had been granted under this Act.'

New clause 1—*Amendments to 2009 Order*—

(1) The Terrorism (United Nations Measures) Order 2009 is amended as follows.

(2) In article 4(1) for “The Treasury may give a direction that a person identified in the direction is” substitute “The High Court, on application by the Treasury, may order that a person be”.

(3) In article 4(1)(b) for “the Treasury consider that the direction” substitute “the order”.

(4) In article 4(2) delete “that the Treasury have reasonable grounds for suspecting”.

(5) In article 4(3) for “Treasury” substitute “Court”.

(6) After article 4(3) add—

“(4) The Court may, on application by the Treasury, make an interim order under which a person is to be treated as satisfying the conditions in paragraph (1) if there is reasonable suspicion that the conditions in paragraph (1)(a) and (1)(b) are both satisfied.

(5) The Court must discharge an interim order if—

(a) there are no longer grounds for reasonable suspicion that the conditions in paragraph (1)(a) and (1)(b) are both satisfied,

(b) any subsequent proceedings undermine the factual basis for the finding that there is reasonable suspicion for the purposes of paragraph (4),

(c) a Court makes an order under paragraph (1) relating to the same person arising out of the same allegations, or

(d) a Court refuses to make an order under paragraph (1) relating to the same person arising out of the same allegations.

(6) Nothing in paragraph (5) prevents an application by the Treasury for a new order or interim order on the basis of different facts.”.

(7) For article 5 substitute—

“5 (1) An order under article 4(1) must be revoked by the Court if either of the conditions identified in that article no longer continue to be met.

(2) An order under article 4(1) may last no longer than 12 months, but may be renewed on application by the Treasury.

(3) An interim order under article 4(4) lapses after one month, and may not be renewed except where there are pending proceedings under article 4(1) or other proceedings relevant to the issues identified in articles 4(5)(a) or (b), in which case the interim order may be renewed on application by the Treasury until the end of those proceedings and any consequent proceedings under article 4(1) or article 4(5)(a) or (b).”.

(8) For article 6(1) substitute—

“(1) Where the Treasury makes an application to the Court under articles 4 or 5, the Treasury must—”.

(9) In articles 6(1)(a), 6(1)(b), 6(2)(a), 6(2)(b), 6(3) and 6(4) for “direction” wherever it appears substitute “application”.

(10) For article 7 substitute—

“7 (1) Whenever any of the following occurs, the Treasury must act in accordance with paragraph (2)—

(a) an order or an interim order expires,

(b) the Court varies, revokes or renews an order or an interim order, or

(c) the Treasury makes an application to the Court for any renewal, revocation, or variation of an order or an interim order.

(2) (a) The Treasury must give written notice to the person identified in the order or interim order,

(b) The Treasury must take such steps as they consider appropriate to bring any event mentioned in paragraph (1) to the attention of persons informed of the order.”.

(11) In articles 8 and 9, for “a direction” wherever it appears substitute “an application for an order or an interim order”.

(12) In articles 8 and 9, for “the direction” wherever it appears substitute “the application for an order or an interim order”.

(13) In article 8(1) and article 9, for “4(1)” substitute “4”.

(14) In article 8(1) and article 9, for “5(1)” substitute “5”.

(15) In article 9, for “that direction” substitute “that application for an order or an interim order”.

(16) After article 17(7) insert—

“(8) (a) if the Treasury refuses an application for a licence under this article or refuses to vary the terms of such a licence, any person affected, including the restricted person and the applicant for a licence, may appeal to the High Court,

(b) the High Court on an appeal under sub-paragraph (a) shall consider the application ab initio and may make any order it considers appropriate.”.

(17) In article 23, for “7(a)” substitute “7(2)(a)”.

Amendment 12, Title, line 3, after ‘activity;’ insert—

‘to amend the regime established by those Orders;’

David Howarth: All the amendments and the new clause stand in my name and that of my hon. Friend the Member for Twickenham (Dr. Cable). They bring together two separate issues—one that relates to amendment 4 and one that relates to amendment 5 and the new clause. The other amendments are simply consequential. Having heard the debate in the House all day, I feel that the issue that concerns amendment 5 and the new clause is the one on which Members want to vote, so I shall press that to a Division.

Amendment 4 would change the terms that the Government use to turn the previous UN orders from invalid legislation into valid legislation. The way in which the Bill works is to deem the orders to be valid, and always to have been valid, under the United Nations Act 1946. The amendment would excise any mention of the Act from the Bill and, instead of deeming the orders always to have been valid, would simply declare them to be valid from now on. The amendment would therefore remove an element of retrospectivity in the technique that has been adopted and, more importantly, would remove from the Bill any reference to the Act as a cover for what the Government are trying to do. The reason for that has to do with the al-Jedda case.

Mr. Hoban: Before the hon. Gentleman talks about that case, will he clarify something? Would his amendment effectively nullify any action taken under the orders prior to the passing of the Bill?

David Howarth: Not quite, because of what clause 2 does. To achieve that effect, we would have to vote against clause 2. I am not so annoyed about clause 2 as I am about clause 1, because clause 2 is there to protect the banks, rather than the Government. I know that the banks are unpopular, but it seems reasonable that having relied on what the Government did, the banks should be protected from any untoward consequences; the Government are in a different position.

The judgment in the al-Jedda case states that in circumstances where the Government are legislating to implement a United Nations Security Council resolution, the Human Rights Act and the European convention on human rights do not apply. That is because article 130 of the UN charter says that the UN charter and Security Council resolutions under the charter take precedence over every other treaty. In the al-Jedda case, the House of Lords interpreted that provision as including in the category of all other treaties the European convention. Because of the relationship, as found in other cases,

[David Howarth]

between the European convention and the Human Rights Act, that also means that the Human Rights Act does not apply.

All through the debate, that has been an important point of interpretation of the Supreme Court, because the Supreme Court did not say that the orders were compliant with human rights standards. It said instead that because of the al-Jedda case, it was unable to consider whether human rights standards applied or not. Unless, of course, the al-Jeddah case is reversed on appeal to the European Court of Human Rights in Strasbourg, amendment 4 would leave it open to those affected by this legislation to go to court in this country and challenge it on the basis of human rights standards and to move to obtain a declaration of incompatibility. That is a possibility that we should leave open. We should not slam the door in the face of the courts as the Bill does.

The Chief Secretary has a personal interest in this, because he has certified on the front of the Bill that it complies with the European convention on human rights. At present, that might be a slightly misleading statement, because that might be true only because the convention does not apply at all. I hope that he would wish that the position was more real than that rather artificial one, and that he would argue—I might oppose him on this—that the terms of the Bill are, in reality, compliant. The argument for amendment 4 sounds technical, but it raises a very important issue of principle about the application of the Human Rights Act.

Amendment 5 is a paver for the new clause. The new clause is an attempt to amend the 2009 order in a way that has been called for from all sides of the Chamber in the debate that we have had so far. Its effect is to alter the process by which a person becomes subject to the asset-freezing regime, to change the length of time that a person can be subject to the regime on the basis of reasonable suspicion alone, and to introduce appeal mechanisms both for the bringing into force of the asset-freezing regime and for the licensing regime—a point that has been mentioned in the debate.

Under the order as it stands, the Treasury, acting on the basis solely of reasonable suspicion, and without any prior supervision by the courts, can subject a person to the full asset-freezing regime. There is absolutely no appeal. There is judicial review, and we have debated its adequacy, but the conclusion that I and many other right hon. and hon. Members have come to in the debate is that judicial review is not adequate. There is not only no provision for an appeal, but no limit to the number of times that a direction, which lasts a year, may be renewed. Effectively, that is an indeterminate—life—sentence. The Government say that they will change their ways and the directions will work differently, but in the past they have worked punitively, not just preventively. We all accept that the object of the exercise is to prevent funds going to terrorist organisations, not to punish people who are merely suspected—without any proof in court—of associating with terrorists.

The proposed changes would replace the existing process with one in which the Treasury applied to the High Court for an order to impose an asset-freezing regime. The Court, not the Treasury, would apply the order based on the facts—as in the Australian regime that has been mentioned—about whether the person

was connected with terrorism and whether it was necessary to impose the order for public protection. Reasonable suspicion would not be enough; a judgment would have to be made on the basis of the facts as they were, not as the Government simply suspected them to be. The order would last for up to a year, but then, as now, its renewal would be possible through a further Treasury application, which would be judged on the same basis as the first.

I accept, however, that there are emergency circumstances in which applying for a full order might lead to excessive risks. In that situation, the proposed changes would allow the Treasury again to apply to the Court for an interim order, but then, as now, it would be able to do so on the basis of reasonable suspicion. The interim order would be restricted in a way that the Supreme Court itself said was reasonable; it would last only for a month, during which time the Treasury would be expected to apply for a full order; and its extension would be possible only to cover the proceedings on the full order or the time that it took to deal with other relevant proceedings, such as a criminal trial or those under other terrorism legislation.

The 2009 order includes a licensing system, to which Members from all parts of the House have also referred. The regime's problem, which has already been recognised, is that there is no provision for an appeal against the refusal of a licence or against a licence being granted in terms that the persons affected—the subject of the order or their family—find too restrictive. We all know the affects of such orders, especially on the wives of subjects. Several marriages have broken up; there have been mental health problems; and orders have been so restrictive that they have required mothers to ask every day of their children what money they have spent—even on sweets in the local sweet shop. Our new clause would therefore allow full appeals, not just reviews, by anyone who was affected by a licensing order and felt that the licence was too restrictive or wanted to appeal against the refusal of a licence in the first place.

Although this is emergency legislation, and although there is a feeling on all sides that something has to be done quickly, that does not mean that we should carry on doing something that is plainly wrong. It is plainly wrong to give the Executive the power, merely on suspicion, to lock people up without proper, full access to the courts. I come back to what Lord Atkin said in *Liversidge v. Anderson*, a case that all law students know: amid the clash of war, the laws are not silent. We will debate the question of whether this is a war on other occasions; nevertheless, the law should not be silent.

8.45 pm

Mr. Hoban: I find it a bit rich for the hon. Member for Cambridge (David Howarth) to propose these amendments and this new clause given that he voted against the idea of having a sunset clause that lasted until 31 March because he felt that that would not provide enough time for proper consideration of the draft Bill. Yet he is proposing a set of amendments and a new clause that would fundamentally change the law in this area, and he thinks it appropriate to deal with them in the space of an hour and a half on a Monday night without proper exposure to the wider world. I know that consistency is not necessarily a virtue for which Liberal Democrats are renowned, but he needs to

be consistent about this matter. This is not the appropriate occasion on which to introduce into the Bill safeguards of the kind that he has outlined, which would open the door to enabling these provisions to be challenged through the court system on the grounds of human rights.

I am happy to acknowledge that the hon. Gentleman raises some fundamental issues. There are important issues to be debated but, given that there is a sunset clause in the Bill, I question whether now is the right time to do so with an expectation of changing the law to this effect. He may well say later that these are probing amendments, not a huge attempt to change the law, and that may be fine, but he gave no indication that that is the case. This is not an appropriate opportunity to debate such fundamental reforms, which would need proper scrutiny and engagement with external stakeholders, and I am a bit surprised that he has chosen to table these amendments at this time.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): I rise to support the amendments, as I believe that they would be a very helpful step forward. The hon. Member for Fareham (Mr. Hoban) said that it is a bit rich of the Liberal Democrats to vote in the way that they did. I voted that way, as well, but I am equally concerned about the purport of this Bill.

As we have heard, there are two main issues regarding what the Bill does: a lack of scrutiny and a lack of legal redress, both of which would be dealt with in the second amendment to which the hon. Member for Cambridge (David Howarth) referred. Like others in this Chamber, I am sure, when I hear the words “reasonable suspicion” I always think, “How is that tested?” Usually, the normal legal procedure then comes in, and a tribunal of some kind decides whether the suspicion was held on a reasonable basis. In this instance, there is no such tribunal to make that decision. I am not here to cast any aspersions on the Exchequer Secretary, the Chief Secretary or anybody else, but we would hope to put in place a form of legislation that will stand the test of time and be a fair resolution of a problem that, I acknowledge, does exist. I do not live in a cocoon: there is a problem, and I recognise that that is so. As we are going to rush everything through today, this is obviously an appropriate time to discuss these amendments, because when can we discuss them, if not now? Surely it is important that we consider them now.

Of course the Government might care to respond in some way to the purport of the amendments in due course. As we heard earlier, Lord Hope, the deputy president of the Supreme Court, said:

“It is no exaggeration to say...that designated persons are effectively prisoners of the state...their freedom of movement is severely restricted without access to funds or other economic resources, and the effect on both them and their families can be devastating.”

He went on to say that the orders

“strike at the very heart of the individual’s basic right to live his own life as he chooses.”

His colleague in the Supreme Court, Lord Brown, said:

“The draconian nature of the regime imposed under these asset-freezing Orders can hardly be over-stated.”

The hon. Member for Cambridge (David Howarth) said that his amendment would make the Bill human rights compliant by deleting the reference to the UN. I think that that is basically where we are. He is a law

professor, and although such matters are detailed, he explained them clearly. It is not a simple area of law, but I agree that that would be a sensible way forward. It would at least invoke the protection of compliance with human rights as we understand them.

New clause 1 would impose a duty of scrutiny. It would also give the courts an opportunity to review a finding later—there is nothing wrong with that, one hopes—and give the person subject to the order some form of legal redress. As hon. Members from all parties said, merely falling back on the old excuse that a person can seek redress by way of judicial review is not good enough. The people we are discussing are asset-stripped. How are they to finance an application for a judicial review?

In any event, the judicial reviews that we have discussed are subject to the Wednesbury principle. In other words, the major question is whether the Minister concerned acted reasonably in the circumstances. If only part of the information against the individuals designated is known to them, how on earth can they possibly challenge on those grounds? The hon. Member for Hendon (Mr. Dismore) made that point clearly.

The amendments are certainly an improvement on the Bill. The hon. Members for Twickenham (Dr. Cable) and for Cambridge must have spent a boring weekend considering so many minute drafting points. Maybe the hon. Member for Twickenham was not in Twickenham, as I was, but that is another story. I had a legal low, not a legal high, but I digress.

The amendments are seriously worthy of consideration and improve the Bill. I am unhappy about the Bill, but I understand that the Government are in a bit of a quandary and need to do something. However, if we are to have these time constraints, surely we should be able to discuss the measures in detail so that some form of protection could be built into the Bill. The hon. Member for Cambridge has done a good job of drafting his amendments in such a short time. I hope that the Government can respond to them positively.

Sarah McCarthy-Fry: I thank all hon. Members for their contributions to the debate on the amendments, including the hon. Member for Cambridge (David Howarth), who moved them, the hon. Member for Fareham (Mr. Hoban), who spoke for the Opposition, and the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd), if I have pronounced that correctly.

Before I address the amendments, I want to correct a point about the al-Jedda case. The case concerned the relationship between United Nations obligations and the European convention on human rights, when there is a conflict between the two. In al-Jedda, the House of Lords concluded that UN obligations override convention rights. That is, UN obligations take precedence when there is a conflict. However, the al-Jedda point arose in our case in relation to the al-Qaeda order only, which the Bill does not address. Individuals do not have a right of access to a court to challenge their designation. The al-Jedda point did not arise in relation to the terrorism orders—the subject matter of this Bill—because those orders do not contravene human rights in that way.

Amendment 4 is intended to ensure that the orders have the same legal force as primary legislation. Amendment 6 adds a reference to the Bill in part 6 of the Counter-Terrorism Act 2008. I reject both amendments

[Sarah McCarthy-Fry]

because I do not think they are needed, and I hope that the hon. Member for Cambridge will withdraw them. Giving the orders status as primary legislation would give the Government more protection from legal challenge than we believe would be right. The orders could not then be quashed by a court on human rights grounds. That is because a court can strike down an Order in Council on human rights grounds, but it can only declare an Act of Parliament incompatible with the Human Rights Act 1998. Our short Bill will ensure that our Orders in Council can continue to be set aside on human rights grounds until the permanent Bill is enacted. Adding a reference in the Bill to the Counter-Terrorism Act 2008 is unnecessary because the Act already covers all decisions made under our orders.

I move on now to amendment 5, new clause 1 and amendment 12. I listened with interest to the arguments that the hon. Members for Cambridge and for Meirionnydd Nant Conwy put forward. I want briefly to go back over why I feel that the substance of the proposals is wrong, but the main issue is that these are arguments for us to have on the longer Bill.

Accepting the proposals would fundamentally change the nature of asset freezing. It would mean all freezing decisions being taken by the courts, and not by Ministers as at present. Ministers would be able only to refer freezing proposals to the High Court. Freezes based on reasonable suspicion could last for only one month, and would be renewed after a month only if a court could be persuaded that the subject were a terrorist. That would involve a higher test than reasonable suspicion, and it could be a test as high as a conviction. The changes would significantly reduce the operational effectiveness of the asset-freezing regime, which is designed to be preventative.

Reasonable suspicion is a legal basis for asset freezing which is endorsed by the Financial Action Task Force. Under the current system, we do not simply rely on reasonable suspicion, however. Designations must also be necessary for public protection, which provides an additional safeguard. The proposals in these amendments would alter key aspects of the regime, including who made the decisions and what the legal standards should be. Those are fundamental points. The purpose of this temporary Bill is not to remake our asset-freezing regime; it is to restore the existing regime for a temporary period to allow for thorough consideration of the full Bill.

Martin Horwood (Cheltenham) (LD): Am I right in thinking that, when a suspension of the Supreme Court's decision was requested, the Court refused it on the ground that it would simply be "a procedure that is designed to obfuscate the effect of its judgment"?

In other words, did not the Court expect us to change the principle behind the regime, rather than simply try to find a way round its judgment?

Sarah McCarthy-Fry: No, the basis for the judgment for not giving us a stay was that the Court did not have a legal basis to do that, given that it had quashed the original orders.

Many hon. Members have talked today about not rushing into legislating on issues of importance. The problem that I have is trying fundamentally to rewrite

our existing scheme with a bare minimum of discussion and scrutiny in the few hours that we have had tonight. I look forward to debating the substance of the hon. Member for Cambridge's proposals in due course, but the time to debate such significant changes is when we consider the permanent legislation in detail, not now. Our priority now is to restore our existing regime, as the Bill seeks to do, and to create time for us to consider in greater depth how the permanent legislation should be framed. On that basis, I invite the hon. Gentleman to withdraw his amendment.

9 pm

David Howarth: The Minister made a legal point at the start of her speech, but I do not think she could fully have considered the judgment by Lord Phillips in the Supreme Court, who clearly considered the position under al-Jedda and the human rights position before discussing the individual merits of the cases against either order. What the Minister put to the Committee was not the legal position, but simply her hope about what the legal position might be, were the matter to return to court—which, I am afraid, is where it will probably end up.

The arguments against the amendments seemed simply to be that the time is not ripe to discuss the detail of these provisions, but we are being asked to put them into force for almost another year. I remind the Committee that the Supreme Court was very clear about the degree to which these orders undermine fundamental rights. The hon. Member for Fareham (Mr. Hoban) talked about consistency, and we consistently voted against the timetabling order earlier today because we thought it would be better to discuss these matters in more detail with more time. However, we have to deal with the time we have, and the very least we can do in that time is to put right the main injustices and faults of the legislation before us. That is what the amendments attempt to do.

In particular, the new clause, and amendment 5 which would pave the way for it, would put right the most obvious faults in the legislation—faults that the hon. Gentleman's own Back-Bench colleagues referred to again and again in their speeches on Second Reading. They included the lack of appeal and of judicial process. We do not have to wait for months to put that right: we can do so here and now.

Amendment 4 deserves further discussion, and the Government's response shows that they need to think about it a lot more, but amendment 5 is something that we should vote on here and now. I beg to ask leave to withdraw amendment 4.

Amendment, by leave, withdrawn.

Amendment proposed: 5, page 1, line 11, at end insert—
' , but subject to the amendments made by section [Amendments to the 2009 Order]'.

Question put, That the amendment be made.

The Committee divided: Ayes 53, Noes 254.

Division No. 74]

[9.2 pm

AYES

Baker, Norman	Campbell, rh Sir Menzies
Bottomley, Peter	Carmichael, Mr. Alistair
Breed, Mr. Colin	Corbyn, Jeremy
Brooke, Annette	Davey, Mr. Edward
Browne, Mr. Jeremy	Davies, Mr. Dai
Bruce, rh Malcolm	Dodds, Mr. Nigel
Cable, Dr. Vincent	Durkan, Mark

Farron, Tim
 Foster, Mr. Don
 George, Andrew
 Hancock, Mr. Mike
 Harris, Dr. Evan
 Harvey, Nick
 Hemming, John
 Holmes, Paul
 Howarth, David
 Huhne, Chris
 Jones, Lynne
 Keetch, Mr. Paul
 Kramer, Susan
 Lamb, Norman
 Laws, Mr. David
 Leech, Mr. John
 Llwyd, Mr. Elfyn
 Mason, John
 McDonnell, John
 Öpik, Lembit
 Pugh, Dr. John

Reid, Mr. Alan
 Rennie, Willie
 Rowen, Paul
 Russell, Bob
 Sanders, Mr. Adrian
 Smith, Sir Robert
 Spink, Bob
 Stunell, Andrew
 Taylor, Dr. Richard
 Thurso, John
 Webb, Steve
 Williams, Hywel
 Williams, Mark
 Williams, Mr. Roger
 Williams, Stephen
 Willis, Mr. Phil
 Willott, Jenny
 Wishart, Pete

Tellers for the Ayes:
Dan Rogerson and
Martin Horwood

NOES

Ainger, Nick
 Ainsworth, rh Mr. Bob
 Alexander, rh Mr. Douglas
 Allen, Mr. Graham
 Anderson, Mr. David
 Atkins, Charlotte
 Austin, Mr. Ian
 Austin, John
 Bailey, Mr. Adrian
 Bain, Mr. William
 Baird, Vera
 Balls, rh Ed
 Barron, rh Mr. Kevin
 Battle, rh John
 Bayley, Hugh
 Beckett, rh Margaret
 Begg, Miss Anne
 Benn, rh Hilary
 Berry, Roger
 Betts, Mr. Clive
 Blackman, Liz
 Blears, rh Hazel
 Blunkett, rh Mr. David
 Borrow, Mr. David S.
 Brennan, Kevin
 Brown, Lyn
 Brown, rh Mr. Nicholas
 Brown, Mr. Russell
 Browne, rh Des
 Bryant, Chris
 Buck, Ms Karen
 Burgon, Colin
 Butler, Ms Dawn
 Byrne, rh Mr. Liam
 Caborn, rh Mr. Richard
 Cairns, David
 Campbell, Mr. Alan
 Caton, Mr. Martin
 Cawsey, Mr. Ian
 Challen, Colin
 Chapman, Ben
 Clapham, Mr. Michael
 Clark, Paul
 Clarke, rh Mr. Charles
 Clarke, rh Mr. Tom
 Clelland, Mr. David
 Clwyd, rh Ann
 Coffey, Ann

Connarty, Michael
 Cooper, rh Yvette
 Cousins, Jim
 Crausby, Mr. David
 Creagh, Mary
 Cruddas, Jon
 Cummings, John
 Cunningham, Mr. Jim
 Cunningham, Tony
 Curtis-Thomas, Mrs. Claire
 David, Mr. Wayne
 Davidson, Mr. Ian
 Davies, Mr. Quentin
 Dean, Mrs. Janet
 Denham, rh Mr. John
 Dhanda, Mr. Parmjit
 Dismore, Mr. Andrew
 Dobbin, Jim
 Donohoe, Mr. Brian H.
 Doran, Mr. Frank
 Eagle, Angela
 Eagle, Maria
 Efford, Clive
 Ellman, Mrs. Louise
 Engel, Natascha
 Etherington, Bill
 Farrelly, Paul
 Fisher, Mark
 Fitzpatrick, Jim
 Ffello, Mr. Robert
 Flint, rh Caroline
 Flynn, Paul
 Follett, Barbara
 Foster, Mr. Michael
 (Worcester)
 Foster, Michael Jabez
 (Hastings and Rye)
 Francis, Dr. Hywel
 George, rh Mr. Bruce
 Gerrard, Mr. Neil
 Gilroy, Linda
 Godsiff, Mr. Roger
 Goodman, Helen
 Griffith, Nia
 Grogan, Mr. John
 Hain, rh Mr. Peter
 Hall, Patrick
 Hamilton, Mr. David

Hanson, rh Mr. David
 Harman, rh Ms Harriet
 Harris, Mr. Tom
 Havard, Mr. Dai
 Healey, rh John
 Henderson, Mr. Doug
 Hesford, Stephen
 Hewitt, rh Ms Patricia
 Hill, rh Keith
 Hodgson, Mrs. Sharon
 Hoey, Kate
 Hood, Mr. Jim
 Hoon, rh Mr. Geoffrey
 Hope, Phil
 Hopkins, Kelvin
 Howarth, rh Mr. George
 Howells, rh Dr. Kim
 Hoyle, Mr. Lindsay
 Hughes, rh Beverley
 Humble, Mrs. Joan
 Iddon, Dr. Brian
 Illsley, Mr. Eric
 Irranca-Davies, Huw
 Jackson, Glenda
 James, Mrs. Siân C.
 Jenkins, Mr. Brian
 Johnson, rh Alan
 Johnson, Ms Diana R.
 Jones, Helen
 Jones, Mr. Kevan
 Jones, Mr. Martyn
 Jowell, rh Tessa
 Joyce, Mr. Eric
 Kaufman, rh Sir Gerald
 Keeley, Barbara
 Keen, Alan
 Keen, Ann
 Khan, rh Mr. Sadiq
 Kidney, Mr. David
 Kilfoyle, Mr. Peter
 Knight, rh Jim
 Kumar, Dr. Ashok
 Ladyman, Dr. Stephen
 Lammy, rh Mr. David
 Laxton, Mr. Bob
 Lazarowicz, Mark
 Levitt, Tom
 Lewis, Mr. Ivan
 Linton, Martin
 Lloyd, Tony
 Love, Mr. Andrew
 Lucas, Ian
 MacShane, rh Mr. Denis
 Mactaggart, Fiona
 Malik, Mr. Shahid
 Mallaber, Judy
 Marsden, Mr. Gordon
 Martlew, Mr. Eric
 McAvoy, rh Mr. Thomas
 McCabe, Steve
 McCarthy-Fry, Sarah
 McDonagh, Siobhain
 McFadden, rh Mr. Pat
 McGovern, Mr. Jim
 McGuire, rh Mrs. Anne
 McIsaac, Shona
 McKechin, Ann
 McKenna, Rosemary
 McNulty, rh Mr. Tony
 Meale, Mr. Alan
 Merron, Gillian
 Michael, rh Alun

Miliband, rh Edward
 Miller, Andrew
 Mitchell, Mr. Austin
 Moffat, Anne
 Mofatt, Laura
 Mole, Chris
 Moon, Mrs. Madeleine
 Morden, Jessica
 Morgan, Julie
 Mullin, Mr. Chris
 Munn, Meg
 Murphy, rh Mr. Jim
 Murphy, rh Mr. Paul
 Naysmith, Dr. Doug
 Norris, Dan
 O'Brien, rh Mr. Mike
 O'Hara, Mr. Edward
 O'ner, Mr. Bill
 Owen, Albert
 Palmer, Dr. Nick
 Pearson, Ian
 Plaskitt, Mr. James
 Pound, Stephen
 Prentice, Bridget
 Prentice, Mr. Gordon
 Primarolo, rh Dawn
 Prosser, Gwyn
 Raynsford, rh Mr. Nick
 Reed, Mr. Andy
 Reed, Mr. Jamie
 Reid, rh John
 Robertson, John
 Robinson, Mr. Geoffrey
 Rooney, Mr. Terry
 Roy, Mr. Frank
 Roy, Lindsay
 Ruane, Chris
 Ruddock, Joan
 Russell, Christine
 Ryan, rh Joan
 Seabeck, Alison
 Sharma, Mr. Virendra
 Shaw, Jonathan
 Sheridan, Jim
 Simon, Mr. Siôn
 Simpson, Alan
 Skinner, Mr. Dennis
 Slaughter, Mr. Andy
 Smith, rh Mr. Andrew
 Smith, Ms Angela C.
 (Sheffield, Hillsborough)
 Smith, rh Angela E. (Basildon)
 Smith, Geraldine
 Smith, rh Jacqui
 Snelgrove, Anne
 Soulsby, Sir Peter
 Southworth, Helen
 Speller, rh Mr. John
 Starkey, Dr. Phyllis
 Stewart, Ian
 Stringer, Graham
 Sutcliffe, Mr. Gerry
 Tami, Mark
 Taylor, Ms Dari
 Thomas, Mr. Gareth
 Timms, rh Mr. Stephen
 Todd, Mr. Mark
 Touhig, rh Mr. Don
 Trickett, Jon
 Turner, Mr. Neil
 Vaz, rh Keith
 Walley, Joan

Waltho, Lynda
Watson, Mr. Tom
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie

Wood, Mike
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, David
Wright, Mr. Iain
Wright, Jeremy
Wyatt, Derek

Tellers for the Noes:
Mr. Bob Blizzard and
Kerry McCarthy

Question accordingly negated.

Amendments made: 9, page 1, line 13, leave out 'by the Treasury under any of' and insert 'under'.

Amendment 10, page 1, line 15, leave out 'by the Treasury under any of' and insert 'under'.—(*Sarah McCarthy-Fry.*)

Question proposed, That the clause, as amended, stand part of the Bill.

David Howarth: I will be very brief. I simply want to say that although we did not object to the Bill receiving its Second Reading, we find the methods adopted by the Government in clause 1, especially now that they have not been amended in any significant way—*[Interruption.]*

The First Deputy Chairman: Order. There really are far too many private conversations going on in the Chamber. It is difficult to hear what the hon. Gentleman is saying.

David Howarth: Thank you, Mrs. Heal. As I was saying, although we did not vote against Second Reading and we accept the need for action on this issue, we are disappointed that the Government seem so obdurate, in resisting any suggestion to improve how the main part of the Bill—clause 1—works, and especially in their utter complacency on the issue of human rights and their refusal to accept the need for proper scrutiny, review and appeal. For that reason, I shall be advising my colleagues to vote against clause 1 stand.

Sarah McCarthy-Fry: I am rather disappointed with the Liberal Democrats' position. As a Government we want to ensure that the Bill has sufficient scrutiny as it goes forward. I made it clear in my response to the amendment proposed by the hon. Gentleman that I do not think it appropriate that such a fundamental change should have been made with less than a few hours' scrutiny. As I said to him, I look forward to debating those points as we go forward. I am very disappointed that the Liberal Democrats are choosing to vote against a clause that prevents terrorists from having access to financing or the financial system. Quite frankly, it is shameful.

Question put, That the clause, as amended, stand part of the Bill.

The Committee divided: Ayes 302, Noes 42.

Division No. 75]

[9.18 pm

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Bain, Mr. William
Baird, Vera
Balls, rh Ed

Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benyon, Mr. Richard
Beresford, Sir Paul
Berry, Roger
Betts, Mr. Clive
Binley, Mr. Brian
Blackman, Liz
Blears, rh Hazel
Blunkett, rh Mr. David
Bone, Mr. Peter
Borrow, Mr. David S.
Bottomley, Peter
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burgon, Colin
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coffey, Ann
Connarty, Michael
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, David T.C.
(*Monmouth*)
Davies, Philip
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dodds, Mr. Nigel
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Duddridge, James
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Ellwood, Mr. Tobias
Etherington, Bill

Evans, Mr. Nigel
Fabricant, Michael
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Fleelo, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael
(*Worcester*)
Foster, Michael Jabez
(*Hastings and Rye*)
Francis, Dr. Hywel
Francois, Mr. Mark
Gauke, Mr. David
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gillan, Mrs. Cheryl
Gilroy, Linda
Godsiff, Mr. Roger
Goodman, Helen
Goodwill, Mr. Robert
Greening, Justine
Greenway, Mr. John
Griffith, Nia
Grogan, Mr. John
Hain, rh Mr. Peter
Hall, Patrick
Hamilton, Mr. David
Hammond, Stephen
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harper, Mr. Mark
Harris, Mr. Tom
Havard, Mr. Dai
Hayes, Mr. John
Healey, rh John
Henderson, Mr. Doug
Herbert, Nick
Hesford, Stephen
Hewitt, rh Ms Patricia
Hill, rh Keith
Hoban, Mr. Mark
Hodgson, Mrs. Sharon
Hoey, Kate
Hollobone, Mr. Philip
Hood, Mr. Jim
Hoon, rh Mr. Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howell, John
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hunt, Mr. Jeremy
Hurd, Mr. Nick
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
Jackson, Mr. Stewart
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn

Jowell, rh Tessa
 Joyce, Mr. Eric
 Kaufman, rh Sir Gerald
 Keeley, Barbara
 Keen, Alan
 Keen, Ann
 Khan, rh Mr. Sadiq
 Kidney, Mr. David
 Kilfoyle, Mr. Peter
 Knight, rh Jim
 Kumar, Dr. Ashok
 Ladyman, Dr. Stephen
 Lammy, rh Mr. David
 Laxton, Mr. Bob
 Lazarowicz, Mark
 Levitt, Tom
 Lewis, Mr. Ivan
 Lewis, Dr. Julian
 Liddell-Grainger, Mr. Ian
 Lidington, Mr. David
 Linton, Martin
 Lloyd, Tony
 Love, Mr. Andrew
 Lucas, Ian
 MacShane, rh Mr. Denis
 Mactaggart, Fiona
 Malik, Mr. Shahid
 Mallaber, Judy
 Marsden, Mr. Gordon
 Martlew, Mr. Eric
 McAvoy, rh Mr. Thomas
 McCabe, Steve
 McCarthy-Fry, Sarah
 McDonagh, Siobhain
 McFadden, rh Mr. Pat
 McFall, rh John
 McGovern, Mr. Jim
 McGuire, rh Mrs. Anne
 McIntosh, Miss Anne
 McIsaac, Shona
 McKechin, Ann
 McKenna, Rosemary
 McLoughlin, rh Mr. Patrick
 McNulty, rh Mr. Tony
 Meale, Mr. Alan
 Merron, Gillian
 Michael, rh Alun
 Miliband, rh Edward
 Miller, Andrew
 Miller, Mrs. Maria
 Milton, Anne
 Moffat, Anne
 Moffatt, Laura
 Mole, Chris
 Moon, Mrs. Madeleine
 Morden, Jessica
 Morgan, Julie
 Mullin, Mr. Chris
 Munn, Meg
 Murphy, rh Mr. Jim
 Murphy, rh Mr. Paul
 Murrison, Dr. Andrew
 Naysmith, Dr. Doug
 Norris, Dan
 O'Brien, rh Mr. Mike
 O'Hara, Mr. Edward
 Olnier, Mr. Bill
 Owen, Albert
 Palmer, Dr. Nick
 Pearson, Ian
 Penning, Mike
 Plaskitt, Mr. James

Pound, Stephen
 Prentice, Bridget
 Prentice, Mr. Gordon
 Primarolo, rh Dawn
 Prosser, Gwyn
 Randall, Mr. John
 Raynsford, rh Mr. Nick
 Reed, Mr. Andy
 Reid, rh John
 Robertson, John
 Robertson, Mr. Laurence
 Robinson, Mr. Geoffrey
 Rosindell, Andrew
 Roy, Mr. Frank
 Roy, Lindsay
 Ruane, Chris
 Ruddock, Joan
 Ryan, rh Joan
 Seabeck, Alison
 Selous, Andrew
 Shapps, Grant
 Sharma, Mr. Virendra
 Shaw, Jonathan
 Sheerman, Mr. Barry
 Sheridan, Jim
 Simon, Mr. Siôn
 Simpson, Alan
 Skinner, Mr. Dennis
 Slaughter, Mr. Andy
 Smith, rh Mr. Andrew
 Smith, Ms Angela C.
(Sheffield, Hillsborough)
 Smith, rh Angela E. *(Basildon)*
 Smith, Geraldine
 Smith, rh Jacqui
 Snelgrove, Anne
 Soulsby, Sir Peter
 Southworth, Helen
 Spellar, rh Mr. John
 Spink, Bob
 Starkey, Dr. Phyllis
 Stewart, Ian
 Stringer, Graham
 Stuart, Mr. Graham
 Sutcliffe, Mr. Gerry
 Tami, Mark
 Taylor, Ms Dari
 Thomas, Mr. Gareth
 Timms, rh Mr. Stephen
 Timpson, Mr. Edward
 Todd, Mr. Mark
 Tough, rh Mr. Don
 Tredinnick, David
 Trickett, Jon
 Turner, Mr. Neil
 Vaizey, Mr. Edward
 Vaz, rh Keith
 Villiers, Mrs. Theresa
 Walley, Joan
 Waltho, Lynda
 Watson, Mr. Tom
 Watts, Mr. Dave
 Whitehead, Dr. Alan
 Wicks, rh Malcolm
 Wiggin, Bill
 Williams, rh Mr. Alan
 Williams, Mrs. Betty
 Wilshire, Mr. David
 Wilson, Phil
 Winnick, Mr. David
 Winterton, Ann
 Winterton, Sir Nicholas

Winterton, rh Ms Rosie
 Woodward, rh Mr. Shaun
 Wright, David
 Wright, Mr. Iain
 Wright, Dr. Tony

Wyatt, Derek

Tellers for the Ayes:
Mr. Bob Blizzard and
Kerry McCarthy

NOES

Breed, Mr. Colin
 Brooke, Annette
 Browne, Mr. Jeremy
 Bruce, rh Malcolm
 Cable, Dr. Vincent
 Carmichael, Mr. Alistair
 Davey, Mr. Edward
 Durkan, Mark
 Foster, Mr. Don
 George, Andrew
 Hancock, Mr. Mike
 Harris, Dr. Evan
 Harvey, Nick
 Hemming, John
 Holmes, Paul
 Howarth, David
 Jackson, Mr. Stewart
 Keetch, Mr. Paul
 Kramer, Susan
 Lamb, Norman
 Laws, Mr. David
 Leech, Mr. John
 Llwyd, Mr. Elfyn

Mason, John
 Ôpik, Lembit
 Pugh, Dr. John
 Reid, Mr. Alan
 Rennie, Willie
 Rowen, Paul
 Russell, Bob
 Sanders, Mr. Adrian
 Smith, Sir Robert
 Stunell, Andrew
 Taylor, Dr. Richard
 Thurso, John
 Webb, Steve
 Williams, Hywel
 Williams, Mark
 Williams, Mr. Roger
 Williams, Stephen
 Willis, Mr. Phil
 Willott, Jenny

Tellers for the Noes:
Dan Rogerson and
Martin Horwood

Question accordingly agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

Clause 3

SHORT TITLE, COMMENCEMENT AND EXTENT

Amendment made: 11, page 2, line 25, at end insert—

‘(4) Section 1 and this section also extend—

- (a) so far as relating to the Terrorism (United Nations Measures) (Channel Islands) Order 2001 (S.I. 2001/3363), to the Channel Islands, so as to be law respectively in Guernsey and Jersey;
- (b) so far as relating to the Terrorism (United Nations Measures) (Isle of Man) Order 2001 (S.I. 2001/3364), to the Isle of Man, as part of its law;
- (c) so far as relating to the Terrorism (United Nations Measures) (Overseas Territories) Order 2001 (S.I. 2001/3366), to the territories listed in Schedule 1 to that Order.’—*(Mrs. Hodgson.)*

Clause 3, as amended, ordered to stand part of the Bill.

The Deputy Speaker resumed the Chair.

Bill, as amended, reported.

Third Reading

9.31 pm

Sarah McCarthy-Fry: I beg to move, That the Bill be now read the Third time.

I thank all Members for their contributions.

We consider the Bill to be necessary to the United Kingdom's national security. It will enable us to act swiftly in order to maintain the asset-freezing regime under the Orders in Council on a temporary basis. We will, of course, table further legislation to introduce a

[Sarah McCarthy-Fry]

terrorist asset-freezing regime in primary legislation, allowing time for Parliament to scrutinise our proposals fully.

This temporary Bill is important, and I am grateful to Members in all parts of the House for the support that has enabled us to complete its progress today on an urgent basis. I thank the officials for their hard work in drafting the legislation and for their support, and I thank the banks for their co-operation.

I recognise that many of the points made today will be relevant to the fuller debate on the lasting legislation, and I look forward to that debate with great interest. Meanwhile, I hope that this Bill will proceed to the other place, and will be enacted soon.

9.32 pm

Mr. Hoban: I echo the Minister's thanks to all who have taken part in the debate. It has been a good debate.

The Bill will complete all its stages here today, and will proceed to the House of Lords following its Third Reading, because we are where we are. Although there are arguments to be had about why the Government are in such a mess, we accept the reality that we must help them to get out of that mess so that we can ensure that there is a proper regime to freeze terrorist assets. I am sure that we shall want to continue the debate about some of the safeguards and other issues that have been discussed today when, in due course, we deal with the longer Bill.

9.33 pm

David Howarth: The Liberal Democrats will not oppose the Bill on Third Reading either, because we did not oppose it on Second Reading, but we are still disturbed by the speed with which it has gone through the House today, which is why we voted against the allocation of time motion. We believe that more time was available at this stage to allow us to consider the Bill more carefully. We shall now turn our attention to the other place to see whether it can correct some of the problems before the Bill goes on to the statute book.

This is not a time for shouting across the Chamber that a member of another party is soft on terrorism, or other nonsense of that sort. We all share the objective of ensuring that funds do not reach terrorist organisations.

What concerns the Liberal Democrats is the means that have been adopted to produce that end, and whether those means are excessively oppressive.

We also have concerns about an important point that was made on Second Reading, but which the Government do not seem to have taken on board: are the means adopted effective, given that two of the subjects in the case before the Supreme Court have slipped away and disappeared? The following question therefore remains: is the effect of the legislation to prevent terrorism events from taking place, or does it have the unintended effect of making it more difficult to keep track of the very people the Government want to keep track of? We have not had sufficient time to debate that. The Government started to make a response to that point, but time petered out, as ever on these occasions. We look forward to the debate in the other place, and hope there will be more answers there. In the meantime, we will not oppose the Bill on Third Reading.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Business without Debate

REGULATORY REFORM

Motion made, and Question put forthwith (Standing Order No. 18 (1)),

That the draft Legislative Reform (Dangerous Wild Animals) (Licensing) Order 2010, which was laid before this House on 7 December, be approved.—(*Mrs. Hodgson.*)

Question agreed to.

DELEGATED LEGISLATION

Ordered,

That the Measure passed by the General Synod of the Church of England, entitled Church of England (Miscellaneous Provisions) Measure, which was laid before this House on 16 December, be referred to a Delegated Legislation Committee.

That the Measure passed by the General Synod of the Church of England, entitled Crown Benefices (Parish Representatives) Measure, which was laid before this House on 16 December, be referred to a Delegated Legislation Committee.

That the Measure passed by the General Synod of the Church of England, entitled Vacancies in Suffragan Sees and Other Ecclesiastical Offices Measure, which was laid before this House on 16 December, be referred to a Delegated Legislation Committee.—(*Mrs. Hodgson.*)

Kingston Hospital

Motion made, and Question proposed, That this House do now adjourn.—(*Mrs. Hodgson.*)

9.36 pm

Susan Kramer (Richmond Park) (LD): I appreciate having this opportunity to raise a topic of great concern to my constituents: the future of Kingston hospital and whether key services are under review for closure. I want to make the Minister aware that we have a vigorous campaign to save the accident and emergency and the maternity units at the hospital, but we have also now discovered that, in addition, in-patient paediatric and elective surgery are under review, again with closure under consideration.

Kingston hospital serves primarily the residents of my constituency and that of my hon. Friend the Member for Kingston and Surbiton (Mr. Davey). It has always been my intention to share the time available to me with him, as his comments will serve to provide the full view, which should be expressed, and, fortunately, I have more available time than expected, as the previous debate finished early. I should also say that we have been supported in all of this by my hon. Friend the Member for Twickenham (Dr. Cable), whose constituents also make extensive use of Kingston hospital. Other users come from Surrey and Wimbledon, although, sadly, Conservative and Labour representatives, including Conservative candidates in the area, have joined forces to dismiss our campaign. We are standing up for Kingston hospital, along with thousands of our local residents, and my hon. Friend the Member for Kingston and Surbiton will give a more detailed account of their views.

Mike Penning (Hemel Hempstead) (Con): On what date was the news of the closures the hon. Lady is predicting given to her?

Susan Kramer: I am grateful for that intervention, as it leads me nicely on to some other points I want to make. I will address it briefly, but I shall then want to return to talking about the importance of Kingston hospital. My hon. Friend the Member for Kingston and Surbiton and I had separate meetings with senior members of the NHS in late November or the very beginning of December. On 18 December, we first heard that these services were under review and that a paper would be produced listing a series of options, including, significantly, the possible closure of the maternity and the accident and emergency units at Kingston hospital. Both of us, quite independently, thought that somebody was having us on because, as I will go on to explain, the quality of Kingston hospital and the services it provides cannot be disputed.

We followed this up with a series of meetings with other senior members of the NHS—chief executives and clinicians. The information we received was generally concerning, but we were asked whether we would hold back from making any public comment because of the report that was due on 18 December. As we approached that date, we were asked whether we would delay again because Christmas was coming and the report would be issued on 25 January. As we approached that date, we found, again, that the report was not going to be issued;

we were told that the whole matter would not be put into any arena where we could request the papers until after the general election.

I find that utterly outrageous, but I am going to return to my original comments about Kingston hospital because it is important to understand the framework in which this all takes place. The hospital is part of the south-west London region of the NHS, which comprises four hospitals: Kingston; St. George's in Tooting; Mayday in Croydon; and St. Helier in Carshalton. I wish to illustrate the importance of Kingston hospital to hon. Members. This past year it had 5,800 births, which is by far the largest number for those four hospitals, and it is set to increase its capacity to 7,000 births per year. The unit has an outstanding record, it is a centre of excellence and it is the only maternity unit out of the four to have consultant cover 98 per cent. of the time. The demographics of the area are of growing young families—we see that in our schools and in the number of live births. People's opportunity to use the maternity unit at Kingston hospital is constantly under pressure from the increasing demand and the changing shape of the demographics in my area. The hospital's accident and emergency unit is similarly very heavily used; last year's throughput was 103,000 people which, again, is the highest of those four hospitals in the south-west group. The in-patient paediatric service and the elective surgery unit, which is new and state of the art, are also very well used.

As I said in my reply to the question I was just asked, somewhere around the end of November and the beginning of December we first received the initial information that these services were being considered for cuts. As we continued our various discussions, we were told that about 18 options would be put on the table. We were not given the details of any of those options. Ironically, we actually asked for the information to be shared with other politicians because we thought that this was going to be a much broader discussion—it should be—than the one we were having. However, we initially agreed that we would stay silent until the report became available to be publicly requested. After we were told, just before 25 January, that this would not happen until after the election we made a decision, because we were outraged, that we would not join in this pact of silence. It is true that we had no substantial piece of paper to back up the conversations that we had had, but they were with people of integrity and honour and we had no reason to question the information that was passed to us.

Mike Penning: I am fascinated by the dateline that the hon. Lady is giving. She said that she promised that the Liberal Democrats would keep quiet beyond 18 December and that it was only around 25 January that they made the decision to go public with this, yet on 11 December one Susan Kramer—that is the name on the piece of paper that I am holding—bought the domain name www.savekingstonhospital.org.uk. This is a public document and it is available to anybody who wants to look at it, so it was obvious then to anybody that the Liberal Democrats would run their campaign to save the hospital despite their promises that they would not reveal the information that they had been given.

Susan Kramer: I do not think that the hon. Gentleman has been listening to what I have said and I suggest that he listens more closely. We agreed that we would not go

[Susan Kramer]

public before 18 December, but we prepared to do so. We bought the domain name and we prepared for what we knew would be a very important and significant campaign.

Mike Penning: To frighten people.

Susan Kramer: I hear very clearly what the hon. Gentleman is saying and it absolutely clarifies what the Conservatives would have done had they shared the same information that we shared. I am very glad that that is now on the record, in *Hansard*, for anyone in this House or outside to read—

Mike Penning rose—

Susan Kramer: The hon. Gentleman keeps intervening—let me finish—[*Interruption.*] I am very pleased to know all that—[*Interruption.*]

Madam Deputy Speaker (Sylvia Heal): Order. If the hon. Lady is not allowing an intervention at this moment, that is entirely up to her.

Susan Kramer: I want the Minister to be able to respond substantially to the debate.

We prepared for a campaign and we were completely open with those to whom we spoke that we would campaign strongly on this issue, but we agreed to hold back until the 18th. We were then told that it would be the 25th and then, just before the 25th, we were told “No, it’s being held over until after the election.” At that point, we felt that it was an outrage—I believe that most of our residents consider it to be an outrage, too—for the decision-making process to proceed and continue without an opportunity for the public to be brought in, to be informed or to be able to shape that process as it developed. The public would be left unaware of the situation until the options had been narrowed down to three, possibly four, with much of the thinking closed off and much of the direction predetermined. We believe that our local residents need to be involved and that their voices need to be heard at a stage when the decisions are, potentially, a little fluid and when there is some flexibility in the system. We believe that local decision making and local input on health issues is absolutely and centrally crucial.

We have applied to the various branches of the NHS with freedom of information requests for the papers that we wish to have and that we wish to put in the public domain. I urge the Minister to ensure that the responses to those FOI requests are given, and that they are given in full. Something strange always happens, however, when one goes public with an issue and with a campaign and when one raises concerns—

Mike Penning: It scares people.

Susan Kramer: I note that from his seat, the Conservative hon. Member for Hemel Hempstead (Mike Penning) has used the word scaremongering, which has been used by the various Conservative candidates in the area. That has done a lot to undermine our campaign. However, the effect of the campaign has been that those who were

privy to the information that we disclosed, and disclosed accurately, have decided that it is time for them to act. Over the weekend, I received a copy—I believe that my hon. Friend the Member for Kingston and Surbiton did, too—of four pages from the report on the south-west London strategic plan, which we had hoped for on 18 December. I am lucky enough to have a copy of that in my hands now.

We received those pages this weekend, and now we find it extraordinary how accurate the information that was shared with us was. The recommended scenario in the paper is that there should be only three hot sites, as it describes them, among the four hospitals. It is clear from the paper that St. George’s is safe as the major acute hospital in the area, leaving Mayday, St. Helier and Kingston as the hospitals where services are at risk. Indeed, we were right to say that there were 18 options—18 options are laid out in the paper. In only two of those options does Kingston retain its current services in full. In six, it loses accident and emergency, maternity and in-patient paediatrics. In 12 options, it loses in-patient paediatrics. In eight options, it loses its elective surgery. I am sure that the Minister has seen the paper and is able to confirm what I have just said. If he has not, we will be pleased to try to provide him with a copy of the part that we have and we would be grateful if he provided us with the missing pages.

I use Kingston hospital—in a sense, I suppose, I could have declared an interest—as does every resident in my area. I have rushed a sick grandchild there in the middle of the night. It took about 20 minutes—had I tried to get to St. George’s, I doubt that I would have made it in 40. It would probably have taken closer to an hour—and that is if I could have found the hospital, which is extraordinarily difficult unless one knows the area well. My godmother suffered from severe dehydration just a few weeks ago and was taken to Kingston hospital in the middle of the day. To get to St. George’s at that time of the day would take one and half hours, if the traffic was relatively light. In rush hour, it would take far longer. So, the alternative hospitals to Kingston hospital are very difficult to access from my area. The importance of the maternity, accident and emergency, and in-patient paediatric services, and the importance of having a place to go to for elective surgery cannot be overstated.

Everywhere I go in my constituency, residents tell me about their experiences, and they are horrified that they might have to go to St. George’s in Tooting for the services that they can currently use at Kingston hospital. They have come to love and respect Kingston hospital and to value its services. They also see it as being vital to their ability to access acute services within their area.

Martin Horwood (Cheltenham) (LD): I warmly congratulate my hon. Friend on her campaign, which has eerie echoes of the campaign that we fought in Cheltenham in 2006 to preserve maternity and other services. Is she aware that although we saved the maternity ward in Cheltenham, lasting damage was done to the public’s trust in NHS decision-making processes because of what happened with that process? The situation in this case sounds all too familiar from what she says.

Susan Kramer: I thank my hon. Friend for those comments. The fact that relevant information has not been put into the public arena so that ordinary residents

can be involved and can have their say when matters touch their lives so closely is a vital part of the reason why I am on my feet today. He mentioned his success in keeping open a maternity ward in a particular hospital. The hospital that those in the Richmond end of my constituency used to use was Queen Mary's in Roehampton. The accident and emergency department there closed, and shortly afterwards the rest of the hospital was gradually shut down. Without accident and emergency, it became unsustainable as a district general hospital. It has now been rebuilt and is a lovely facility, but it has only a handful of specialist services. It does not function as a general hospital any more, but deals just with minor injuries and orthopaedics and has a couple of mental health wards. It is very pleasant, but is not in any way a hospital. It is a shock to the system to know that my residents will no longer be able to go to Kingston, which they can at least get to—there is a decent, or possible, train service and one can get there reasonably well by car—and that they will instead have to go to Tooting. That is completely unacceptable.

We have seen all the reports today about the closures in north-east London—I think that my hon. Friend the Member for Kingston and Surbiton will take us through the reports in more detail—but at least the NHS in north-east London has made the effort to put that information into the public domain. We now ask for the same in relation to south-west London. We ask for information, we ask to be told about these matters, and we ask to be included in the process. We are here to say that the key services at Kingston hospital—the accident and emergency, maternity, in-patient paediatric and elective surgery services—are done well and that we need a hospital in the area that is within decent reach for members of our community. We ask the Minister to step back and rethink this issue in great detail. If he wishes to join us in our campaign, we would more than welcome having him on board, because it is crucial that we save the services at Kingston hospital.

9.53 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): May I pay tribute to my hon. Friend the Member for Richmond Park (Susan Kramer) for securing the debate and for the way in which she has presented the case for Kingston hospital? It is a fantastic hospital that has served the people of my constituency, Richmond Park and many others in south-west London for many years. In recent times, it has, if anything, improved significantly; indeed, with the campaigns that my colleagues and I have run in the past 10 to 12 years, there has been more investment. We now have a relatively new accident and emergency department, which was rebuilt between 1999 and 2001, and the maternity service has expanded and is extremely popular. The only complaint that I ever receive about it is that people are not able to get in to give birth to their children at Kingston hospital. That is why I campaigned for it to be expanded.

The House does not have to take my word for the excellent and improving services. Hon. Members can look at reports by various regulators. I refer them particularly to the independent report from outside the NHS by Dr. Foster. His 2009 hospital guide lists Kingston hospital as London's top district general hospital. Of 149 hospital trusts in England, it came 15th, topping band 4 and only fractionally missing out of being in the

top band, which was made up of mainly large teaching hospitals, not district general hospitals such as Kingston. On all the reports that Dr. Foster gives, Kingston scores extremely high. That is independent non-NHS recent verification of our confidence in the hospital.

That confidence is shared not only by us and by our constituents, but by the Prime Minister. A few days into his term in office, he chose with the then Secretary of State for Health, now the Home Secretary, to visit Kingston hospital. It was his first visit to an NHS facility as Prime Minister. Why did he do that? Because of the progress at Kingston hospital in reducing MRSA, and because of the innovation and success in the hospital in many other aspects of its service. So we had the Prime Minister giving a vote of confidence to Kingston hospital.

I can give Kingston hospital a vote of confidence from my own family. On two or three occasions I had to take my late grandmother to A and E, where she received fantastic care when she needed it when she was extremely ill. Just over two years ago, we had the happy experience of our first child being born in Kingston maternity unit. We were there for a while, and I was enormously impressed by the care of the midwives, consultants, and all the medical and other staff in the hospital, who looked after us fantastically. From my own personal experience, I can say what a wonderful hospital it is. As important is the experience of my constituents who, one after the other, over the years have come to me to praise Kingston hospital. That is not to say that there has not been the odd problem. Of course there has. I have dealt with complaints too, but the vast majority of my constituents support the hospital.

So when I was told by a local NHS chief executive that Kingston hospital's accident and emergency and maternity units were under threat, I thought it was a joke. I said, and I still say, that that was inconceivable, but I am afraid that, having been told by not just one NHS chief executive in the area but by four, and by a senior clinician at four meetings, and having met some staff who have to crunch the data and are distressed at the idea that the maternity department at Kingston could be closed, I had to take their word for it.

We expected the report on 18 December. We had prepared a website, ready to launch our campaign on 18 December because that is when we had been told the NHS would go public. We were then told that the document would not be published until 25 January, as my hon. Friend the Member for Richmond Park said. Interestingly, over the weekend, I received a document, the south-west London strategic plan, marked "Private and confidential" and "Final draft" and dated 18 December 2009. We had been told that it was not ready for that date, but now it clearly was ready. We have a few pages of it—the most relevant ones, which we will put on our campaign website tonight, so that everyone can see what the NHS, the Government and others have been trying to hide before the election.

Given that we are putting into the public domain the pages that we have been sent, I hope the Minister will put the whole report into the public domain. The thrust of the report is clear. Of the 18 options proposed in the report, one in three would see Kingston hospital's maternity, accident and emergency, and paediatric in-patient departments closed. That is the threat that we have been talking about. In 16 of the 18 options, Kingston would

[*Mr. Edward Davey*]

lose a significant service from its hospital. That is a serious threat to local health care. The report mentions other potential closures at nearby hospitals, and let me make it absolutely clear that we support those hospitals and note the concerns about the threat to them, not least because the health system is a system: if one place is cut, the effects can be felt elsewhere.

10 pm

Motion lapsed (Standing Order No. 9(3)).

Motion made, and Question proposed, That this House do now adjourn.—(Mrs. Hodgson.)

Mr. Davey: If other units at nearby hospitals are closed, that will impact on Kingston hospital. Anyone who has gone to the hospital's A and E department or, indeed, its maternity department will know how busy they are. Those departments do not have lots of spare capacity, with staff sitting around doing nothing; the units and the staff are at full stretch and do a fantastic job. If units at St. Helier hospital were to close, for example, that would have a big impact on Kingston hospital, too.

These are serious proposals; they are under active consideration; and they would seriously undermine the health care of our constituents. We therefore make no apology for launching our campaign, and, given that we are publishing the evidence today, I hope that our political opponents in the Labour and Conservative parties who accuse us of scaremongering will withdraw that accusation and join our campaign. On our website we have almost 7,000 signatures; we have more in hard copy; and no doubt we will present those petitions to the House in due course. On our Facebook site almost 14,000 have joined us, and from their testimonies we hear story after story about the excellent care that they and their families have enjoyed. It is a tribute to Kingston hospital staff and the wider NHS that the hospital is held in such high esteem, and I find it outrageous that some people have tried to undermine the campaign and make people question whether the stories were true, when we have put forward the evidence to back up what we say.

Back in November, before we went public, the British Medical Association published a document entitled, "London's NHS: on the brink". It mentioned a review not just in south-west London, but throughout the capital, and it cited all the work that had taken place and all the contracts that had been let to consultants, such as McKinsey, to do the number-crunching in order to close down services throughout the capital. Interestingly, on page 31 of the document, which is on our website and the BMA's, the document concludes that

"few of their plans to scale back spending are going to attract much—if any—public support: and in many areas they have been discussing plans at PCT and sector level in secret. NHS London has refused to publish the full McKinsey report on which they have based their guidance to PCTs."

I shall quote a little more from the report, because it is directly relevant to our debate. It states:

"A key focus for those campaigning to defend London's services must therefore centre on full disclosure and public debate on all of these policies and on the assumptions and projections on which they are based. This is vital to give Londoners a real chance to

campaign not only against cuts they oppose at local level but to take a wider view of the framework which is dictating cutbacks across the NHS."

The BMA therefore said to politicians in November, "Let's get this in the public domain and expose what's going on so the public can be involved."

Dr. Vincent Cable (Twickenham) (LD): My hon. Friend is helpfully putting that information in the public domain, but the disquiet is even wider than he suggests. In that private and confidential document, which I obtained because it affects my constituency, too, the West Middlesex University hospital is also noted as being considered for hot or cold siting. That new hospital was opened by the current Prime Minister and the then Minister for Health only a few years ago, and it, too, now appears to be in the mix. If it is brought into question, the impact on west and south-west London will be utterly devastating and compound the effects that my hon. Friend has described.

Mr. Davey: My hon. Friend is absolutely right.

In case Members, who are listening and who may have spoken to NHS staff but clearly have not seen the report that we now have, are in any doubt that this is a concerted campaign to try to cut local NHS services, I have put on our campaign website a document from 29 June 2009, "South-west London sector presentation", which has also come our way. Slides 13 and 14 of that make very clear our assertion that A and E units, maternity units and in-patient paediatric services have been under fire and targeted by some people in the NHS for many months now. We have the evidence—it is absolutely unambiguous. I hope that the Minister is now going to do what Ministers, and the NHS, should have been doing before, and put all this evidence in the public domain.

In the north-east of London, as my hon. Friend the Member for Richmond Park told the House, we are seeing the cuts that will be entailed. In north-east London, which is the first of five NHS sectors in the capital to spell out the cost-cutting plans, a total of 800 hospital beds are to go and more than £500 million is to be slashed from hospital budgets by 2017. No wonder NHS bosses, and presumably Ministers, did not want all the other sector reports in the public domain before the election, although, bizarrely, they told us that that was what they were going to do—then they shut up shop. Astonishingly, the Conservatives—certainly some people in south-west London who want to represent the Conservative party—have been accusing us of scaremongering, so presumably if they had received this information, they would have colluded in the secrecy and not have put it into the public domain. That is the implication of their criticisms of us. We believe that this information should be in the public domain. We call on the Government and the NHS to give full disclosure—then the public can have a real debate and we will not continue to have all the slurs that we have had from some people about our campaign.

I have spoken to the leader of my party, to our health spokesman, and to my hon. Friend the Member for Twickenham (Dr. Cable), from the Treasury team. We are clear that we will protect front-line NHS services. We will campaign for these services to be retained, because they are critical if we are to maintain and

improve the quality of health care. Now that this debate is in the public domain, all political parties, all candidates, and those outside political parties can make their position plain. The Conservatives have said—I am reading from a leaflet of theirs:

“We will impose an immediate moratorium on proposed closures of A and E and maternity units across the country.”

Well, in my dictionary a moratorium says a delay or a suspension—it does not say, “We will not close these services.” That is the concern that people will have when they look at what the Conservatives are saying. They may then realise that the Conservatives did not want this information in the public domain and wanted to undermine the campaign because they are not committed to maintaining these services as fully as we are. I hope that they will change their minds as a result of what we are doing tonight and what we are putting into the public domain. It is not good enough for them to sit on the fence and talk about moratoriums when the people of Kingston and Surbiton, Richmond Park and Twickenham want to ensure that these services are not lost.

Who is to blame? We know about the Government’s spending plans. They are talking about a real-terms freeze on health spending for the next four or five years; no doubt the Minister will be able to give us more detail. That sounds okay—they are going to maintain spending in real terms—but then we look at the fine print, which says that in each year while there is a real-terms freeze there will have to be a 3.5 per cent. efficiency saving. Over five years—do the maths—that is getting on for a 20 per cent. reduction in resources across the capital. I hope that the Minister will give us his figures on this. If he denies our figures, he needs to tell his NHS managers, because the figures came from them. They have said that over the next five years we are looking at cuts of possibly up to £5 billion across London’s NHS and £600 million in south-west London. That is a lot from a relatively small part of London.

We are told that half the savings will be made in cuts to mental health services, primary care and community health services and the other £300 million in cuts to the acute sector. It will be interesting to see whether the Minister confirms that or denies it, because those are the figures to which NHS staff are working and what they say the Government tell them to work to. Considering the financial difficulties faced by this country in the years ahead, no one will deny that we must find ways to make savings, but those are not the savings that the Government should be making. Cuts to front-line services are unacceptable.

Some people are saying that the savings are due to the introduction of polyclinics. If that is the case, let us have that debate, but it is interesting that although Surbiton hospital in my constituency is scheduled to be modernised by becoming one of the new polyclinics, the services that the Kingston NHS trust is discussing are not services that will be closed at Kingston hospital. No one is suggesting that accident and emergency, maternity or paediatric inpatient services should move to Surbiton; the trust is saying that out-patient services will move. That is not controversial in our area. I have spoken to NHS Kingston and the hospital, which say that the services could move from Kingston to Surbiton hospital with their blessing as long as they are involved. There is absolutely nothing wrong with that, but it prompts the question why the Government are pursuing those plans.

Mike Penning: If the case that the hon. Gentleman and the hon. Member for Richmond Park (Susan Kramer) are making is true, why did the Liberal Democrats have to use an activist to spin the story to the *London Evening Standard*, as reported by Guido Fawkes? The hon. Gentleman likes online information; well, here is some:

“Guido reported on Friday the tale of the Lib Dem activist boasting about his spin that got the *Standard* to report”

the proposed closure of Kingston hospital. Is that person still a member of the Liberal Democrats, or has he been thrown out?

Mr. Davey: It is interesting that that is the best that the hon. Gentleman can do, having visited Kingston hospital last week. We are talking about unpublished documents from the NHS that have come into our hands confirming our charge that the Government had secret plans that they would not allow to be published. We are debating not Guido Fawkes, but NHS documents that are now in the public domain. If the hon. Gentleman relies for his health policies on Guido Fawkes, he has problems. He ought to be reading the NHS documents that show that what we are saying is correct and what he and his colleagues say is wrong.

Mike Penning: Interestingly, the hon. Gentleman says that he has the final draft. The full copy was leaked to me; it dates from 15 January, not 18 December. I will give him a copy after the debate. A reputable journalist—actually, he is a journalist from the *Daily Mail* who supports the Labour party—was sitting opposite that Liberal Democrat activist, who was boasting on the phone that he had spun a story that was not true to the *London Evening Standard*. Is that person still a member of the Liberal Democrats, and why did they have to spin a story to a local paper if all the facts were there to be publicised?

Mr. Davey: I am sure that the hon. Gentleman listens to all Conservative activists, as they often give some very rum quotes. We are talking about two Members of Parliament who met four chief executives and one medical director, and who had NHS documents that we are putting in the public domain. That is serious politics, unlike the politics that he seems to go in for.

I am grateful to the Kingston *Informer*, the Kingston *Guardian* and the Surrey *Comet*, which have attended our press conferences, listened to what we have had to say, read the documents that we have put in the public domain and reported our campaign fairly. I am grateful to my right hon. Friend the Member for Sheffield, Hallam (Mr. Clegg), whose wife Miriam gave birth to their third son at Kingston hospital. My right hon. Friend can vouch personally for its excellent service. He has come down to join and support our campaign to save these services.

Will the Minister ensure that all the documents will be put into the public domain in full? We want a debate based not on myths and half-truths but on the full facts. We have now got the facts, and we want all the back-dated documents and all the working papers. We want to see the assumptions that the NHS, the McKinsey consultants and others are using to come up with these ludicrous proposals.

[Mr. Davey]

More than that, we want the Minister to give the people of Kingston and Surbiton, the people of Richmond Park, the people of Twickenham and the people of south-west London a guarantee that Kingston hospital's A and E and maternity units, its paediatric in-patients department and its elective surgery facilities—all of which have had important investment from the Labour Government in recent years—are not going to be closed. We need a guarantee that the investments and the campaigns that have been run to build up our hospital are not going to be given up on. The people of my constituency want the hospital's services to be saved, and it would be outrageous if secret, undisclosed plans that are being looked at by unelected bureaucrats were to produce a fait accompli for the next Secretary of State for Health. It is time that we had this debate, and I hope that the Minister will ensure that it can be a fully informed, public debate.

10.16 pm

The Minister of State, Department of Health (Mr. Mike O'Brien): Thank you for allowing me to respond to the debate, Mr. Deputy Speaker. I agree with one word that the hon. Member for Kingston and Surbiton (Mr. Davey) used; he said that this was outrageous. The hon. Member for Richmond Park (Susan Kramer) also used the word. It is outrageous: here we have a cynical winding-up of the electorate, and it is very sad to see.

Let me go through what is happening, but before that, I should like to begin by recognising the hard work and dedication of the clinicians and staff at Kingston hospital and throughout south-west London.

Mike Penning: I thank the Minister for giving way. I am conscious that I am taking up time, which was not allowed to me by the Liberal Democrats, to talk about my visit to Kingston hospital last week. The staff there are dedicated and professional, and it was a fantastic hospital to visit. It was obvious, however, that morale had been affected by this cynical campaign, and that the staff were worried about what is going to happen. The campaign, which has been conducted for cynical purposes on behalf of the Liberal Democrats, has affected the staff at the hospital.

Mr. O'Brien: It is little wonder that some members of the public have become cynical about politicians, when we hear what we have just heard in the debate.

The local community is rightly proud of Kingston hospital, and it sits within an area that has worked hard to improve the health of its population. NHS services in south-west London and across the capital have seen great improvements in recent years. The hon. Gentleman suggested that that was all down to himself and the hon. Member for Richmond Park; I suggest that it has something to do with the investment that this Government have put in. No credit was given for that in their speeches, however; there was just a bit of party political knockabout from both hon. Members during the debate. Again, that is just a sad reflection on them.

The NHS in London has improved access to GP services and community health services, reduced waiting times in accident and emergency, and transformed cardiac services. This is certainly a success story, but it is only

the beginning. Access to primary care needs to be further improved, to reduce the reliance on accident and emergency departments. The NHS faces increased demand for maternity and children's services, and it must, as the hon. Lady suggested, respond to that challenge, ensuring that those services are adequately staffed by properly trained professionals.

Today, advances in medicine and technology mean that more and more patients can be treated and cared for in their own homes and communities. We can do better for the people of south-west London, and the central question here is how that should be done. That is why five clinical groups have been working, as both hon. Members well know, to review the clinical evidence—I emphasise that it is clinical evidence—from doctors and other NHS professionals for changing health care services, so that we can better meet local needs. Clinicians have identified a case for improvement. Ministers and officials in the Department of Health have not seen that work by those five clinical groups. It is being done locally in order to try to evaluate the best service for the NHS in that area. It is not—I emphasise this point, because it was one of the hon. Members' outrageous claims—some secret Labour plan or plot to reduce services. Far from it, over the coming months clinicians will refine their ideas and start to think about how the challenges that I have identified can be addressed.

Clinicians have identified other areas for further work, such as the provision of diagnostics in community and children's palliative care. It is anticipated that the clinical working groups will identify a range of options in the summer of 2010 to provide a clinically and financially viable health care service for south-west London. That will form the basis of further discussion between clinicians, patients and stakeholders with a view to making some proposals. I have not been party to that, nor has the Department of Health, so the claim made by both hon. Members that we have a political agenda is a complete cynical invention. The only agenda is the open Darzi agenda of trying to improve health care in London, based on the clinical need to improve the quality of care.

Mr. Stewart Jackson (Peterborough) (Con): Does the Minister agree that the Liberal Democrats have form in this area? Does he recollect that the hon. Member for Manchester, Withington (Mr. Leech) campaigned against the "imminent" closure of the Christie hospital in Manchester five years ago? Funnily enough, that hospital is still open.

Mr. O'Brien: It is indeed still there, and the Liberal Democrats have a record of running scare stories and asking people to join the campaign by sending in their addresses, petitions and email addresses. They can then canvas those people—it is all about elections.

The hon. Members mentioned a document, but I have never seen this document. I also asked my officials this morning, and apparently no one in the Department of Health has seen it either. I do not doubt that there is a document, but it is being dealt with locally by the five groups of clinicians that I have mentioned. I gather that it is also being dealt with by the NHS in south-west London. I am told that it is very tentative, unformed and informal. It is certainly no Government plan or a final document in any sense. It is part of a discussion

that may lead to some conclusions at some point, perhaps at the end of the year or next year, when some further discussions and engagement with stakeholders might arise. The hon. Members know about that process because they have been briefed on it repeatedly by officials, so there is nothing secretive about it.

The clinicians are trying to have a discussion without politicians coming in and stirring up unjustified allegations that all the services are now somehow under threat. The discussions are about how the services can be improved. As for cuts, the NHS PCTs will get a 5.5 per cent. overall increase in funding next year and the same this year. I simply do not accept the argument that large cuts are needed, as suggested by the hon. Members. Yes, NHS managers have been asked to find savings. Yes, they have been asked to identify where money can be found—not to make cuts, but to redirect the funding into better services for the people who elect those two hon. Members.

Mike Penning: Does the Minister agree that it would have been very easy for other political parties, not least my own, to jump on the Liberal Democrats' bandwagon of scaremongering? As he knows, I have campaigned against Labour cuts on many occasions, but when there has been proper information and documentation. Has scaring the electorate at this stage damaged the consultation or enhanced it?

Mr. O'Brien: At the moment, some clinicians and managers are meeting and asking, "What are the options here? How can we improve services? How can we ensure that we deal with some of the very serious issues in relation to health care that need to be addressed in south-west London?" We can have a big argument in the media, with every clinician being frightened to speak because the moment they say anything, they will be attacked by the hon. Members for Richmond Park and for Kingston and Surbiton for cynical political advantage, but then where will we get to with the NHS? It will be frozen in aspic, improvements will not be able to take place and there will not be proper discussion of health care.

We need to give clinicians and others room to talk through the options, and when there is some view about what those options might possibly be, they can then come forward and engage seriously with stakeholders. In due course, when there are proposals, they can be properly discussed, but we are a considerable distance from that.

I spoke this morning to Kevin Maguire, the respected *Daily Mirror* political journalist. He told me to check what was going on, and I had a look on his Twitter page. I know that we all need to be careful about Twitter, but apparently he was sitting on a train and updating it. I shall read through what his page said, as he suggested I should. First, he wrote:

"On train a bloke's boasting on mobile he got Evening Standard to claim Lab has secret plans to shut Kingston Hospital".

The next post was:

"Train bloke now boasting the hospital scare story cooked up at his kitchen table. Very proud of Facebook following".

Next:

"He's 'a manifesto to write'. Tory? Wearing Hibs scarf. Clocking his details. May sneak photo to track down. Or could always ask!"

The next post begins, "Name's Dan", and then gives part of his telephone number and continues:

"Wondering if he's a Lib Dem."

The next post reads:

"Got Hospital Closure Man's pic. Going into meeting then will discover who Dan is".

Then the next one:

"This is the Kingston hospital scare bloke. Anyone know him? He's a loud mouth in public places".

And then:

"Ta all Tweeters. Hospital phone man ID'd as Lib Dem activist Dan Falchikov. He should stop SHOUTING on train".

I bet the hon. Members for Richmond Park and for Kingston and Surbiton wish he would stop shouting on trains, because it appears to have disclosed the nature of what is going on here.

Mr. Davey: Will the Minister give way?

Mr. O'Brien: Only if the hon. Gentleman plans to accept that that gentleman is indeed a Liberal Democrat, and indeed that he and the hon. Member for Richmond Park have been winding this up. They were approached by NHS officials who explained what was going on. It was explained to them properly, honestly and openly that there were going to be discussions. Papers will be circulated, and the one that they have may be one of them—I do not know, I have not seen it. It certainly is not Labour or the Department of Health that is putting it forward.

Mr. Davey rose—

Mr. O'Brien: The hon. Gentleman can wait, because I spent a lot of time listening to him make a lot of allegations, and I have been left with a very short time to respond to him. He deserves a response, because a lot of people in his area have been frightened by what he says. They are now worried that there is some sort of plan to close these NHS facilities, which there is not, and that there is more going on than just some discussion between clinicians. I accept that that is happening, and it is part of the Darzi process of involving clinicians in discussing how to improve the quality of services, but he and the hon. Member for Richmond Park are playing politics with the matter. I care about the NHS, and I actually think that behind it all they do too. What they are doing, however, is trying to frighten people into believing that services are definitely closing, when all that is going on is some discussions between clinicians. What the eventual proposals will be I do not know, and nor does he. We should not at this stage use scare stories like this for election purposes, in a cynical way—

10.30 pm

House adjourned without Question put (Standing Order No. 9(7)).

Written Answers to Questions

Monday 8 February 2010

WALES

Council Tax

Mr. Paul Murphy: To ask the Secretary of State for Wales what discussions he has had with the First Minister for Wales on assistance to service families resident in Wales in receiving the 50 per cent. reduction in council tax liability. [314552]

Mr. Hain: My colleague the Parliamentary Under-Secretary of State has discussed this matter in detail with the Welsh Assembly Government Minister for Local Government and Social Justice. I understand that, the Welsh Assembly Government are now amending the Council Tax (Prescribed Classes of Dwellings) (Wales) Regulations 1998 to provide that billing authorities may not reduce the council tax discount for second homes owned by armed forces personnel who live in accommodation provided by the Ministry of Defence.

Departmental Communication

Mr. Hurd: To ask the Secretary of State for Wales pursuant to the answer of Lord Bates of 3 December 2009, *Official Report, House of Lords*, column WA68, on Government departments: annual reports, and with reference to the Government Response to the House of Lords Communications Committee's report into Government Communications, whether his Department publishes an annual report on departmental communications. [315608]

Mr. David: The Wales Office does not publish an annual report on departmental communications. The Wales Office publishes a single annual report covering all aspects of Wales Office work.

Departmental Information Officers

Mr. Hurd: To ask the Secretary of State for Wales how many staff in his Department have the status of (a) embedded communicators and (b) are members of the Government Communications Network and are not listed in the Central Office of Information White Book. [315540]

Mr. David: The Wales Office employs three communications staff who work in press office. All three members of staff are listed in the Central Office of Information White Book.

SCOTLAND

Departmental Manpower

Mr. Philip Hammond: To ask the Secretary of State for Scotland what estimate he has made of the proportion of staff of his Department managed out in the last five years who remain working in the public sector. [313849]

Ann McKechnin: I refer the hon. Member to my answer given on 1 February 2010, *Official Report*, column 5W.

Newspaper Licensing Agency

Mr. Hurd: To ask the Secretary of State for Scotland what payments were made by his Department and each of its agencies to the Newspaper Licensing Agency in each of the last 10 years. [315613]

Ann McKechnin: The Newspaper Licensing Agency figures shown in the table include cumulative and backdated NLA payments for the years 1999 to 2005 inclusive. Scotland Office has sought to reduce its costs on an ongoing basis in line with good practice.

	£
1999-2000 to 2006-07	7,853
2007-08	3,203
2008-09	285

LEADER OF THE HOUSE

Departmental Communication

Mr. Hurd: To ask the Leader of the House pursuant to the answer of Lord Bates of 3 December 2009, *Official Report, House of Lords*, column WA68, on Government Departments: Annual Reports, and with reference to the Government Response to the House of Lords Communications Committee's report into Government Communications, whether her Office publishes an annual report on departmental communications. [315605]

Barbara Keeley: The Office of the Leader of the House of Commons is part of the Cabinet Office.

The Cabinet Office publishes an annual report and accounts document which records the performance and financial situation of the Department. The report contains information on the progress of the Department against its six departmental strategic objectives, the public service agreements for which it leads delivery, the service transformation agreement and other targets.

Within this framework the annual report provides information on relevant areas of communications delivery. However there is no specific annual report published by Cabinet Office reporting solely on departmental communications.

Departmental Training

Grant Shapps: To ask the Leader of the House pursuant to the answer of 13 January 2010, *Official Report*, columns 962-3W, on departmental training, on what dates the training was provided. [315780]

Barbara Keeley: The media skills training course attended by a Minister from the Office of the Leader of the House of Commons took place during the 2007-08 financial year.

Members: Correspondence

Mr. Steen: To ask the Leader of the House when she plans to reply to the email from the hon. Member for Totnes, dated 27 January 2010, on Haiti. [316232]

Barbara Keeley: My right hon. Friend, the Leader of the House of Commons, has today responded to the hon. Member for Totnes' email dated 27 January 2010, on Haiti.

Stress

Grant Shapps: To ask the Leader of the House if she will place in the Library a copy of any advice issued to staff of her Office on stress recognition and management. [316477]

Barbara Keeley: The Office of the Leader of the House of Commons joined the Cabinet Office in 2007.

I refer the hon. Member to the Cabinet Office answer of 3 February 2010, *Official Report*, column 412W:

"The Cabinet Office is committed to the health and well-being of its staff and has policies, procedures and support in place to identify, manage and reduce workplace stress.

I have placed a copy of the Department's Stress Recognition and Management Guide in the Library."

HOUSE OF COMMONS COMMISSION

Moths: House of Commons

Mr. Allen: To ask the hon. Member for North Devon, representing the House of Commons Commission what proposals there are to end the infestation of moths in T block; and if he will make a statement. [315739]

Nick Harvey: Significant numbers of the Common House Moth (*Tineola bisselliella*) were first reported in the House in early 2008 and preventative treatment has been undertaken since then. In order to minimise the use of pesticides and the consequent risk of exposure to potential toxicants, a process involving moth pheromone has been employed. Although activity in T block remains an issue, monitoring of moth activity shows that moth numbers within the House of Commons estate are generally declining. Alternative methods of eradication, including heat treatment of items and individual spraying of offices to kill larvae, are being considered.

Reform

Dr. Tony Wright: To ask the hon. Member for North Devon, representing the House of Commons Commission if he will make a statement on steps taken by staff of the House in taking forward work arising from the recommendations and conclusions of the House of Commons Reform Committee in its First Report of Session 2008-09, *Rebuilding the House*, HC 1117. [316600]

Nick Harvey: Upon publication of the report in November, the Clerk of the House set in hand work on the possible changes to procedures and practices which would be required were the House to endorse some or all of the recommendations and conclusions, including possible changes to Standing Orders and changes to procedures and practices.

Some recommendations and conclusions proposed specific work by the House. A progress report on these is set out as follows.

Recommendation 38—Piloting of a more open approach to the scheduling of public bill committee evidence sessions and production by the relevant authorities of a report for the appropriate committee in the new Parliament:

Attempts have been made over the past two months to develop a more open approach to public bill committee evidence scheduling, in co-operation with all concerned. A Scrutiny Unit report is therefore in the process of preparation, with a view to presenting it to the appropriate select committee in the new Parliament.

Recommendations 41 and 42—Shift in the primary focus of the House's public engagement agenda towards greater degree of public participation, and opportunity for the public to influence the content of draft laws:

Discussion at official level is under way on the future pattern and direction of the House's public engagement effort, in the light of these two recommendations. Thought is being given to approaches which would give "a real opportunity to the public to influence the content of draft laws". Decisions would require to be taken by the proper authorities, including the House of Commons Commission and possibly the House itself, in the new Parliament.

Recommendation 43—Commissioning of investigation of practicalities of a national equivalent of "petitions requiring debate":

The Parliament and Constitution Centre in the DIS is looking further into the agenda initiative issue, as part of its general research effort. The results of the research, which should be completed by the start of the new Parliament, will inform future debate and decision on the practicalities of any sort of agenda initiative at national level. The study will course make no assumptions about what view the House may take in future.

Recommendation 44—Urgent discussions on a new costed scheme for e-petitions:

The urgent discussions recommended by the Committee have taken place. A revised outline scheme is being prepared which is likely to be cheaper than the scheme proposed in April 2008. It will in due course be for the House in this or the next Parliament to decide whether or not to proceed.

Recommendation 48—Information for petitioners of relevant House proceedings:

House staff are preparing to pilot two alternative routes for giving suitable information to petitioners, via the Member who presented the relevant petition, with a view to identifying the best way forward early on in the new Parliament. This can then be put to the appropriate committee for decision.

Recommendation 50—House authorities to work up a scheme on motions for House debate:

A scheme for motions for House debate, identifying a number of options, is currently being worked up, with a view to presenting it to the appropriate committee in the new Parliament.

NORTHERN IRELAND

Departmental Communication

Mr. Hurd: To ask the Secretary of State for Northern Ireland pursuant to the answer of Lord Bates of 3 December 2009, *Official Report, House of Lords*, column WA68, on Government departments: annual

reports, and with reference to the Government Response to the House of Lords Communications Committee's report into Government Communications, whether his Department publishes an annual report on departmental communications. [315610]

Paul Goggins: Communications are included in the annual departmental report.

Departmental Information Officers

Mr. Hurd: To ask the Secretary of State for Northern Ireland how many staff in his Department and its agencies have the status of (a) embedded communicators and (b) are members of the Government Communications Network and are not listed in the Central Office of Information White Book. [315542]

Paul Goggins: The Northern Ireland Information Service is responsible for all communications within the Department and all press officers are listed in the COI White Book.

Driving Offences

Mr. Goodwill: To ask the Secretary of State for Northern Ireland what mechanisms have been established to enable data sharing in respect of fixed penalty motoring offences between the Police Service of Northern Ireland and the Irish Garda in accordance with the principle of mutual recognition of financial penalties. [315998]

Paul Goggins: Roads Policing Policy in Northern Ireland is a devolved matter for the Department of Environment. The sharing of data between the Police Service of Northern Ireland and An Garda Síochána in relation to motoring offences is an operational matter for the Chief Constable. I have asked the Chief Constable to reply directly to the hon. Member, and a copy of his letter will be placed in the Library of the House.

Hotels

Mr. Hurd: To ask the Secretary of State for Northern Ireland how many separate bookings for hotels graded at five star or above were made through the Expotel booking service by his Department in the latest year for which figures are available; and at what cost such bookings were made. [315543]

Paul Goggins: No bookings were made through the Expotel booking service.

Slavery

Mr. Steen: To ask the Secretary of State for Northern Ireland if he will discuss with the First Minister the introduction into the Northern Ireland Assembly of a bill to establish a national day to raise awareness of the need to eradicate all forms of slavery. [314319]

Mr. Woodward: I would gladly discuss these matters if invited to do so by the First and Deputy First Minister.

Stress

Grant Shapps: To ask the Secretary of State for Northern Ireland if he will place in the Library a copy of any advice issued to staff of his Department on stress recognition and management. [316528]

Paul Goggins: The Department has a duty under Northern Ireland Health and Safety legislation to ensure so far as reasonably practicable the health and safety of all staff, including the recognition and management of stress.

To meet these responsibilities, managers within the Northern Ireland Office (NIO) are required to attend a mandatory "Addressing Stress" training course. A copy of the guidance issued to managers on this course has been placed in the Library.

SOLICITOR-GENERAL

Crown Prosecution Service: Art Works

David Simpson: To ask the Solicitor-General pursuant to the answer of 2 February 2010, *Official Report*, column 244W, on departmental public expenditure, what the arrangements are within the Crown Prosecution Service for the authorisation of the acquisition of works of art; whether payments made in connection with the acquisition of such art works are subject to (a) monthly or (b) annual financial returns; and what post-payment internal audit arrangements are in place. [316504]

The Solicitor-General: The Crown Prosecution Service (CPS) has formal financial delegation and approval control systems in place to cover all expenditure. The systems require that any expenditure must be made in accordance with the principles of Managing Public Money and the Treasury handbook on Regularity and Propriety.

Financial delegation limits are checked at the point of payment. All expenditure on assets that cost £500 or more is recorded and checked separately. There is no record that the department has incurred expenditure on works of art in excess of this limit.

There is no requirement for either monthly or annual financial returns in respect of expenditure on works of art.

The procurement and payment system is subject to periodic review by the CPS's Internal Audit Division. Such reviews take place routinely on an annual basis.

Departmental Written Questions

David Simpson: To ask the Solicitor-General pursuant to the answer of 28 January 2010, *Official Report*, column 1014W, on departmental written questions; by which mechanism the Law Officers' Departments monitor their responses to parliamentary questions; what the target times for responses is; and how success against that target is measured. [316507]

The Solicitor-General: My office now routinely collects statistical data measuring our performance in answering written questions within one week of tabling or on the specified named day. For the present session we are currently answering 83.6 per cent. of written PQ's within these targets, With effect from the current Session of

Parliament, each Department has agreed to provide the Procedure Committee with sessional statistics on the time taken to answer written questions. This implements recommendation 24 of the third report from the Procedure Committee, Session 2008-09.

OLYMPICS

Departmental Public Expenditure

David Simpson: To ask the Minister for the Olympics how much the Government Olympic Executive has spent on (a) new furnishings, (b) works of art and (c) new vehicles in each year since its inception. [312516]

Tessa Jowell: The Government Olympic Executive reports to me through the Permanent Secretary at the Department for Culture, Media and Sport (DCMS) therefore figures are included in the answer provided by the Parliamentary Under-Secretary of State at DCMS.

Olympic Games 2012: Portsmouth

Mr. Hancock: To ask the Minister for the Olympics what steps she is taking to ensure that the Portsmouth region obtains a legacy from the London 2012 Olympics. [313072]

Tessa Jowell: The Government and the London Organising Committee of the Olympic Games and Paralympic Games (LOCOG) have established the Nations and Regions Group to ensure UK-wide engagement and to maximise the legacy for London 2012. This group works directly with representatives from each of the nations and English regions to maximise the sporting, economic, and cultural benefits of the 2012 Games. Some examples of how Portsmouth is benefiting from the Games are as follows.

In Portsmouth 895 small and medium sized enterprises have registered on CompeteFor, the electronic brokerage service which enables businesses to compete for Games-related contract opportunities. These businesses have also been supported by Business Link, a Government run online support and advice service. Business Link is running an Advanced Bid Writing Workshop in Portsmouth on 24 February to support local businesses in securing contracts related to the Games. Other similar events will take place in the area in the coming months.

Additional local assistance and funding was agreed in December 2009 to maximise tourism opportunities arising from 2012, and the Solent area is one of four areas targeted for this support across the South East region. This includes funding support to assist with global marketing to showcase the area and maximise tourism opportunities during and beyond the 2012 games. The provision of customer care training to promote a commitment to high level customer service for visitors is part of this programme.

To make the UK a world-leading sporting nation and increase active participation in sports is at the heart of the Government's legacy ambitions. In the South East, there are 134 facilities included in the Pre-Games Training Camp Guide which are available to teams from the UK and overseas to use. The Mountbatten Centre in Portsmouth has had several visits from representatives of nations

participating in the Games. Malawi has signed a memorandum of understanding to hold its Pre-Games Training Camp in Portsmouth. Work to encourage other visiting nations to hold training camps across the region is ongoing.

DEFENCE

Afghanistan: Armed Forces

Ann Winterton: To ask the Secretary of State for Defence pursuant to the answer of 16 December 2009, *Official Report*, column 1201W, on the Afghan National Army, what information his Department holds on the tribal origin of (a) the commander, (b) officers and (c) non-commissioned officers of the Afghan troop force in Helmand province. [312409]

Mr. Bob Ainsworth: The requested information on the tribal origins of 205 Corps from which the majority of Afghan National Army in Helmand are drawn is provided in the table:

	Percentage				
	<i>Pashtun</i>	<i>Tajik</i>	<i>Hazara</i>	<i>Uzbek</i>	<i>Others</i>
Officer	45	44	6	1	3
Non Commissioned Officers	42	45	7	3	5

Note:

This data has been provided by the Combined Security Transition Command-Afghanistan. The Commander of 205 Corps is Pashtun.

Armed Forces: Housing

Willie Rennie: To ask the Secretary of State for Defence how many residences his Department owns for the purpose of housing members of the armed forces with a rank of Brigadier or equivalent and above; and what the value is of each such property. [316393]

Mr. Kevan Jones: In accordance with the Ministry of Defence (MOD) Tri-Service Accommodation Regulations, officers of Brigadier (or equivalent) rank and above are normally entitled to Type I or II Service Family Accommodation (SFA).

<i>SFA Type</i>	<i>MOD owns</i>
I	20
II	62

In addition to this the MOD leases under various arrangements a number of properties.

With regard to the value of the properties, details of all MOD holdings over £1 million, together with their latest asset valuations, can be found in Chapter Seven of the National Asset Register, on HM Treasury's website, last published in 2007:

www.hm-treasury.gov.uk

The requested details of all property below £1 million in value, could be provided only at disproportionate cost. The value of leased properties is a commercial matter for the companies concerned.

Chorley

Mr. Hoyle: To ask the Secretary of State for Defence if he will set out, with statistical information as closely related to Chorley constituency as possible, the effect on that constituency of the policies of his Department since 1997. [314227]

Mr. Kevan Jones: The Ministry of Defence delivers security for the equal benefit of all the people of the UK, and the Overseas Territories, by defending them, including against terrorism; and acting as a force for good in the world by strengthening international peace and stability. Our continuing main effort of success in Afghanistan, preventing al-Qaeda from having a secure base from which to threaten us directly, keeps our country safe from the threat of terrorism.

The Service Personnel Command Paper set out the Nation's Commitment to our Armed Forces, their families and veterans. This is a cross government initiative that is making real differences to the lives of our Service personnel, veterans and their families and we are fully committed to upholding its key principles. The first annual report on the Service Personnel Command Paper was published on 19 November 2009. This report captured the progress made against the commitments of the Command Paper within the first year following its launch. It can be found at the following link:

<http://www.mod.uk/DefenceInternet/Showcase/ProvidingForOurPeople.htm>

The report sets out the substantial progress that has been made including:

Compensation for most serious injuries doubled;

Free further education for Service leavers;

Retention of places on NHS waiting lists;

Local Connection legislation amended in England and Wales, with a similar exercise currently being worked on in Scotland, to give Service leavers credit for having lived and worked in an area when applying for social housing; and

From April 2009, ex-Service men and women who are seriously injured were given priority for specially adapted social homes.

Defence Statistics are not available at constituency level, but regional statistics on service personnel numbers and defence employment can be found on the Defence Analytical Service and Advice website. Location of military personnel can be found in Tri Service Publication 10 at:

<http://www.dasa.mod.uk/applications/newWeb/www/index.php?page=67&pubType=0&thiscontent=100&date=2010-01-28>

Regional defence employment can be found in Tables 1.11, 1.11a and 1.11b in UK Defence Statistics 2009 at:

<http://www.dasa.mod.uk/modintranet/UKDS/UKDS2009/c1/table111b.html>

Additionally, although not defence-related, the Neighbourhood Statistics Service provides a wide range of statistical information at parliamentary constituency level, taken from the 2001 census and other sources. This service is available on the National Statistics website at:

<http://neighbourhood.statistics.gov.uk>

HMS Sultan

Sir Peter Viggers: To ask the Secretary of State for Defence what plans there are for the future of HMS Sultan; and if he will make a statement. [314701]

Mr. Quentin Davies: Under the current proposals put forward by the Defence Training Review (DTR) Package 1 (PI) Preferred Bidder, the Metrix Consortium, training activity at HMS Sultan is due to transfer to St. Athan, South Wales, no later than 2020.

Following this move and assuming that there is no further Defence requirement for the HMS Sultan site, the property will be declared surplus and considered for disposal with the most appropriate use determined with the local planning authority.

Middle East: Armed Forces

Andrew Rosindell: To ask the Secretary of State for Defence how many troops are stationed in the Middle East other than in Iraq; and where each contingent is stationed. [315922]

Bill Rammell: I refer the hon. Member to the answer I gave on 1 February 2010, *Official Report*, column 37W, to the hon. Member for Woodspring (Dr. Fox).

Reserve Forces: Injuries

Dr. Murrison: To ask the Secretary of State for Defence what assistance his Department provides for reservists who sustain injuries on deployment which render them unfit to (a) return to work and (b) return to work in their previous earning capacity. [316086]

Mr. Kevan Jones: Our reserve forces have served this country with distinction in all the major conflicts and crises that we have faced in recent times. They play a vital role in both overseas operations and in the defence of the UK. Reservists who sustain injuries or illness whilst mobilised may be retained in service, prior to being demobilised and returning to work, to ensure that they receive the best possible welfare support and care and are eligible for the full range of Defence Medical Services. Once reservists have been demobilised their local reserve unit continues to ensure that they have access to welfare services. Reservists that are medically discharged as a result of injuries sustained during deployment are also entitled to resettlement training and to the range of services available to regular veterans.

Members or former members of the reserve forces may qualify for awards under the Armed Forces Compensation Scheme (AFCS), where service is the only or main cause of injury or illness. AFCS consists of a tax-free lump sum payment and is based on a tariff of injuries to take account of the pain and suffering associated with an injury, in recognition of service personnel's sacrifice on the nation's behalf. For the more seriously injured, it also provides a guaranteed income payment. This provides a substantial tax-free income (index linked) following termination of service for the rest of their lives to compensate for their potential loss of earnings and pension.

Injured personnel who receive compensation from the no fault AFCS, are also able to bring common law claims where they feel that negligence may have occurred.

Yemen: Military Aid

Andrew Rosindell: To ask the Secretary of State for Defence whether his Department gives (a) financial and (b) material assistance to the armed forces in Yemen in order to combat terrorism. [315921]

Mr. Bob Ainsworth: I refer the hon. Member to the answer I gave on 11 January 2010, *Official Report*, column 743W, to the hon. Members for Bournemouth, East (Mr. Ellwood) and Kettering (Mr. Hollobone).

Defence does not provide direct financial or material support to the Yemen armed forces but we will continue to offer support to the Government of Yemen and will consider any further requests for training assistance.

CULTURE, MEDIA AND SPORT

Departmental Consultants

Mr. Hunt: To ask the Secretary of State for Culture, Media and Sport pursuant to the answer of 18 January 2010, *Official Report*, column 88W, on departmental manpower, on what matters each of the 43 policy and senior advisers provide advice. [313041]

Mr. Simon: The 43 advisers are all civil servants and provide advice across a range of policies for which DCMS is responsible.

Departmental Manpower

Mr. Philip Hammond: To ask the Secretary of State for Culture, Media and Sport how many employees in (a) his Department and (b) each of its agencies are in transition prior to being managed out; how long on average the transition window between notification and exit has been in (i) his Department and (ii) each of its agencies in each of the last five years; what estimate he has made of the salary costs of staff in transition in each such year; and what proportion of employees in transition were classed as being so for more than six months in each year. [313244]

Mr. Simon: The Department for Culture, Media and Sport and the Royal Parks Agency currently have no employees in transition—i.e. officially declared surplus—and awaiting redeployment elsewhere in the civil service or leaving it through compulsory redundancy, and neither has this situation arisen in any of the last five years.

Departmental Sick Leave

David Simpson: To ask the Secretary of State for Culture, Media and Sport how many staff in his Department have had five or more periods of sickness absence of less than five days in two or more of the last three years. [316461]

Mr. Simon: In the last three years (2007-08; 2008-09; 2009-to date) the Department had 61 staff members who had five or more periods of sickness absence and the duration of absence was less than five days in two or more of the periods.

Departmental Training

Grant Shapps: To ask the Secretary of State for Culture, Media and Sport pursuant to the answer of 14 January 2010, *Official Report*, column 1069W, on departmental training, on what date the training was provided; which organisation provided the training; and what the cost was of that training. [315781]

Mr. Simon: The training took place on 19 March 2008, with a follow-up session on 7 October 2008. It was provided by Angela Coles at a total cost of £1,387.

Departmental Written Questions

David Simpson: To ask the Secretary of State for Culture, Media and Sport pursuant to the answer of 27 January 2010, *Official Report*, column 88W, on departmental written questions, by what mechanisms his Department monitors its responses to parliamentary questions; what its target time is for responses; and how its performance against that target is measured. [316503]

Mr. Simon: My Department aims to answer all ordinary written parliamentary questions within five working days and give all named day parliamentary questions a substantive reply on the specified named day.

However, when this is not attainable then we endeavour to give an answer as soon after the named day as possible.

My Department has a parliamentary question database which allows us to monitor how we are working to these deadlines.

Recognising that my Department needs to improve on our figures, significant measures have been put in place across the Department ensuring that all staff are aware of the importance we must place on answering parliamentary questions in a timely manner. As such, the statistical figure for January 2010 show a marked improvement. Of 253 ordinary written parliamentary questions during this period 220 (86.95 per cent.) were answered within a working week. 25 named day parliamentary questions were also tabled with 15 (60 per cent.) given a substantive reply on the named day.

With effect from the current session of Parliament, each Department will provide the Procedure Committee with sessional statistics on the time taken to answer written questions. This implements recommendation 24 of the third report from the Procedure Commission, session 2008-09.

Digital Broadcasting: Vulnerable Adults

Mr. Vaizey: To ask the Secretary of State for Culture, Media and Sport what assistance (a) his Department and (b) the Digital Switchover help scheme offers to vulnerable people whose needs are not met by the standard offer of a free digital box, with particular reference to vulnerable people with sight difficulties. [316001]

Mr. Simon [holding answer 5 February 2010]: My Department is providing assistance with the Digital Switchover with the BBC through the Digital Switchover Help Scheme.

The scheme offers practical support to make the switch to digital on one television set to people who are aged 75 or over, disabled, visually impaired, or care home residents. The help scheme will provide equipment suited to needs, help with installation, fit a new dish or aerial where necessary and possible, give demonstrations and ensure that further help is accessible.

One button access to audio description (AD) is mandatory for equipment supplied through the help scheme standard offer. Freesat and Freeview equipment supplied by the help scheme outside of the standard offer also has AD functionality, though not necessarily with one button access.

Recent trials of a talking electronic programme guide (EPG) developed by the Royal National Institute of Blind People (RNIB) appear promising, and will be kept under consideration by the Department with a view to its possible inclusion in scheme equipment.

Football Foundation: Gloucester

Mr. Dhanda: To ask the Secretary of State for Culture, Media and Sport how much funding has been provided by his Department through the Football Foundation in Gloucester since 1997. [316005]

Mr. Sutcliffe [*holding answer 5 February 2010*]: The Football Foundation has advised that they have approved £1,316,871 worth of grants into projects with a total value of £2,260,390 to Gloucester since its launch in 2000.

Government Art Collection

Mr. Hunt: To ask the Secretary of State for Culture, Media and Sport how much his Department has budgeted for the Government Art Collection in (a) 2009-10, (b) 2010-11 and (c) 2011-12. [316396]

Mr. Simon: In 2009-10 the Government Art Collection's budget is £1,186,000. For 2010-11 their budget is still under consideration. Budgets for 2011-12 will be decided following the next spending review.

Hotels

Mr. Hurd: To ask the Secretary of State for Culture, Media and Sport (1) how many separate bookings for stays at five star or above hotels were made through the Expotel contract by his Department in the last year for which figures are available; [315212]

(2) how many separate bookings for stays at five star or above hotels were made through the Expotel contract by his Department in the last year for which figures are available; and at what cost. [315216]

Mr. Simon: The number of trips booked, hotel night stays and total cost for hotels booked through Expotel in the period 1 April 2009 to 31 January 2010 is as follows:

	Number of trips	Number of nights stayed	Total cost (£)
Department for Culture Media and Sport	2	2	257.57

Licensed Premises: Opening Hours

Chris Grayling: To ask the Secretary of State for Culture, Media and Sport what estimate his Department has made of the change to the average daily number of opening hours of bars and public houses in England and Wales since the entry into force of the 24-hour licensing provisions of the Licensing Act 2003. [315640]

Mr. Sutcliffe: My Department produced an evaluation of the impact of the Licensing Act 2003 (the 2003 Act) in March 2008, and this is available on the Department for Culture, Media and Sport website:

http://www.culture.gov.uk/images/publications/Licensing_evaluation.pdf

The report revealed that the average closing time, across all on-licensed premises has increased by only 21 minutes since the Act came into effect. We have carried out no further evaluations on opening hours.

On 4 February 2009, I announced that we do intend to give licensing authorities power to restrict the sale and supply of alcohol between 3 am and 6 am where that is necessary for the promotion of one or more of the statutory licensing objectives. Amendments were tabled to the Crime and Security Bill on 4 February to give effect to this policy and will now be scrutinised by Parliament.

Museums and Galleries: Finance

Mr. Hunt: To ask the Secretary of State for Culture, Media and Sport pursuant to the answer of 25 January 2010, *Official Report*, column 539W, on museums and galleries: educational visits, how much of the £32 million had been spent on the latest date for which figures are available. [314202]

Margaret Hodge [*holding answer 29 January 2010*]: For the period of 2003-04 to 2009-10, the Department has invested a total of £27.21 million in the strategic commissioning programme. The remaining £4.79 million of the £32 million will be spent during 2010-11.

Museums and Galleries: Yorkshire and Humberside

Hugh Bayley: To ask the Secretary of State for Culture, Media and Sport how much (a) national and (b) local museums in (i) Yorkshire and the Humber and (ii) the City of York received in Government grants in each year since 1996-97. [304512]

Margaret Hodge: The table shows Government grants to (a) national and (b) local museums in (i) Yorkshire and the Humber and (ii) the City of York in each year since 1996-97.

The funding provided includes grant in aid allocated to national museums and galleries by the Department for Culture, Media and Sport (DCMS); grants given

since 2002-03 by the DCMS/Wolfson Museums and Galleries Improvement Fund (of which 50 per cent. is given by DCMS and 50 per cent. by the Wolfson foundation); and funding provided by DCMS to the Museums, Libraries and Archives Council (MLA) for both the Renaissance in the Regions programme for regional museums (from 2002-03) and the Designation Challenge Fund (from 2001). The core funding of local authority museums is a matter for the 22 county, district and unitary councils in Yorkshire and the Humber. The Chartered Institute of Public Finance and Accountancy's (CIPFA) Statistical Information Service surveys local authority museums and the findings are available in its publication 'Culture, Sport and Recreation'.

	Yorkshire and the Humber		City of York		£000
	Government grants to national museums ¹	Government grants to local museums ²	Government grants to national museums ³	Government grants to local museums ⁴	
1996-97	9.723	—	—	—	—
1997-98	17.326	—	9.126	—	—
1998-99	10.339	—	3.647	—	—
1999-2000	13.242	—	3.758	—	—
2000-01	14.034	—	3.932	—	—
2001-02	15.668	0.578	4.708	0.165	—
2002-03	18.334	1.319	5.664	0.421	—
2003-04	19.976	0.826	6.759	0.100	—
2004-05	20.783	1.475	6.967	0.385	—
2005-06	20.969	1.329	6.598	0.209	—
2006-07	23.024	2.403	7.863	0.426	—
2007-08	23.237	3.647	7.605	0.551	—
2008-09	24.573	3.400	7.906	1.225	—
2009-10	24.918	3.956	7.966	0.539	—

¹ The Government provide grant in aid to the National Museum of Science and Industry (NMSI), which allocates funding to its branch museums in Bradford (National Media Museum) and York (National Railway Museum). Individual allocations to these branches for the year 1996-97 are not available. The Government have provided grant funding to the National Coal Mining Museum of England through NMSI since 1999-2000. The figures provide the total allocation for the Royal Armouries, which includes its Leeds, Fort Nelson and Tower of London branches and grants from the DCMS/Wolfson Fund. Royal Armouries in Leeds is the headquarters. All national museums sponsored by DCMS are eligible to apply to the DCMS/Wolfson Fund.

² Figures comprise the grants made by the DCMS/Wolfson Fund to the following eligible institutions: Cartwright Hall Art Gallery, Cliffe Castle Museum, Harewood House, Wilberforce House Museum, Leeds City Art Gallery, Temple Newsam House, Weston Park Museum, Graves Art Gallery, the Millennium Gallery in Sheffield, York Castle Museum and the Yorkshire Museum; Government funding provided to Yorkshire Hub museums through Renaissance in the Regions (Bradford Museums Service, Hull Museums Service, Leeds Museums and Galleries, Museums Sheffield and York Museums Trust), and through the Designation Challenge Fund to Harewood House Trust, Kingston upon Hull City Museums and Art Galleries, Leeds Museums and Galleries, Sheffield Galleries & Museums Trust and York Museums Trust. Figures also include the operational costs of the Yorkshire Hub and Museum Development Yorkshire. The proportion of this funding applied to the City of York is not available.

³ Government grant in aid provided through the NMSI to the National Railway Museum, and grants made to the Museum by the DCMS/Wolfson Fund.

⁴ Figures comprise the grants made by the DCMS/Wolfson Fund to York Castle Museum and the Yorkshire Museum, and Government funding provided to York Museums Trust through Renaissance in the Regions and the Designation Challenge Fund.

National Lottery: Sports

Hugh Robertson: To ask the Secretary of State for Culture, Media and Sport pursuant to the answer of 1 February 2010, *Official Report*, columns 10-11W, on parliamentary questions, what the reason was for the time taken to reply in (a) 2008 and (b) 2010. [316385]

Mr. Simon: The Department's decision, to respond to questions on non-departmental public bodies (NDPBs) operational issues by asking the chief executive to write directly, has been based on the overall principles of providing responses to members within the set timescale across the full range of the Department's NDPBs. This approach also makes clearer the arm's length relationship.

Sports: Coventry

Mr. Jim Cunningham: To ask the Secretary of State for Culture, Media and Sport what steps his Department is taking to increase opportunities for people aged from (a) seven to 12 and (b) 13 to 18 years old in Coventry to play sport. [315941]

Mr. Sutcliffe: The information requested regarding Coventry specifically is not held by the Department centrally, however the Youth Sport Trust would be able to supply a response. Accordingly, I have asked the chief executive of the Youth Sport Trust to write direct to the hon. Member for Coventry, South.

Copies of the reply will be placed in the Libraries of both Houses.

Mr. Jim Cunningham: To ask the Secretary of State for Culture, Media and Sport what recent steps his Department has taken to increase the provision of community sport facilities in Coventry. [315942]

Mr. Sutcliffe: The Department has allocated Sport England over £ 480 million of Exchequer funding in the last five years, to invest in community sport both through national governing bodies and more specific local initiatives.

In addition, in 2009-10, the Department has allocated Sport England £135 million of Exchequer funding. Sport England has targets to get one million people doing more sport by 2012-13, and to make a major contribution to the delivery of the five-hour sports offer for children and young people. Coventry will benefit, alongside every area of England, from Exchequer and lottery investment by Sport England in 2010 in support of these targets.

The information requested regarding Coventry specifically is not held by the Department centrally, however Sport England would be able to supply a response. Accordingly, I have asked the chief executive of Sport England to write direct to the hon. Member for Coventry, South.

Copies of the reply will be placed in the Libraries of both Houses.

Sports: Television

Hugh Robertson: To ask the Secretary of State for Culture, Media and Sport what his most recent estimate is of the market value of the events recommended for listing in the David Davies Review of Listed Events. [316383]

Mr. Sutcliffe: The David Davies Review of Listed Events identified approximate market values for some of the events recommended for listing. However, the responses received to the Government's statutory consultation will enable us to make a fuller assessment of the market value for all of these events.

Hugh Robertson: To ask the Secretary of State for Culture, Media and Sport whether his Department has commissioned an economic impact assessment following the publication of the David Davies Review of Listed Events. [316384]

Mr. Sutcliffe: The evidence received in response to the Government's current statutory consultation on Free-to-Air Listed Events will form the basis of an economic impact assessment.

Stress

Grant Shapps: To ask the Secretary of State for Culture, Media and Sport if he will place in the Library a copy of the advice issued to staff of his Department on stress recognition and management. [314521]

Mr. Simon: DCMS takes stress management of its employees seriously in the Department and we have guidance on managing and recognising stress for managers and staff on our intranet site. A copy of our policy will be placed in the Libraries of both Houses.

Swimming: Concessions

Mr. Hunt: To ask the Secretary of State for Culture, Media and Sport pursuant to the answer of 25 January 2010, *Official Report*, column 540W, on swimming, how much funding has been allocated for provision of the free swimming lessons. [316534]

Mr. Sutcliffe: The Amateur Swimming Association (ASA) has budgeted £2.45 million for local authorities to apply for funding for the provision of free swimming lessons. This forms part of a package of funding DCMS has provided to the ASA to administer free swimming lessons and recruit a national network of swimming experts who are working with participating councils to promote interest in swimming and increase participation.

Councils are being encouraged by their county swimming co-ordinators to apply for more funding to provide additional free swimming lessons.

Theatre: Young People

Mr. Hunt: To ask the Secretary of State for Culture, Media and Sport pursuant to the answer of 27 January 2010, *Official Report*, column 888W, on theatre: young people, how much was spent on the provision of the 121,742 tickets; how much funding for the project remains; and when he expects the remainder to be spent. [316533]

Margaret Hodge: My Department provided Arts Council England £2,500,000 of funding to administer this two-year scheme in 2009-10.

£2,400,000 of this money has been allocated directly to the theatres who will be delivering the scheme, with

the final £100,000 being spent on marketing. Funding arrangements have been agreed with each participating venue.

Arts Council England to date has awarded theatres £1,400,000 of their allocation. A further £960,000 will be released from July 2010 for completion of the project.

A further £100,000 has been committed to an evaluation of the scheme.

TRANSPORT

Aviation

Norman Baker: To ask the Minister of State, Department for Transport what the average distance was of (a) all flights leaving UK airports and (b) all flights leaving UK airports except domestic lifeline flights in each of the last three years. [315795]

Paul Clark [*holding answer 5 February 2010*]: The following table shows the average distance travelled by flights departing UK airports in each of the last three years.

	Average distance	
	All flight departures	All flight departures except lifeline flights
2006	1,391	1,398
2007	1,413	1,420
2008	1,428	1,426

Notes:

1. Flights by passenger aircraft only.
2. Total flight departures are based on data from 58 reporting UK airports, including flights from the Isle of Man and Channel Island airports. Lifeline flights are based on flight information from 10 of these UK airports which report to the CAA.
3. Lifeline flights are those routes with Public Service Obligations (PSOs) imposed by the UK published by the Civil Aviation Authority in "CAP 775: Air Services at UK Regional Airports - An Update on Developments".

Source:

Based on data supplied to DFT by the Civil Aviation Authority

Aviation: Fuels

Norman Baker: To ask the Minister of State, Department for Transport pursuant to the answer of 1 February 2010, *Official Report*, column 25W, on aviation: fuels, if he will give (a) date and (b) location and altitude in respect of each of the 18 fuel jettisoning incidents. [316527]

Paul Clark: The incidents which resulted in fuel jettisoning were reported to the Civil Aviation Authority in accordance with the mandatory occurrence reporting requirements of the Air Navigation Order. Fuel jettisoning is not itself a reportable occurrence. The location and altitude of the fuel jettisoning are not recorded by the CAA as they are not relevant to the safety objectives of occurrence reporting. The incidents occurred on the following dates:

21 November 2008
 21 November 2008
 23 November 2008
 3 December 2008
 13 December 2008
 19 December 2008
 20 December 2008
 22 December 2008

22 March 2009
 13 April 2009
 15 April 2009
 14 May 2009
 3 June 2009
 4 June 2009
 25 June 2009
 12 July 2009
 13 August 2009
 4 September 2009.

Departmental Consultants

Julia Goldsworthy: To ask the Minister of State, Department for Transport how much consultants employed by his Department and its agencies have been paid (a) in total and (b) in reimbursable expenses in each of the last 10 years. [313988]

Chris Mole: Total expenditure by the central Department and its agencies on consultants in each financial year since it was formed in May 2002 is shown in the following table:

	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
	<i>£ million</i>						
DfT Central	57.2	58.5	65.2	64.0	53.6	51.0	56.2
Highways Agency	157.5	169.7	115.0	2.4	1.7	2.0	1.6
Driver and Vehicle Licensing Agency	4.0	3.4	4.8	1.9	18.0	6.4	12.9
Driving Standards Agency	4.2	4.0	3.6	1.2	5.1	3.5	3.4
Vehicle and Operator Services Agency	3.3	3.0	3.4	1.4	3.0	3.7	1.8
Maritime and Coastguard Agency	1.2	0.8	1.2	1.0	1.3	1.5	1.4
Vehicle Certification Agency	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Government Car and Despatch Agency ¹	n/a	n/a	n/a	0.1	0.1	0.1	0.1
Total	227.5	239.5	193.3	72.1	82.9	68.3	77.5

¹ Joined DfT from 2005-06.

The Professional Services Forum definition of consultancy has been applied since 2005-06 which led to some changes in the classification of expenditure included as consultancy from that time.

Expenditure figures from 2005-06 exclude central Department and Highways Agency spend on technical transport related consultancy. Expenditure by the Highways Agency on engineering consultancy is scored as outsourced procurement of specialist services. From 2008-09 there has been a reclassification of the treatment of work undertaken by DVLA's PACT (Partners Achieving Change Together) partners: This is reflected in the figures in the table for 2007-08 and 2008-09 and is consistent with the Agency Annual Accounts for 2008-09.

Departmental Correspondence

Justine Greening: To ask the Minister of State, Department for Transport pursuant to the answer of 20 January 2010, *Official Report*, columns 342-43W, on departmental correspondence, what criteria are used to decide (a) whether (i) an electronic document and (ii) other information forms part of the official record keeping system and (b) the agreed retention period of an approved file plan file. [315176]

Chris Mole: Departmental guidance is used to determine what documents and other items, regardless of format, should be kept on the relevant approved file plan as part of the official record. Consideration is given to whether the information is business critical, should form part of the corporate memory and has potential value as a record to explain and justify the decisions and policy development.

Retention periods for approved file plans, whether electronic or paper, are set using departmental guidelines

which are in line with the recommended retention periods set by The National Archives. Generally these vary between one and 30 years.

Justine Greening: To ask the Minister of State, Department for Transport pursuant to the answer of 20 January 2010, *Official Report*, columns 342-43W, on departmental correspondence, what criteria are used to decide whether a document is (a) judged to be a business critical paper, (b) marked with security classification and (c) marked with a privacy classification; and for what reasons such documents are stored on registered paper files. [315177]

Chris Mole: The Department for Transport's criteria for deciding whether a document is business critical is based on our need to meet our legal obligations, and to show accountability and effective administration.

Document security and privacy classification markings are determined by reference to guidance which looks at the practical consequences that are likely to result from unauthorised access or compromise of that information.

Departmental policy requires that all documents with a security marking of Confidential and above must only be stored on registered paper files. Other business critical documents, including restricted documents and personnel files, are sometimes kept as both paper and electronic files depending on their nature and format.

Justine Greening: To ask the Minister of State, Department for Transport pursuant to the answer of 20 January 2010, *Official Report*, columns 342-43W, on departmental correspondence, what the reasons are for the length of the three-month retention period for daily back-ups of the Department's electronic communications servers. [315178]

Chris Mole: The three-month retention period for back-up of the departmental servers strikes an appropriate balance between ensuring business continuity and having an acceptable operational overhead, thereby providing the ability to recover the system and data without having to hold and maintain a disproportionately large back-up store.

East Coast Main Line: Conditions of Employment

Mr. Tom Harris: To ask the Minister of State, Department for Transport whether (a) staff employed to provide catering facilities and (b) other staff on East Coast Trains will have their employment conditions protected under the Transfer of Undertakings (Protection of Employment) Regulation in the event of an alternative train operating company providing East Coast Main Line services from Glasgow from May 2011. [315188]

Chris Mole: Management of any staff transfers between train operators is a matter for those train operators.

East Coast Main Line: Rolling Stock

Norman Baker: To ask the Minister of State, Department for Transport what estimate he has made of the likely cost of the refurbishment of the existing rolling stock on the East Coast Main Line; and how many additional years of service he estimates would be delivered by such refurbished rolling stock. [314343]

Chris Mole: The Department for Transport has made an assessment of the likely cost of refurbishment of both the HST and 225 trains on the East Coast Main Line. A longer life extension would require more work, and so different estimates have been prepared according to the period of life extension. To release these estimates now would compromise the Department's commercial position in the negotiations with the preferred bidder Agility Trains.

First Capital Connect: Franchises

Anne Main: To ask the Minister of State, Department for Transport what provisions in the franchise agreement with First Capital Connect govern the termination of the franchise in respect of persistent service failure through industrial action. [314241]

Chris Mole: A persistent service failure could push the franchisee's performance below the Default Performance Level. Initially, the occurrence of an Event of Default would be subject to remedial action under the terms of the franchise agreement. However, where that Event of Default is continuing and unremedied, and the Secretary of State considers that it is material, the Secretary of State may terminate the agreement.

Highlands and Islands Airports

Norman Baker: To ask the Minister of State, Department for Transport how many flights departed from (a) Barra, (b) Benbecula, (c) Campbeltown, (d) Inverness, (e) Islay, (f) Kirkwall, (g) Stornoway, (h) Sumburgh, (i) Tiree and (j) Wick airports in each of the last three years, broken down by aircraft type. [316389]

Paul Clark: The information requested has been placed in the Libraries of the House.

Kemble-Swindon Railway Line

Mr. Clifton-Brown: To ask the Minister of State, Department for Transport what the latest date is that a decision can be taken in respect of the re-doubling of the Swindon to Kemble railway line before the expiry of the regional funding allocation. [315736]

Chris Mole: Although I would like to see an early decision taken regarding this enhancement, it depends upon a successful outcome of negotiations with Network Rail. Funding is available from the commencement of financial year 2010-11 so a conclusion to the present dialogue by summer this year is desirable.

M25

Mr. Holloway: To ask the Minister of State, Department for Transport what the distance to the next clockwise M25/A282 junction is from junctions (a) 29, (b) 30, (c) 31, (d) 1a, (e) 1b and (f) 2. [315413]

Chris Mole: The distances between the clockwise M25/A282 junctions are as follows:

From junction:	Miles
29 to 30	5.5
30 to 31	1.2
31 to 1a	2.5
1a to 1b	1.3
1b to 2	0.8

Motor Sports

Mr. Goodwill: To ask the Minister of State, Department for Transport when he expects to introduce legislative proposals to provide for the transfer of responsibilities for authorising routes for UK rallies from the Royal Automobile Club to the Motor Sports Association. [315997]

Paul Clark [holding answer 5 February 2010]: The Department for Transport will be writing to stakeholders later this month, with a copy of the draft regulations and to explain how we intend to proceed. We are aiming to complete the process in the spring.

Northern Rail

Mr. Crausby: To ask the Minister of State, Department for Transport whether he has made an assessment of the effectiveness of the Serco-Northern Rail passenger charter; and if he will make a statement. [315534]

Chris Mole: Northern Rail's Passengers' Charter is similar to those of many other franchised train operating companies. Average performance over the previous 12 months is used to determine whether compensation should be paid to season ticket holders.

Mr. Crausby: To ask the Minister of State, Department for Transport what steps his Department (a) has taken and (b) plans to take to assess the performance of the Serco-Northern Rail franchise. [315535]

Chris Mole: The Department for Transport continually monitors many aspects of performance for all of the franchised train operators, including Northern Rail. These include, train punctuality and cancellations, train capacity provided, passenger survey results, safety, and financial performance.

The Department monitors actual performance against targets and historic records to identify any trends. The franchise agreements, including Northern Rail's can be found on the Department for Transport website at:

www.dft.gov.uk

Mr. Crausby: To ask the Minister of State, Department for Transport whether his Department has made a decision on the proposed extension to the Serco-Northern Rail franchise. [315536]

Chris Mole: The Northern franchise is currently in its contractual 'Continuation Review Period'. During this time operational performance is monitored against contractual targets. Successful delivery during this period may result in the franchise continuing until 15 September 2013.

The Continuation Review Period ends on 2 May 2010. An announcement regarding the extension of the franchise will be made in due course after this date.

Railway Stations: Antisocial Behaviour

Richard Younger-Ross: To ask the Minister of State, Department for Transport whether he has made an estimate of the number of ultrasonic Mosquito devices used at railway stations; what recent representations he has received on that matter; and if he will make a statement. [316228]

Chris Mole: I understand that devices of this sort have been used at a limited number of stations. This is, however, a matter for station operators rather than the Department for Transport. We have therefore made no estimate of the number currently in use and I am not aware of any representations to the Department on the subject.

Roads: Greater Manchester

Andrew Gwynne: To ask the Minister of State, Department for Transport from what budgets the cost of corrective work to the access route from Station Road to the Fallowfield Loop in Reddish will be met. [315415]

Mr. Khan: At this point in time, no budget has been identified to cover the cost of the corrective work to the access route from Station road to the Fallowfield Loop in Reddish.

Manchester city council, Stockport Metropolitan borough council, Greater Manchester police and Sustrans are due to meet shortly to explore funding options.

Andrew Gwynne: To ask the Minister of State, Department for Transport which organisation is responsible for the design of the access route from Station Road to the Fallowfield Loop in Reddish. [315416]

Mr. Khan: Sustrans was the organisation responsible for the design and construction of the access route from Station road to the Fallowfield Loop in Reddish.

Roads: Repairs and Maintenance

Mr. Drew: To ask the Minister of State, Department for Transport what plans he has to reduce the necessity for road repairs as a result of poor work by the statutory undertakers. [315973]

Mr. Khan: Our Street Works Summit Report and Action Plan, published on 21 December 2009, set out a number of proposed actions to tackle the unacceptable disruption caused by street works.

In line with the action plan, the Department for Transport will shortly be publishing a revised Specification for the Reinstatement of Openings in Highways, setting out improved standards for street works reinstatements. The Department will also shortly be consulting on a revised code of practice and regulations on inspections, to ensure that poorly-performing undertakers are subject to a more rigorous inspection regime.

Roads: Snow and Ice

Mr. Drew: To ask the Minister of State, Department for Transport what estimate he has made of the level of expenditure by his Department on road repairs as a result of recent severe weather conditions; and what percentage of the total budget for 2010 this represents. [315974]

Mr. Khan: I refer my hon. Friend to my answer of 2 February 2010, *Official Report*, column 179W.

Southeastern

Derek Wyatt: To ask the Minister of State, Department for Transport what recent discussions he has had with Network Rail on re-advertising the Southeastern trains franchise. [316201]

Chris Mole: There have been no such discussions. The Southeastern franchise began in April 2006 and is due to end in April 2014. The period from April 2012 to April 2014 is dependant on Southeastern achieving the required performance in the period between December 2009 and December 2010.

Southeastern: Snow and Ice

Derek Wyatt: To ask the Minister of State, Department for Transport what plans there are to compensate Southeastern trains commuters adversely affected by the number of late trains running in January. [316200]

Chris Mole: Customers who were inconvenienced by the adverse weather in January will be compensated in accordance with the National Rail Conditions of Carriage and Southeastern's own published Passenger Charter.

Additionally, in cases where customers have been particularly affected, Southeastern are considering compensation claims on a case by case basis.

Stonehouse Bristol Road Station

Mr. Drew: To ask the Minister of State, Department for Transport whether his Department is responsible for the site at the Old Bristol Road railway station at Stonehouse, Gloucestershire; and what recent representations he has received on the re-opening of that station. [315889]

Chris Mole: The site of the former station buildings and former goods yard at the Old Bristol Road railway station is owned by Dunmore Developments Ltd. We are not aware of any recent representations to re-open the station.

Stress

Grant Shapps: To ask the Minister of State, Department for Transport if he will place in the Library a copy of the advice issued to staff of his Department on stress recognition and management. [314525]

Chris Mole: The current advice issued to staff in the Department for Transport and its agencies on stress recognition and management has been placed in the Library. It should be noted that all advice is regularly reviewed and could be subject to change.

Thameslink Railway Line

Anne Main: To ask the Minister of State, Department for Transport pursuant to the oral answer of 2 February 2010, *Official Report*, columns 47-8WH, for what reasons completion of key output 2 of the Thameslink programme has been delayed until December 2016. [316381]

Chris Mole: The Government remain committed to investing at least £5.5 billion to modernise one of Britain's busiest rail routes to deliver a dramatic increase in capacity, with longer trains running 24 times an hour through central London, meaning more seats and improved reliability for passengers.

After further detailed planning, Network Rail has revised the infrastructure work planned at London Bridge for a solution that improves access through the station, reduces disruption to passengers during the construction phase and provides a better value for money solution. As such the Thameslink programme outputs will be delivered from 2016.

Thanet

Dr. Ladyman: To ask the Minister of State, Department for Transport if he will set out, with statistical information related as directly as possible to South Thanet constituency, the effects on South Thanet of the policies and actions of his Department and its predecessors since 2000. [315638]

Mr. Khan: The Transport Act 2000, as amended by the Local Transport Act 2008, has provided a new policy framework benefiting all local transport authorities. The framework gives greater certainty of funding, while encouraging more strategic transport planning with local consultation, and increasing local flexibility and discretion over resources. It was accompanied by a significant increase in capital funding: support from the

Department for transport investment in Kent, within which transport authority South Thanet falls, has risen more than fourfold over the last decade.

Investment in Kent county council's local transport plan has delivered a number of improvements to the quality, safety and accessibility of the local transport network. Between 2004 and 2008, bus patronage per head of population increased by 19 per cent., and the number of people killed or seriously injured on the local highway network decreased by 36 per cent. in the period 2001-07.

In 2003, Kent county council was awarded £447,000 from the Department's 'Urban Bus Challenge' fund to develop the 'Thanet Loop' bus service. The Thanet Loop has provided a simplified, high-frequency network of services linking Margate, Broadstairs and Ramsgate with the Queen Elizabeth the Queen Mother Hospital and the Westwood Cross shopping centre. The service achieved a 20 per cent. increase in patronage in its first year of operation.

In 2005, the county council submitted a successful bid to the Department for 'Kickstart' revenue funding of the 'Dover and Deal Diamond' bus route. The £371,000 award facilitated the implementation of a frequent and fully accessible service, providing Sandwich, Deal, Dover and the Kent coalfield regeneration area with enhanced public transport links to Canterbury, as well as improved bus stop infrastructure funded by the county council.

It was announced in August 2009 that the Department had approved Kent County council's major scheme business case for the construction of the £87 million East Kent Access Road. The project will provide high quality road links between areas of deprivation in Thanet and Dover and the major employment sites at the port of Dover, the channel tunnel, and the Eurokent business park in Ramsgate. It is anticipated that construction of the new road will be completed in autumn 2012.

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Agriculture: Subsidies

Tim Farron: To ask the Secretary of State for Environment, Food and Rural Affairs what costs have been incurred by the Rural Payments Agency for claims processed under schemes they administer in each year since 2008. [316523]

Jim Fitzpatrick: The net running costs of the Rural Payments Agency for 2008-09 covering the administration of approximately 60 schemes delivered by the agency and 30 schemes delivered by other organisations amounted to £240,792,000. This is as reported in the agency annual report and accounts.

Tim Farron: To ask the Secretary of State for Environment, Food and Rural Affairs how many single payment scheme claims made in 2009 remain outstanding. [316524]

Jim Fitzpatrick: As at 31 January 2010, out of the total SPS claimant population of 107,500, approximately 12,800 have not received a payment because their claim is still undergoing the necessary validation checks.

Blaydon

Mr. David Anderson: To ask the Secretary of State for Environment, Food and Rural Affairs if he will set out, with statistical information related as directly as possible to the Blaydon constituency, the effects on Blaydon of his Department's policies and actions since 2000. [315302]

Dan Norris: Due to the broad nature of the question and the wide range of DEFRA policies implemented in Blaydon, which falls under the Gateshead council, it is not possible to provide a detailed answer in the form requested.

As a local authority, Gateshead is obliged through statute to comply with central Government legislation. DEFRA's policy responsibilities are summarised in its departmental strategic objectives (DSOs) that have been agreed with the Treasury:

To promote a society that is adapting to the effects of climate change, through a national programme of action and a contribution to international action.

To promote a healthy, resilient, productive and diverse natural environment.

To promote sustainable, low carbon and resource efficient patterns of consumption and production.

To promote an economy and a society that are resilient to environmental risk.

To champion sustainable development.

To promote a thriving farming and food sector with an improving net environmental impact.

To encourage a sustainable, secure and healthy food supply.

To provide socially and economically sustainable rural communities.

To be a respected Department delivering efficient and high quality services and outcomes.

DEFRA publishes annual departmental reports which set out progress against its Public Service Agreement targets and DSOs. The 2009 Report is available at:

www.defra.gov.uk/corporate/about/how/deprep/2009-report.htm

Past reports are available online in the National Archives.

For information on a specific DEFRA policy in Blaydon, the Government Office for the North East is able to provide information on implementation and the benefits to the area.

Care Farms

Mr. Todd: To ask the Secretary of State for Environment, Food and Rural Affairs if he will commission research into the number, uses and viability of care farms in England. [314290]

Jim Fitzpatrick: Care farming is a general term for the therapeutic use of farming practices, although there is no standard model in the UK. Care farms play an important role in offering a learning or therapeutic environment for a range of groups, such as the mentally ill, ex offenders and disaffected young people.

The services of care farms will generally be commissioned by agencies such as NHS Trusts, local authorities or probation services.

DEFRA has not commissioned any research into the number, uses and viability of care farms in England, however they are growing in number. Some of the organisations who have already benefited from their valuable services are best placed to assess their use and viability based on experience to date.

Cleethorpes

Shona McIsaac: To ask the Secretary of State for Environment, Food and Rural Affairs if he will set out, with statistical evidence relating as closely as possible to Cleethorpes constituency, the effects on that constituency of his Department's policies since 1997. [315343]

Dan Norris: Due to the broad nature of the question and the wide range of DEFRA policies implemented in Cleethorpes, it is not possible to provide a detailed answer in the form requested.

As a local authority, Cleethorpes is obliged through statute to comply with central Government legislation. DEFRA's policy responsibilities are summarised in its departmental strategic objectives (DSOs) that have been agreed with the Treasury:

To promote a society that is adapting to the effects of climate change, through a national programme of action and a contribution to international action.

To promote a healthy, resilient, productive and diverse natural environment.

To promote sustainable, low carbon and resource efficient patterns of consumption and production.

To promote an economy and a society that are resilient to environmental risk.

To champion sustainable development.

To promote a thriving farming and food sector with an improving net environmental impact.

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www.defra.gov.uk/corporate/about/how/deprep/2009-report.htm

Past reports are available online in the National Archives.

Domestic Waste: Waste Disposal

Mr. Stewart Jackson: To ask the Secretary of State for Environment, Food and Rural Affairs what targets have been set for local authorities in relation to collection of (a) residual and (b) recyclable household waste; and which such targets are based on policies of (i) his Department and (ii) the European Commission. [314946]

Dan Norris: Under the Local Authority Performance Framework each local authority is free to choose 35 from the full list of 198 National Indicators to prioritise as part of their Local Area Agreement. 85 per cent. of authorities have chosen at least one waste management target as a local priority.

The level of their ambition in setting individual targets is agreed in negotiation between the local authority and the relevant Government office for the region. Furthermore the policies and practices required for those targets to be met are a matter for individual local authorities to determine.

Local authority efforts to improve their performance contribute towards the national targets for recycling and waste reduction that were set in the Waste Strategy for England 2007, based on DEFRA's policies.

For the reporting year 2009-10, the following targets have been included in Local Area Agreements:

<i>NI 191—Residual household waste per household</i>	
<i>Authority</i>	<i>Target (kg per household)</i>
Barnet LB	662
Camden LB	483
Enfield LB	718
Hackney LB	595
Havering LB	809
Kingston-upon-Thames LB	645
Lewisham LB	754
Merton LB	649
Richmond upon Thames LB	582
Manchester MD	636
Rochdale MD	480
Wigan MD	791
Birmingham MD	737
Coventry MD	770
Walsall MD	739
Middlesbrough UA	840
York UA	617
Rutland UA	758
Herefordshire UA	759
Telford and Wrekin UA	829
Bath and North East Somerset UA	569
Isles of Scilly	1,448
Medway Towns UA	818
West Berkshire UA	850
Southampton UA	742
Isle of Wight UA	847
Cumbria CC	643
Essex CC	685
Gloucestershire CC	618
Kent CC	733
Oxfordshire CC	723
Somerset CC	555
Staffordshire CC	775
Warwickshire CC	702

<i>NI 192—Percentage of household waste sent for reuse, recycling and composting</i>	
<i>Local authority</i>	<i>Target (Percentage)</i>
Barking and Dagenham LB	27
Bexley LB	45
Brent LB	30
Croydon LB	37
Ealing LB	38
Greenwich LB	45.5
Hammersmith and Fulham LB	29
Haringey LB	32
Harrow LB	47
Havering LB	30
Hillingdon LB	40
Hounslow LB	30
Kensington and Chelsea LB	30.7
Kingston-upon-Thames LB	40
Newham LB	22
Redbridge LB	27.5
Southwark LB	24.2
Tower Hamlets LB	26
Waltham Forest LB	36
Wandsworth LB	27.2

NI 192—Percentage of household waste sent for reuse, recycling and composting

<i>Local authority</i>	<i>Target (Percentage)</i>
Westminster LB	28
Bury MD	30
Manchester MD	30
Oldham MD	30
Stockport MD	37
Tameside MD	35
Knowsley MD	30
Liverpool MD	30
St. Helens MD	32
Wirral MD	35.5
Doncaster MD	40
Gateshead MD	30
North Tyneside MD	31.06
South Tyneside MD	30
Sunderland MD	30
Dudley MD	32
Sandwell MD	28.01
Wolverhampton MD	33
Bradford MD	31
Kirklees MD	29.45
Leeds MD	33.94
Wakefield MD	36
Hartlepool UA	39
Darlington UA	40
Halton UA	31
Warrington UA	40
Blackburn with Darwen UA	40
Blackpool UA	40
East Riding of Yorkshire UA	36.08
Stoke-on-Trent UA	33
Bristol UA	38
South Gloucestershire UA	46
Plymouth UA	33
Torbay UA	31
West Berkshire UA	38
Slough UA	28
East Sussex CC	33
Essex CC	41.25
Gloucestershire CC	48
Lancashire CC	43
Leicestershire CC	48.6
North Yorkshire CC	42
Nottinghamshire CC	42.4
Oxfordshire CC	42
Surrey CC	38

Fisheries: Western Sahara

Mr. Evans: To ask the Secretary of State for Environment, Food and Rural Affairs what programmes are taking place in Western Sahara under the EU-Morocco Fisheries Agreement; whether these programmes are in accordance with the wishes of the Saharawis; and how the Saharawi have been consulted in relation to those programmes. [315750]

Huw Irranca-Davies: Information on the programmes taking place in Western Sahara is not readily available as analysis at this geographical level is not always possible from the data supplied by Morocco to the EU. However, at the behest of the UK, the Commission has asked

Morocco what programmes operate in this area and they have confirmed that money is spent on training programmes in Western Sahara. No information is available on whether or not the Saharawi have been consulted as this is an internal matter for the Moroccan Government.

Fly-tipping

Mr. Vara: To ask the Secretary of State for Environment, Food and Rural Affairs (1) how many incidents of fly-tipping were reported in each local authority in the East of England in the last 12 months; and what estimate he has made of the cost to the public purse of steps taken in response to such incidents; [316549]

(2) how many (a) prosecutions and (b) convictions there were for offences of fly-tipping in each local authority area in the last 12 months. [316553]

Dan Norris: DEFRA publishes the number of incidents of fly-tipping and the estimated cost of clearance as reported by local authorities to the Flycapture system with national, regional and local breakdowns on its website annually. Data for 2008-09 are the latest to be released under the official statistics protocols and can be found on the DEFRA website at the following address:

<http://www.defra.gov.uk/environment/quality/local/flytipping/flycapture-data.htm>

Data for 2009-10 are due to be published later this year.

Food: Supermarkets

Jessica Morden: To ask the Secretary of State for Environment, Food and Rural Affairs what guidance his Department provides to supermarkets on how to use out of date food which is still safe to eat. [315692]

Jim Fitzpatrick: The Government do not currently provide specific guidance to supermarkets on what to do with 'out of date' food which is still safe to eat. This would include food past its "best before" date, which indicates the period in which food is of optimum quality, but after which is still perfectly edible. It would also include food past its "display until" date, as these are used for stock control, and although retailers may remove food from sale once the "display until" date has passed, it has no bearing on food safety or quality. "Use by", however, is mandatory for food that will, after that date, become unsafe to eat and should be thrown away.

Where it is of sufficient quality, consuming food that has passed its "best before" or "display until" (but not past its "use by") date is, environmentally, a much better option than treating it using even the most advanced technologies. Organisations such as FareShare collect such good quality surplus food and redistribute it to vulnerable people in the community. Many supermarkets already support FareShare, and the Secretary of State has recently written to supermarket CEOs to ask them to think about how this support can be increased further still.

The Government are also collaborating with WRAP (the Waste and Resources Action Programme), the Food Standards Agency (FSA) and the food industry to improve the clarity and consistency of food date marks and storage and usage guidance. The aim of this project is to improve date labelling practice and consumer understanding, thus reducing food waste while increasing understanding of food safety.

Forestry

Mr. Paice: To ask the Secretary of State for Environment, Food and Rural Affairs what estimate he has made of the amount of previously forested land which has been permanently cleared in each of the last 10 years; and how much previously unforested land was planted for forestry in each such year. [316008]

Huw Irranca-Davies: The area of deforestation in England is not recorded centrally. However, an estimate is made for reporting emissions or removals due to afforestation, reforestation and deforestation under article 3.3 of the Kyoto protocol. The area of deforestation from 1999 to 2008 is given in the following table:

<i>Area of deforestation</i>	
	<i>Hectares (thousand)</i>
1999	805
2000	1,024
2001	1,245
2002	1,076
2003	1,051
2004	959
2005	926
2006	810
2007	745
2008	670

The area of new woodland planting is reported annually by the Forestry Commission. The Figures for 2000 to 2009 are given in the following table:

<i>New woodland creation</i>	
<i>Year ending 31 March</i>	<i>Hectares (thousand)</i>
2000	5.9
2001	5.9
2002	5.4
2003	5.9
2004	4.6
2005	5.3
2006	3.7
2007	3.2
2008	2.6
2009	2.1

Genetically Modified Organisms

Mr. Meacher: To ask the Secretary of State for Environment, Food and Rural Affairs (1) what steps his Department is taking to assess the environmental impact of genetically modified crops in England; which research projects have been commissioned or completed since the conclusion of the Government-funded farm scale evaluations that are designed to repeat or build on the research on the environmental impacts of those trials; and what scientific conclusions were reached; [316123]

(2) if he will assess the implications for his Department's policies on genetically modified foods of the July 2009 editorial in Scientific American which asserts that it is impossible to verify that genetically modified crops perform as advertised because agritech companies have given themselves veto power over the work of independent researchers. [316124]

Dan Norris: I refer my right hon. Friend to the reply I gave him on 1 December 2009, *Official Report*, column 574W.

Hunting Act 2004

Mr. Drew: To ask the Secretary of State for Environment, Food and Rural Affairs what recent discussions he has had with (a) the Secretary of State for the Home Department and (b) police forces on the enforcement of provisions of the Hunting Act 2004. [315962]

Jim Fitzpatrick: DEFRA Ministers have had no recent discussions with the Home Secretary or with police forces on the enforcement of the provisions of the Hunting Act 2004. Enforcement of the Hunting Act is a matter for the Home Office.

International Whaling Commission

Mr. David Anderson: To ask the Secretary of State for Environment, Food and Rural Affairs what recent discussions he has had with international counterparts on negotiations on the reform of the International Whaling Commission. [315665]

Huw Irranca-Davies: I discussed whaling and the reform of the IWC with the hon. Peter Garrett MP, Australian Minister for the Environment in June last year. In the same month I also met with the Icelandic Fisheries Minister where I called upon Iceland to respect the moratorium and halt commercial whaling operations.

At the International Whaling Commission's last annual meeting during which negotiations on the reform process continued, I met with a number of my international counterparts, including the Minister from Portugal.

More recently, I wrote to Japan's Environment and Fisheries Minister in October 2009 expressing our concern for their continued whaling and urging the Japanese Government to review its whaling policy.

Oils: Waste Disposal

Natascha Engel: To ask the Secretary of State for Environment, Food and Rural Affairs what recent guidance has been issued to local authorities on the prevention of (a) illegal dumping and (b) other inappropriate methods of disposal of waste oils. [315420]

Dan Norris: The Environment Agency and local authorities are the enforcement bodies in England for waste crime. DEFRA is working closely with these bodies to develop better prevention, detection and prosecution of illegal dumping offences.

In particular, DEFRA is:

Funding Keep Britain Tidy to provide local authorities with support and advice on their fly-tipping prevention strategies, including training workshops for individual local authorities. Over 70 authorities will have benefited from this training programme by the end of the financial year. Keep Britain Tidy has also provided all local authorities in England with a Knowledge Bank of best practice information and case studies, backed up with anti fly-tipping campaigning material.

Funding the Environment Agency's Waste Crime Innovation Programme which includes pilot work on new and innovative techniques for tackling fly-tipping, as well as a Landowner Partnership Programme, working with landowner organisations to tackle fly-tipping on private land.

Shortly to bring in new powers allowing local authorities and the Environment Agency to seize vehicles suspected of involvement in fly-tipping more easily.

Working to strengthen the waste carrier registration system and promote—through more user-friendly guidance—the waste duty of care so that the law is better understood and easier for authorities to enforce.

Natascha Engel: To ask the Secretary of State for Environment, Food and Rural Affairs (1) how many small waste oil burners were authorised for use in (a) 2007, (b) 2008 and (c) 2009; [315421]

(2) what recent assessment he has made of the environmental effects of the use of small waste oil burners to dispose of waste oils. [315422]

Dan Norris: Small waste oil burners which operate at below 0.4 MW net rated thermal input are regulated by local authorities under the local air pollution control system. Statistical data concerning all such regulation by local authorities is contained in annual reports available on the DEFRA website.

The number of small waste oil burners holding a permit at the end of financial years 2006-07, 2007-08, and 2008-09 are respectively 1,491, 1,491, and 1,595.

Guidance on standards of air pollution control for small waste oil burners which operate at below 0.4 MW was revised in 2004 and is published on the DEFRA website.

The guidance, which identifies what is considered to represent the best available techniques for minimising air emissions for the sector generally, was produced through a review by the local authority unit of the Environment Agency, in consultation with stakeholders. The standards in the guidance note apply where such burners use only waste oil which arises from the premises where they are located. If waste oil is brought in from elsewhere, the more stringent standards in the guidance on combustion of fuel manufactured from or comprised of solid waste in appliances between 0.4 and 3 MW is specified. Both these guidance notes will be re-examined as part of the three-year programme of reviewing all such guidance notes, which began in 2009.

Poultry: Sales

Tim Farron: To ask the Secretary of State for Environment, Food and Rural Affairs what estimate he has made of the number of turkeys sold in each of the last five years. [316522]

Jim Fitzpatrick: We have made no such estimate.

Rural Development Programme

Mr. Paice: To ask the Secretary of State for Environment, Food and Rural Affairs how much Natural England has spent on the administration of agri-environment schemes under the Rural Development Programme England in each year of the programme; and how many (a) administration and (b) operational staff it employed on the administration of such schemes in each such year. [315005]

Huw Irranca-Davies: Natural England was allocated £13,600,000 in 2008-09 to cover its direct costs associated with delivering the Rural Development Programme for

England (RDPE). In addition to this, £22,400,000 was allocated to Natural England to cover the costs of DEFRA's Genesis IT system, which is the IT system used to manage and administer the Rural Development Programme for England. These running cost includes depreciation, cost of capital and system support.

In 2009-10 these figures equated to £14,600,000 for direct costs and £23,700,000 for DEFRA Genesis IT costs.

The number of staff employed on RDPE administration related tasks is 334 and on operational activity is 128. Staff numbers have remained the same in 2008-09 and 2009-10. However, Natural England has already realised productivity gains of over 20 per cent. due to improvements in processes and the significant increase in volume of agreements that these staff are handling.

Sewers: Private Sector

Mr. Bone: To ask the Secretary of State for Environment, Food and Rural Affairs what recent representations he has received on plans for the transfer of private drains to water companies for 2011. [315757]

Huw Irranca-Davies: DEFRA regularly receives representations from a range of interested parties, including water and sewerage companies, drainage contractors and private sewer owners, about the proposed transfer of private sewers to the water and sewerage companies in England and Wales.

On 15 December 2008, the Government announced that the transfer of all private sewers and lateral drains linked to the public sewerage system to water company ownership would take place from 2011. Transfer is the only comprehensive solution to the range of problems presented by private sewers.

I anticipate consulting in the next few months on the content of regulations to effect transfer, prior to them being presented to Parliament for approval.

WORK AND PENSIONS

Complaints: Bexley

Mr. Evennett: To ask the Secretary of State for Work and Pensions how many complaints have been made against (a) Jobcentre Plus, (b) the Child Support Agency and (c) the Pensions, Disability and Carers Service by residents of the London borough of Bexley in the last five years. [314292]

Jim Knight: The information is not available in the format requested and could be obtained only at disproportionate cost.

Departmental Advertising

Grant Shapps: To ask the Secretary of State for Work and Pensions what advertising campaigns her Department has been responsible for in each of the last three years; which campaigns have (a) commenced and (b) continued in 2009-10 to date; and what the cost of each such campaign has been [312056]

Jim Knight: These are the costs (in £ million) of the advertising campaigns for which the Department has been responsible in the last three years. Generally speaking, those numbers show the cost of media space used for each campaign. All media buying is done through the COI, who show an average of a 49 per cent. saving over rate-card media costs.

All our campaigns are evaluated to ensure that they support either the Department's short-term response to the recession, or fit into its long-term strategic objectives, enabling us to inform our core customer groups or encourage behaviour change as effectively as possible.

	2007-08	2008-09	£ million 2009-10
Backing Young Britain (employer campaign)	—	—	10.10
Employability (diverse workforce campaign)	22.20	—	—
Marketing JCP services to employers	—	0.73	—
Stimulating sign-up to Local Employment Partnerships	0.18	0.19	—
Find Your Way Back To Work (customer help during the recession)	3.10	2.50	0.50
Winter Fuel Eligibility	0.31	0.27	0.22
Christmas Bonus Eligibility	—	0.08	—
Planning and Saving for Later Life (customer campaign)	—	—	2.30
Pension Credit eligibility	0.92	0.45	0.87
Fraud and Error	5.30	3.70	3.90
Directgov—citizen usage and awareness drive ³	—	5.30	2.05

¹ Spend so far

² Over 2007-09

³ Campaigns run by Directgov. These figures include all the costs associated with the campaigns (including both production and media space buying). Linked to a previous response on 13 January 2010, *Official Report*, columns 1031-2W (UIN 310280).

Departmental Billing

Dr. Cable: To ask the Secretary of State for Work and Pensions what estimate she has made of the average length of time taken by (a) her Department and (b) its agencies to pay invoices from (i) small and medium-sized enterprises and (ii) all creditors in the last 12 months. [315139]

Jonathan Shaw: The Department for Work and Pensions became a signatory to the Prompt Payment Code in March 2009 and set a target to pay 90 per cent. of correct invoices within 10 days of receipt. This target applies to all invoices paid by the Department and its agencies which are covered by a single finance system. The target has been met consistently since the signing of the code. In March 2009 the figure for all creditors was 92 per cent. rising to 97 per cent. in December 2009. Separate figures for small and medium-sized enterprises are not collected and to provide this information would incur disproportionate cost.

Departmental Buildings

Sarah Teather: To ask the Secretary of State for Work and Pensions what the (a) area and (b) estimated value is of (i) vacant and (ii) occupied office space (A) owned and (B) rented by her Department. [310517]

Jim Knight: DWP does not own any property. In 1998 and further in 2003, the Department outsourced its estate through a PFI Contract known as "PRIME" returning exchequer receipts of £250 million in 1998 and £100 million in 2003.

A—Office space owned by the Department of Work and Pensions (DWP)

	Square metres/£ million
<i>Area</i>	
(i) Vacant office space (square metres)	0
(ii) Other occupied office space (square metres)	0
<i>Estimated value</i>	
(i) Vacant office space (£ million)	n/a
(ii) Other occupied office space (£ million)	n/a

n/a = Not applicable

B—Office space rented by DWP

	Square metres/£ million
<i>Area</i>	
(i) Vacant office space (square metres)	6,747
(ii) Other occupied office space (square metres)	1,529,589
<i>Estimated value</i>	
(i) Vacant office space (£ million)	1.1
(ii) Other occupied office space (£ million)	405.8

Since the Department was formed, we have continued to make significant progress with our estate strategy. By the end of 2011, we expect to have reduced our estate by around 28 per cent. since the Department was formed, vacating 800 buildings and substantially improving the quality of most buildings that have been retained.

As the business strategies involve the relocation of staff it is inevitable that this will not align perfectly with strategic property opportunities. Consequently there will be small, localised 'pockets' of temporarily vacant space remaining where return to our PFI supplier is not immediately financially viable or where there is no demand from other Government Departments. For DWP this vacant space represents less than 0.3 m per cent. of the overall annual cost of DWP office accommodation.

Departmental Consultants

Julia Goldsworthy: To ask the Secretary of State for Work and Pensions how much consultants employed by her Department and its agencies have been paid (a) in total and (b) in reimbursable expenses in each of the last 10 years. [313996]

Jonathan Shaw: Total consultancy spend since 1 April 2003 is provided as follows:

<i>Financial year</i>	<i>Spend (£ million including VAT)</i>
2003-04	306.72
2004-05	168.37

<i>Financial year</i>	<i>Spend (£ million including VAT)</i>
2005-06	130.29
2006-07	162.62
2007-08	76.48
2008-09	72.78

Information prior to this date is not available.

Reimbursable expenses are not captured separately and are included in the figures set out above.

Departmental Electronic Equipment

Mr. Hands: To ask the Secretary of State for Work and Pensions how many iPods have been bought by her Department since 2005; and at what cost. [311912]

Jonathan Shaw: The information requested is not available centrally and could be collected only at disproportionate cost. However, DWP does not have any contractual mechanisms in place for the procurement of iPods or any MP3 device and it is highly unlikely that, under Departmental financial policy, such expenditure could be justified.

Departmental ICT

Mr. Hurd: To ask the Secretary of State for Work and Pensions how much her Department and its agencies have spent on font licensing in the last three years. [315701]

Jonathan Shaw: The information requested is not collated centrally by DWP and could be provided only at disproportionate cost.

Departmental Internet

Mr. Hunt: To ask the Secretary of State for Work and Pensions how much has been (a) budgeted for and (b) spent on the advertising campaign to position direct.gov as the nation's website; how much of this expenditure has been allocated for payments to (i) Miles Calcraft Briginshaw Duffy and (ii) celebrities appearing in the campaign. [313695]

Jonathan Shaw: Directgov has the potential to enable Government to make substantial savings in shifting from traditional to digital channels. For those savings to be realised, it is vital that the public are aware of and trust Directgov as the Government's official website. The aim of the campaign is to increase awareness so that Directgov is the first site people think of for Government information, and one which they both trust and recommend to others. Early results have shown the campaign has been a success with a record number of 614,000 visits on the first day of the campaign which was then followed by another 663,000 the next Monday. During the period of the campaign to date, year on year visits to the Directgov homepage have risen by 104 per cent.

The cost of production and airtime purchased to date combined is £2.05 million. We cannot detail the specific costs of the production of the advertisement with Miles Calcraft Briginshaw Duffy, as this would be likely to prejudice the commercial interests of Directgov.

Regarding payments to celebrities appearing in the campaign, we are unable to provide information for individual actors, musicians or other performers. This information is market-sensitive.

Negotiations on the involvement of these artists in the project were conducted by the COI and all of the above agreed to participate in the advert for a fraction of their normal commercial rate.

Disability Living Allowance: Inverness

Danny Alexander: To ask the Secretary of State for Work and Pensions how many people resident in Inverness,

Nairn, Badenoch and Strathspey constituency have continued to claim (a) the mobility component and (b) the care component of the disability living allowance after their 65th birthday in each of the last five years. [315684]

Jonathan Shaw: The information is in the following table:

Disability living allowance cases in payment for people aged 65 plus in Inverness, Nairn, Badenoch and Strathspey parliamentary constituency

	Number				
	2005	2006	May 2007	2008	2009
Higher care and higher mobility	120	140	150	160	170
Higher care and lower mobility	10	10	20	20	20
Higher care only	1	10	10	10	10
Middle care and higher mobility	120	130	140	150	150
Middle care and lower mobility	20	30	30	40	30
Middle care only	50	50	40	50	50
Lower care and higher mobility	160	160	180	190	190
Lower care and lower mobility	40	40	40	50	50
Lower care only	10	20	20	20	20
Higher mobility only	200	210	200	200	220
Lower mobility only	30	30	30	40	40
Total	750	820	850	920	950

¹ Nil or negligible.

Notes:

1. Figures are rounded to the nearest 10.

2. Cases in payment show the number of people in receipt of an allowance, and exclude people with entitlement where the payment has been suspended, for example if they are in hospital.

3. Totals may not sum due to rounding.

Source:

DWP Information Directorate: Work and Pensions Longitudinal Study.

Disability Living Allowance: Torbay

Mr. Sanders: To ask the Secretary of State for Work and Pensions how many people resident in Torbay constituency received (a) the mobility component, (b)

the care component and (c) the mobility and care components of the disability living allowance in each of the last five years. [314610]

Jonathan Shaw: The available information is in the following table:

Disability living allowance cases in payment for the Torbay parliamentary constituency for each of the last five years, as at May of each year

	Number				
	2005	2006	May 2007	2008	2009
Care component only	850	900	920	980	1,010
Mobility component only	1,190	1,150	1,130	1,120	1,160
Care and mobility components	3,690	3,910	4,200	4,470	4,690

Notes:

1 Caseload figures are rounded to the nearest 10.

2 Figures show the number of people in receipt of an allowance, and exclude people with entitlement where the payment has been suspended, for example if they are in hospital.

3 The postcode of a claimant is used to assign the parliamentary constituency.

Source:

Department for Work and Pensions Information Directorate: Work and Pensions Longitudinal Study.

Employment and Support Allowance

Mr. Harper: To ask the Secretary of State for Work and Pensions (1) what the average waiting time was between the making of a claim for employment and support allowance by a person diagnosed with a terminal illness and the placing of that person in the Support Group in the latest period for which figures are available;

and how many such claims had not been determined within 13 weeks of the claim in that period; [314725]

(2) how many claimants of employment and support allowance with a diagnosis of terminal cancer had not been placed in the Support Group on the latest date for which figures are available; [314726]

(3) how many claimants of employment and support allowance who during the assessment phase of their

claim were receiving chemotherapy or radiotherapy treatment for cancer or were recovering from that treatment had (a) been requested to attend and (b) been recorded as having attended a (i) work capability assessment and (ii) work-focused interview in the latest period for which figures are available; [314727]

(4) how many claimants of employment and support allowance with a diagnosis of terminal cancer or other terminal illness had been (a) requested to attend and (b) recorded as having attended a (i) work capability assessment and (ii) work-focused interview in the latest period for which figures are available. [314728]

Jonathan Shaw [*holding answer 1 February 2010*]: Where a customer claims Employment and Support Allowance under the Special Rules provision because they are terminally ill, their claim is fast-tracked, and upon confirmation that their illness is terminal they are immediately placed in the Support Group.

Mr. Harper: To ask the Secretary of State for Work and Pensions how many claimants of employment and support allowance who have a diagnosis of terminal cancer or other terminal illness have been moved from the Work Related Activity Group to the Support Group for the latest period for which information is available; and for how many weeks the affected claimants received the lower rate of employment and support allowance before they were moved into the Support Group. [314934]

Jonathan Shaw [*holding answer 2 February 2010*]: The information is not available.

Mr. Harper: To ask the Secretary of State for Work and Pensions pursuant to the answer of 21 July 2009, *Official Report*, column 1278W, on employment and support allowance, when she expects to publish details of the strategy to migrate existing claimants from incapacity benefit to Employment and Support Allowance. [315051]

Jonathan Shaw: The draft Employment and Support Allowance (Transitional Provisions) (Existing Awards) Regulations 2010 that provide for the migration of customers claiming incapacity benefits to Employment and Support Allowance, have been referred for public consultation by the Social Security Advisory Committee. This consultation is currently underway and will finish on 8 February.

Once the Social Security Advisory Committee delivers its report, the Government will publish a response.

Mr. Harper: To ask the Secretary of State for Work and Pensions pursuant to the evidence given to the Work and Pensions Select Committee by the Minister for Disabled People on 9 November 2009, when will the Department's (a) internal review into the operation of the employment and support allowance will be published and (b) the annual review will be published. [315719]

Jonathan Shaw [*holding answer 4 February 2010*]: We are currently conducting a department-led review of the Work Capability Assessment to ensure that it is accurately identifying individuals for the most appropriate support and accounting for adaptation. This technical review commenced in 2009, working with medical experts

and representative groups to produce a series of recommendations. A finalised report is expected later this year.

We are also committed to conducting a statutory independent review of the Work Capability Assessment every year for the first five years of operation. The independent review is distinct from the department-led review in that it will evaluate the operation of the assessments of limited capability for work and limited capability for work-related activity. This review is currently being commissioned and will report its first findings later in 2010.

Employment Schemes: Disabled

Mr. Harper: To ask the Secretary of State for Work and Pensions whether she plans to expand the number of Right to Control Trailblazer sites. [315048]

Jonathan Shaw: We plan to test the Right to Control in around eight local authority areas for two years from late 2010. The final number of areas will be determined by a selection panel's assessment of local authority bids to become Trailblazers.

It is important that the new Right is fully evaluated to ensure it delivers better outcomes for disabled people. Decisions about wider roll out will be made once evaluation evidence is available.

Mr. Harper: To ask the Secretary of State for Work and Pensions what timetable she has proposed in respect of the receipt of applications from local authorities to become a Right to Control Trailblazer site; and when her Department expects to complete its evaluation of such bids. [315049]

Jonathan Shaw: The deadline for local authorities to submit their proposals to become Trailblazer sites was 29 January 2010. The Department is currently evaluating the bids and will announce the successful sites in late February 2010.

Mr. Harper: To ask the Secretary of State for Work and Pensions when she expects to publish a framework for use by local authorities for the implementation of the Right to Control Trailblazer sites. [315050]

Jonathan Shaw: On 8 December 2009 the Office for Disability Issues (ODI) issued a prospectus for potential Trailblazers to consider how best to design their bids. The ODI has supported local authorities to develop their bids through a series of information events and supporting documentation.

Regulations will set out the minimum requirements that Trailblazer sites must implement. These regulations will be developed in co-production with disabled people, their representative organisations, providers and Trailblazer local authorities. We will consult on draft regulations. Regulations will then be laid and debated in both Houses before the Trailblazers launch in late 2010.

Fuel Poverty: Government Assistance

Mr. Gale: To ask the Secretary of State for Work and Pensions if she will bring forward proposals to assist with the heating bills of long-term sick and disabled people. [314577]

Mr. Kidney: I have been asked to reply.

Winter fuellcold weather payments

People who are long-term sick or disabled may benefit from cold weather payments and/or winter fuel payments. Cold weather payments are made for periods of exceptional cold weather which last, or are forecast to last, for seven consecutive days. These payments go to people on low incomes and are currently worth £25. Winter fuel payments are paid to most people who are aged 60 or over. For winter 2009-10, these payments are £250 for households with someone aged 60-79 and £400 for households with someone aged 80 and over.

Social price support

Under the current voluntary agreement between energy suppliers and Government, suppliers offer some help with energy bills to vulnerable consumers, and a number include help for customers who are long-term sick or disabled.

As announced in the Low Carbon Transition Plan, the Government have decided to create a system of mandatory social price support to place the current voluntary agreement on a statutory footing for when it ends in March 2011. Draft legislation to enable this was introduced to Parliament as part of the Energy Bill on 19 November.

Detailed proposals on mandatory social price support are still under development and will be subject to the safe passage of the Energy Bill.

Proposals on the social price support schemes including proposed eligibility, will be put out to consultation this summer.

Industrial Health and Safety

Mr. Hoyle: To ask the Secretary of State for Work and Pensions how many times the Health and Safety Executive has had a recommendation for hazardous substance consent declined by a local authority in each of the last five years. [314189]

Jonathan Shaw: Under the provisions of the Planning (Hazardous Substances) Act 1990 and the legislation enacted under it in 1992, 1999 and 2009, the Health and Safety Executive acts as a statutory consultee to Hazardous Substances Authorities (HSA), usually local planning authorities. HSE provides advice to HSAs on applications for consent to store hazardous substances at major hazards installations. The decision to grant or reject the consent rests with the HSA.

HSE requests HSAs to notify it of the outcome of all applications for consent as is required by Reg 11(5) of the Planning (Hazardous Substances) Regulations 1992. However, the response to this request is variable. HSE is not aware of any occasions in the last five years where HSAs have granted consent against HSE's advice. HSE does not keep information on occasions when consents have been refused in circumstances when HSE has not advised against the application.

Jobcentre Plus: Closures

Paul Rowen: To ask the Secretary of State for Work and Pensions how many job centres have closed in the last 10 years. [309725]

Jim Knight [*holding answer 11 January 2010*]: The administration of Jobcentre Plus is a matter for the chief executive of Jobcentre Plus, Darra Singh. I have asked him to provide the right hon. Member with the information requested.

Letter from Darra Singh:

The Secretary of State has asked me to reply to your question asking how many Jobcentres have closed in the last 10 years. This is something that falls within the responsibilities delegated to me as Chief Executive of Jobcentre Plus.

I am only able to provide information relating to Jobcentre Plus since it was created in April 2002 with the merger of the former Employment Service and Benefits Agency. Altogether, 506 Jobcentre Plus offices previously open to the public have been closed since April 2002.

The vast majority of these took place as a result of the decision to merge the former Benefits Agency and Employment service in 2002. Jobcentre Plus inherited around 1,500 offices from the two former agencies. At the point of merger, the two organisations had offices which, in many instances, were geographically close to each other and provided opportunities to rationalise the estate. We have modernised our Jobcentre network to improve customer service, rationalising our estate to provide excellent high street coverage and a single, integrated customer facing office, at the same time reducing cost to the tax payer. We remain the largest office network in Government with 741 modern Jobcentres supported by 31 modern, industry standard contact centres and 79 main benefit processing centres.

The great majority of our services (in common with most large, modern organisations) are now also delivered through the telephone and internet. For example, to give customers more convenient access, we have around half a million vacancies on-line at any time (our website receives close to one million job searches every working day), and new claims to benefit are predominantly taken by telephone with some taken on-line. This has brought our customer facing services together in a more coherent and integrated network.

Our approach to closure of a customer-facing Jobcentre takes into account a range of issues, including the impact on customer service and whether the work and staff can be relocated. When we are considering changes in our service delivery planning of this nature, we consult with our customers, partner organisations, Trade Unions, staff, and local Members of Parliament.

In the light of the current economic conditions and welfare reform changes planned for the next two to three years a decision was taken late in 2008 to suspend the planned closure of 25 Jobcentres. Three small offices in London, where closure had been previously announced, subsequently closed in March and April 2009. However, there will be no new Jobcentre closures while the current economic conditions persist.

Jobcentre Plus continues to give people the support they need to move from benefits and into work. We quickly recruited 16,000 extra staff during the economic downturn, all for customer-facing jobs, and have moved fast to introduce new help for customers such as additional jobs advice and more support for young people.

During the downturn, our Jobseeker's Allowance (JSA) workload doubled. But I am pleased to report that we are on top of performance and meeting all six of our key performance targets. We usually answer virtually all calls from customers making a new JSA claim and on average within seconds. Over 4 in 5 of customers are seen for their first advisory interview about finding work within 3 working days of making a JSA claim, and we are clearing JSA new claims quickly - on average within 10 days, well ahead of its target of 11.5 days.

Pensioners: Social Security Benefits

Mr. Crausby: To ask the Secretary of State for Work and Pensions what steps she is taking to ensure that people over 60 years of age receive the benefits to which they are entitled. [306559]

Angela Eagle: The Government are committed to ensuring pensioners receive the support they are entitled to and a number of measures have been put in place to encourage pensioners to take up their benefit entitlement.

The claim process has been simplified so that claims for housing benefit and council tax benefit can be made over the phone with pension credit without the need for a signed claim form. A targeted regional campaign is being rolled out, which is designed to engage with the local pensioner population, using channels of communication and working with organisations they are familiar with. The Pension Disability and Carers Service carries out around 13,000 visits weekly to vulnerable customers. In addition a small pilot is planned for 2010 designed to investigate the viability of making better use of the data currently held by DWP to improve pension credit take-up.

Winter fuel payments are made automatically to most people (around 95 per cent.) without the need for a claim. For winter 2008-09, over 12.3 million people in around 9 million households received winter fuel payments at a cost of around £2.7 billion.

Social Security Benefits: Debts

Andrew Selous: To ask the Secretary of State for Work and Pensions what the 10 largest benefit debts owed to her Department by individuals in each Jobcentre Plus district were on the most recent date for which figures are available; and to which principal benefit each debt related. [314734]

Jim Knight [*holding answer 2 February 2010*]: Data on benefit debt are not broken down by geographical area or Jobcentre Plus district.

Social Security Benefits: Disabled

Mrs. May: To ask the Secretary of State for Work and Pensions which diseases are in the category of diseases of the genito-urinary system for the purpose of classifying incapacity benefit claims; and how many people claiming incapacity benefit or employment and support allowance have each such disease. [313096]

Jonathan Shaw: The information requested is provided in the following table.

Causes of incapacity are based on the International Classification of Diseases, 10th Revision, published by the World Health Organisation. To qualify for incapacity benefit/severe disablement allowance, claimants have to undertake a medical assessment of incapacity for work which is called the personal capability assessment. Therefore, the medical condition recorded on an incapacity benefit/severe disablement allowance claim form does not itself confer entitlement to incapacity benefits, so for example, the decision for a customer claiming incapacity benefit under the diseases of the genitourinary system category would be based on their ability to carry out the range of activities in the personal capability assessment.

Number of incapacity benefit/severe disablement allowance claimants with a disease under the genitourinary system category GB and abroad—May 2009

	Claimants
All genitourinary system	16,240

Number of incapacity benefit/severe disablement allowance claimants with a disease under the genitourinary system category GB and abroad—May 2009

	Claimants
Nephrotic Syndrome	380
Unspecified Nephritic Syndrome	230
Tubulo-interstitial Nephritis, not specified as Acute or Chronic	110
Other Renal Tubulo-interstitial Diseases	370
Chronic Renal Failure	5,490
Unspecified Renal Failure	10
Calculus of Kidney and Ureter	370
Unspecified Renal Colic	390
Other Disorders of Kidney, and Ureter not elsewhere classified	3,240
Cystitis	160
Other Disorders of Urinary System	680
Hyperplasia of Prostate	150
Inflammatory Diseases of Prostate	250
Other Disorders of Prostate	110
Hydrocele and Spermatocele	50
Orchitis and Epididymitis	140
Inflammatory Disorders of Breast	50
Other Disorders of Breast	470
Salpingitis and Oophoritis	—
Inflammatory Disease of Cervix Uteri	80
Other Female Pelvic Inflammatory Diseases	140
Endometriosis	960
Non-inflammatory Disorders of Ovary, fallopian Tube and Broad Ligament	230
Other non-inflammatory Disorders of Uterus, except Cervix	1,150
Other non-inflammatory Disorders of Vagina	—
Absent, scanty and rare menstruation	10
Excessive, Frequent and rare menstruation	620
Pain and other conditions associated with Female Genital Organs and menstrual cycle	310
Menopausal and other Perimenopausal Disorders	90
'—' = Nil or negligible	

Notes:

1. Figures are rounded to the nearest 10 and may not sum due to rounding.
2. Data by medical condition is not yet available for employment and support allowance claims.

Source:

DWP Information Directorate: Department for Work and Pensions Longitudinal Study 100 per cent. data..

Mrs. May: To ask the Secretary of State for Work and Pensions what estimate she has made of the number of claimants of (a) employment and support allowance, (b) incapacity benefit and (c) severe disablement allowance whose capability for work was limited by obesity in each year since 1997. [313269]

Jonathan Shaw: The detailed classification under which employment and support allowance data will be collected is being developed.

The available information is in the following table.

Number of claimants of incapacity benefit and severe disablement allowance with obesity as main disabling condition, GB and Abroad in May of each year from May 1997 to May 2009

	<i>Incapacity benefit and severe disablement allowance</i>	<i>Incapacity benefit</i>	<i>Severe disablement allowance</i>
1997	1,100	1,000	100
1998	1,200	1,100	100
1999	1,300	1,200	200
2000	1,560	1,390	170
2001	1,630	1,460	170
2002	1,700	1,550	150
2003	1,730	1,590	140
2004	1,780	1,650	140
2005	1,830	1,710	120
2006	1,890	1,790	110
2007	1,980	1,880	100
2008	2,070	1,970	100
2009	2,040	1,940	90

Notes:

1. 100 per cent. figures are rounded to the nearest 10.
2. Figures for 1997 to 1999 have been derived by applying 5 per cent. proportions to 100 per cent. Work and Pensions Longitudinal Study totals and rounded to the nearest 100.
3. Severe disablement allowance figures from May 1997 to May 1999 are subject to a high degree of sampling error and should only be used as a guide.
4. Causes of incapacity are based on the International Classification of Diseases, 10th Revision, published by the World Health Organisation. To qualify for incapacity benefit/severe disablement allowance, claimants have to undertake a medical assessment of incapacity for work which is called the personal capability assessment. Therefore, the medical condition recorded on incapacity benefit/severe disablement allowance claim form does not itself confer entitlement to incapacity benefits, so for example, the decision for a customer claiming incapacity benefit on grounds of obesity would be based on their ability to carry out the range of activities in the personal capability assessment.
5. Data by medical condition are not yet available for employment and support allowance claims.

Source:

Department for Work and Pensions Information Directorate: Work and Pensions Longitudinal Study 5 per cent. and 100 per cent. data.

Mr. Sanders: To ask the Secretary of State for Work and Pensions how many (a) incapacity benefit and (b) employment and support allowance claimants there were in (i) the South West and (ii) Torbay constituency on the latest date for which figures are available.

[314621]

Jonathan Shaw: The available information is provided in the following table:

Incapacity benefit/severe disablement allowance and employment and support allowance claimants in South West Government office region (GOR) and Torbay parliamentary constituency, May 2009

	<i>Incapacity benefit/severe disablement allowance</i>	<i>Employment and support allowance</i>
Torbay	5,460	580
South West region	176,630	21,650

Notes:

1. Figures rounded to the nearest 10.
2. Employment and support allowance replaced incapacity benefit and income support paid on the grounds of incapacity for new claimants from 27 October 2008.

Source:

Department for Work and Pensions Information Directorate 100 per cent. Longitudinal Study.

Mr. Harper: To ask the Secretary of State for Work and Pensions what assessment she has made of the adequacy of the administrative procedures officials in her Department use in relation to claims made by cancer patients simultaneously for employment and support allowance and disability living allowance; and if she will make a statement.

[314933]

Jonathan Shaw [holding answer 2 February 2010]: Disability living allowance and employment and support allowance are distinct benefits each with their own eligibility criteria which require separate claims.

Entitlement to either benefit is not dependent on a claimant having a particular medical condition. If, however, someone has a progressive disease, which includes cancer, and their death as a result can reasonably be expected within six months, then in addition to being automatically awarded the highest rate care component (or placed in the support group, if claiming employment and support allowance), they are also fast tracked to expedite their claim and consequently the payment of either disability living allowance and/or employment and support allowance. The Department deals with disability living allowance claims such as these within eight working days and aims to make a decision on employment and support allowance claims within five working days.

The Department works closely with stakeholders and charities to improve the claims process.

Social Security Benefits: Medical Examinations

Mr. Hancock: To ask the Secretary of State for Work and Pensions how many challenges to determinations made in medical assessment findings by ATOS Medical there have been at tribunals (a) since the start of the ATOS Medical contract and (b) in the last 12 months; and what the cost of such tribunals has been in each case.

[311100]

Jonathan Shaw: Decisions about entitlement to benefit are made by Jobcentre Plus and if an appeal is lodged, it is this decision that is appealed.

Data on appeals relating to incapacity benefit claims is not held centrally. Detailed information relating to the work capability assessment for employment and support allowance claims in Great Britain is available at:

http://research.dwp.gov.uk/asd/workingage/esa_wca/esa_wca_arc.asp

A copy is available in the Library. This report contains details of the number of initial assessments carried out since the introduction of employment and support allowance, a breakdown of the result of the assessment, including the fit for work decision and separate information relating to work capability assessment appeals.

Information about the number of work capability assessment appeals is in the table.

*Work Capability Assessment appeals heard on "Fit for Work" decisions—
Employment and support allowance claims to December 2008/Appeals heard by
end of December 2009*

	<i>Number</i>
Appeals heard	8,800

Notes:

1. Includes clerical assessments.
2. Volumes will increase in the coming months as more appeals are processed, giving a more robust picture of appeal volumes and outcomes. It will then be possible to link this information to the Work Capability Assessment data and provide information on proportions appealing.
3. Figure rounded to the nearest hundred.

The Appeals Service and related costs fall under the authority of the Ministry of Justice. I am advised that the average cost for completing an appeal against an incapacity benefit/employment and support allowance decision for 2008-09 is £272.

Social Security Benefits: Payments

Steve Webb: To ask the Secretary of State for Work and Pensions how many recipients of benefits and pensions paid by her Department had payment credited (a) to a pre-paid card, (b) credited to a bank account, (c) credited to a post office card account, (d) credited to a credit card account, (e) credited to another account and (f) and paid by giro on 1 January (i) 2009 and (ii) 2010. [314331]

Helen Goodman [*holding answer 29 January 2010*]: The full information is not available in the format requested. The latest information that is available is in the following table.

Aside from the Post Office card account, the Department's systems do not differentiate between the type of external accounts that customers choose to use to receive payment of their benefit or pension.

<i>As at August each year</i>	<i>Bank or other account</i>	<i>Post Office card account</i>	<i>Cheque</i>	<i>Number Total payload accounts</i>
2008	16,372,040	3,988,690	424,720	20,785,440
2009	17,504,040	3,888,750	341,520	21,734,300

Notes:

- Figures are rounded to the nearest 10. Total does not sum due to rounding.
- Figures only relate to accounts live and in payment on the specified date.
- Data does not include Northern Ireland.
- Figures refer to payment accounts. Claimants with more than one account will be counted for each account.
- Child Benefit and War Pensions are no longer administered by DWP and have therefore been excluded.

Source:

DWP, Information Directorate August 2009.

Stress

Grant Shapps: To ask the Secretary of State for Work and Pensions if she will place in the Library a copy of the advice issued to staff of her Department on stress recognition and management. [314527]

Jonathan Shaw: DWP provides comprehensive guidance on stress as part of its wider Wellbeing at Work programme. Detailed policies, procedures and advice can be accessed via a dedicated intranet site which also helps staff to recognise the symptoms and understand the underlying causes of stress and how these can be managed.

I will place copies of our advice in the Library.

HEALTH

Alcoholic Drinks: Misuse

Chris Grayling: To ask the Secretary of State for Health what information his Department holds for benchmarking purposes on levels of binge drinking in other EU member states. [315703]

Gillian Merron: The Department uses the percentage of adults drinking more than twice the recommended number of units for regular drinking (two-three units for women; three-four for men) on the individual's heaviest drinking day in the last week, as a proxy estimate for binge drinking levels in the population. The latest available data, "General Lifestyle Survey 2008: Smoking and drinking among adults, 2008", published January 2010, showed that 18 per cent. of the adult population exceeded this measure on their heaviest drinking day during one survey week in 2008 compared with 20 per cent. in 2007.

We are aware of a number of studies which compare levels of binge drinking between European Union member states, such as Hemström Ö, et al, Alcohol in Postwar Europe: consumption, drinking patterns, consequences and policy responses in 15 European countries (2002), Gmel G, et al, Binge drinking in Europe: definitions, epidemiology, and consequences (2003) and the Gender, Alcohol and Culture: An International Study (GENACIS Project). International Research Group on Gender and Alcohol. It is important to note that the data sources and definitions of binge drinking used are not the same as that used by the Department of Health. They also vary between the different studies.

Back Pain: Medical Treatments

Norman Lamb: To ask the Secretary of State for Health (1) what assessment he has made of the implementation of guidance issued by the National Institute for Health and Clinical Excellence on lower back pain; [315437]

(2) how many primary care trusts are commissioning services for people with lower back pain. [315438]

Ann Keen: The policy set out in 'Standards for Better Health' requires national health service organisations to take account of all relevant guidelines from the National Institute for Health and Clinical Excellence (NICE), and to implement them where appropriate in line with locally-determined priorities for service development. A copy of 'Standards for Better Health' has already been placed in the Library. NHS organisations are also required to publish an overall assessment of how they have taken NICE guidelines into account as part of their annual declaration of compliance with national standards. The Care Quality Commission assesses these declarations, but organisations are not required to make declarations in respect of specific guidelines.

Detailed information on the services commissioned by primary care trusts for people with lower back pain is not held centrally. We are funding a national clinical audit of pain management services which is currently in progress. We expect the results of the first phase to be available in October 2010.

Care Homes

Mrs. Spelman: To ask the Secretary of State for Health whether the Care Quality Commission has provided advice on the provision of warden-assisted housing placements for elderly residents registered as blind. [315417]

Phil Hope: The Care Quality Commission has not provided any such guidance.

The Commission is the regulator of providers of health and adult social care. As such it regulates providers of personal care to people living in warden-assisted housing but does not have a role in other aspects of the housing.

Consultancy: Contracts

Mr. Davey: To ask the Secretary of State for Health what steps his Department takes to monitor contracts awarded to consultancy firms by NHS trusts and primary care trusts. [316366]

Mr. Mike O'Brien: As part of its ongoing drive to make the national health service accountable at a local level, the NHS constitution and the statement of NHS accountability have placed the emphasis on ensuring value for money to the boards of NHS organisations.

The Department, and the Office of Government Commerce, provide advice and guidance to NHS organisations on the procurement of consultancy advice to support NHS boards.

Departmental Communication

Mr. Hurd: To ask the Secretary of State for Health whether his Department publishes an annual report on departmental communications. [315602]

Phil Hope: The Communications Directorate publishes a chapter within the Department's annual report summarising activity, results and expenditure. The next report is due to be published in May 2010. Additionally, research summaries of our marketing work are published regularly on the departmental website.

Departmental ICT

Mr. Hurd: To ask the Secretary of State for Health how much his Department and its agencies have spent on font licensing in the last three years. [315492]

Phil Hope: The Department has spent £18,112 on font licences over the last three years.

The Department's executive agency, the Medicines and Healthcare products Regulatory Agency, has made no purchases of font licences over the period specified.

The Department has a number of arms length bodies and several national programmes e.g. NHS Employers. Information for these bodies is not held centrally and cannot be provided except at disproportionate cost.

Departmental Information Officers

Mr. Hurd: To ask the Secretary of State for Health how many staff in his Department and its agencies have the status of (a) embedded communicators and (b) are members of the Government Communications Network and are not listed in the Central Office of Information White Book. [315569]

Phil Hope: There are currently 19 (full-time equivalent) staff employed by the Department and its agencies with the status of embedded communicators.

Government Communications Network (GCN) membership data is not held by individual Departments. The Cabinet Office, which administers the GCN, is

unable to share membership data without the permission of individual members. Therefore it is not possible to readily provide this information accurately.

Departmental Internet

Mr. Hurd: To ask the Secretary of State for Health for which Google Adword online advertising keywords his Department and its agencies have paid in the last 12 months; and at what cost. [315469]

Phil Hope: For the period 1 February 2009 to 31 January 2010 the Department ran 21,939 active search terms, (including searches on specific campaigns and those used by NHS Choices).

The total spend on all these searches was: £2,720,457.11.

In relation to which Google keywords have been bought for use, such information is commercially sensitive; in particular the collection of the keywords the Department has paid for on NHS Choices is estimated to have taken approximately one year to complete.

The commercially competitive nature of the cost of Google Adword keywords means that putting specific information in the public domain on actual keywords used could put the Department at a future competitive disadvantage.

East Lancashire Hospitals NHS Trust: Finance

Mr. Gordon Prentice: To ask the Secretary of State for Health (1) whether he expects the East Lancashire Hospitals NHS Trust to reduce its spending in 2010 and 2011; and if he will make a statement; [316015]

(2) whether he expects NHS East Lancashire to reduce its spending in 2010 and 2011; and if he will make a statement. [316016]

Mr. Mike O'Brien: Management of national health service spending is determined at a local level. Services are commissioned by local primary care trusts (PCTs) and management of expenditure is determined locally. All NHS organisations are expected to meet their statutory duty to achieve financial balance.

East Lancashire PCT will receive £629.3 million in 2009-10 and £663.9 million in 2010-11. This reflects an increase over the two years of £67.4 million, 11.3 per cent. in cash terms.

General Practitioners: East Sussex

Norman Baker: To ask the Secretary of State for Health how many, and what proportion of GP surgeries in Sussex Downs and Weald Primary Care Trust area are open (a) in the evenings and (b) at weekends. [315765]

Mr. Mike O'Brien: The latest published figures for general practitioner (GP) surgery extended opening hours are for July 2009. In July 2009 East Sussex Downs and Weald Primary Care Trust had 28 of their 43 (65.1 per cent.) GP practices offering extended opening. For South East Coast Strategic Health Authority, these figures are 502 of 641 (78.3 per cent.), and for England 6,834 of 8,279 (77.1 per cent.) of GP practices offering extended opening.

The Department does not hold figures that distinguish between evening and weekend opening.

Genetically Modified Organisms

Mr. Meacher: To ask the Secretary of State for Health what research projects funded by (a) his Department and (b) the Biotechnology and Biological Sciences Research Council in the last 10 years on which he relies on to fulfil his responsibility to ensure that genetically modified food is safe to eat have been designed specifically to show whether there are risks of adverse health effects for people from the consumption of genetically modified food. [316125]

Gillian Merron: I refer my right hon. Friend to the written answer given by my hon. Friend the Under-Secretary of State (Ann Keen) on 1 December 2009, *Official Report*, column 654W.

Health Hazards: Radiation Exposure

Tom Brake: To ask the Secretary of State for Health how many reports there were of health problems allegedly related to wireless radiation from (a) high-voltage powerlines, (b) telephone antennae and (c) radio frequency and microwaves from telecommunications masts in the last 10 years. [315491]

Gillian Merron: The Department of Health does not hold this information centrally.

The Department has supported research over the last decade in relation to concerns that there might be adverse effects from the low levels of exposure to electromagnetic fields from power lines, mobile phones and telecommunications masts. In the course of this work, the scientific and medical communities have become aware of people who report an unusual sensitivity to electric or magnetic fields. A range of symptoms was noted by the Health Protection Agency's (HPA's) Radiation Protection Division in its publication, "Mobile Phone and Health 2004", which is available on the HPA website at:

www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1254510624582?p=1219908766891

The HPA also published a study entitled Definition, Epidemiology and Management of Electrical Sensitivity, which is also available on the HPA website at

www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1247816558210?p=1197637096018

The Health Protection Agency and the World Health Organization keep scientific reports on health effects from electromagnetic fields under review.

Health Services: Australia

Bob Spink: To ask the Secretary of State for Health what estimate he has made of the number of (a) Australian nationals treated by the NHS and (b) UK nationals treated in Australia under reciprocal healthcare obligations in the last 12 months; and what the cost to the public purse was of such treatment. [315805]

Gillian Merron: Under the agreement between the United Kingdom and Australia, residents of each country can access emergency state healthcare in each country,

however no reimbursements are sought from either country for treatment provided, and so the data relating to this is not collected centrally. There is no provision for referrals for planned treatment between the two countries.

Health Services: Greater London

Mr. Davey: To ask the Secretary of State for Health if he will request from NHS London a copy of the report, The South West London Strategic Plan; and if he will place in the Library a copy of that report. [316386]

Mr. Mike O'Brien: This is a matter for the local national health service, and it is for the local NHS to publish their plans when appropriate.

Hospital Beds

Mr. Hollobone: To ask the Secretary of State for Health how many hospitals were on a black alert bed status in (a) December 2009 and (b) January 2010; and what proportion of the beds involved were occupied by older patients requiring chronic care in each month. [316126]

Mr. Mike O'Brien: These data are not collected centrally.

Hospitals: Admissions

Chris Grayling: To ask the Secretary of State for Health how many people have attended hospital for treatment for injuries consistent with a dog attack in each year since 1998. [314768]

Mr. Mike O'Brien: Information is not currently collected centrally in the form requested. Information for 1998 to 2002 on non-fatal accidental injuries consistent with a dog attack leading to an accident and emergency (A and E) hospital attendance is available from the Home and Leisure Accident Surveillance System (HASS/LASS), which ran until 2002. These data cover injuries from home and leisure accidents only (intentional injuries, and road traffic and work accidents are not included), and are estimates for the United Kingdom based on a sample of 16 to 18 hospitals.

UK estimates of number of A and E attendances for non-fatal injuries resulting from home and leisure accidents recorded as 'Attack by Dogs'

A and E attendances (UK national estimate)

1998	74,100
1999	70,340
2000	72,840
2001	66,850
2002	69,150

Notes:

1. Figures are for attendances at A and E departments—the majority of cases will not have resulted in admission to hospital as an in-patient.
2. Figures are estimates based on a sample of 16 to 18 hospitals across the UK, and have been rounded to the nearest 10.
3. Figures are for the number of A and E attendances, not for the number of people who have attended A and E (some people may have attended on more than one occasion for a dog attack).

Source:
HASS/LASS

Information is collected centrally on people admitted to hospital as an in-patient with a cause of injury recorded as being bitten or struck by a dog. This does not include people only attending A and E for treatment. Figures are for England.

Count of finished admission episodes (FAEs)¹ where there was a primary cause code² of bitten or struck by dog³, England

<i>Financial year</i>	<i>FAEs</i>
1997-98	3,079
1998-99	3,416
1999-2000	3,377
2000-01	3,282
2001-02	3,297
2002-03	3,473
2003-04	3,773
2004-05	4,133
2005-06	4,574
2007-08	4,611
2008-09	5,221

¹ FAE is the first period of in-patient care under one consultant within one health care provider. FAEs are counted against the year in which the admission episode finishes. Admissions do not represent the number of in-patients, as a person may have more than one admission within the year.

² The cause code is a supplementary code that indicates the nature of any external cause of injury, poisoning or other adverse effects. Only the first external cause code which is coded within the episode is counted in HES.

³ The ICD10 Cause Code used for bitten or struck by dog is W54.

Notes:

1. HES figures are available from 1989-90 onwards. Changes to the figures over time need to be interpreted in the context of improvements in data quality and coverage (particularly in earlier years), improvements in coverage of independent sector activity (particularly from 2006-07) and changes in national health service practice. For example, apparent reductions in activity may be due to a number of procedures that may now be undertaken in out-patient settings and so no longer include in admitted patient HES data.

2. The figures cover activity in English NHS Hospitals and English NHS commissioned activity in the independent sector

Source:

Hospital Episode Statistics (HES), The NHS Information Centre for health and social care

Hospitals: Closures

Mr. Davey: To ask the Secretary of State for Health whether his Department has amended its guidance to strategic health authorities on consulting with the public on major re-configuration or closures of local hospital services since January 2009. [316387]

Mr. Mike O'Brien: The Department has not amended its guidance to strategic health authorities on consulting with the public on re-configuration of services since January 2009.

Mr. Davey: To ask the Secretary of State for Health what guidance his Department has issued to strategic health authorities on consulting the public on major re-configurations or closures of local hospital services; whether any specific guidance has been issued in respect of NHS London; and if he will make a statement. [316388]

Mr. Mike O'Brien: The Department, in conjunction with its key stakeholders, has issued a raft of helpful guidance to the national health service on consulting the public on major re-configurations or closures of local hospital services.

The most recent guidance on service reconfiguration schemes going to public consultation "Our NHS Our Future Next Stage Review Leading Local Change" review by Professor the Lord Darzi, was published on 9 May 2008.

The Department has not issued guidance specifically to NHS London. However, NHS London issued its own guidance "NHS London Reconfiguration Programme Guide" in October 2008.

Hotels

Mr. Hurd: To ask the Secretary of State for Health how many separate bookings for stays at five star or above hotels were made through the Expotel contract by his Department in the last year for which figures are available; and at what cost. [315493]

Phil Hope: The Department has made six separate bookings for a total of seven nights in five star hotels at a total cost of £1,575.21 between 1 January 2009 and 31 December 2009. All these bookings were for overseas destinations. The Department and Expotel do not record the star rating of hotels booked in the United Kingdom. Instead a limit of £115 per night is imposed for hotels with London postcodes and also for overseas hotels booked from April 2009. The limit is £85 for elsewhere in the UK.

Medical Treatments: Lasers

Anne Milton: To ask the Secretary of State for Health what recent assessment he has made of the health effects of low level laser therapy. [315072]

Mr. Mike O'Brien: None. However the Medicines and Healthcare products Regulatory Agency has issued guidance on the safe use of lasers, intense pulsed light systems and intense light emitting diodes when used as medical devices. The guidance is available at:

www.mhra.gov.uk/Publications/Safetyguidance/DeviceBulletins/CON014775

Milton Keynes

Mr. Lancaster: To ask the Secretary of State for Health if he will set out, with statistical information related as directly as possible to North East Milton Keynes constituency, the effects on Milton Keynes of the policies and actions of his Department and its predecessors since 1997. [316040]

Phil Hope: The Government have put in place a programme of national health service investment and reform since 1997 to improve service delivery in all parts of the United Kingdom. 93 per cent. of people nationally now rate the NHS as good or excellent. The "NHS Constitution" contains 25 rights and 14 pledges for patients and the public including new rights to be treated within 18 weeks, or be seen by a cancer specialist within two weeks, and an NHS health check every five years for those aged 40-74 years.

There is significant evidence that these policies have yielded considerable benefits for the North East Milton Keynes constituency. For example:

Figures for November 2009 show that in Milton Keynes Primary Care Trust (PCT):

92 per cent. of patients whose treatment involved admission to hospital started their treatment within 18 weeks.

98 per cent. of patients whose treatment did not involve admission to hospital started their treatment within 18 weeks.

In September 2009, at Milton Keynes Hospital NHS Foundation Trust, 97.7 per cent. of patients spent less than four hours in accident and emergency from arrival to admission, transfer or discharge.

Between September 2002 and September 2008, the number of consultants at Milton Keynes Hospital NHS Foundation Trust has increased from 67 to 93. Between September 2002 and September 2008, the estimated number of nurses has increased from 829 to 832.

Between September 2001 and September 2008, the number of general practitioners (GPs) per 100,000 within Milton Keynes PCT has increased from 54.9 to 61.1.

98.6 per cent. of urgent GP referrals to Milton Keynes Hospital NHS Foundation Trust with suspected cancer are seen by a specialist within two weeks of the referral.

Milton Keynes PCT opened its GP-led health centre in December 2009 at Glyn Valley Place, Broughton Gate in Milton Keynes. The centre is open between 8 am and 8 pm, seven days a week, and additional services include maternity care, minor surgery, childhood immunisations, asthma reviews, family planning, diabetic reviews and cryotherapy.

Although statistical information is not available at a local level, North East Milton Keynes will have also benefited from national policies in other areas. For example:

Since 1997, gross current expenditure on personal social services has increased by around 70 per cent. in real terms, with around 105,000 households now receiving intensive home care and 3,076 new extra care housing units—exceeding the original target of 1,500 new extra care units.

Other strategies currently being implemented are:

Subject to parliamentary approval, the “Personal Care at Home Bill” will guarantee free personal care for 280,000 people with the highest needs and help around 130,000 people who need home care for the first time to regain their independence.

Shaping the “Future of Care Together” Green Paper, published in July 2009, sets out a vision of a National Care Service for all adults in England that is fair, simple and affordable. The Department has consulted widely on this reform and is currently analysing the responses, which will feed into a White Paper later this year.

The National Carer’s Strategy—“Carers at the heart of 21st century families and communities”—launched in 2008.

The first National Dementia Strategy was published in February 2009.

“Valuing People Now”—a three year strategy for people with learning disabilities—was published in January 2009.

“New Horizons—A Shared Vision for Mental Health” was launched in December 2009 to maintain improvements in mental health services, combined with a new cross-Government approach to promoting public mental health.

Since 1998, there are 2.4 million fewer smokers in England as a result of the Government’s comprehensive tobacco control strategy, which has a measurable impact on reducing smoking prevalence.

Child obesity levels are reducing due to the efforts of families across England, supported by the Government’s obesity strategy. In 2008, 13.9 per cent. of children (aged two to 10) in England were classified as obese, compared with 17.3 per cent. in 2005.

Overall, life expectancy at birth for men has increased from 74.5 years (1995-1997 data) to 77.7 years (2006-08 data) while for women, life expectancy at birth has increased from 79.6 years (1995-97 data) to 81.9 years (2006-08 data).

Musgrove Park Hospital Taunton

Mr. Liddell-Grainger: To ask the Secretary of State for Health (1) how many scheduled cardiology operations were cancelled at Musgrove Park Hospital, Taunton in the last 12 months; [315986]

(2) how many scheduled hip replacement operations were cancelled at Musgrove Park Hospital, Taunton in the last 12 months; [315987]

(3) how many scheduled gastroenterology procedures have been cancelled at Musgrove Park Hospital, Taunton in the last 12 months. [316082]

Mr. Mike O’Brien: The information is not available in the format requested. The total number of operations cancelled by Taunton and Somerset NHS Foundation Trust for non-clinical reasons was 483 in the 12 months ending September 2009.

A further breakdown by hospital site may be obtained by contacting the chair of Somerset and Taunton NHS Foundation Trust.

Mr. Liddell-Grainger: To ask the Secretary of State for Health how much was spent on gardening and landscaping at Musgrove Park Hospital, Taunton in the last five years. [316025]

Mr. Mike O’Brien: The information relating to gardening and maintenance has been set out in the following table.

<i>Grounds and gardening maintenance costs at Musgrove Park Hospital</i>	
	<i>Spend (£)</i>
2004-05	29,627
2005-06	25,658
2006-07	32,775
2007-08	32,225
2008-09	27,737

Notes:

1. “Ground and gardens maintenance costs” includes labour costs for directly employed and contract staff including contract support costs, fees, material and pay element for directors, senior managers and all associated staff employed in the upkeep and maintenance of the grounds, gardens and external paths of the organisation site.

2. Expenditure will also include costs relating to the employment of staff belonging to an external organisation (including private finance initiative work).

Source:

Department of Health (Estates returns information collection)

Mr. Liddell-Grainger: To ask the Secretary of State for Health how long on average an in-patient displaying symptoms of (a) dementia and (b) Alzheimer's Disease remained at Musgrove Park Hospital, Taunton, in the last 12 months. [316081]

Phil Hope: The information is not available in the format requested. However, data relating to the Taunton and Somerset NHS foundation trust have been set out in the following table:

Mean and median length of stay for in-patients with primary diagnosis of dementia and Alzheimer's disease at Taunton and Somerset NHS foundation trust, 2008-09

Primary diagnosis	Duration (days)		In-year discharge episodes
	Median spell	Mean spell	
Dementia	13	16.8	30
Alzheimer's disease	20	21.3	10

Notes:

1. *Discharges:* A discharge episode is the last episode during a hospital stay (a spell), where the patient is discharged from the hospital or transferred to another hospital.

2. *Primary diagnosis:* The primary diagnosis is the first of up to 20 (14 from 2002-03 to 2006-07 and seven prior to 2002-03) diagnosis fields in the HES data set and provides the main reason why the patient was admitted to hospital. Dementia is defined with the following ICD-10 Codes recorded in primary diagnosis: F00* Dementia in Alzheimer's disease F01 Vascular dementia F02* Dementia in other diseases classified elsewhere F03 Unspecified dementia Dagger codes that are relevant for "F00* Dementia in Alzheimer's disease" and "F02* Dementia in other diseases classified elsewhere" have not been included in this analyses and counts for Dementia in the table are relevant to ICD-10 codes in the range of F00 to F03 where they were recorded as primary diagnosis. Alzheimer's is defined with the following ICD-10 Codes recorded in primary diagnosis: G30 Alzheimer's disease.

3. *Hospital provider:* A provider code is a unique code that identifies an organisation acting as a health care provider (national health service trust or primary care trust (PCT)). Hospital providers can also include treatment centres (TC). Normally, if data are tabulated by health care provider, the figure for an NHS trust gives the activity of all the sites as one aggregated figure. However, in the case of those with embedded treatment centres, these data are quoted separately. In these cases, '-X' is appended to the code for the rest of the trust, to remind users that the figures are for all sites of the trust excluding the treatment centres. The quality of TC returns are such that data may not be complete. Some NHS trusts have not registered their TC as a separate site, and it is therefore not possible to identify their activity separately. Data from some independent sector providers, where the onus for arrangement of data flows is on the commissioner, may be missing. Care must be taken when using these data as the counts may be lower than true figures.

4. *Length of stay (LOS) (duration of episode)/length of stay (duration of spell):* The difference in days between the admission date and the episode end date (duration of episode) or discharge date (duration of spell), where both dates are given. LOS is based on hospital stays and applies only to ordinary admissions, not day cases (unless otherwise stated). Information relating to LOS, including discharge method/destination, diagnoses and any operative procedures, is based only on the final episode of the spell.

5. *In-patients:* In-patients are patients who are admitted to hospital and occupy a bed, including both admissions where an overnight stay is planned and day cases.

6. *Activity included:* Activity in English NHS hospitals and English NHS commissioned activity in the independent sector.

7. *Data quality:* HES are compiled from data sent by more than 300 NHS trusts and PCTs in England and from some independent sector organisations for activity commissioned by the English NHS. The Information Centre for health and social care liaises closely with these organisations to encourage submission of complete and valid data and seeks to minimise inaccuracies. While this brings about improvement over time, some shortcomings remain.

Source:

Hospital Episode Statistics (HES), The Information Centre for health and social care.

Newspaper Licensing Agency

Mr. Hurd: To ask the Secretary of State for Health what payments (a) his Department and (b) each of its agencies made to the Newspaper Licensing Agency in each year of the last 10 years. [315592]

Phil Hope: The Media Centre holds the licence with the News Licensing Agency (NLA) for the Department and it is renewed on an annual basis. The figures are available from 2002-03 and are provided in the following table:

Financial year	Total payments ¹
2002-03	18,367.48
2003-04	42,338.19
2004-05	40,266.27
2005-06	47,320.96
2006-07	64,837.48
2007-08	66,063.61
2008-09	68,709.02
2009-10	67,341.80

¹ The figures provided are inclusive of VAT.

The following payments were made by the Medicines and Healthcare products Regulatory Agency (MHRA) to the NLA, for the financial periods 2005-06 to 2009-10 (to date).¹

¹ MHRA did not make any payments to NLA before the period 2005-06.

Financial year	Total payments ¹
2005-06	8,406.98
2006-07	4,895.93
2007-08	9,852.72
2008-09	8,677.94
2009-10 (to date)	13,165.38

¹ The figures provided are inclusive of VAT.

No payments were made to the NLA by NHS Purchasing and Supply Agency in the last 10 years.

NHS: Drugs

Mr. Lansley: To ask the Secretary of State for Health to which medicines which (a) have been appraised and (b) are under appraisal by the National Institute for Health and Clinical Excellence has its supplementary advice on appraising treatments which may extend life, at the end of life, adopted on 17 December 2008, been applied; what estimate he has made of the annual eligible patient population for each indication for each such medicine; what the outcomes were of each completed appraisal; and if he will make a statement. [315897]

Mr. Mike O'Brien: The information requested as at 5 February 2010 is shown in the following table.

<i>Appraisal status/title</i>	<i>Estimated population (approximately)¹</i>	<i>End of life criteria fulfilled for all or some of potentially eligible patient population</i>	<i>Recommendation</i>
<i>Published</i>			
Sunitinib for the first-line treatment of advanced and/or metastatic renal cell carcinoma	4,000	Yes	Partial recommendation
Lenalidomide for the treatment of multiple myeloma	2,100	Yes	Partial recommendation
Bevacizumab for the first-line treatment of advanced and/or metastatic renal cell carcinoma	4,000	Applicability considered by the appraisal committee but did not meet end of life criteria	Not recommended
Sorafenib for the first and second-line treatment of advanced and/or metastatic renal cell carcinoma	4,000	Yes	Not recommended
Sunitinib for the second-line treatment of advanced and/or metastatic renal cell carcinoma	4,000	Applicability considered by the appraisal committee but did not meet end of life criteria	Not recommended
Temsirolimus for the first-line treatment of advanced and/or metastatic renal cell carcinoma	4,000	Yes	Not recommended
Sunitinib for the treatment of gastrointestinal stromal tumours	150	Yes	Partial recommendation
Topotecan for the treatment of lung cancer (small-cell)	Between 800 and 1,600	Yes	Partial recommendation
<i>Ongoing</i>			
Lapatinib for the treatment of breast cancer	2,000	Yes	Final guidance not yet issued
Sorafenib for the treatment of hepatocellular carcinoma	Less than 1,000	Yes	Final guidance not yet issued
Trabectedin for soft tissue sarcoma	Between 500 and 600	Yes	Final guidance not yet issued
Azacitidine for myelodysplastic syndromes	700	Applicability considered by the appraisal committee but did not meet end of life criteria	Final guidance not yet issued
Dasatinib and nilotinib for the treatment of imatinib-resistant and/or imatinib intolerant chronic myeloid leukaemia	Less than 560	Applicability considered by the appraisal committee but did not meet end of life criteria	Final guidance not yet issued
Pemetrexed for the maintenance treatment of non-small-cell lung cancer	Unknown	Yes	Final guidance not yet issued
Gefitinib for the first-line treatment of advanced or metastatic non-small-cell lung cancer	Unknown	Applicability considered by the appraisal committee but did not meet end of life criteria	Final guidance not yet issued

¹ Approximate number of people annually with the condition. This will not necessarily represent the number of patients eligible for treatment with the drug.

Source:

National Institute for Health and Clinical Excellence

NHS: Finance

John Smith: To ask the Secretary of State for Health what estimate he has made of the financial cost to acute NHS trusts which do not meet the 2010 National CQUIN goal to reduce avoidable death, disability and chronic ill health from venous thromboembolism (VTE) by providing a VTE risk assessment for 90 per cent. or more of adult inpatients on admission to hospital. [315480]

Ann Keen: The goal on carrying out venous thromboembolism (VTE) risk assessment for at least 90 per cent. of admitted patients is one of two nationally mandated goals within acute hospital commissioning for quality and innovation (CQUIN) schemes for 2010-11. These two national goals must be linked to around 0.3 per cent. of a trust's income. If a trust achieves both goals it will earn this money non-recurrently on top of

the actual outturn value of its contracts. The weighting of the financial value between the two national CQUIN goals is agreed locally, but if they were equally weighted at 0.15 per cent. this could typically equate to a payment of between £200,000 and £1 million linked to VTE risk assessment, depending on the size of trust. Failure to achieve the goal will mean that the trust cannot earn this CQUIN payment from its commissioners. The CQUIN framework applies to providers on NHS Standard Contracts funded by the national health service in England.

NHS: Sick Leave

Mr. Spring: To ask the Secretary of State for Health what his estimate of the number of NHS staff on paid sick leave was on the latest date for which figures are available; and how much has been paid to NHS staff while on sick leave in each of the last five years. [315647]

Ann Keen: Information is not available in the form requested. The NHS Information Centre has just begun publishing quarterly figures on national health service sickness absence drawn from the NHS electronic staff record. Between April and June 2009, the average sickness absence rate for the NHS in England was 4.05 per cent. However, there is a seasonable element to sickness absence. The Boorman Review of NHS Health and Well-being (November 2009), reported an estimated annual rate of 4.5 per cent.

Individual pay information is not held centrally, and is held locally at trust level. It is therefore not known how many staff are on paid or unpaid sickness. However, the Boorman Review, estimated that reported levels of sickness absence results in a loss of 10.3 million days per year, equivalent to 45,000 whole-time equivalent staff and an estimated annual direct cost of £1.7 billion.

NHS: Standards

Mr. Barron: To ask the Secretary of State for Health what recent assessment he has made of the effects on health outcomes of the Quality and Outcomes Framework. [315783]

Mr. Mike O'Brien: The Department has made a number of assessments of the effects of the Quality and Outcomes Framework. A copy of these documents have been placed in the Library.

Nurses: Schools

Mr. Amess: To ask the Secretary of State for Health (1) how many children resident in (a) Southend West constituency, (b) Essex and (c) England were seen by a fully qualified school nurse in each year since 2004; [315740]

(2) what estimate he has made of the percentage of schools in (a) Southend West constituency, (b) Essex and (c) England that were visited by a fully qualified school nurse in (i) 2009, (ii) 2007 and (iii) 2005. [315742]

Ann Keen: The information requested is not collected centrally.

Our child health strategy, "Healthy lives, brighter futures", published in February 2009, recognised the importance of school health services, in particular, that

school health teams provide a key link between education and health services, providing guidance and support on a range of health-related issues.

The "Healthy Child Programme", published in October 2009, will be of further assistance in determining the composition of school health teams, which will vary from locality to locality according to local needs and service configurations. In most cases, they will have school nurses at their core, working with other professionals and support staff. The latest available figures for the number of national health service employed nurses working in a school environment show an increase of over 50 per cent., from 2,409 in 2004 to 3,643 nurses in 2008.

Copies of both publications have already been placed in the Library.

Mr. Amess: To ask the Secretary of State for Health what recent assessment he has made of the effects of the provision of school nurses in each of the last five years on children's health; what estimate he has made of the volume of work undertaken by school nurses in each such year; and if he will make a statement. [315741]

Ann Keen: The Department has commissioned a report from the Thomas Coram Research Unit on "Promoting the health of children and young people through schools: the role of the nurse". This study, which will conclude shortly, examines the ways in which nurses are enabled and supported to contribute to the promotion and safeguarding of children and young people's health and wellbeing within school settings. It will seek to identify strategic arrangements most likely to maximise the potential of nurses' contribution, and to inform local decisions on the optimal composition of the school health team.

Mr. Amess: To ask the Secretary of State for Health how many qualified nurses there were in (a) Southend West constituency, (b) Essex and (c) England in each year since 2000. [315743]

Ann Keen: The number of qualified nurses working in the trusts that make up the requested areas are shown in the following table:

National health service: hospital and community health services: Qualified nursing, midwifery and health visiting staff in England, the East of England Strategic Health Authority (SHA) area and each specified organisation as at 30 September each year.

	2000	2001	2002	2003	2004	2005 ¹	2006	2007	2008
<i>England</i>									
All qualified nurses (including practice nurses).	335,952	350,381	367,520	386,359	397,515	404,161	398,335	399,597	408,160
Qualified nursing, midwifery and health visiting staff	316,752	330,535	346,537	364,692	375,371	381,257	374,538	376,737	386,112
General practitioner(GP) Practice nurses.	19,200	19,846	20,983	21,667	22,144	22,904	23,797	22,860	22,048
of which:									
<i>East of England SHA area</i>									
All qualified nurses (including practice nurses)	31,428	33,028	34,651	35,685	38,904	38,177	37,377	36,815	37,767

National health service: hospital and community health services: Qualified nursing, midwifery and health visiting staff in England, the East of England Strategic Health Authority (SHA) area and each specified organisation as at 30 September each year.

	2000	2001	2002	2003	2004	2005 ¹	2006	2007	2008
Qualified nursing, midwifery and health visiting staff	29,206	30,721	32,192	33,257	36,342	35,327	34,726	34,224	35,254
GP Practice nurses of which:	2,222	2,307	2,459	2,428	2,562	2,850	2,651	2,591	2,513
<i>South East Essex Primary Care Trust (PCT)</i>									
All qualified nurses (including practice nurses)	—	—	—	—	—	—	523	489	545
Qualified nursing, midwifery and health visiting staff	—	—	—	—	—	—	387	370	419
GP Practice nurses	—	—	—	—	—	—	136	119	126
<i>Southend on Sea PCT</i>									
All qualified nurses (including practice nurses)	—	—	298	293	264	294	—	—	—
Qualified nursing, midwifery and health visiting staff	—	—	213	215	193	217	—	—	—
GP Practice nurses	—	—	85	78	71	77	—	—	—
<i>Castle Point and Rochford PCT¹</i>									
All qualified nurses (including practice nurses)	—	—	155	181	217	477	—	—	—
Qualified nursing, midwifery and health visiting staff	—	—	121	129	152	149	—	—	—
GP Practice nurses	—	—	34	52	65	328	—	—	—
<i>Southend Hospital NHS Trust</i>									
Qualified nursing, midwifery and health visiting staff	1,020	949	1,078	1,079	1,119	1,174	1,146	1,116	1,250

¹ Data shown for Castle Point and Rochford PCT in 2005, and hence for the parent SHA, appears to be inaccurate but The NHS Information Centre has been unable to source corrected figures as this organisation no longer exists; we confirm however this was the count of practice nurses submitted to us by the PCT at that time. It is believed the counts either side of this year present a truer picture of practice nurse staffing over time. South East Essex PCT was formed in 2006 from a complete merger of Southend on Sea PCT and Castle Point and Rochford PCT.

Note:

It is impossible to map NHS staff numbers to specific geographical areas.

Source:

The NHS Information Centre for health and social care .

Non-Medical Workforce Census.

The NHS Information Centre for health and social care General and Personal Medical Services Statistics.

Mr. Amess: To ask the Secretary of State for Health what estimate he has made of the number of school nurses in England without a post-registration qualification in each of the last five years. [315754]

Ann Keen: Information on the numbers of school nurses without post registration qualifications is not held centrally.

Prescriptions

Sammy Wilson: To ask the Secretary of State for Health what percentage of prescriptions issued by the NHS in England and Wales were for generic drugs in each of the last five years. [316238]

Mr. Mike O'Brien: Figures for the percentage of items prescribed and dispensed generically were published by the NHS Information Centre on 29 July 2009 in Prescriptions Dispensed in the Community, Statistics for 1998 to 2008: England and are shown in the following table. Information concerning Wales is a devolved matter for the Welsh Assembly.

Generic prescribing and dispensing in England by calendar year

	Percentage prescribed generically ¹	Percentage prescribed and dispensed generically ²
2004	79.1	57.8
2005	80.1	59.3
2006	81.8	62.2
2007	82.6	64.1
2008	82.6	65.0

¹ "Prescribed generically" indicates that the prescriber used the generic name on the prescription whether or not such a generic formulation exists.

² "Prescribed and dispensed generically" indicates that the prescriber used the generic name and the item was dispensed as a generic product.

Notes:

1. Items prescribed generically may not be available generically and are therefore dispensed as a proprietary product.

2. Items classed as dressings and appliances are not included in these figures.

Public Holidays

Bob Spink: To ask the Secretary of State for Health what estimate he has of the cost to his Department of the introduction of an additional public holiday; and if he will make a statement. [315117]

Phil Hope: No estimate has been made of the cost to the Department of introducing an additional public holiday. There would be no change in the overall pay bill for the Department because any public holiday would be paid leave.

It is not possible to make an estimate of the impact of an extra public holiday on work load over the course of a year.

Sunbeds: Young People

Mr. Stephen O'Brien: To ask the Secretary of State for Health what recent discussions he has had with representatives of the tanning industry on the regulation of sun bed usage by those under the age of 18 years. [315618]

Gillian Merron: The Department has engaged in discussions with stakeholders, including representatives from the tanning industry, over the last year, in taking forward the Cancer Reform Strategy commitment to review options for the regulation of the sunbed industry, particularly in relation to the use of sunbeds by minors.

Thanet

Dr. Ladyman: To ask the Secretary of State for Health if he will set out, with statistical information related as directly as possible to South Thanet constituency, the effects on South Thanet of his Department's policies and actions since 2000. [315631]

Gillian Merron: The Government have put in place a programme of national health service investment and reform since 1997 to improve service delivery in all parts of the United Kingdom. 93 per cent. of people nationally now rate the NHS as good or excellent. The NHS Constitution contains 25 rights and 14 pledges for patients and the public including new rights to be treated within 18 weeks, or be seen by a cancer specialist within two weeks, and an NHS health check every five years for those aged 40-74 years.

There is significant evidence that these policies have yielded considerable benefits for the South Thanet constituency. For example:

Figures for November 2009 show that in Eastern and Coastal Kent primary care trust (PCT):

93 per cent. of patients whose treatment involved admission to hospital started their treatment within 18 weeks.

97 per cent. of patients whose treatment did not involve admission to hospital started their treatment within 18 weeks.

In September 2009, at East Kent Hospitals University NHS Foundation Trust, 99.2 per cent. of patients spent less than four hours in accident and emergency from arrival to admission, transfer or discharge.

Between September 2002 and September 2008, the number of consultants at East Kent Hospitals University NHS Foundation Trust has increased from 237 to 281. Between September 2002 and September 2008 the estimated number of nurses has increased from 2,209 to 2,361.

Between September 2001 and September 2008, the number of general practitioners (GPs) per 100,000 within Eastern and Coastal Kent PCT has increased from 53.8 to 63.3.

92.6 per cent. of urgent GP referrals to East Kent Hospitals University NHS Foundation Trust with suspected cancer are seen by a specialist within two weeks of the referral.

Eastern and Coastal Kent PCT opened its GP-led health centre in early 2009 at Sheppey Community Hospital in Sheerness. The Sheppey NHS Healthcare Centre is open between 8 am and 8 pm, seven days a week, and additional services include minor surgery, podiatry and ultrasound scanning.

There is one private finance initiative (PFI) scheme in the area that serves this constituency: a £14 million PFI scheme from Eastern and Coastal Kent PCT that opened in October 2002.

Although statistical information is not available at a local level, South Thanet will have also benefitted from national policies in other areas. For example:

Since 1997, gross current expenditure on personal social services has increased by around 70 per cent. in real terms, with around 105,000 households now receiving intensive home care and 3,076 new extra care housing units—exceeding the original target of 1,500 new extra care units.

Other strategies currently being implemented are:

Subject to Parliamentary approval, the Personal Care at Home Bill will guarantee free personal care for 280,000 people with the highest needs and help around 130,000 people who need home care for the first time to regain their independence.

“Shaping the Future of Care Together Green Paper”, published in July 2009, sets out a vision of a National Care Service for all adults in England that is fair, simple and affordable. The Department has consulted widely on this reform and is currently analysing the responses, which will feed into a White Paper later this year.

The National Carer's Strategy—Carers at the heart of 21st century families and communities—launched in 2008.

The first National Dementia Strategy was published in February 2009.

“Valuing People Now”—a three-year strategy for people with learning disabilities—was published in January 2009.

“New Horizons: A Shared Vision for Mental Health” was launched in December 2009 to maintain improvements in mental health services, combined with a new cross-Government approach to promoting public mental health.

Since 1998, there are 2.4 million fewer smokers in England as a result of the Government's comprehensive tobacco control strategy, which has a measurable impact on reducing smoking prevalence.

Child obesity levels are reducing due to the efforts of families across England, supported by the Government's obesity strategy. In 2008, 13.9 per cent. of children (aged 2 to 10) in England were classified as obese, compared with 17.3 per cent. in 2005.

Overall, life expectancy at birth for men has increased from 74.5 years (1995-1997 data) to 77.7 years (2006-08 data) while for women, life expectancy at birth has increased from 79.6 years (1995-97 data) to 81.9 years (2006-08 data).

Thrombosis

John Smith: To ask the Secretary of State for Health when NHS Connecting for Health plans to make an electronic version of the National Venous Thromboembolism (VTE) Risk Assessment model available to NHS acute trusts for the purposes of recording the proportion of hospital patients risk assessed for VTE; and whether a specific hospital acquired VTE code will be made available. [315481]

Mr. Mike O'Brien: A venous thromboembolism (VTE) electronic risk assessment tool, fully compliant with the recently-published National Institute for Health and Clinical Excellence guidelines on reducing the risk of VTE in patients admitted to hospital, should be available for use by acute and primary care providers in England by the end of June 2010.

There is currently no individual standard clinical terminology (SNOMED CT) code for the representation of 'hospital-acquired' VTE. A number of codes were added to SNOMED CT during 2009 to support the introduction of electronic VTE risk assessment. There are also pre-existing codes that can be used for recording incidence of the condition, as distinct from risk. There are formal mechanisms for the introduction of new SNOMED CT codes should this prove to be necessary.

Weather: Death

Mr. Evans: To ask the Secretary of State for Health what estimate he has made of the likely number of excess deaths resulting from the current cold weather; and whether he has estimated the number of excess deaths attributable to non-delivery of heating fuels because of climatic conditions. [315751]

Gillian Merron: I refer the hon. Member to the written answer I gave him on 28 January 2010, *Official Report*, column 1084W.

With current data sources, it is not possible to estimate the number of excess deaths attributable to non-delivery of heating fuels because of climatic conditions.

WOMEN AND EQUALITY

Equality: Economic Situation

Mr. Frank Field: To ask the Minister for Women and Equality if she will make printed copies of *An Anatomy of Economic Inequality in the UK* available to hon. Members in the Vote Office. [315948]

Michael Jabez Foster: My right hon. Friend, the Minister for Women and Equality set out a written ministerial statement on 27 January 2010, *Official Report*, column 60WS, on the report of the National Equality Panel, "An Anatomy of Economic Inequality in the UK". The statement offered Members three ways to

obtain the report, making clear that: a copy had been placed in the House Library; that the report could be downloaded at:

www.equalities.gov.uk

and; that it could be obtained on request from the Government Equalities Office.

House officials advised that as an independent publication, the Government would not normally place copies of the National Equality Panel's report in the Vote Office.

However, I have instructed my officials to work with the Vote Office to meet the demand from Members.

BUSINESS, INNOVATION AND SKILLS

Antisocial Behaviour: Crime Prevention

Richard Younger-Ross: To ask the Minister of State, Department for Business, Innovation and Skills whether he has received recent representations on the regulation of the sale of ultrasonic Mosquito devices; and if he will make a statement. [316229]

Kevin Brennan: The Department has received no representations about the sale of these devices.

Higher Education: Student Numbers

Paul Holmes: To ask the Minister of State, Department for Business, Innovation and Skills how many students withdrew from higher education between September and December in each of the last five years. [316529]

Mr. Lammy: Information on the numbers of students who withdrew from higher education between September and December in each of the last five years is not available.

The numbers and proportions of all UK-domiciled full-time first degree entrants who were no longer in education after their first year (non-continuation rate) are provided as an alternative in the table.

The Higher Education Statistics Agency (HESA) publishes the 'Performance Indicators in Higher Education' which cover non-continuation rates of UK-domiciled full-time first-degree entrants. The non-continuation rate lags behind some other widening participation indicators by one year due to the need for an extra year's data to determine which students are no longer in higher education. Figures are provided for the five years to 2006/07, the most recent academic year for which information is available. Figures for the 2007/08 academic year will be available from HESA on 15 April.

Full-time first degree entrants no longer in higher education after their first year—UK higher education institutions, academic years 2002/03 to 2006/07

Year of entry	Number no longer in HE	Percentage no longer in HE
2002/03	29,365	9.5
2003/04	29,945	9.5
2004/05	27,605	8.8
2005/06	28,825	8.6
2006/07	28,785	9.0

Notes:

- Figures have been rounded up or down to the nearest five.
- Percentages are given to one decimal place.

Source:

Higher Education Statistics Agency (HESA) Performance Indicators, Table 3a

INTERNATIONAL DEVELOPMENT

Charter Cities

Mr. Andrew Mitchell: To ask the Secretary of State for International Development what recent representations he has received on proposals on UN assistance for the establishment of charter cities; and if he will make a statement. [315666]

Mr. Douglas Alexander: The Department for International Development (DFID) has not received any formal representations on proposals on UN assistance for the establishment of charter cities.

Departmental Accountancy

Mr. Hurd: To ask the Secretary of State for International Development whether any written instructions have been provided to his Department's Accounting Officer in accordance with paragraph 5.5 of the Ministerial Code since May 1997. [315566]

Mr. Douglas Alexander: No written instructions have been given to the Accounting Officer of the Department for International Development (DFID) in accordance with paragraph 5.5 of the Ministerial Code since May 1997.

Departmental Communication

Mr. Hurd: To ask the Secretary of State for International Development pursuant to the answer of Lord Bates of 3 December 2009, *Official Report, House of Lords*, column WA68, on Government Departments: Annual Reports, and with reference to the Government Response to the House of Lords Communications Committee's report into Government Communications, whether his Department publishes an annual report on departmental communications. [315604]

Mr. Michael Foster: The Department for International Development (DFID) does not publish an annual report on communications. DFID reviews its communications function on a regular basis, in line with its Communications Divisional Performance Framework (DPF) which is tracked against Departmental Strategic Objective (DSO) 7, Managing Resources and Building for the Future, and Public Service Agreement (PSA) 29, International Poverty Reduction. These reviews are incorporated into DFID's Annual Report, a copy of which can be found in the House Library and on line at

www.dfid.gov.uk

Departmental ICT

Mr. Hurd: To ask the Secretary of State for International Development how much his Department has spent on font licensing in the last three years. [315573]

Mr. Michael Foster: The Department for International Development (DFID) has not paid for any font licensing for either online or print purposes in the last three years.

Departmental Information Officers

Mr. Hurd: To ask the Secretary of State for International Development how many staff in his Department have the status of (a) embedded communicators and (b) are members of the Government Communications Network and are not listed in the Central Office of Information White Book. [315571]

Mr. Michael Foster: The Department for International Development (DFID) has 51.7 equivalent full-time posts which have the status of embedded communicator.

DFID does not hold data on staff members that belong to the Government Communications Network (GCN). The GCN is administered by the Cabinet Office and membership data cannot be shared without the permission of individual members.

Departmental Internet

Mr. Hurd: To ask the Secretary of State for International Development for which Google Adword online advertising keywords his Department and its agencies have paid in the last 12 months; and at what cost. [315470]

Mr. Michael Foster: The Department for International Development (DFID) has not paid for any Google Adword online advertising in the last 12 months. DFID is not responsible for any agencies.

Departmental Recruitment

Mr. Hurd: To ask the Secretary of State for International Development how many job vacancies in his Department were filled through external recruitment agencies in the latest year for which figures are available. [315580]

Mr. Michael Foster: In accordance with the Civil Service Commissioners' Recruitment Principles, appointments are made on merit on the basis of fair and open competition. DFID does not make use of recruitment agencies when recruiting staff to permanent positions in the Home Civil Service.

Our job advertisements are placed in the national press or specialist magazines, in addition to appearing on DFID's own website, and at:

www.civilservice.gov.uk/jobs

DFID periodically engages temporary staff through recruitment agencies to help meet immediate and short term resourcing needs. DFID has a contractual arrangement with agency suppliers to fill routine administrative positions on a temporary basis. However, there is also a need to fill specialist positions (for example, accountants and IT specialists) on a temporary basis, where operational divisions are able to approach specialist suppliers without the involvement of Human Resources Division.

DFID does not therefore maintain records of the number of agency appointments. This information could be provided only at disproportionate cost.

Mr. Hurd: To ask the Secretary of State for International Development how much his Department spent on external recruitment consultants in the last year for which figures are available. [315581]

Mr. Michael Foster: In accordance with the Civil Service Recruitment Principles, all external appointments to the Department for International Development (DFID) are made on the basis of fair and open competition.

Job adverts for vacancies in DFID are placed in the national press or specialist magazines, in addition to appearing on DFID's own website, and at:

www.civilservice.gov.uk/jobs

DFID does not routinely use recruitment consultants to fill vacancies for permanent posts.

However, the central framework of executive search services, which is managed by the Cabinet Office, was used in February 2009 to engage Whitehead Mann at a cost of £51,700 to help identify suitable applicants for the post of Director General, Corporate Performance in DFID.

DFID periodically engages temporary staff through recruitment agencies to help meet immediate and short term resourcing needs. Many of these appointments are of specialist nature, e.g. finance, communications, and divisions can make these appointments direct with the supplier without the involvement of Human Resources Division. There are subsequently no central records of agency spend maintained within DFID and to provide this information would result in disproportionate costs.

Haiti: Earthquakes

Andrew Rosindell: To ask the Secretary of State for International Development how many members of UK search and rescue teams have been assigned to Haiti to assist with the earthquake relief effort. [315917]

Mr. Michael Foster: The UK search and rescue team (UK-ISAR) comprised 64 people, drawn from the UK Fire and Rescue Service. This team returned to the UK on 22 January, at the same time as other international search and rescue teams left Haiti. The United Kingdom should be incredibly proud of their efforts.

Hotels

Mr. Hurd: To ask the Secretary of State for International Development how many separate bookings for hotels graded at five star or above were made through the Expotel booking service by his Department in the latest year for which figures are available; and at what cost such bookings were made. [315575]

Mr. Michael Foster: The Department for International Development (DFID) has not made any bookings for hotel stays graded at five stars or above through the Expotel booking services in the last year for which figures are available.

Mauritania

Mr. Drew: To ask the Secretary of State for International Development what assistance the Government has provided to Mauritania in the last 12 months; and for what projects assistance was provided. [315964]

Mr. Michael Foster: The Department for International Development (DFID) does not have a bilateral programme in Mauritania and did not provide any aid to the country in 2008-09.

Details of DFID's aid expenditure in developing countries are published in Statistics on International Development, which is available in the Library or online at:

www.dfid.gov.uk

Newspaper Licensing Agency

Mr. Hurd: To ask the Secretary of State for International Development what payments his Department made to the Newspaper Licensing Agency in each of the last 10 years. [315590]

Mr. Michael Foster: Payments made by the Department for International Development (DFID) to the Newspaper Licensing Agency in each of the last three financial years are given in the table. Figures for earlier financial years cannot be compiled without incurring disproportionate costs.

	(£)
	<i>Costs (including VAT)</i>
2009-2010	4,489.98
2008-2009	4,699.28
2007-2008	1,359.76

Overseas Aid: Climate Change

Mr. Moore: To ask the Secretary of State for International Development what percentage of the £1.5 billion fast start finance for climate change adaptation programmes announced by the Prime Minister at the UN Climate Change Conference in December 2009 will count towards overseas development assistance targets. [315410]

Mr. Thomas: The UK is committed to providing additional post-Fast Start financing after 2012-13 on top of the Government's commitment to achieve an official development assistance (ODA) level of 0.7 per cent. of gross national income (GNI), and to limiting the share of ODA for climate change finance to no more than 10 per cent. Fast Start finance, which is for the period 2012-13, will be counted as ODA.

Mr. Moore: To ask the Secretary of State for International Development which existing programmes received funding from budgets subsequently identified as sources of fast start finance for climate change adaptation in (a) 2007, (b) 2008 and (c) 2009. [315412]

Mr. Thomas: The Fast Start Finance period begins in 2010. Therefore no spending in 2007, 2008 or 2009 counts as Fast Start Finance. We are currently working up plans for how we will spend the Fast Start funds over the next three financial years.

Overseas Aid: Haiti

Mr. Clifton-Brown: To ask the Secretary of State for International Development what his Department's objectives are in respect of its involvement in Haiti; and by what criteria progress on the achievement of these objectives will be measured. [315685]

Mr. Michael Foster: The goal of Department for International Development's (DFID's) humanitarian

response in Haiti is to save lives, alleviate suffering and maintain the dignity of earthquake victims, and to implement stabilisation activities.

Mr. Clifton-Brown: To ask the Secretary of State for International Development for how long he anticipates his Department being involved with development work in Haiti. [315686]

Mr. Michael Foster: In the aftermath of this terrible tragedy and for the foreseeable future, we will continue to work with the international community to support recovery in Haiti.

Mr. Clifton-Brown: To ask the Secretary of State for International Development what recent discussions he has had with UN representatives on the UN's long-term strategy in Haiti. [315687]

Mr. Michael Foster: Since the earthquake on 12 January the Secretary of State for International Development has been in regular contact with John Holmes, the head of the United Nations Office for the Co-ordination of Humanitarian Affairs to discuss a wide range of issues that must be addressed urgently in Haiti.

The United Nations will have to reassess its long term strategy for Haiti in light of the terrible events that have taken place. However, right now the priority for the United Nations and the Department for International Development is the immediate humanitarian needs of the population.

Mr. Clifton-Brown: To ask the Secretary of State for International Development if he will allocate additional funds in support of the UN's programmes in Haiti. [315688]

Mr. Michael Foster: The Department for International Development (DFID) has announced £20 million in emergency aid for Haiti. Some of this funding is already being used by the UN or by partners on the ground working within the UN system to deliver vital aid. For example, we have provided £1 million to the United Nations Office for Co-ordination of Humanitarian Affairs (OCHA) to strengthen co-ordination mechanisms, £2 million to the World Food Programme for transport and logistics and £300,000 to the World Health Organisation (WHO) for disease surveillance to help prevent epidemics. Remaining funds will be allocated on the basis of further rapid needs assessments.

Mr. Clifton-Brown: To ask the Secretary of State for International Development what discussions he has had with his counterparts in (a) the US, (b) Canada and (c) France on the co-ordination of relief work in Haiti. [315689]

Mr. Michael Foster: The Secretary of State for International Development has held discussions on the relief effort in Haiti with Raj Shah, Administrator of the United States Agency for International Development (USAID). On 17 January my right hon. Friend Douglas Alexander also participated in a conference call on Haiti with Bernard Kouchner, the French Foreign Minister, and Miguel Moratinos, the Spanish Foreign Minister.

I attended a meeting of European Development Ministers in Brussels on 18 January. Alain Joyandet, the French Minister for Co-operation and Francophony, also attended the meeting.

On 22 February the Secretary of State for International Development will hold bilateral talks with the Canadian International Development Agency Minister for International Co-operation, Bev Oda to discuss the situation in Haiti.

Mr. Clifton-Brown: To ask the Secretary of State for International Development what steps his Department is taking to co-ordinate its relief programmes on Haiti with those it is undertaking in other Caribbean countries. [315690]

Mr. Michael Foster: The response to the Haiti earthquake is our only immediate emergency response in the Caribbean at present. We ensure consistency with our other emergency responses (such as those following the 2008 storms) by following similar principles and using the same advisory staff where we can. We co-ordinate all our responses through the United Nations system.

Scientific Advisory Committee

Hugh Bayley: To ask the Secretary of State for International Development whether his Department has plans to create a Scientific Advisory Committee. [315887]

Mr. Michael Foster: There are no current plans for the Department for International Development (DFID) to create a Scientific Advisory Committee. An external Research Advisory Group, which will provide strategic advice and support to DFID's Chief Scientific Adviser/Head of Research, is currently being established and we expect to have this in place soon.

Sri Lanka: Internally Displaced Persons

Mr. Dismore: To ask the Secretary of State for International Development (1) what recent assessment he has made of progress in the provision of humanitarian relief for Tamil internally displaced persons in Sri Lanka; and if he will make a statement; [316204]

(2) how much in aid the UK has contributed in respect of Tamil internally displaced persons in Sri Lanka; and if he will make a statement. [316205]

Mr. Michael Foster: The latest UN figures of 15 January 2010 estimate that approximately 158,500 internally displaced people (IDPs) have returned from the camps in Vavuniya to their places of origin and 29,000 have been released to institutions and host families. Although the Department for International Development (DFID) welcomes this progress, we continue to hold concerns. Humanitarian access for agencies to assist those recently returned is restricted and the remaining 100,000 people in the camps do not enjoy full freedom of movement.

Since September 2008, DFID has contributed £12.5 million of humanitarian assistance to help those displaced in Sri Lanka. For further information, I refer my hon. Friend to the written ministerial statement made by the Secretary of State for Foreign and Commonwealth Affairs on 15 December 2009, *Official Report*, columns 105-07WS and to our website;

COMMUNITIES AND LOCAL GOVERNMENT

Building Alterations

Bob Spink: To ask the Secretary of State for Communities and Local Government what estimate he has made of the proportion of independent living adaptations and equipment provided by local authorities which was (a) assisted and (b) funded solely by charitable funds in (i) the latest period for which figures are available and (ii) each of the last five years. [315462]

Mr. Ian Austin: The information requested is not held centrally and could be provided only at disproportionate cost.

Departmental ICT

Mr. Hurd: To ask the Secretary of State for Communities and Local Government how much his Department and its agencies have spent on font licensing in the last three years. [315204]

Barbara Follett: The Department has had no expenditure on font licenses in the last three years.

The Planning Inspectorate has had no expenditure on font licences in the last three years.

Queen Elizabeth II Conference Centre has had no expenditure on font licences in the last three years.

The Fire Service College could answer this question only at disproportionate cost.

Domestic Visits

Mr. Stewart Jackson: To ask the Secretary of State for Communities and Local Government what (a) venues and (b) locations the Minister for Housing has visited officially in London in the last three months; and what criteria were used to determine which boroughs and constituencies to visit. [314979]

Barbara Follett: My right hon. Friend the Minister for Housing and Planning regularly visits the many housing developments across the country benefiting from very significant levels of Government investment. Since November, he has carried out ministerial visits to Barking and Dagenham, Newham and South Harrow in London which have all served to demonstrate how this investment is being used to benefit local communities.

Mobile Homes: Licensing

Grant Shapps: To ask the Secretary of State for Communities and Local Government how many responses were received to his Department's consultation on park home site licensing; and if he will place a copy of each response in the Library. [316443]

Mr. Ian Austin: The consultation on 'Park Home Site Licensing - Improving the Management of Park Home Sites' ended on 4 August 2009. There were 98 responses. The responses are currently being analysed and a summary of responses will be published as soon as possible.

Non-domestic Rates: Garages and Petrol Stations

Mr. Dunne: To ask the Secretary of State for Communities and Local Government what methodology the Valuation Office Agency used in its 2010 business rates revaluation to calculate the fuel margin obtained in the independent petrol filling station network; and what factors that methodology takes into account. [313927]

Barbara Follett: The Valuation Office Agency based its assessment on the rateable value of petrol filling stations for the 2010 revaluation on the fair, maintainable, throughput of the property in question and not the actual fuel margin on the site.

The five-yearly business rates revaluation is designed to ensure that each business pays its fair contribution to the national burden and no more. The 2010 revaluation will not raise a single extra penny for Government and over a million properties will see their business rate liability fall as a result of revaluation.

Over the past five years petrol filling stations have seen prices rising; turnover increasing and rents growing. It is only fair to other ratepayers that these changes are reflected in their business rate bills. However, the Government have put in place a £2 billion relief scheme to limit the impact on business properties facing increases.

This means that in 2010-11 no petrol station or other business property will see its rates increase by more than 11 per cent. as a result of revaluation, with increases limited to no more than 3.5 per cent. for small properties.

ENERGY AND CLIMATE CHANGE

Boilers: Government Assistance

Mr. Vara: To ask the Secretary of State for Energy and Climate Change what his most recent assessment is of the effectiveness of the boiler scrappage scheme in contributing to the objectives of his Department. [315890]

Joan Ruddock: The boiler scrappage scheme contributes to DECC's objectives to:

- reduce greenhouse gas emissions in the UK; and
- ensure the UK benefits from the business and employment opportunities of a low carbon future.

We estimate that the scheme will reduce CO₂ emissions per year by 1.1mtCO₂ to 1.4mtCO₂. There are tens of thousands of small and medium sized UK businesses mainly in the installation sector, who are likely to benefit from the scheme.

Mr. Vara: To ask the Secretary of State for Energy and Climate Change whether he has made an assessment of the effects on plumbing and heating companies of the implementation of the boiler scrappage scheme. [315891]

Joan Ruddock: There are 250,000 jobs across tens of thousands of businesses involved in boiler manufacture, sales and installation. The scheme provides support for a number of these businesses. Since the scheme allows the householder to choose whom they wish to install

the new boiler, it is not possible to predict the likely impact on individual businesses but we understand from talking to businesses that there has been a significant increase in inquiries.

Carbon Reduction Commitment Energy Efficiency Scheme

Mr. Todd: To ask the Secretary of State for Energy and Climate Change what formula is to be used to calculate the reduction in UK carbon dioxide emissions as a direct result of implementing the Carbon Reduction Commitment. [315182]

Joan Ruddock: The carbon reductions from the CRC Energy Efficiency Scheme will be determined by the emissions cap which will apply from 2013. In setting the cap, Government will consider advice from the Committee on Climate Change later this year on the available cost-effective emissions reductions and the potential in the CRC sector to contribute to achieving our carbon budgets.

Mr. Todd: To ask the Secretary of State for Energy and Climate Change what incentives will be available through the Carbon Reduction Commitment scheme to encourage organisations to outsource work to the most energy-efficient provider. [315183]

Joan Ruddock: The CRC Energy Efficiency Scheme will stimulate changes in behaviour and infrastructure to improve an organisation's energy efficiency through introducing financial and reputational drivers. An organisation's energy efficiency performance will be published in the league table and the top performers will receive recycled payment made by all the participants into the scheme. In addition all who improve their energy efficiency will improve their financial standing by more cost-effective use of energy. CRC participants will determine for themselves the most effective way to make these improvements. Furthermore, individual customers and organisations seeking to procure goods and services can choose to purchase from the most efficient provider by considering the providers' position in the league table.

Mr. Todd: To ask the Secretary of State for Energy and Climate Change what estimate he has made of the likely reduction in (a) UK, (b) European and (c) global carbon dioxide emissions as a direct result of implementing the Carbon Reduction Commitment. [315184]

Joan Ruddock: We estimate that by 2020 the CRC Energy Efficiency Scheme will deliver at least four Mt CO₂ reductions per year among participants. In setting the cap, Government will consider advice from the Committee on Climate Change later this year on the available cost-effective emissions reductions and the potential in the CRC sector to contribute to achieving our carbon budgets.

Mr. Todd: To ask the Secretary of State for Energy and Climate Change what scientific (a) evidence and (b) advice he used in formulating the Carbon Reduction Commitment. [315186]

Joan Ruddock: As part of the development of the CRC Energy Efficiency Scheme, Government considered a range of evidence and advice which is set out in the final impact assessment on the order to implement the CRC Energy Efficiency Scheme published on the DECC website. We have also consulted extensively during the development of the scheme including in three formal written consultation exercises over the past three years.

Departmental Advertising

Grant Shapps: To ask the Secretary of State for Energy and Climate Change what estimate he has made of his Department's expenditure on (a) television, (b) radio, (c) print and (d) online advertising in (i) 2009-10 and (ii) 2010-11. [309943]

Joan Ruddock: The campaign advertising media costs for (i) September 2008 to March 2009 and (ii) April 2009 to March 2010 (invoiced costs only) are as follows. All costs are exclusive of VAT.

DECC was created in October 2008, just after the Save Money, Save Energy campaign advertising launched in September 2008.

(i) September 2008 to March 2009 (invoiced costs only)

- a. Television: £4,738,855
- b. Radio: £429,283
- c. Print: £1,792,659
- d. Online: £677,123

(ii) April 2009 to March 2010 (invoiced costs only)

- a. Television: £2,196,624
- b. Radio: £184,944
- c. Print: £685,385
- d. Online: £805,340

DECC spent the following amounts on recruitment press advertising:

- (i) 2008-09: £58,428.50
- (ii) 2009-10: £142,745.

Gregory Barker: To ask the Secretary of State for Energy and Climate Change what estimate he has made of his Department's expenditure on (a) print, (b) online, (c) television and (d) radio advertising in 2008-09; how much has been spent on advertising in 2009-10 to date; and what percentage of such advertising expenditure in each year was managed by the Central Office of Information. [311571]

Joan Ruddock: I refer the hon. Member to the answer given to the hon. Member for Welwyn Hatfield (Grant Shapps) today to parliamentary question number 309943. All departmental campaign advertising was commissioned via COI.

Departmental Air Travel

Mr. Hurd: To ask the Secretary of State for Energy and Climate Change with reference to the answer to the right hon. Member for Horsham of 21 October 2009, *Official Report*, column 1451W, on departmental air travel, what the updated figures are for each entry in the table where the abbreviation tbc was used. [315579]

Joan Ruddock: The updated figures for departmental air travel in 2007-08 which have been reported through the Government Carbon Offsetting Facility where the 'tbc' abbreviation was used, and where this information is held centrally, are set out in the table.

Participant	Domestic miles	Short-haul miles	Long-haul miles	Total miles
DFES	296,503	180,195	635,625	1,112,323
MOJ	1,567,173	648,172	1,762,322	3,977,667
ECGD	3,808	92,731	362,224	458,763
BAPG ¹	—	—	121,271	121,271
GLA ¹	8,782	77,309	567,679	653,770
MPS ¹	—	9,202,138	6,728,730	15,930,868

¹ BAPG—British-American Parliamentary Group; GLA—Greater London Authority; MPS—Metropolitan Police Service

Departmental Communication

Mr. Hurd: To ask the Secretary of State for Energy and Climate Change whether his Department publishes an annual report on departmental communications.

[315601]

Joan Ruddock: The Department does not currently publish a separate annual report on departmental communications. There is a specific section in the departmental annual report which covers communications activities.

Feed-in Tariffs

Dr. Pugh: To ask the Secretary of State for Energy and Climate Change whether he has considered the effect of accreditation requirements on levels of participation in the feed-in tariff scheme; and what assessment he has made of the effect of such requirements on the Low Carbon Buildings Programme. [314338]

Mr. Kidney: The certification requirements for the feed-in tariffs scheme are explained in the Government's response to the summer 2009 consultation, published on 1 February and available from the DECC website at:

http://decc.gov.uk/en/content/cms/consultations/elec_financial/elec_financial.aspx

The Microgeneration Certification Scheme (MCS) has successfully supported delivery of the Low Carbon Buildings Programme since 2006. We believe that the MCS has an important and necessary role to play in feed-in tariffs by providing independent assurance both to customers of microgeneration electricity installations, and to ensure value for money of the scheme. More information on MCS is available on the website:

www.microgenerationcertification.org

Mr. Jim Cunningham: To ask the Secretary of State for Energy and Climate Change what representations his Department has received on harmonising the UK's feed-in tariff scheme with those of other EU member states. [315463]

Mr. Kidney: On 1 February the Government published their response to a consultation on feed-in tariffs for small-scale electricity generation, which is available in the Library of the House and from the Department of Energy and Climate Change website at:

http://www.decc.gov.uk/en/content/cms/consultations/elec_financial/elec_financial.aspx

The consultation received over 700 replies.

In the course of developing the scheme Ministers and officials consulted a wide range of organisations, nationally and internationally. A number of supporting studies are also available at the same website.

Mr. Jim Cunningham: To ask the Secretary of State for Energy and Climate Change what assistance his Department plans to provide to those in social housing to participate in the feed-in tariff scheme; and how many social housing tenants he estimates will participate in it. [315464]

Mr. Kidney: On 1 February the Government published their response to a consultation on feed-in tariffs for small-scale electricity generation, available from the Department of Energy and Climate Change website at:

http://www.decc.gov.uk/en/content/cms/consultations/elec_financial/elec_financial.aspx

As the response states the Government consider the role of local authorities to be important and are keen for them to develop their leadership role on climate change including action on social housing. Accordingly the Government are piloting the concept of low carbon frameworks, further details may be found at:

<http://www.communities.gov.uk/news/corporate/1449033>

Further, building on the experience of pilot projects for Pay as You Save financing and Warm Front, the Government will consult later this year on measures to help low-income households take advantage of clean energy cashback.

Fuel Poverty

Martin Horwood: To ask the Secretary of State for Energy and Climate Change what estimate he has made of the number of (a) individuals and (b) households in (i) England, (ii) Wales and (iii) Scotland who spend (A) over 20 per cent., (B) between 15 and 20 per cent., (C) between 10 and 15 per cent., (D) between five and 10 per cent. and (E) up to five per cent. of income on energy costs; and what estimate he has made of the average (1) fuel cost, (2) property SAP rating and (3) income for each such group. [316525]

Mr. Kidney: Fuel poverty is measured at household level rather than at individual level. Rather than actual bills, fuel poverty uses modelled bills, modelled to ensure each household maintains an adequate standard of warmth, alongside energy use on water heating, lights and appliances and cooking. Similar information is not available on actual spending.

DECC compiles detailed information for England from the English House Condition Survey and takes headline data from Wales, Scotland and Northern Ireland to produce a UK aggregated estimate. Detailed data for Wales and Scotland are the responsibility of the respective devolved Administrations and are best obtained direct from them.

The latest fuel poverty data for England are for 2007 and show the following modelled bills, income and SAP ratings:

	<i>Number of households (thousand)</i>	<i>Average income (£)</i>	<i>Average modelled fuel bill (£)</i>	<i>Average SAP</i>
Up to and including 5 per cent.	11,008	38,610	1,080	53.3
5-10 per cent.	7,553	16,990	1,140	48.8
10-15 per cent.	1,804	10,860	1,290	41.9
15-20 per cent.	515	8,480	1,440	35.9
Over 20 per cent.	500	5,130	1,570	34.5
All households	21,380	27,130	1,140	49.9

Fuel Poverty: Cumbria

Tim Farron: To ask the Secretary of State for Energy and Climate Change what recent estimate he has made of the number of households in fuel poverty in Westmorland and Lonsdale. [316521]

Mr. Kidney: The most recently available sub-regional split of fuel poverty relates to 2006, and shows that there were around 8,800 fuel poor households in the Westmorland and Lonsdale constituency.

Fuel Poverty: Leeds

Greg Mulholland: To ask the Secretary of State for Energy and Climate Change what percentage of households in Leeds North West constituency are classified as living in fuel poverty. [316590]

Mr. Kidney: The most recently available sub-regional split of fuel poverty relates to 2006, and shows that there were 11.6 per cent. of households in the Leeds, North-West constituency that were classified as living in fuel poverty.

Fuel Poverty: Pensioners

Mr. Jim Cunningham: To ask the Secretary of State for Energy and Climate Change what recent steps his Department has taken to reduce the number of pensioner households in fuel poverty. [314916]

Mr. Kidney [holding answer 4 February 2010]: The Government have a strong package of measures to help reduce fuel poverty amongst vulnerable households which includes pensioners. This is centred on tackling the three root causes of fuel poverty:

Reducing the demand for energy by improving home energy efficiency through schemes such as Warm Front, Carbon Emissions Reduction Target, Community Energy Saving Programme and the Decent Homes Standard;

Putting in place and continuously looking to improve a regulatory framework that promotes competition as the main driver to ensure downward pressure on prices for consumers, and to improve license conditions and strengthen Ofgem's powers through the Energy Bill; and

Raising real incomes, including through Winter Fuel Payments and Cold Weather Payments alongside the wider tax and benefit system and through Benefit Entitlement Checks under the Warm Front Scheme.

We have also introduced legislation to implement mandated social price support schemes once the current voluntary agreement with suppliers comes to an end in 2011. These schemes will provide more of the most vulnerable consumers with help towards their energy costs. We have said that we are minded to focus the majority of the additional resources on older pensioner

households on the lowest incomes as these households tend to have a high incidence of fuel poverty - over 50 per cent. of fuel poor households have a person over 60 living in them; their circumstances are relatively stable; and they are at the greatest risk of excess winter deaths.

Through our fuel poverty review we will continue to build and strengthen the evidence base on fuel poverty and explore better ways of targeting help at the most vulnerable fuel poor households.

Members: Correspondence

Mr. Baron: To ask the Secretary of State for Energy and Climate Change when he expects to reply to the hon. Member for Billericay's letter of 11 January 2010 on energy tariffs. [314786]

Mr. Kidney [holding answer 2 February 2010]: The letter from the hon. Member was received by the Department on 13 January 2010. A reply was drafted by officials, signed by Lord Hunt and was sent out on 5 February 2010. This is within agreed Whitehall targets.

Letter from The right hon. Lord Hunt of King's Heath OBE, dated 5 February 2010:

Thank you for your letter of 11 January to Ed Miliband, about the provision of information on energy customers' bills. I am replying as this matter falls within my portfolio.

I think we can both agree that the provision of clear and comparable information on energy bills is crucial for consumers, to enable them to engage fully with, and understand, the range of products available to them - so I am very happy to provide the clarifications you seek.

The issue of the provision of information on bills was addressed in the Probe into energy markets conducted by Ofgem and the remedies that resulted from it. We have therefore referred the questions you raise on this issue to Ofgem, which has advised that the Licence conditions to which you refer have been agreed following extensive consultation and input from consumer stakeholder groups. Ofgem issued its final direction on 19 October 2009.

This is available online at:

<http://www.ofgem.gov.uk/Pages/MoreInformation.aspx?docid=234&refer=Markets/RetMkts/ensuppro>

It also published a timetable for when these new rules were due to come into force and this is available online at:

<http://www.ofgem.gov.uk/Markets/RetMkts/ensuppro/Documents1/Implementation%20of%20the%20Energy%20Supply%20Probe%20Retail%20Markets.pdf>

With regard to the rules governing the comparison of a customer's tariff with the supplier's standard direct debit tariff, Ofgem advises that Licence condition 31A.4 states that the Licensee must provide every domestic customer, once in every 12 month period, with the domestic customer's exact tariff name (31 A.4 (a)) and with details of any premium or discount that applies to the domestic customer's tariff as compared to the electricity supplier's standard tariff where payment is by direct debit (31 A.4 (c)). There is, therefore, an obligation for suppliers to provide domestic

customers with a comparison of their tariff against another actual tariff. This Licence condition is enforceable under Ofgem's current powers.

However, domestic customers will be provided with a reminder, in a prominent position, that they may change their supplier, and with information about where they may obtain impartial advice and information about switching. In addition, customers can identify if they can access a cheaper standard tariff as the comparison with the supplier's standard direct debit tariff will be shown along with details of any premium or discount that currently applies to the customer's existing tariff. This information will show the extra amount the customer is paying (compared to the standard direct debit tariff) due to premium products such as a green tariff or, for example, due to their chosen payment method.

I think it is important to reiterate that Ofgem has consulted widely on its proposals to improve customer information and has received views from a range of organisations, including consumer groups and I support the changes it is introducing.

Consumer Focus has an important role to play in overseeing the switching and price comparison websites. We welcome its recent public consultation, which has just closed, on the Confidence Code - a voluntary code of practice for domestic gas and electricity price comparison. This consultation considered, among other things, an extension of the code to include telesales activity. We await its considered view on the responses to it in due course.

I also expect Ofgem to continue to work with energy suppliers, consumers and consumer representatives to ensure consumers have the information they need. In its monitoring of the effectiveness of these rules we will expect Ofgem to review whether these changes have proved sufficient to help consumers understand their energy bills and are able to make informed choices based on the information available to them.

I welcome your continued engagement on this important issue and I hope this information is helpful.

Newspaper Licensing Agency

Mr. Hurd: To ask the Secretary of State for Energy and Climate Change what payments (a) his Department and (b) each of its agencies made to the Newspaper Licensing Agency in each year since his Department was established. [315593]

Joan Ruddock: DECC has made payments of £87,342.18 to the Newspaper Licensing Agency since the Department was established. This includes our current licence which is valid to 9 December 2010.

DECC has no agencies.

Nuclear Power Stations: Coastal Areas

Simon Hughes: To ask the Secretary of State for Energy and Climate Change what recent estimate his Department has made of the cost of defending Britain's nuclear sites from the effects of coastal erosion in the next 160 years. [316209]

Mr. Kidney: The Department has not made any such estimates. As with other external hazards, ensuring that nuclear sites are protected against flooding and coastal erosion is the responsibility of the site operator, subject to regulatory oversight by the HSE working alongside the Environment Agency in England and Wales. These regulators require the operators to demonstrate and cover the cost of appropriate levels of protection against such hazards throughout the lifetime of the site, including the decommissioning phase.

DEFRA has promoted Shoreline Management Plans (SMPs) that assess the risks of coastal erosion and tidal flooding for the whole coast of England and Wales, for the next 100 years. SMPs are prepared jointly by the

relevant operating authorities using the latest coastal monitoring information. This includes the condition of all existing defences, including those constructed to protect nuclear sites. These plans consider the evidence on climate change, as well as other relevant data and research. They account for the impact of coastal processes on the whole coast including coastal communities and should be used by planning authorities where they need to take planning decisions on the coast.

A review of Shoreline Management Plans is currently under way and will be complete by the end of the year. SMPs are publicly available and include a minimum three-month public and stakeholder consultation period.

Nuclear Power Stations: Planning Permission

Grant Shapps: To ask the Secretary of State for Energy and Climate Change what account the Infrastructure Planning Commission will take of the (a) method and (b) siting of nuclear waste storage when deciding on planning applications for nuclear power stations. [311523]

Mr. Kidney: Radioactive waste interim storage facilities located on site at new nuclear power stations are covered in the Draft National Policy Statement for Nuclear Power Generation (EN-6) (see page 24).

<http://data.energynpsconsultation.decc.gov.uk/documents/nps/EN-6.pdf>

When considering planning applications the Infrastructure Planning Commission (IPC) will be able to seek the views of the independent safety, security and environmental nuclear regulators, on both the method of storage and the siting of the storage facilities. The IPC will need to be satisfied that the necessary regulatory licence, authorisation or permit can or is likely to be issued in due course. The IPC will also be able to consider the views of other interested parties during the planning application process.

The Draft National Policy Statement is currently being consulted on. The Government will further consider what advice the IPC requires in the light of responses to the public consultation and parliamentary scrutiny.

Trees

Mr. Stewart Jackson: To ask the Secretary of State for Energy and Climate Change what assessment his Department has made of the average cost of planting a tree as part of a carbon offset programme. [314963]

Joan Ruddock: The Government have developed a quality assurance scheme (QAS) for carbon offsetting. This covers regulated credits, which could include UN-accredited forestry projects outside of the UK. Offsets under the QAS are sold by independent companies from a range of UN-accredited projects and current prices range from around £15 to £18 per tonne of carbon dioxide depending on the supplier.

The independent Read report (Combating Climate change: a Role for UK Forests), the first report of the Committee on Climate Change and the Government's UK Low Carbon Transition Plan 2007 each concluded that woodland creation is a cost-effective measure, providing abatement at a cost of £20 to £40 per tonne carbon dioxide. This includes among other costs, the cost of tree planting.

Wind Power

Graham Stringer: To ask the Secretary of State for Energy and Climate Change what the total output was of the UK's wind turbines connected to the national grid as a percentage of their load factor in each week in January 2010. [316234]

Mr. Kidney: Load factors are defined as the average hourly quantity of electricity supplied during the year, expressed as a percentage of the average output capability at the beginning and end of the year. As such, these are only calculated on an annual basis, with the latest data

for 2008 showing 29.4 per cent. for onshore wind and 34.9 per cent. for offshore wind.

However, an indication of the weekly load factor can be obtained by calculating total operational wind generation as a percentage of the theoretical maximum generation for all operationally metered wind plants. These data are made available by national grid and refer only to wind which is operationally metered i.e. around half of the onshore wind farms and none of the offshore wind farms. These data are given in the following table. Where this figure exceeds the load factor for onshore wind, given above, the plants are operating at above average levels.

Electricity supplied by wind during January 2010

<i>Week commencing</i>	<i>Operationally metered wind generation (MWh)</i>	<i>Percentage of operationally metered wind generation relative to theoretical maximum operationally metered supply</i>
1 January 2010	51,535	20
8 January 2010	90,839	35
15 January 2010	114,923	44
22 January 2010	61,164	23

FOREIGN AND COMMONWEALTH OFFICE

Burundi: Politics and Government

Mr. Oaten: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received on the attempted coup to overthrow President Ndayizeye of Burundi; and what assessment he has made of the likely effects of the coup attempt on the July 2010 elections. [315949]

Mr. Ivan Lewis [*holding answer 5 February 2010*]: We have received reports that 13 soldiers of the Burundian armed forces were arrested on 29 January 2010 on charges of "planning to destabilise the state". There has been no concrete coup attempt, and there is no reason to believe that this incident will affect preparations for the forthcoming elections.

Mr. Oaten: To ask the Secretary of State for Foreign and Commonwealth Affairs whether the EU plans to send an observer mission to the 2010 elections in Burundi; and if he will make a statement. [315950]

Mr. Ivan Lewis [*holding answer 5 February 2010*]: The elections in Burundi this year remain a top priority for the UK and will mark an important step in further institutionalising the democratic process in Burundi. The presence of an EU Election Observer Mission (EU EOM) would constitute a significant part of this process.

The UK discusses the issue regularly with the European Commission and supports proposals for an EU EOM to Burundi. While the European Commission seeks the views of member states on a proposed priority list of countries for EU EOMs, it ultimately falls to the European Commission themselves to decide where these will be deployed. Similarly, the terms and resourcing for any EU EOM are also ultimately a decision for the European Commission.

Conflict Resolution: Females

Judy Mallaber: To ask the Secretary of State for Foreign and Commonwealth Affairs how many full-time equivalent officials in his Department work on the (a) central coordination of activities on and (b) monitoring of the impact of activities undertaken pursuant to the National Action Plan on Women, Peace and Security. [315179]

Mr. Ivan Lewis: I refer my hon. Friend to the reply I gave on 21 January 2010, *Official Report*, column 489W.

Cyprus: Politics and Government

Andrew Rosindell: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had on proposals for the unification of Cyprus; and if he will make a statement. [315923]

Chris Bryant: The two leaders have the Government's full support in their determination to achieve a Cyprus settlement for the benefit of all Cypriots and we welcome the recent intensification of talks. Both Cypriot leaders made separate visits to the UK last autumn and held talks with my right hon. Friend the Prime Minister. The Prime Minister has also recently discussed the Cyprus problem in separate telephone conversations with the two leaders, the Turkish Prime Minister and the Greek Prime Minister. My right hon. Friend the Foreign Secretary recently discussed the ongoing negotiations with both the UN and the Turkish Foreign Minister, in addition to meeting both leaders and the Greek Prime Minister in the autumn. I visited the island in November 2009 and met with all key figures involved in the process. I also raised the settlement talks with my Turkish counterpart, Egeman Bagis, during a recent visit to Istanbul. I have had constant discussions and informal meetings with politicians and leaders of both communities in Cyprus and with both communities' representatives in the UK.

Departmental Housing

Sarah Teather: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent estimate he has made of the (a) potential annual rental and (b) total book value of the (i) empty and (ii) occupied residential properties owned by his Department. [313754]

Chris Bryant: This information is not held centrally and is available at only disproportionate cost.

Haiti

Andrew Rosindell: To ask the Secretary of State for Foreign and Commonwealth Affairs what meetings he has had with the Secretary of State for International Development in relation to Haiti in January 2010. [315915]

Mr. Ivan Lewis: My right hon. Friends the Foreign Secretary and Secretary of State for International Development are in regular contact in relation to Haiti.

Ivory Coast: Hazardous Substances

Mr. Mullin: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the Government of Cote d'Ivoire on the disbursement of the compensation paid by Trafigura in respect of the toxic waste dumped by that company; and if he will make a statement. [316486]

Mr. Ivan Lewis: We have made clear to Ivorian Government officials the importance we attach to the claimants receiving the compensation due to them. We welcome both the decision, on 28 January 2010, by the President of the Supreme Court in Abidjan to grant a stay on the transfer of the compensation monies and President Gbagbo's personal interest in this case.

Although we cannot interfere in the Ivorian Court process, Foreign and Commonwealth Office officials in Accra and Abidjan continue to monitor the case and stress the importance that the victims/claimants receive the monies that are due to them at every available opportunity.

Nigeria

Mr. Keith Simpson: To ask the Secretary of State for Foreign and Commonwealth Affairs whether the Government plans to provide assistance to the gubernatorial elections in Anambra, Nigeria; and if he will make a statement. [315479]

Mr. Ivan Lewis: The UK is not providing direct assistance to gubernatorial elections in Anambra on 6 February 2010, but is, through the Department for International Development (DFID), supporting civil society involved in election-monitoring and voter education in the state, and is also helping to build the capacity of the local media in order to encourage objective reporting of the elections.

My right hon. Friend the Foreign Secretary joined US Secretary of State Hillary Clinton, French Foreign Minister Bernard Kouchner and EU High Representative Baroness Ashton in expressing hope that the election in

Anambra will be a milestone in Nigeria's journey towards electoral reform and a signal of Nigeria's commitment to the principles of democracy.

The UK is also working hard to encourage transparent elections in Nigeria, and to improve democratic governance more broadly, including through the DFID's Deepening Democracy in Nigeria and Democratic Governance for Development programmes, funded in partnership with the European Commission, Canadian International Development Agency and UN Development Programme.

Mr. Keith Simpson: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) whether he has made representations to the Nigerian government on the violence in Jos, Nigeria in January 2010; and if he will make a statement; [315485]

(2) what reports he has received on the number of people displaced following the outbreak of violence in Jos, Nigeria in January 2010; and if he will make a statement; [315486]

(3) what his most recent assessment is of the security situation in Jos, Nigeria; and if he will make a statement; [315487]

(4) what discussions he has had with members of (a) the Commonwealth, (b) the Economic Community of West African States and (c) the African Union on violence in the Nigerian city of Jos in January 2010 on preventing the recurrence of such violence; and if he will make a statement. [315488]

Mr. Ivan Lewis: We are deeply saddened by the recent violence in Jos, Nigeria, where media reports suggest that over 550 people have died. It is not yet clear how many people have been displaced by these tragic events. We understand that the security situation has calmed and stabilised following the deployment of additional security forces by Vice-President Jonathan.

Our high commissioner in Abuja regularly discussed the situation in Jos with both the federal and state governments. He has consistently raised concerns about loss of life, and urged all sides to work together to achieve peaceful reconciliation. On 29 January my right hon. Friend the Foreign Secretary issued a joint statement with US Secretary of State Hillary Clinton, French Foreign Minister Bernard Kouchner and EU High Representative Baroness Ashton in which they called on the Government of Nigeria to ensure those responsible for crimes in Jos face justice, and all parties work towards a long-term solution to inter-communal conflict. My noble Friend the Minister of State for Africa also expressed her condolences for those who had lost their lives when she met the Nigerian Foreign Minister in the UK on 20 January 2010. My right hon. Friend the Foreign Secretary has not had direct discussions on Jos with the Nigerian Government, members of the Commonwealth, the Economic Community of West African States or the African Union.

Public Holidays

Bob Spink: To ask the Secretary of State for Foreign and Commonwealth Affairs what estimate he has made of the cost to his Department of the introduction of an additional public holiday; and if he will make a statement. [315118]

Chris Bryant: This information would be available only at disproportionate cost. The salary cost of work foregone in the UK will depend on the number of staff who are employed on the date of the holiday and their pay costs. Staff at Posts overseas take holidays at the discretion of the Head of Post, taking into account local conditions and law. It might be the case in some locations that an additional UK public holiday would be substituted for one of the existing local holidays so the total number of public holidays taken would remain the same.

Sri Lanka: Politics and Government

Mr. Dismore: To ask the Secretary of State for Foreign and Commonwealth Affairs what his most recent assessment is of the political situation in Sri Lanka; and if he will make a statement. [316206]

Mr. Ivan Lewis: The Sri Lankan Election Commissioner announced on 27 January 2010 that President Rajapakse had won the presidential election with a clear majority. My right hon. Friend the Prime Minister has written to the President encouraging him to use his new mandate to work towards a fully inclusive political solution which addresses the underlying causes of the conflict. It remains our view that this is the only way to achieve lasting peace in Sri Lanka. Genuine reconciliation between Sri Lanka's communities will depend in a large part on the Government promoting and protecting the rights of all Sri Lankans.

We welcome the fact that election day was largely peaceful. However in his letter to the President the Prime Minister urged the authorities to ensure that investigations are carried out into the reported violations of election law during the election campaign, including the numerous incidents of violence, and to take measures to prevent electoral violations in the forthcoming parliamentary elections. We are also pressing the Government to ensure the safety and security of all candidates and their supporters and to protect media freedoms.

EU High Representative Baroness Ashton released a statement on the election, available at the following link:

http://www.consilium.europa.eu/uedocs/cmsUpload/100129_Sri_Lanka.pdf

Sudan

Mr. Andrew Mitchell: To ask the Secretary of State for Foreign and Commonwealth Affairs when he (a) last visited and (b) next plans to visit Sudan. [316360]

Chris Bryant: My right hon. Friend the Foreign Secretary last visited Sudan on 8-9 July 2008. The most recent visit by a Foreign and Commonwealth Office Minister was by my noble Friend Baroness Kinnock on 10-13 January this year. For security and operational reasons, we do not announce visits by the Foreign Secretary significantly in advance.

CHILDREN, SCHOOLS AND FAMILIES

Children: Day Care

Michael Gove: To ask the Secretary of State for Children, Schools and Families on what criteria the 250,000 nursery places for two-year olds which the Prime Minister announced on 29 September 2009 will be allocated. [301655]

Dawn Primarolo [*holding answer 25 November 2009*]: We are committed to rolling out a free entitlement to two-year-olds, stage by stage. By the end of March 2010 it is expected some 20,000 two-year-olds from the most disadvantaged backgrounds will have access to a free early learning and child care place each year.

We will continue to make progress on the long-term ambition that the Prime Minister has set out to provide free part-time nursery places for all two-year-olds whose parents want them.

Decisions regarding the pace of future rollout will need to be taken in the light of wider fiscal considerations as part of the next spending review.

Children's Centres: Eltham

Clive Efford: To ask the Secretary of State for Children, Schools and Families (1) how many parents he estimates have participated in the introduction of children's centres in Eltham constituency; [314397]

(2) what assessment he has made of the effect on parents in Eltham constituency of the introduction of children's centres; and if he will make a statement. [314398]

Dawn Primarolo: Greenwich local authority is responsible for Sure Start children's centres across its area and will assess local impact on young children and families. National research shows there is a positive Sure Start effect. The National Evaluation of Sure Start (2008) clearly shows that children behave better and are more independent if they live in Sure Start areas. Parents have more positive parenting skills to provide a better home learning environment for their children, helping prepare children to do well at school and make the most of their talents.

Sure Start children's centres are a universal service for all families with children under five. It is important that families, no matter what their situation, can benefit from better integrated, accessible services. The TNS survey of parents, published in 2009, showed that use of children's centres was widespread and that no sub-groups are being excluded from or failing to access centres. The report also shared that 78 per cent. of all respondents knew about their local centre; 74 per cent. were familiar with the term 'children centre'; and levels of satisfaction were very high with 92 per cent. of all users saying they were satisfied (68 per cent. were very satisfied).

Children's Commissioner for England

Tim Loughton: To ask the Secretary of State for Children, Schools and Families if he will place in the Library a copy of the contract of the new Children's Commissioner. [312040]

Dawn Primarolo: The Children's Commissioner's letter of appointment and terms and conditions contains personal data so it is exempt from disclosure under section 40 of the Freedom of Information Act concerning personal data within the meaning of the Data Protection Act 1998 and so will not be placed in the Library. However, the functions and duties of the Children's Commissioner are set out in section 1 to 9 and schedule 1 of the Children Act 2004. The terms and conditions are subject to provisions of paragraph 3 of Schedule 1 of the Children Act 2004.

Children's Rights Director of England

Tim Loughton: To ask the Secretary of State for Children, Schools and Families what the salary is of the Children's Rights Director of England; how many people are employed in his office; and what the total annual cost to the public purse is of running his office. [309187]

Mr. Coaker: This is a matter for Ofsted. HM Chief Inspector, Christine Gilbert, has written to the hon. Member and a copy of her reply has been placed in the Libraries.

Family Proceedings

Hilary Armstrong: To ask the Secretary of State for Children, Schools and Families what assessment he has made of the likely effects on children of the changes to the rules on reporting sensitive personal information in family courts under the proposals in the Children, Schools and Families Bill. [312806]

Dawn Primarolo [*holding answer 25 January 2010*]: Protecting the welfare of children is our paramount concern. The proposals in the Bill are carefully drafted to ensure that sensitive personal information remains confidential. In addition, the measures in the Bill propose to strengthen the current position and give indefinite anonymity to children involved in family proceedings.

The current proposals before Parliament make clear that treatment of sensitive personal information can be altered only once the Lord Chancellor has carried out a full and comprehensive review of the operation of the provisions including their impact on children.

Independent Safeguarding Authority Partnership Network

Tim Loughton: To ask the Secretary of State for Children, Schools and Families pursuant to the answer of 7 January 2010, *Official Report*, column 598W, on the Independent Safeguarding Authority, who the members of the Partnership Network are; what the remit of the Partnership Network is; who chairs the network; what its budget is for 2009-10; from which funding stream its expenditure is met; and on what dates the network has met since its creation. [310610]

Dawn Primarolo: Membership of the Partnership Network is set out in the Interim Progress Report and Work Programme 2009-10 of the National Safeguarding Delivery Unit, published 18 December 2009. This can be found at:

<http://publications.dcsf.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductID=DSCSF-01181-2009&>

The network was created to help ensure that the work of the National Safeguarding Delivery Unit is firmly rooted in what is happening at the front line, and to act as a conduit between the Unit and individual partners to feed back on and pursue specific issues impacting on effective frontline safeguarding practice. It is not intended that the total Partnership Network consisting of nearly a 100 members would meet frequently.

From time to time, small groups of Network members are asked to work with the Unit on specific pieces of work or join workshops to consider specific outputs the Unit is developing. It is also intended that the NSDU will consult Network members routinely on particular issues related to the improvement of safeguarding practice. To date, members have been invited to attend the launch of the final report of Social Work Taskforce on 1 December 2009, and selected members to attend a workshop on 4 November looking at three of the early NSDU projects.

The Partnership Network does not have a dedicated budget.

Local Child Curfew Schemes: Suffolk

Mr. Ruffley: To ask the Secretary of State for Children, Schools and Families how many child curfew orders have been (a) issued and (b) breached in Suffolk in each year since 1997. [314881]

[314881]

Mr. Alan Campbell: I have been asked to reply.

Information on the number of local child curfew orders is not collected centrally. The provisions creating local child curfew orders were repealed by the Police and Crime Act 2009.

Pre-school Education: Torbay

Mr. Sanders: To ask the Secretary of State for Children, Schools and Families how many children aged (a) three and (b) four years old in Torbay constituency are in free nursery places. [314615]

Dawn Primarolo: The available figures are shown in the table.

Part-time equivalent number of free early education places^{1, 2} filled by three and four-year-olds³. Parliamentary constituency: Torbay.
Position in January

2009	Number
Three-year-olds	950
Four-year-olds	1,100

¹ A place is equal to 12.5 hours (five sessions) and can be filled by more than one child.

² Figures are rounded to the nearest 100 if over 1,000, and to the nearest 10 otherwise.

³ Age of all children taken at 31 December 2008.

Source:

Early Years Census and School Census

The Department publishes information on the part-time equivalent number of free early education places filled by three and four-year-olds. This is derived by counting children taking up 12 and a half hours per week as one place, 10 hours per week as 0.8 places, seven and a half hours per week as 0.6 places, five hours per week as 0.4 places and two and a half hours per week as 0.2 places.

Schools: Mental Health Services

Sandra Gidley: To ask the Secretary of State for Children, Schools and Families how many professional school counsellors there are in (a) secondary and (b) primary schools. [313872]

Dawn Primarolo: The school funding system provides a sum per pupil in a local authority for it to distribute for all its education responsibilities including schools. Once delegated to a school, it is for the school governors to decide upon the use of the delegated budget to meet the school's priorities, which may include purchasing the services of a counsellor. We do not collect information on the use of school funding in sufficient detail to capture information about which schools employ professional counsellors.

However, we are committed to improving the emotional and mental health of children and young people and to help them develop social and emotional skills, improve self-esteem and self-control, enabling them to develop good relationships and to promote their resilience, so they can adapt to change and cope with difficult circumstances. We have developed a number of school-based approaches to support this, some of which may include the use of services such as counselling.

Supporting the psychological well-being and mental health of pupils is a key component of whole school programmes such as the Healthy Schools programme and the Social and Emotional Aspects of Learning programme. Such programmes are intended for pupils generally and may need to be supplemented by more specialist support for certain pupils.

The Targeted Mental Health in Schools (TaMHS) programme, funded by £60 million between 2008-11, builds on the successful social and emotional aspects of learning programme (SEAL) for those pupils who need additional support. Some of the schools involved in the programme have chosen to offer counselling-based approaches as part of their package therapeutic interventions to children at risk of developing mental health problems.

In addition, the White Paper "Your Child, Your Schools, Our Future", published in June 2009, stated as a pupil and parent guarantee that from September 2010 every young person in secondary school will have a personal tutor who knows them well, has an overview of their progress and ensures any learning needs or issues are quickly addressed.

Social Work Taskforce

Tim Loughton: To ask the Secretary of State for Children, Schools and Families pursuant to the answer of 13 January 2010, *Official Report*, columns 1063-64W, on the Social Work Task Force, if he will place in the Library a copy of the draft of the final report provided on (a) 13 October, (b) 20 November and (c) 27 November 2009. [311869]

Dawn Primarolo: It is not general practice for the Department for Children, Schools and Families to release draft versions of published reports. The final report of the Social Work Task Force was launched on the 1 December and is available here:

<http://publications.dcsf.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DCSF-01114-2009>

Sports: Finance

Hugh Robertson: To ask the Secretary of State for Children, Schools and Families how much his Department has spent on sports coaching in each of the last three years; and through which bodies such coaching was delivered. [316343]

Mr. Iain Wright: As part of the PE and Sport Strategy for Young People, the Department's spend on coaching over the last three years has been as follows:

	£
2007-08	3,992,000
2008-09	7,175,000
2009-10	9,196,500

This funding was paid to School Sport Partnerships who used it to employ sports coaches at a local level to help deliver high quality coaching provision in schools.

Sure Start Programme: Leeds

Mr. Fabian Hamilton: To ask the Secretary of State for Children, Schools and Families how many Sure Start places have been established in Leeds North East constituency since 1997. [314656]

Dawn Primarolo: There are six designated Sure Start Children's Centres in the Leeds, North-East constituency, reaching over 5,560 children under five and their families. There are no more centres planned for the constituency. Reach defines those children and families with the opportunity to access children's centres. Figures for the number of people actually using children's centres are not collected centrally.

Vetting

Tim Loughton: To ask the Secretary of State for Children, Schools and Families with reference to page 5 of Sir Roger Singleton's report, *Drawing the line*, published in December 2009, when the Government's review of the continuing need for controlled activity will be complete. [309670]

Dawn Primarolo: I refer the hon. Member to my right hon. Friend's, the Secretary of State for Children, Schools and Families, written ministerial statement of 14 December 2009, *Official Report*, columns 50-53WS, about the publication of Sir Roger Singleton's report, "Drawing the Line", on the Vetting and Barring Scheme (VBS), and the Government's response to Sir Roger's report, both of which are in the House Libraries.

The Government's response to recommendation 9 of the report makes clear that the DCSF and the Department of Health will take forward the review of the continuing need for controlled activity together, in collaboration with the Department for Business, Innovation and Skills. The Government will launch this review shortly.

HOME DEPARTMENT

Alcohol: Under-age Sales

4. **Sandra Gidley:** To ask the Secretary of State for the Home Department how many retailers were convicted of an offence of selling alcohol to under-age people in the last 12 months. [315832]

Mr. Alan Campbell: In 2008 there were 459 prosecutions leading to 366 convictions. During the same period 2,824 penalty notices for disorder were issued by the police.

Police: Local Authority Funding

19. **Mr. Pelling:** To ask the Secretary of State for the Home Department whether local authorities have discretion to fund police officers in addition to those funded by police authorities. [315849]

Mr. Hanson: Under the Police Act 1996 local authorities may make grants to any police authority whose police area falls geographically within the local authority area. Grants may be made unconditionally or, with the agreement of the chief officer, subject to conditions.

Conditions could include that funding be spent on police officers.

UK Border Agency

20. **Simon Hughes:** To ask the Secretary of State for the Home Department what assessment he has made of the merits of allowing regional offices of the UK Border Agency to accept further representations from asylum applicants who claimed asylum before March 2007. [315850]

Mr. Woolas: In October we made important improvements to the security and efficiency of the asylum system by requiring applicants wishing to put in further submissions relating to their asylum claim to do so in person. Regional asylum teams were set up in 2007 to deal with newer asylum claims. Those teams are receiving further submissions in those newer cases but do not have the operational capacity to receive further submissions from all cases in the "legacy" caseload.

However, we have established exceptional criteria for those unable to travel.

Stop and Search Powers

21. **Mr. Baron:** To ask the Secretary of State for the Home Department what assessment he has made of the effectiveness of the use of stop and search powers under section 44 of the Terrorism Act 2000. [315851]

Mr. Hanson: The Home Office and police keep the effectiveness of section 44 under constant review. Lord Carlile, the independent reviewer of terrorism legislation, also reviews the operation of section 44 and reports his findings to Parliament.

We believe section 44 remains an important tool in countering the threat from terrorism.

Front-line Policing

22. **Tom Brake:** To ask the Secretary of State for the Home Department what recent assessment his Department has made of the effects on front-line policing of reduced police numbers in certain forces. [315852]

Mr. Hanson: The pre-Budget report announced that sufficient funding will be provided to allow police authorities to maintain numbers of police officers, police community support officers and other staff exercising police powers in the years to 2012-13.

Our priority is to protect the front-line and maintain a focus on increasing public confidence in the police service and achieving improvements in value for money.

Immigration: Hub and Spoke System

23. **Mr. Heald:** To ask the Secretary of State for the Home Department what recent assessment he has made of the effectiveness of his Department's use of the hub and spoke system for processing immigration applications. [315853]

Mr. Woolas: The hub and spoke system has been rolled out gradually since June 2007. This model has enabled the UK Border Agency to improve the efficiency and consistency of its visa operation, building on its network of visa application centres, as well as increasing the security and integrity of our staff and improving customer service.

Antisocial Behaviour

Richard Younger-Ross: To ask the Secretary of State for the Home Department what recent representations he has received on the regulation of the use of Mosquito devices; and if he will make a statement. [315848]

Mr. Alan Campbell: My Department has recently received two representations on the use of Mosquito devices. Our position on antisocial behaviour is that it should be tackled, not tolerated. We encourage local agencies to consider the full range of innovations and schemes and practices intended to reduce crime, the fear of crime and antisocial behaviour.

Asylum

Chris Huhne: To ask the Secretary of State for the Home Department how many unsuccessful asylum seekers have given birth in the UK while awaiting immigration determination in each of the last five years; and of these how many have (a) applied for section 4 hard case support and (b) applied for section 4 support after the deadline of six weeks after birth and were subsequently refused payment. [315857]

Alan Johnson: The requested information on the number of applications for section 4 hard case support from unsuccessful asylum seekers who have given birth in the UK, is not collated and could be obtained only at disproportionate cost through examination of individual case records.

Asylum: Offenders

Chris Grayling: To ask the Secretary of State for the Home Department how many asylum seekers from each country of origin whose application for asylum in the UK had failed have been convicted of each category of a criminal offence in each year since 1998. [314816]

Alan Johnson: Identifying the number of failed asylum seekers who have been convicted of a criminal offence since 1998 would necessitate reviewing the individual case files of all failed asylum seekers. Not all offences would meet the deportation criteria and would thus not always be recorded in an easily retrievable format. Obtaining such data could be achieved only at a disproportionate cost.

The UK Border Agency removed or deported 3,890 foreign national offenders in the first-three quarters of 2009. Of those removed or deported, approximately one-third had, at some stage prior to their removal, submitted a claim for asylum.

Crimes of Violence

Chris Grayling: To ask the Secretary of State for the Home Department what use his Department makes of health service data in estimating trends in the level of crime involving injury. [315512]

Alan Johnson [*holding answer 4 February 2010*]: Hospital admissions data for assault is published on a regular basis.

A key objective of Phase II of the Tackling Knives and Serious Youth Violence Action Programme (TKAP) is to ensure that key hospitals are sharing data on injuries resulting from serious violence with local Police and Crime and Disorder Reduction Partnerships. The Department of Health's £200,000 'Innovation Fund' is supporting the development of new and existing A&E data sharing in 13 NHS Trusts across England and we have set a target of 100 hospitals sharing data across England and Wales by March 2010.

In addition to the work of TKAP, the Home Office Alcohol Strategy Unit (ASU) also utilises hospital admissions data in assessing levels of violence related to the Night Time Economy and in defining priority areas for profiling and support. It is also involved in the data sharing programme with A&E and is currently preparing a national training programme for CDRP analysts on obtaining and fully utilising A&E data which will contribute to the above work.

Cybercrime

Mr. Soames: To ask the Secretary of State for the Home Department what his most recent assessment is of the level of threat to cyber security in the UK. [310443]

Mr. Hanson: The first annual update of the UK's National Security Strategy 'Security for the Next Generation', published in June 2009, provides a general assessment of the full range of threats to national security that the UK faces including those relating to cyber security. The UK's first Cyber Security Strategy, published at the same time, gives further outline of evolving threats and sets out a framework for addressing the challenges of cyber security.

Threat assessments are regularly carried out in response to the range of threat actors but details of these are not disclosed into the public domain.

Cybercrime: Financial Services

Jim Cousins: To ask the Secretary of State for the Home Department how many reports of cyber attacks or misuse of the data and information systems of UK-based banks and financial services companies there were in each year since 1997. [314008]

Mr. Hanson: Any organisation or individual that believes that they have been the subject of such attacks or interference on their computer should report the matter to the police, who can then investigate the complaint.

Cyber attacks, misuse of data and information systems are general terms. Specific offences, as defined in law, would be classified under the appropriate section of Computer Misuse Act 1990 dependent upon the circumstances of the individual offences. Such offences would then be recorded under Home Office classification 53B 'Preserved other fraud and repealed fraud offences (Pre Fraud Act 2006)'. Offences recorded under individual sections of the Computer Misuse Act cannot be separately identified from the other offences recorded within this offence classification.

Departmental Consultants

Julia Goldsworthy: To ask the Secretary of State for the Home Department how much consultants employed by his Department and its agencies have been paid (a) in total and (b) in reimbursable expenses in each of the last 10 years. [313997]

Mr. Woolas: Information on the Home Department's, including United Kingdom Border Agency and Identity and Passport Service agencies, total consultancy expenditure from 2005-06 and as a percentage of the total Department's spend on goods and services is as follows:

Table 1

Financial year	Expenditure on consultancy services (£ million)	Total expenditure on goods and services (£ million)	Consultancy spend as a percentage of total spend
2005-06	139	1,535	9.1
2006-07	148	1,678	8.8
2007-08	96	1,544	6.2
2008-09	140	1,748	8.0
2009-10	¹ 62	1,064	5.8

¹ First six months of the financial year: provisional figure.

To provide information on consultancy spend prior to 2005-06 would incur disproportionate cost.

Information on reimbursable expenses paid to consultants in each of the last 10 years could be obtained only at disproportionate cost.

Deportation

Chris Grayling: To ask the Secretary of State for the Home Department pursuant to the answer of 14 January 2010, *Official Report*, column 1091W, on deportation, how many charter flights removing people with no right to remain there were in 2008-09; and how many people were removed from the UK upon such flights. [312099]

Alan Johnson [*holding answer 20 January 2010*]: In the financial year April 2008 to April 2009 there were 67 charter flights removing people with no right to remain in the UK, with 1,658 individuals removed.

These figures do not constitute part of National Statistics as they are based on internal management information. The information has not been quality assured under National Statistics protocols and should be treated as provisional and subject to change.

The Home Office publishes statistics on the number of persons who were removed or departed voluntarily from the UK on a quarterly and annual basis. Annual statistics for 2008 and the latest statistics for Quarter three 2009 are available from the Library of the House and from the Home Office Research, Development and Statistics Directorate website at:

www.homeoffice.gov.uk/rds/immigration-asylum-stats.html

Deportation: Haiti

Chris Grayling: To ask the Secretary of State for the Home Department whether any citizens of Haiti in the UK are subject to deportation proceedings. [314776]

Alan Johnson: There are currently no Haitian nationals subject to deportation proceedings in the UK and no planned removals to Haiti. The UK Border Agency continues to keep the situation under close review. Any individual cases that do arise will be dealt with on a case-by-case basis, taking into account any compassionate circumstances.

DNA: Databases

Kate Hoey: To ask the Secretary of State for the Home Department what estimate he has made of the number of people with records on the National DNA Database entered after a suspected offence for which they were not prosecuted were subsequently convicted of the same offence in the latest period for which figures are available. [315414]

Mr. Alan Campbell: The purpose of the National DNA Database (NDNAD) is to match DNA profiles derived from traces found at crime scenes with profiles taken from known individuals, and to pass reports of matches to the police for further investigation. The NDNAD does not hold information on the development of police investigations, or on whether individuals with profiles on it are or are not convicted. The information requested is therefore not available.

Dogs: Walsall

Bill Wiggin: To ask the Secretary of State for the Home Department whether he has received representations on the raid by police on Rosedene Boarding Kennels, Radley Road, Walsall. [315558]

Mr. Hanson: I have received no such representations.

Firearms

Bob Spink: To ask the Secretary of State for the Home Department what his policy is on controlling the sale of (a) firearms and (b) air weapons; and if he will make a statement. [315803]

Mr. Alan Campbell [*holding answer 5 February 2010*]: Businesses wishing to sell firearms, including air weapons, must register as dealers with the police, who must be satisfied that there will be no risk to public safety. Dealers must keep records of transactions and can only sell to someone permitted to purchase the type of firearm concerned. Prohibited weapons can be sold only with the authority of the Secretary of State.

Forced Marriage

Margaret Moran: To ask the Secretary of State for the Home Department (1) whether he has plans to increase the level of funding allocated to the Forced Marriage Unit for expenditure on services provided by the third sector; [315084]

(2) by what mechanisms the outcomes achieved by third sector organisations funding by the Forced Marriage Unit are evaluated; [315082]

(3) what the procedure is for (a) bidding for Forced Marriage Unit funding and (b) assessing such bids. [315083]

Mr. Alan Campbell: The joint Foreign and Commonwealth Office and Home Office Forced Marriage Unit (FMU) was set up in 2005 and initially provided ad hoc funding to initiatives run by the third sector. To give this support more structure, the FMU piloted a domestic programme fund of £65,000 in 2008-09. This was aimed specifically at funding third sector projects which help deliver the Unit's published Action Plan. For 2009-10 the initiative was continued and the fund increased to £84,000. Funding allocations for the FMU in 2010-11 have not yet been set. It is important to remember that Government funding for third sector activity to help tackle forced marriage is not only available via the FMU, for example funding can also be sought from Government Offices.

For financial year 2009-10, applications for funding from the FMU Domestic Programme Fund were invited via the FCO website from June 2009. Bids were submitted using a standardised application form which was publicly available. Bids were assessed against a common set of criteria including value for money, likely impact, support to the objectives laid out in the FMU Action Plan, and a clear and measurable reporting process to ensure transparency and accountability. The fund is designed to fund small projects rather than core funding to organisations. Organisations that had previously received funding were only eligible to bid for further funding

where they were up to date on reporting to the FMU. Project implementers were required to be from the voluntary sector. Partnership with local government was strongly encouraged but applications solely from local government organisations were not considered. Applications were then assessed by a panel including FMU staff.

Organisations funded by the FMU are required to submit reports on activities undertaken as well as on monies spent to demonstrate achievements set against the agreed project objectives and value for money. The frequency of reports will depend on the duration of the project. All projects are required to submit final outcome and financial reports upon completion. Reports are evaluated by FMU staff. Where needed, staff will ask for supplementary information. In addition, where reports clearly identify national learning this information is considered and shared with other stakeholders where appropriate.

Human Trafficking

Mr. Steen: To ask the Secretary of State for the Home Department how many of the referrals of victims of trafficking to the UK Trafficking Centre made between 1 April and 31 December 2009 were of individuals who entered the UK (a) legally and (b) illegally. [316230]

Mr. Alan Campbell: It is not possible to identify whether someone has entered the UK legally or illegally from the National Referral Mechanism (NRM) statistics.

The NRM identifies victims of serious crime and is not a process for recording immigration status. The mode of entry of a potential victim of trafficking into the UK is one of a number of factors assessed by a Competent Authority but it is not held on a central record for statistical purposes.

Mr. Steen: To ask the Secretary of State for the Home Department how many (a) prosecutions and (b) convictions there have been for offences relating to the trafficking of people for the purposes of domestic servitude. [316231]

Mr. Alan Campbell: There have been no prosecutions to date for trafficking for domestic servitude under section 4 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004.

Hunting: Enforcement

Lindsay Roy: To ask the Secretary of State for the Home Department what steps his Department is taking to ensure compliance with legislation on hunting with hounds. [315339]

Mr. Hanson: The Government are clear that the Hunting Act must be complied with as we cannot pick and choose which laws we obey in a democratic society. Ministers have been in regular contact with the Association of Chief Police Officers who have stated their commitment to enforcing the hunting legislation.

Identity Cards: Greater London

Mr. Evans: To ask the Secretary of State for the Home Department what estimate he has made of the likely level of take-up of national identity cards by people aged 16 to 24 years and resident in London from 8 February 2010. [315027]

Meg Hillier [*holding answer 2 February 2010*]: We have made no estimates of the likely take up of national identity cards by people aged 16 to 24 years and resident in London.

Members: Correspondence

Sir Gerald Kaufman: To ask the Secretary of State for the Home Department when he plans to reply to the letter of 10 December 2009 from the right hon. Member for Manchester, Gorton with regard to Safina Hussain. [315023]

Alan Johnson: I wrote to my right hon. Friend on 4 February 2010.

National Identity Register: Scotland

Danny Alexander: To ask the Secretary of State for the Home Department how many record checks have been made against the National Identity Register by (a) the Scottish Crime and Drug Enforcement Agency and (b) other Scottish agencies since the introduction of the scheme. [315629]

Meg Hillier: Since the launch of the National Identity Service for British citizens in November 2009, there have yet to be any requests for provision of information from the register to the Scottish Crime and Drug Enforcement Agency or to any other Scottish agencies.

North Yorkshire Police: Finance

Miss McIntosh: To ask the Secretary of State for the Home Department what representations he has received from North Yorkshire Police on its budget allocation for 2010-11. [316121]

Mr. Hanson: None.

Passports: Interviews

Damian Green: To ask the Secretary of State for the Home Department how many interviews at passport centres resulted in the refusal of a passport in 2009. [313501]

Meg Hillier: There were two passport applications refused in 2009 as a direct result of personal interviews.

Identity interviews were added to the passport process primarily to address first time application fraud through deterrence and fraud detection arising from a personal interview. In addition to the two instances of confirmed fraud applications have also been withdrawn when customers are advised that an identity interview is required. From September 2007 to June 2009 which is the latest information available, 1,816 applications were withdrawn at this stage. Together this information underlines the usefulness of the interview as a deterrent to those attempting to make a fraudulent passport application.

Police

Bill Wiggin: To ask the Secretary of State for the Home Department whether his Department provides guidance to the police on numbers of officers attending raids on premises. [315559]

Mr. Hanson: While there is no guidance specific to the number of police officers attending raids, the Association of Chief Police Officers (ACPO) Manual of Guidance on Keeping the Peace assists the police in preparing for and managing events where there is a risk to public safety or a potential for disorder. Specifically the Conflict Management Model states the commanding police officer should have regard to:

Available information/intelligence;

Threat assessment;

Requirement to use powers and policy appropriately and lawfully in compliance with, national, regional and local legislation and guidance;

Tactical options;

Requirement to act in compliance with the European Convention on Human Rights.

Police: Assessments

Mr. Ruffley: To ask the Secretary of State for the Home Department how many and what proportion of police officers have failed work-based assessments in the pilot areas for such assessments. [315077]

Mr. Hanson: Work-based assessment is the final step of the four step National Police Promotion Framework which is currently being trialled in 10 police forces. It allows police officers who are temporarily promoted to be developed and assessed in the workplace before being substantively promoted. After assessments of competence and legal knowledge, police forces can use their own assessment methods to select the most suitable police officers to undertake work-based assessment of national occupational standards. This process gives police forces the flexibility to manage the number of successful police officers in accordance with local operational and workforce planning objectives.

National Police Promotion Framework Steps

Step One: Suitability. Police officers are eligible to enter the promotion process once they have established their competence in their current rank. Candidates must be endorsed as suitable for promotion by their Line Manager.

Step Two: Legal Examination. This is established through taking the OSPRE® Part I Legal Examination, which is a national paper based multiple choice examination.

Step Three: Assessment against rank specific competencies and matching to vacancies. Police officers' potential to perform at the next rank is assessed against the relevant behavioural competencies.

Step Four: Temporary Promotion and Work Based Assessment. Police officers demonstrate competence in the rank to which they aspire and are supported over a 12 month period in order to ready them for substantial promotion.

Pass and failure rates since 1 April 2009 for each of the steps are set out in the table below. These do not refer to discrete cohorts of candidates but to the number of assessments within the time period.

National police promotion framework sergeants' process

	Step 1	Step 2 ¹	Step 3	Step 4
Total number completing a step	4,104	0	1,092	380
Total number successful	4,104	0	574	375
Total percentage successful	100	0	52.6	98.7
Total number unsuccessful	0	0	518	5
Total percentage unsuccessful	0		47	1

¹ Data for Step Two as Sergeants OSPRE®. Part 1 examination takes place once a year in March, therefore falls outside of the time period quoted

National police promotion framework inspectors' process

	Step 1	Step 2	Step 3	Step 4
Total number completing a step	1,402	1,165	72	157
Total number successful	1,402	600	44	156
Total percentage successful	100	51.5	61.1	99.4
Total number unsuccessful	0	565	28	1
Total percentage unsuccessful	0	48.5	38.9	0.6

Mr. Ruffley: To ask the Secretary of State for the Home Department what assessment he has made of the effects on the workload of police sergeants and inspectors in the pilot areas for work-based assessments of those assessments; and what the cost to the police has been of implementing and managing those assessments. [315078]

Mr. Hanson: Police officers are assessed in line with the "Qualifications and Credit Framework National Vocational Qualification Code of Practice". Police forces are registered with awarding bodies who ensure compliance with their assessment strategy.

The National Policing Improvement Agency (NPIA) is collecting data from the 10 police forces involved in the National Police Promotion Framework Trial. These data incorporate an element of work-based assessment, on police force costs and the resource implications for police officers. This will form part of the evaluation of the trial and will be considered by the Police Promotion Examinations Board, which is made up of all of the main policing stakeholders.

The data are currently unavailable, they will be available only at the end of the trial period, which is anticipated to be spring 2011.

Mr. Ruffley: To ask the Secretary of State for the Home Department what progress has been made on the pilots work-based assessments for the police; and whether he has plans to implement work-based assessments outside the pilot areas. [315079]

Mr. Hanson: The National Policing Improvement Agency has been working with the National Police

Promotion Framework Trial Project Board to drive forward improvements over the trial period. There has been progress on implementing national standards through the licensing system and a comprehensive equality impact assessment has been published. The development of a new National Occupational Standards and a new Strategic User Group has been established.

The two year National Police Promotion Framework Trial, which incorporates an element of work-based assessment, is due for completion in March 2011. There are currently no plans to roll this out to other police forces before an evaluation has been completed.

Police: Manpower

Mr. Bone: To ask the Secretary of State for the Home Department how many police officers per 100,000 of population there are in (a) Northamptonshire and (b) England. [316068]

Mr. Hanson: I refer the hon. Member for Wellingborough to my previous answer on 14 December 2009, *Official Report*, column 632.

As at 31 March 2009, there were 196 police officers per 100,000 population in Northamptonshire and 266 police officers per 100,000 population in England and Wales.

This and other related data are published annually as part of the annual Police Service Strength Home Office Statistical Bulletin. The latest bulletin can be found at:

<http://www.homeoffice.gov.uk/rds/policeorg1.html>

and bulletins for this and previous years are deposited in the Library of the House.

Stress

Grant Shapps: To ask the Secretary of State for the Home Department if he will place in the Library a copy of the advice issued to staff of his Department on stress recognition and management. [314524]

Mr. Woolas: The Home Office and its agencies are committed to protecting the health, safety and wellbeing of its staff, and recognise the importance of managing risk factors in the workplace. The policy for Home Office HQ, UKBA and IPS on stress recognition and management is published in Home Office Notice 41/2007; a similar policy exists in CRB. The HSE were consulted during the creation of this policy which is based on the HSE Management Standards. A copy of the policy documents will be placed in the Library.

Additional advice and support is also made available to staff via the Home Office intranet, stress awareness sessions, Occupational Health Service and our Employee Assistance Programme.

Sussex Police: Manpower

Norman Baker: To ask the Secretary of State for the Home Department how many (a) police officers there were in each year since 1997 and (b) police community support officers there were in each year since 2002 in Sussex Police. [315774]

Mr. Hanson: The available data are provided in the following tables.

Police officer strength in Sussex, as at 31 March, 1997 to 2009, and September 2009

<i>Police officers</i>	<i>Full-time equivalent¹</i>
1997	3,085
1998	2,996
1999	2,847
2000	2,822
2001	2,855
2002	2,893
2003 ²	2,989
2004 ²	3,039
2005 ²	3,044
2006 ²	3,092
2007 ²	3,077
2008 ²	3,032
2009 ²	3,163
September 2009	3,201

¹ This table contains full-time equivalent figures that have been rounded to the nearest whole number. All officers less staff on career breaks or maternity/paternity leave (comparable with previously published figures).

² Comparable strength (excludes those on career breaks, or maternity/paternity leave). The Police Numbers Task Force (2001) recommended that a clear presentation was made of the numbers of staff employed by police forces including those seconded into the force and those on any type of long or short-term absence. These new calculations were first used in 2003, and are not comparable with data prior to March 2003. The data from 2003 onwards used here are termed comparable because they have been calculated on the old basis to allow comparison.

PCSO strength in Sussex, as at 31 March, 2002-09

<i>PCSO</i>	<i>Full-time equivalent¹</i>
2002	n/a
2003	22
2004	83
2005	228
2006	257
2007	352
2008	372
2009	399
September 2009	396

¹ This table contains full-time equivalent figures that have been rounded to the nearest whole number.

Notes:

1. Full-time equivalent include those on career breaks or maternity/paternity leave.

2. Police community support officers were introduced in statute in 2002, therefore data are not available prior to 2002-03.

These and other related data are published annually as part of the annual Police Service Strength Home Office Statistical Bulletin. The latest bulletin can be found at:

<http://www.homeoffice.gov.uk/rds/policeorg1.html>

and bulletins for this and previous years are deposited in the Library of the House.

Vetting: Compensation

Tim Loughton: To ask the Secretary of State for the Home Department how much money has been paid in compensation to people for slow processing of Criminal Records Bureau checks. [315376]

Meg Hillier: The Criminal Records Bureau (CRB) makes financial awards to redress customers for its maladministration in accordance with Treasury policy. It calculates each award on the merit of the claim. Awards range from small consolatory payments for

inconvenience, to larger sums representing actual loss. The CRB does not maintain separate statistics which distinguish delay from the other elements which merit an award.

Vetting: Fees and Charges

Tim Loughton: To ask the Secretary of State for the Home Department how much has been paid to the (a) Criminal Records Bureau and (b) Independent Safeguarding Authority in fees for record checks in each of last 10 years. [309719]

Meg Hillier [*holding answer 11 January 2010*]: The following table shows the fees collected by the Criminal Records Bureau (CRB) in each of the last seven years since its establishment in 2002.

The fee for the Vetting and Barring Scheme registration is collected on behalf of the Independent Safeguarding Authority by the CRB at the point of registration. From July 2010 those employed to work with children or vulnerable adults will be required to apply for ISA registration which will incur a one-off fee of £64 (£58 in Northern Ireland) which will be payable to the Criminal Records Bureau. The Independent Safeguarding Authority has not received any fees for record checks.

Disclosure income—per CRB published accounts

	Income (£ million)
2008-09	114.5
2007-08	97.8
2006-07	93.2
2005-06	75.9
2004-05	65.2
2003-04	50.9
2002-03	18.3

West Yorkshire Police: Ethnic Groups

Greg Mulholland: To ask the Secretary of State for the Home Department how many and what proportion of police officers from each ethnic group there were in the West Yorkshire police force area in each year since 2005. [315537]

Mr. Hanson: The available data can be seen in the following tables.

These and other related data are published annually as a supplementary part of the annual Police Service Strength Home Office Statistical Bulletin. The latest bulletin can be found at:

<http://www.homeoffice.gov.uk/rds/policeorg1.html>

and bulletins for this and previous years are deposited in the Library of the House.

Police officer strength in West Yorkshire by ethnicity, as at 31 March, 2005 to 2009¹

	White		Mixed		Black or Black British		Asian or Asian British		Number/percentage
	Number	Proportion	Number	Proportion	Number	Proportion	Number	Proportion	
	2005	5,427	95.7	46	0.8	43	0.8	120	2.1
2006	5,439	95.7	47	0.8	41	0.7	126	2.2	
2007	5,465	95.7	46	0.8	43	0.7	134	2.3	
2008	5,563	95.5	47	0.8	42	0.7	139	2.4	
2009	5,572	95.2	53	0.9	43	0.7	151	2.6	

	Other ethnic group		Not stated		Total	Number/Percentage
	Number	Proportion	Number	Proportion		
	2005	12	0.2	24	0.4	5,671
2006	13	0.2	19	0.3	5,685	
2007	15	0.3	11	0.2	5,713	
2008	17	0.3	14	0.2	5,822	
2009	19	0.3	16	0.3	5,854	

¹ These figures are based on full-time equivalents that have been rounded to the nearest whole number, due to rounding there may be an apparent discrepancy between totals and the sums of constituent items. Figures include those officers on career breaks or maternity/paternity leave.

TREASURY

Banks: International Cooperation

Mr. Evans: To ask the Chancellor of the Exchequer what assessment he has made of the implications of discussions at the World Economic Forum in Davos for the regulation of the banking system. [315433]

Sarah McCarthy-Fry: The success of the global economy is underpinned by the strength and resilience of the financial sector. The UK has, since the start of the crisis, been at the forefront of EU and international efforts to advocate more collective and consistent actions to deliver reform of financial regulation. But we must avoid complacency as economic recovery resumes.

Therefore, all G20 members must, in 2010, prioritise progress in fulfilling the ambitious financial regulation reform commitments already agreed last year, specifically in areas such as strengthening prudential standards, dealing with systemic cross-border firms, and implementing measures to curb excessive risk-taking by firms.

Billing: Enforcement

Mr. Ian Taylor: To ask the Chancellor of the Exchequer how many fines have been imposed on small and medium-sized companies for late payment of value added tax in the last (a) six and (b) 12 months. [315185]

Mr. Timms: HM Revenue and Customs (HMRC) issued the following number of VAT default surcharges in the last six- and 12-month periods for which information is available:

	<i>Number</i>
1 August 2009 to 31 January 2010	276,141
1 February 2009 to 31 January 2010	537,077

Information is not readily available on VAT default surcharges issued to businesses of different size and could be obtained only at disproportionate cost.

Blaydon

Mr. David Anderson: To ask the Chancellor of the Exchequer if he will set out, with statistical information related as directly as possible to the Blaydon constituency, the effects on Blaydon of his Department's policies and actions since 2000. [315298]

Sarah McCarthy-Fry: The Neighbourhood Statistics Service provides a wide range of statistical information at parliamentary constituency level, taken from the 2001 Census and other sources. This service is available on the National Statistics website at:

<http://neighbourhood.statistics.gov.uk>

The Government have put in place a broad programme of reform since 1997. Over the decade to 2007, the economic performance of all parts of the UK has improved considerably.

The global recession has had a negative impact on economic activity in all parts of the UK. However, the economy was starting from a position of strength and is actively supported by policies implemented by the Government, including the fiscal stimulus and a significant package of support for those out of work. In Blaydon people are benefiting from this investment. Over the second half of 2009, nearly 500 people moved off of the claimant count each month on average. The claimant count fell for two consecutive months in November and December and now stands at nearly 5 per cent. below its October level. Long-term unemployment is still nearly 90 per cent. lower than in 2000 at the end of 2009.

Corporation Tax

Jim Cousins: To ask the Chancellor of the Exchequer what revenue was foregone in the debt reliefs included in corporation tax in the last three financial years; and what effects on companies of such relief his Department has identified. [313907]

Mr. Timms: The information requested is not available, as HM Revenue and Customs does not have the necessary data to calculate the revenue implications of the various aspects of the UK's corporation tax regime that provide relief for debt.

Council Tax: Valuation

Mr. Stewart Jackson: To ask the Chancellor of the Exchequer how many (a) domestic and (b) composite properties in (i) England and (ii) Wales have an entry on the Valuation Office Agency's central council tax database; and how many have one or more associated digital photographs on the Agency's database. [315040]

Ian Pearson: The number of domestic dwellings in England with a live council tax band was 22,825,755 as at 2 February 2010. Of these, 934,465 have one or more digital photographs associated with them. The number of composite dwellings in England with a live council tax band was 282,416 as at 2 February 2010. Of these, 15,006 have one or more digital photographs associated with them.

The number of domestic dwellings in Wales with a live council tax band was 1,369,271 as at 2 February 2010. Of these, 171,231 have one or more digital photographs associated with them. The number of composite dwellings in Wales with a live council tax band was 30,493 as at 2 February 2010. Of these, 5,372 have one or more digital photographs associated with them.

Departmental Accountancy

Mr. Hurd: To ask the Chancellor of the Exchequer whether any written instructions have been provided to the Accounting Officer for his Department in accordance with paragraph 5.5 of the Ministerial Code since May 1997. [315313]

Sarah McCarthy-Fry: The Treasury has received two ministerial directions since 1997. I shall place copies of the correspondence in the Library.

Departmental Billing

Dr. Cable: To ask the Chancellor of the Exchequer what estimate he has made of the average length of time taken by (a) his Department and (b) its agencies to pay invoices from (i) small and medium-sized enterprises and (ii) all creditors in the last 12 months. [315138]

Sarah McCarthy-Fry: The Prime Minister announced in October 2008 that all central Government Departments will aim to pay invoices within 10 days. The Treasury Group commenced reporting 10-day payment performance for all suppliers, irrespective of size, in November 2008.

I also refer the hon. Gentleman to the answer I gave the hon. Member for Glasgow East, (John Mason) on 25 January 2010, *Official Report*, column 594W.

Departmental Buildings

Mr. Baron: To ask the Chancellor of the Exchequer how much the annual unitary payment is to the private finance initiative provider responsible for works and refurbishment to his Department's buildings. [309165]

Sarah McCarthy-Fry: The annual unitary payment to the PFI provider for the 1 Horse Guards Road building can be calculated from data shown in the Treasury's 2008-09 Annual Report and Accounts HC 611 available from:

http://www.hm-treasury.gov.uk/dep_perf_reports_index.htm

The unitary payment of £18,287,000 is the sum of 'Interest element of on-balance sheet PFI contract' £11,929,000 and 'Service element of on-balance sheet PFI contract' £4,444,000 in note 7.2 'Other administration costs' on page 198 plus 'PFI contract' £1,914,000, shown in note 17.1 'Creditors analysis by type—amounts falling due within one year'.

Departmental Drinking Water

Bob Spink: To ask the Chancellor of the Exchequer how much his Department spent on bottled drinking water in each of the last five years; and if he will make a statement. [313029]

Sarah McCarthy-Fry: I refer the hon. Member to the answer the former Exchequer Secretary, the hon. Member for Burnley (Kitty Usher) gave on 11 June 2009, *Official Report*, column 979W, to the hon. Member for Romford (Andrew Rosindell).

Departmental Manpower

Mr. Philip Hammond: To ask the Chancellor of the Exchequer how many performance reviews were undertaken in respect of staff of (a) his Department and (b) its agencies in each of the last five years; in how many cases performance was rated as unsatisfactory or below; how many staff left as a direct result of such a rating; and what percentage of full-time equivalent staff this represented. [313823]

Sarah McCarthy-Fry: All staff in HM Treasury and its agencies have annual performance reviews.

Unsatisfactory performance is dealt with under the Managing Capability Policy.

The number dismissed due to inefficiency/unsatisfactory performance in each of the last five years has been less than five and are thus not disclosed on grounds of confidentiality.

Information on staff numbers in HM Treasury and its agencies are published in the annual report and accounts, available at:

http://www.hm-treasury.gov.uk/annual_report09.htm

Income Tax

Jim Cousins: To ask the Chancellor of the Exchequer what additional (a) steps he has taken and (b) HM Revenue and Customs staff have taken or deployed to restrict conversion of income into capital gains or corporation revenues following his announcement of an increase in the top rate of income tax. [313901]

Mr. Timms: Anti-avoidance rules are already in place in tax legislation to prevent the conversion of income into capital. The effectiveness of these rules is kept under review.

Most recently, Finance Act 2009 introduced principles based legislation to address attempts to convert interest-like returns on investments into a capital gain (the disguised interest rules) and attempts to dispose of rights to future income in return for a capital payment (sale of income streams rules).

HM Revenue and Customs is also consulting on a proposed new hallmark covering Income into Capital schemes within the Disclosure of Tax Avoidance Schemes regime, which will help ensure the Department has early information about any schemes being developed.

Local Government Finance

Mr. Sanders: To ask the Chancellor of the Exchequer if he will make it his policy to allow local authorities to use systems of tax increment financing. [315148]

Mr. Byrne: As announced at PBR 2009, Government are continuing to examine the framework that would be needed to implement tax increment financing, while considering the primary legislation that would be needed if schemes were to be introduced. Any decision to implement the policy will have to be taken in light of the overall fiscal position.

Low Incomes: Pensioners

Dr. Cable: To ask the Chancellor of the Exchequer (1) how many people aged 75 years and over had an income below (a) £10,000, (b) the age-related personal allowance of £9,640 and (c) the basic level of personal allowance of £6,475 in 2009-10; [314173]

(2) how many people aged between 65 and 74 years old had an income below (a) £10,000, (b) the age-related personal allowance of £9,640 and (c) the basic level of personal allowance of £6,490 in 2009-10. [314174]

Mr. Timms [*holding answer 29 January 2010*]: Estimates of the number of taxpayers with total income below £10,000 in 2009-10 are provided in the following table.

	<i>under £6,475</i>	<i>under £9,640</i>	<i>under £10,000</i>
75 and over	—	—	64,400
65 to 74	—	41,300	139,500

Figures are based on the 2006-07 Survey of Personal Incomes (SPI) and projected in line with the 2009 pre-Budget report assumptions.

Similar figures covering non taxpayers with incomes below the age-related personal allowances of £9,640 for those aged 75 and over and £9,490 for those aged 65 to 74 in 2009-10 are not available in the SPI.

PAYE

Mr. Liddell-Grainger: To ask the Chancellor of the Exchequer if he will set out the terms of reference and objectives of the Pay-As-You-Earn (PAYE) Improvement Group; when the PAYE Improvement Group was established; what the PAYE Improvement Group's (a) staff and (b) budget (i) was in each of the last three years and (ii) is expected to be in 2010; and what (A) documents and (B) reports the PAYE Improvement Group has produced to date. [315158]

Mr. Timms: HM Revenue and Customs' (HMRC) PAYE Improvement Group was created in 2005 to help the Department explore options for improving the operation of PAYE. The information requested is provided in the following table; the group has not produced any formal reports.

	<i>Staff numbers (FTE)</i>	<i>Budget—excluding staff costs (£)</i>
2006-07	3.5	15,980
2007-08	4.5	258,879
2008-09	5	99,770
2009-10	6.5	257,017

Public Holidays

Bob Spink: To ask the Chancellor of the Exchequer what estimate he has made of the cost to his Department of the introduction of an additional public holiday; and if he will make a statement. [315113]

Sarah McCarthy-Fry: No such estimate is available.

Public Sector: Pensions

Mr. Hurd: To ask the Chancellor of the Exchequer over what timetable the proposals in the pre-Budget report 2009 to cap contributions to public sector pension schemes will be implemented. [315260]

Mr. Byrne: Cap and share reforms will apply to valuations of the teachers, local government, civil service and NHS pension schemes due to be completed by April 2012.

Mr. Hurd: To ask the Chancellor of the Exchequer what assessment has been made of the likely effect of the implementation of proposals in the pre-Budget report 2009 to cap contributions to public sector pension schemes on the pension deficit implied on each affected pension scheme. [315336]

Mr. Byrne: Cap and share applies to the teachers, NHS, civil service and local government pension schemes. With the exception of the local government scheme these operate on a pay-as-you-go basis: these schemes have no fund, so no surplus or deficit. Future cash flow projections for the pay-as-you-go public service pension schemes are presented in chart 6.E of the Long Term Public Finance Report 2009, which was published alongside the pre-Budget report 2009. These projections include allowance for the potential savings as a result of cap and share due to increasing life expectancies. This shows that in the long-term the cost of providing public service pensions will remain a low and stable share of GDP.

Revenue and Customs

Dr. Cable: To ask the Chancellor of the Exchequer what consultation HM Revenue and Customs has conducted with (a) staff and (b) unions on proposed redundancies among its human resources staff. [314284]

Mr. Timms: Between 2006 and 2008 HM Revenue and Customs' (HMRC) undertook a Regional Review Programme to bring its office network in line with plans to modernise the Department and improve service to customers while delivering significant efficiencies. The final decisions on which offices would close were announced in December 2008.

As part of the regional reviews HMRC held eight week consultation periods to give staff and unions the opportunity to comment on its restructuring proposals and the feedback received was taken into consideration as part of the decision making process.

Following the announcements about which offices would close managers held one-to-one meetings with staff affected by the decisions to discuss their options. HMRC maintains a regular dialogue with union

representatives and staff on the impact of transformation and is committed to supporting staff directly affected.

On 13 January 2010 HMRC announced that under the next stage of the Workforce Change programme, 130 offices identified for closure during the regional reviews would be vacated in the 2010-11 financial year. As a result, approximately 1,700 staff who have not yet found alternative posts will be eligible to apply for voluntary redundancy or severance on compulsory terms. Of this number less than 1 per cent. are human resources staff. Discussion with the unions took place before the announcement was made.

HMRC is committed to avoiding compulsory redundancy wherever possible and will make every effort to redeploy people who wish to continue their careers in the Department or the wider Civil Service.

Sir Peter Viggers: To ask the Chancellor of the Exchequer what assessment he has made of the work of HM Revenue and Customs High Net Worth Team; what changes are proposed to be made to the team; and if he will make a statement. [314922]

Mr. Timms: HM Revenue and Customs' (HMRC) High Net Worth Unit (HNWU) was created in April 2009 to deal specifically with the tax affairs of the UK's wealthiest individual taxpayers.

The unit's aim is to take an overall view of the tax affairs of these individuals and improve HMRC's understanding of them. This will enable HMRC to communicate more effectively with them, influence their behaviours and provide a more robust evidence base for policy decisions and assessment of their liabilities. However, it is too early to assess the overall impact of the unit's work.

Following its initial creation, the unit is now in a position to make some changes to the staff structure of its teams, to reflect the growing understanding of its requirements within this specialist segment. This will maintain the unit's existing nine offices, while improving efficiency and effectiveness.

Mr. Hurd: To ask the Chancellor of the Exchequer what the cost has been of HM Revenue and Customs' Special Customer Records programme; and how many taxpayers are registered as special customers. [315258]

Mr. Timms: HM Revenue and Customs (HMRC) does not have a 'Special Customer Records Programme'. HMRC applies high standards of confidentiality and security to all customer data.

It would not be in the public interest, and could put individuals at personal risk, to disclose the number of individuals for whose records HMRC provides additional safeguards.

Tax Avoidance

Jim Cousins: To ask the Chancellor of the Exchequer how many disclosures have been made under the Liechtenstein disclosure facility; how many disclosures were made under the offshore disclosure facility; and what revenue was (a) predicted and (b) achieved from such disclosures. [313905]

Mr. Timms: The facility to make disclosures under the Liechtenstein disclosure facility has been available since 1 September 2009 and will run until 31 March 2015. As at the end of January, 198 people had registered that they intend to make a disclosure and six had made their final disclosures, which are being reviewed.

HM Revenue and Customs' initial estimate is that approximately £1 billion in unpaid taxes may be recovered over the five year period of this facility.

For information on the offshore disclosure facility I refer the hon. Member to the answer given to him on 1 February 2010, *Official Report*, column 105W. The revenues recovered from this were in line with projections.

Taxation: Business

Mr. Philip Hammond: To ask the Chancellor of the Exchequer how many businesses deferred tax payments to HM Revenue and Customs in each of the last three financial years; how much was deferred in tax payments in each of those years; how many companies did not comply with their agreements for deferral of tax payments in each of those years; and what the average length of payment deferral time was in each of those years.

[315501]

Mr. Timms: The information requested is available only at disproportionate cost, as data is not centrally held by HM Revenue and Customs' systems.

The 2009 pre-Budget report confirmed that since its introduction in November 2008 HMRC's Business Payment Support Service supported over 160,000 businesses, collectively employing more than 1.2 million people, spread payment of over £4 billion of tax over a period they could afford.

Sampling exercises show that over 90 per cent. of all arrangements were being paid either fully or partially in line with the agreements agreed under the Business Payment Support Service. Over 60 per cent. of all arrangements are for three months and below.

Taxation: Domicile

Jim Cousins: To ask the Chancellor of the Exchequer pursuant to the answer of 29 November 2009, *Official Report*, column 588W, how many individuals claimed non-domiciled status in each taxable income band in (a) April 2008 and (b) April 2009.

[313575]

Mr. Timms [holding answer 26 January 2010]: Information is only available on the numbers of individuals indicating non-domicile status on their Self Assessment (SA) returns. The last available full year's SA data relate to 2006-07, and are provided in the following table:

Total income taxable in the UK (lower limit) ^{1, 2}	Individuals indicating non-domicile status (including both resident and non-resident individuals)
£0	87,000
£100,000	24,000
£500,000	3,000
£1,000,000	2,000
£5,000,000	200

Total income taxable in the UK (lower limit) ^{1, 2}	Individuals indicating non-domicile status (including both resident and non-resident individuals)
All ³	117,000

¹ Individuals may have other income which is not taxable in the UK.

² Income bands above £5 million have been grouped together to protect taxpayer confidentiality.

³ Rounded to the nearest thousand.

Taxation: Holiday Accommodation

Bob Spink: To ask the Chancellor of the Exchequer if he will make it his policy to extend arrangements for tax relief under the furnished holiday lettings rules from 6 April 2010 for those who let furnished holiday properties as their (a) sole source of income and (b) main business; and if he will make a statement.

[316535]

Mr. Timms: Budget 2009 announced that the furnished holiday lettings (FHL) rules would be repealed with effect from April 2010. Draft legislation and an impact assessment were published alongside the 2009 pre-Budget report in December 2009. There are no plans to extend the FHL rules in the way suggested.

Valuation Office: Freedom of Information

Robert Neill: To ask the Chancellor of the Exchequer what timetable has been set for the Valuation Office Agency to make a substantive response to Freedom of Information request 11461802.1/CEO, submitted to the Agency in August 2008; and what the reasons are for the time taken to respond to that request.

[308686]

Ian Pearson: The VOA will provide a substantive answer to this request by 26 February 2010. The VOA has written to the requester explaining the reasons for the delay in replying.

Welfare Tax Credits

Steve Webb: To ask the Chancellor of the Exchequer how many and what percentage of tax credit claimants had been (a) underpaid and (b) overpaid more than (i) once, (ii) twice, (iii) three times and (iv) four times since their claim began in the latest period for which figures are available.

[316536]

Mr. Timms: Through the Tax Credits Transformation programme HM Revenue and Customs is continuing to help people to reduce the likelihood of getting an over or underpayment on their award.

Information on the number of tax credit awards with more than one, two, three and four underpayments or overpayments, between 2003-04 and 2007-08, is provided in the following table:

Regularity with which overpayment or underpayment occurred	Thousand	
	Number of awards underpaid	Number of awards overpaid
(a) More than once ¹	964	2,138
(b) More than twice ²	236	635
(c) More than three times ³	39	130
(d) More than four times	3	15

Regularity with which overpayment or underpayment occurred	Thousand	
	Number of awards underpaid	Number of awards overpaid
Proportion of all tax credit awards in 2003-04, 2004-05, 2005-06, 2006-07 and 2007-08 which were under/overpaid more than once (Percentage)	10	22

¹ Number is cumulative and therefore includes (b), (c) and (d).

² Number is cumulative and therefore includes (c) and (d).

³ Number is cumulative and therefore includes (d).

Steve Webb: To ask the Chancellor of the Exchequer how many individual cases of tax credit overpayment his Department has taken to court to seek recovery in each month since April 2009; and if he will make a statement. [316537]

Mr. Timms: HM Revenue and Customs (HMRC) initiates court action only as a last resort.

The number of court actions initiated by HMRC through the county court (in England and Wales)¹, sheriff's court (Scotland) and magistrates court (Northern Ireland) from April 2009 for the recovery of tax credit overpayments are shown in the following table.

¹ For England and Wales these figures relate only to actions commenced centrally and exclude those commenced by local HMRC Technical Offices where it is not possible to readily disaggregate tax credit cases from the total number of locally initiated court actions.

Court cases	
2009	
April	355
May	240
June	197
July	199
August	122
September	87
October	121
November	72
December	56
2010	
January	160

JUSTICE

Alcoholic Drinks: Rehabilitation

Paul Holmes: To ask the Secretary of State for Justice how many offenders in the criminal justice system have been required to undergo alcohol treatment as part of a sentence in each of the last five years. [316403]

Maria Eagle: Offenders aged 18 or over convicted of offences committed on or after 4 April 2005 and who have expressed their willingness to comply can be sentenced to an alcohol treatment requirement (ATR) as part of a community order or suspended sentence order. Courts can make it a requirement of a community rehabilitation order or community punishment and rehabilitation order for offenders convicted of offences committed before 4 April 2005 and 16 to 17-year-old offenders to receive alcohol treatment.

The youth rehabilitation order (YROs), the new community sentence for under-18s, was introduced in November 2009. A specific intoxicating substance requirement can be made part of a YRO under which an under-18 would be required to undertake treatment for alcohol misuse. Data for the number of YROs with an intoxicating substance requirement are not yet available.

The number of offenders made subject to an ATR in each year from 2005, when the ATR first became available to courts in England and Wales, to 2008 is shown in the following table¹. Equivalent data for 2009 will be published on the last working day of April. It is not possible to provide data for the number of offenders required to attend alcohol treatment as part of a community rehabilitation order (CRO) or community punishment and rehabilitation order (CPRO) from 2005-09.

	ATR commencements		Total
	Community order	Suspended sentence order	
2005	1,356	194	1,550
2006	2,439	821	3,260
2007	3,267	1,441	4,708
2008	4,664	1,881	6,545

¹ Offender Management Caseload Statistics 2008

Note:

These figures have been drawn from administrative data systems which may be amended at any time. Although care is taken when processing and analysing the returns, the detail collected is subject to the inaccuracies inherent in any large scale recording system.

Blaydon

Mr. David Anderson: To ask the Secretary of State for Justice if he will set out, with statistical information related as directly as possible to the Blaydon constituency, the effects on Blaydon of his Department's policies and actions since 2000. [315295]

Mr. Wills: The Ministry of Justice's work spans criminal, civil and family justice, democracy, rights and the constitution. Every year around nine million people use our services in 900 locations across the United Kingdom, including 650 courts and tribunals and 139 prisons in England and Wales.

The range of the Department's policies and actions is wide and the statistical information relating to it is not normally collected on a constituency basis. Consequently, some of the information requested in the question cannot be provided in the form requested except at a disproportionate cost.

Although data on sentencing for the period is not available for the constituency of Blaydon, it is available for Northumbria. This shows an increase in the total number of offenders sentenced annually from 50,378 in 2000 to 50,622 in 2008, the latest period for which such information is available.

Likewise, the number of offences brought to justice for the Northumbria area increased from 39,360 for the 12 months ending 31 March 2001 to 45,399 (provisional figures) for the 12 months ending 31 March 2009.

With regard to prosecutions, data are not available for the constituency of Blaydon. However, the total number of defendants proceeded against at magistrates courts in Northumbria was 66,781 in 1997 compared to 60,642 in 2008.

The latest data, which cover reoffending in the period 1 July 2008 to 30 June 2009, showed that the three-month reoffending rate for offenders on the probation caseload in Gateshead was 14.07 per cent. After controlling for changes in the characteristics

of offenders on the probation caseload, there was a reduction in reoffending of 3.07 per cent. compared to the 2007-08 baseline. Data are not available prior to 2007 on this basis.

The number of persons commencing court order supervision by the Probation Service in Northumbria was 4,083 in 2000 and 6,574 in 2008.

55,879 civil non-family proceedings were started in the county courts of the Cleveland, Durham and Northumbria HMCS area in 2008, compared to 44,568 in 2000. There were also 4,368 private law applications and 258 public law applications made in the county or High Courts of this HMCS area in 2008/09, compared to 3,353 and 277 respectively in 2003-04, the first annual period for which these figures are available.

In addition, at a national level:

Local communities are being better engaged in criminal justice—by giving them a say in the types of Community Payback projects offenders carry out and allowing them to see justice being done, for example through the use of high visibility jackets. Offenders have now worked more than fourteen million hours, with an estimated value to the taxpayer of over £80 million.

Major constitutional reforms have been delivered, including devolution, the Human Rights Act, Freedom of Information, Lords Reform, and a new Supreme Court for the UK.

Brighton Special Cases Unit

Mr. Sanders: To ask the Secretary of State for Justice on how many occasions the Review Panel covering the Brighton Special Cases Unit has met; on what date each such meeting took place; who (a) acted as the (i) chairman and (ii) clerk and (b) attended each meeting; how many (A) matters were considered and (B) appeals were (x) upheld and (y) rejected at each meeting; on what date papers were distributed for each meeting; and how many pages there were in each paginated bundle. [315728]

Bridget Prentice: Committee agendas are not kept for five years. SCU retain the original agendas for 18 months. Copies of decisions are retained on the individual case files. This information is not held centrally and could be provided only at disproportionate cost.

In the period January to December 2009 determinations by single independent adjudicators were: (a) 41 upheld the clients' review in part or full, (b) 194 dismissed. In the same period determinations by committees of independent funding adjudicators were: (a) five upheld the clients review in part or full, (b) 37 dismissed. These reviews covered applications, amendments and discharges of funding.

Mr. Sanders: To ask the Secretary of State for Justice with reference to the statutory requirement set out in paragraph 6.4(b) of the Review Panel Arrangements 2000, what (a) professional and other qualifications and (b) specialist experience and knowledge is held by the Regional Director of the Adjudicators to whom appeals against decisions of the Brighton Special Cases Unit may be referred. [315729]

Bridget Prentice: The regional director for Special Cases Unit is David Keegan. He is more widely the director of high cost cases. He is not a solicitor or barrister. He has been employed by the Legal Services Commission and its predecessor the Legal Aid Board for 19 years. He has been the director for Special Cases Unit since 2000. Prior to that he was regional director for the south-east. He is supported by an experienced

professional team specialising in specific areas of law, currently consisting of 10 solicitors, three barristers and five legal executives (qualified or in training).

Mr. Sanders: To ask the Secretary of State for Justice who the Regional Director of the adjudicators is to whom appeals against decisions of the Brighton Special Cases Unit may be referred. [315730]

Bridget Prentice: The Regional Director for Special Cases Unit is David Keegan. He is more widely the Director of High Cost Cases. He is not a solicitor or barrister. He has been employed by the Legal Services Commission and its predecessor the Legal Aid Board for 19 years. He has been the Director for Special Cases Unit since 2000. Prior to that he was Regional Director for the South East. He is supported by an experienced professional team specialising in specific areas of law.

Mr. Sanders: To ask the Secretary of State for Justice which personnel are employed in the Brighton Special Cases Unit of the Legal Services Commission (LSC); what professional and other qualifications were considered relevant to the fulfilment of their role in each such case; to whom such personnel are accountable; and from whom they can seek advice within the LSC. [315732]

Bridget Prentice: The Special Cases Unit presently employs 10 solicitors, three barristers and five legal executives (qualified or in training). They operate in teams specialising in areas of law with senior case managers providing supervision. Senior case managers are typically solicitors and barristers of 20 to 30 years' qualification. They are accountable to the director of high cost cases. They can obtain advice from the legal and governance team in LSC's head office.

Community Orders

Paul Holmes: To ask the Secretary of State for Justice how many community orders were handed down in each of the last five years; and how many such orders were handed down with (a) a mental health treatment order and (b) an unpaid work order. [316532]

Claire Ward: The following table shows the number of community orders and those with a mental health treatment and unpaid work requirements which commenced under probation service supervision in each year from 2005 to 2008 (latest available).

Data are available from April 2005 only as the community order was introduced under the Criminal Justice Act 2003 on 4 April 2005.

Total number of persons starting community orders and the number of those required to undertake mental health or unpaid work requirements, 2005-08

	2005	2006	2007	2008
Community order	53,248	111,752	117,860	120,743
<i>of which:</i>				
Mental health requirement	262	750	652	739
Unpaid work	29,947	66,937	74,779	74,629

These figures have been drawn from administrative IT systems, which, as with any large scale recording system, are subject to possible errors with data entry and processing.

Constitutional Reform and Governance Bill

Mrs. Laing: To ask the Secretary of State for Justice (1) what discussions he has had with (a) the Scottish Parliament and (b) the Scottish Executive on Clause 36 of the Constitutional Reform and Governance Bill; [315646]

(2) whether he notified the Presiding Officer of the Scottish Parliament of the provisions in Clause 36 of the Constitutional Reform and Governance Bill; [315755]

(3) what discussions he has had with (a) the Scottish Executive and (b) the Scottish Parliament on the provisions of Clause 36 of the Constitutional Reform and Governance Bill. [316049]

Mr. Wills: Clause 36 of the Constitutional Reform and Governance Bill triggers the Sewel convention and we have been working with the Scottish Ministers to seek the consent of the Scottish Parliament in line with the Sewel convention. The Scottish Parliament gave its consent by way of a Legislative Consent Motion on 28 January.

Crimes of Violence: Sentencing

Chris Grayling: To ask the Secretary of State for Justice what proportion of persons convicted of (a) sexual offences, (b) violence against the person, (c) burglary, (d) robbery and (e) drug offences in each year since 1998 served the maximum applicable sentence. [315472]

Claire Ward: There are 440 offences—each with a statutory maximum—included in the categories asked for; to extract the number of persons sentenced to or who have served the maximum in each year could be supplied only at a disproportionate cost.

Departmental Public Expenditure

Chris Huhne: To ask the Secretary of State for Justice how much his Department spent on (a) consultants, (b) advertising, (c) publishing, (d) public relations, (e) professional training and (f) other activities for each campaign (i) operated by his Department and (ii) commissioned from other organisations in (A) 2005-06, (B) 2006-07, (C) 2007-08 and (D) 2008-09; and which organisation operated each campaign which was not operated by his Department. [308779]

Mr. Straw: Campaigns are defined as activities undertaken by the Ministry of Justice and its executive agencies (Her Majesty's Courts Service, the National Offender Management Service, the Tribunals Service and the Office of the Public Guardian) to communicate departmental programmes and policies to the public.

The nature of the Ministry of Justice's activities, principally administering the courts, prisons, probation and tribunals systems, is such that it does not engage in such campaigns to any significant degree.

The way in which the Ministry records its expenditure does not enable us to identify all of the costs associated with specific campaigns without incurring disproportionate cost. Expenditure is recorded according to the type of expenditure and the business unit which incurs the expense. To provide a full response would therefore involve analysing individual transaction records in each of the five categories of expenditure (a) to (f) for headquarters and the Ministry's four executive agencies for the last four years to identify which costs related to campaigns, as defined.

Advertising and publicity expenditure on campaigns

As campaigns will, by their nature, involve advertising and publicity expenditure, the following limited information has been collated from the Ministry's business areas in respect of specific advertising campaigns:

Democracy, Constitution and Law (DCL)

Total advertising expenditure for all years from 2004-05 to 2008-09:

	£
2004-05	3,000
2005-06	372,068
2006-07	163,727
2007-08	20,434
2008-09	14,335

The expenditure was for the following initiatives:

Law Commission: Promotional advert on DCL's work placed in *Modern Government* magazine, in-house magazine and in *Government: Public Sector Journal*.

Information Commissioner's Office: Article feature and placement costs, production of public information films, full colour page advertorial in *Chief Talent Officer*, full page advertisement in *SME Enterprise Magazine*, promotion and distribution of public information films.

Elections and Democracy: National and regional press adverts for the general election, posters and radio advertising for collective campaign.

Information Policy: Production of posters, leaflets and small items of stationery for advertising the commencement of the Freedom of Information Act 2000.

Criminal Justice Group (CJG)

The two main advertising campaigns which are ongoing are:

Victims Support

Intimidated Witness.

Both initiatives are advertised mainly in the form of leaflets. The campaigns are intended to raise public awareness of the support available to witnesses and victims from the Office for Criminal Justice Reform.

The advertising expenditure for these two campaigns is not separately identifiable from the rest of the publicity and advertising expenditure of the CJG.

Access to Justice

The vast majority of advertising expenditure of HM Courts Service (which is from the MOJ Access to Justice budget) is for the Operation Payback initiative. The costs incurred are as follows:

2005-06: £252,000

2006-07: £21,000 via the Central Office of Information

2007-08: £2,110.

HM Courts Service did not commission any Operation Payback campaigns in 2008-09.

Operation Payback involved intensive week-long blitzes on outstanding fines which were initiated and co-ordinated by HM Courts Service in association with the Association of Chief Police Officers (ACPO), local police and other Criminal Justice System organisations.

Operation Payback is now running under the title of Operation Crack Down.

Tribunals Service

In 2007-08 £204 was spent on the launch of the Welsh language scheme.

National Offender Management Service NOMS

The National Offender Management Service (NOMS), which has responsibility for the prison and probation systems, has spent the following non-recruitment related amounts on advertising, external publicity and broadcasting. Amounts relating to specific advertising campaigns cannot be separately quantified except at disproportionate cost.

	<i>Advertising expenditure (£000)</i>
2005-06 ¹	36
2006-07 ¹	17
2007-08 ¹	31
2008-09	281

¹ The figures obtained for the financial years 2005-06 to 2007-08 is for HM Prison Service (HMPS) agency only. They exclude NOMS HQ (previously a directorate within the parent Department) which is now part of the NOMS agency from 2008-09. The figure for 2008-09 is for NOMS HQ and HMPS but excludes the National Probation Service. The 2008-09 figures are therefore not comparable to previous years.

Note:

1. All years exclude expenditure by the 42 local probation boards and trusts which are part of NOMS, each of which operates its own separate accounting system. However, a one-off exercise undertaken in 2007-08 found that expenditure on advertising and promotion by the 42 local probation boards and trusts was £58,264. This information-gathering exercise was not repeated in any other years.

In addition to the campaigns mentioned above, the Ministry has commissioned adverts in the local media

to support the 'Justice Seen and Justice Done' campaigns that were funded entirely by the Home Office.

Campaigns (i) run by the Department and (ii) and commissioned from other organisations

Campaigns are managed by the Ministry but some work is commissioned from other organisations. Advertising commissions are undertaken by the Central Office of Information, a government department which exists to provide advertising services to Government in the most cost-effective manner. The Ministry has a contract with TSO to supply the Department with a large proportion of external publications. The Ministry's publications via TSO can be found at:

<http://www.tso.co.uk/about/whoAreWe/>

It would incur disproportionate cost in order to obtain a split between expenditure undertaken in house and that commissioned from other organisations.

Driving Offences

Mr. Sanders: To ask the Secretary of State for Justice how many convictions for (a) an offence of drink driving and (b) each other motoring offence in (i) Torbay constituency, (ii) Devon and (iii) England resulted in a custodial sentence in each of the last 10 years. [314213]

Claire Ward: The number of defendants found guilty at all courts in the Devon and Cornwall police force area and England for driving etc. after consuming alcohol or taking drugs and other motoring offences (by offence type) is given in Tables 1 and 2 from 1999 to 2008 (latest available). Sentences of immediate custody imposed at all courts are given in Tables 3 and 4.

Court proceedings data are not available at parliamentary constituency level. Data for Devon cannot be separately identified from within the Devon and Cornwall police force area.

Data for 2009 are expected to be published in the autumn 2010.

Table 1: The number of defendants found guilty at all courts in the Devon and Cornwall police force area, of motoring offences¹, by offence type, from 1999 to 2008^{2,3}

<i>Offence group</i>	<i>Offence type</i>	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2	Dangerous driving	75	63	78	78	85	75	67	52	57	54
3	Driving etc. after consuming alcohol or taking drugs	2,098	2,052	2,225	2,271	2,489	2,341	2,299	2,199	2,140	2,054
4	Careless driving	480	547	698	687	656	782	743	725	760	999
5	Accident offences	106	91	118	139	154	267	224	151	131	83
7	Driving licence related offences	843	988	1,006	1,105	1,304	1,187	928	812	725	776
9	Vehicle insurance offences	3,228	4,259	3,916	4,196	4,220	4,124	3,608	4,111	3,773	3,478
10	Vehicle registration and excise licence offences	381	442	771	1,267	1,417	868	752	798	658	794
11	Work record and employment offences	84	111	103	125	60	93	73	67	44	52
12	Operator's licence offences	26	57	30	25	24	23	15	13	14	13
13	Vehicle test offences	663	450	466	542	547	591	416	444	370	310

Table 1: The number of defendants found guilty at all courts in the Devon and Cornwall police force area, of motoring offences¹, by offence type, from 1999 to 2008^{2,3}

Offence group	Offence type	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
14	Fraud, forgery etc. associated with vehicle or driver records	90	67	90	77	62	99	41	28	28	46
15	Vehicle or part in dangerous or defective condition	274	260	218	207	182	179	128	163	158	219
16	Speed limit offences	3,370	4,142	3,698	3,334	4,729	4,642	4,933	4,472	3,835	2,821
17	Motorway offences (other than speeding)	2	–	2	2	2	1	1	3	1	7
18	Neglect of traffic directions	535	444	376	635	530	605	1,048	968	648	452
19	Neglect of pedestrian rights	86	96	82	80	62	67	41	33	43	44
20	Obstruction, waiting and parking offences	548	399	446	370	315	238	237	240	143	81
21	Lighting offences:	180	146	127	146	133	117	86	77	67	97
22	Noise offences	26	29	16	25	15	18	16	13	19	14
23	Load offences	126	185	202	189	225	169	80	118	85	101
24	Offences peculiar to motor cycles:	5	6	6	4	4	8	5	10	6	5
25	Miscellaneous motoring offences	847	903	787	885	1,634	1,460	1,978	1,286	971	445
	Total	14,073	15,737	15,461	16,389	18,849	17,954	17,719	16,783	14,676	12,945

¹ Offence groups are shown only where data have been reported within the period given.

² The statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences the principal offence is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

³ Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Source:

Justice Statistics Analytical Services—Ministry of Justice.

Table 2: The number of defendants found guilty at all courts in England, of motoring offences¹, by offence type, from 1999 to 2008^{2,3}

Offence group	Offence type	1999	2000	2001	2002	2003	2004	2005	2006	2007	2,008
2	Dangerous driving	3,633	3,716	3,807	4,512	5,035	4,951	4,330	3,987	3,817	3,307
3	Driving etc. after consuming alcohol or taking drugs	74,413	71,471	70,854	76,191	78,291	80,986	79,005	78,410	76,145	68,755
4	Careless driving	33,414	29,016	25,646	22,582	20,279	19,711	19,325	18,204	27,106	57,369
5	Accident offences	5,406	5,107	5,384	5,243	5,613	5,749	5,469	5,419	5,535	3,998
7	Driving licence related offences	37,389	37,656	38,518	41,512	49,042	52,550	48,895	43,901	41,710	37,929
9	Vehicle insurance offences	155,039	159,841	157,522	170,470	194,103	204,708	188,749	181,047	162,854	139,170
10	Vehicle registration and excise licence offences	8,930	10,567	12,180	17,822	21,896	21,380	12,211	10,136	10,213	11,980
11	Work record and employment offences	5,006	4,493	3,940	3,107	2,890	2,336	2,030	1,830	1,338	1,504
12	Operator's licence offences:	1,476	1,580	1,263	981	777	704	703	640	461	420

Table 2: The number of defendants found guilty at all courts in England, of motoring offences¹, by offence type, from 1999 to 2008^{2,3}

Offence group	Offence type	1999	2000	2001	2002	2003	2004	2005	2006	2007	2,008
13	Vehicle test offences	19,754	16,302	13,842	12,798	13,583	13,066	11,242	9,108	7,166	6,081
14	Fraud, forgery etc. associated with vehicle or driver records	3,845	3,235	3,270	3,077	3,021	2,445	1,816	1,404	1,029	717
15	Vehicle or part in dangerous or defective condition	14,476	11,661	9,141	7,670	6,961	7,387	6,674	6,207	6,189	6,869
16	Speed limit offences	133,535	124,105	121,515	110,485	122,839	134,134	141,995	137,022	134,144	115,211
17	Motorway offences (other than speeding)	1,373	2,088	1,481	1,792	1,181	1,423	1,751	1,186	1,070	932
18	Neglect of traffic directions	24,999	25,486	23,582	21,516	20,823	22,372	19,556	21,076	21,077	18,260
19	Neglect of pedestrian rights	4,009	3,104	2,471	2,079	2,169	2,139	1,909	1,514	1,552	1,685
20	Obstruction, waiting and parking offences	14,777	12,702	12,070	11,606	12,037	9,747	7,190	5,742	3,659	4,144
21	Lighting offences	3,890	2,912	2,306	2,167	2,055	2,177	2,123	1,892	1,601	1,667
22	Noise offences	1,050	786	655	459	415	376	349	277	219	253
23	Load offences	9,904	9,285	7,791	6,592	6,737	5,844	4,576	4,406	4,093	4,338
24	Offences peculiar to motor cycles	201	259	249	213	226	295	209	197	152	114
25	Miscellaneous motoring offences	41,838	40,449	38,236	42,851	55,151	71,505	67,896	49,384	67,024	42,170
	Total	598,357	575,821	555,723	565,725	625,124	665,985	628,003	582,989	578,154	526,873

¹ Offence groups are shown only where data have been reported within the period given. ² The statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences the principal offence is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe. ³ Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used. Source: Justice Statistics Analytical Services—Ministry of Justice.

Table 3: The number of offenders sentenced to immediate custody at all courts in the Devon and Cornwall police force area, for motoring offences¹ by offence type, from 1999 to 2008^{2,3}

Offence group	Offence type	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2	Dangerous driving	25	29	24	33	30	32	21	18	20	17
3	Driving etc. after consuming alcohol or taking drugs	48	50	68	49	59	52	65	50	20	29
5	Accident offences	3	2	2	1	2	1	1	—	—	1
7	Driving licence related offences	247	247	255	285	304	201	182	130	96	91
9	Vehicle insurance offences	—	—	—	1	1	—	—	—	—	—
	Total	323	328	349	369	396	286	269	198	136	138

¹ Offence groups are shown only where data have been reported within the period given.

² The statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences the principal offence is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

³ Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Source:

Justice Statistics Analytical Services—Ministry of Justice.

Table 4: The number of offenders sentenced to immediate custody at all courts in England, for motoring offences¹, by offence type, from 1999 to 2008^{2,3}

Offence group	Offence type	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2	Dangerous driving	1,475	1,591	1,753	2,022	2,186	2,116	1,827	1,584	1,454	1,285

Table 4: The number of offenders sentenced to immediate custody at all courts in England, for motoring offences¹, by offence type, from 1999 to 2008^{2,3}

Offence group	Offence type	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3	Driving etc, after consuming alcohol or taking drugs	3,433	3,239	3,249	3,099	2,880	2,811	2,580	2,104	1,879	1,712
4	Careless driving	2	1	1	—	—	2	1	1	—	—
5	Accident offences	69	67	70	76	64	70	77	59	49	38
7	Driving licence related offences	11,230	11,665	12,402	12,562	13,300	11,177	9,175	7,008	5,420	4,227
9	Vehicle insurance offences	5	15	4	7	10	18	5	7	3	5
10	Vehicle registration and excise licence offences	—	2	—	1	2	—	—	—	—	—
13	Vehicle test offences	—	2	—	—	—	—	—	—	1	—
14	Fraud, forgery etc. associated with vehicle or driver records	22	9	9	20	15	13	12	7	6	9
15	Vehicle or part in dangerous or defective condition	—	1	—	—	—	—	—	—	1	—
16	Speed limit offences	2	1	1	—	—	1	—	2	—	—
18	Neglect of traffic directions	1	1	—	—	—	—	—	2	2	—
19	Neglect of pedestrian rights	—	—	—	—	—	2	1	—	—	—
20	Obstruction, waiting and parking offences	—	—	—	—	—	—	—	2	—	—
23	Load offences	—	—	—	—	—	—	—	1	—	—
25	Miscellaneous motoring offences	4	8	5	5	3	3	3	1	3	—
	Total	16,243	16,602	17,494	17,792	18,460	16,213	13,681	10,778	8,818	7,276

¹ Offence groups are shown only where data have been reported within the period given.

² The statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences the principal offence is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe. ³ Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Source:

Justice Statistics Analytical Services—Ministry of Justice.

Driving Offences: Disqualification

Mr. Sanders: To ask the Secretary of State for Justice how many people in (a) Torbay constituency, (b) the South West and (c) England were disqualified from driving as a result of an offence of (i) drink-driving, (ii) speeding and (iii) dangerous or reckless driving in each of the last 10 years.

[313334]

Claire Ward: The number persons disqualified from driving as a result of convictions for (i) drink driving, (ii) speeding and (iii) dangerous or careless driving in the South West and England in each of the last 10 years shown in tables 1 and 2 as follows.

Court proceedings data are not available at parliamentary constituency level. Data for 2009 are expected to be published in the autumn 2010.

Table 1: Disqualifications imposed at all courts in the South West Government office region¹, for selected motoring offences, from 1998 to 2008^{2,3}

Offence type	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Dangerous driving	376	345	356	334	407	494	492	415	339	316	291
Driving etc., after consuming alcohol or taking drugs	7,596	7,563	7,124	7,222	7,556	8,132	8,056	7,316	7,380	7,114	6,411
Careless driving	105	129	128	196	181	192	200	193	195	189	137
Speed limit offences	1,564	1,680	1,833	2,067	1,959	2,391	1,908	1,670	1,655	1,307	1,155

Table 1: Disqualifications imposed at all courts in the South West Government office region¹, for selected motoring offences, from 1998 to 2008^{2, 3}

Offence type											Number
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total	9,641	9,717	9,441	9,819	10,103	11,209	10,656	9,594	9,569	8,926	7,994

¹ Includes: Avon and Somerset police force area; Devon and Cornwall police force area; Dorset police force area; Gloucestershire police force area; Wiltshire police force area.

² It is known that for some police force areas, the reporting of court proceedings, in particular those relating to summary motoring offences, may be less than complete.

³ Excludes convictions for Cardiff magistrates court for April, July and August 2008.

Note:

Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Source:

Justice Statistics Analytical Services—Ministry of Justice.

Table 2: Disqualifications imposed at all courts in England, for selected motoring offences, from 1998 to 2008^{1, 2, 3}

Offence type											Number
	1998	1999	2000	2001	2002	2003	2004 ⁴	2005	2006	2007	2008
Dangerous driving:	4,570	4,269	4,225	4,116	5,071	6,220	6,177	5,256	4,914	4,675	4,150
Driving etc., after consuming alcohol or taking drugs:	80,332	77,827	74,697	73,685	79,310	81,139	84,669	81,107	81,461	78,503	70,179
Careless driving:	1,423	1,445	1,478	1,861	2,026	1,988	2,240	2,164	2,085	2,232	1,770
Speed limit offences	11,565	11,551	10,695	10,951	8,739	9,330	9,582	9,875	8,977	7,917	6,502
Total	97,890	95,092	91,095	90,613	95,146	98,677	102,668	98,402	97,437	93,327	82,601

¹ It is known that for some police force areas, the reporting of court proceedings, in particular those relating to summary motoring offences, may be less than complete.

² Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

³ Excludes convictions for Cardiff magistrates court for April, July and August 2008.

⁴ Figures given include revised figures for Sussex police force area.

Source:

Justice Statistics Analytical Services—Ministry of Justice.

Electorate: British Nationals Abroad

Chris Ruane: To ask the Secretary of State for Justice how many persons entitled to vote in each parliamentary constituency are registered as resident abroad. [316404]

Angela E. Smith: I have been asked to reply.

The information requested falls within the responsibility of the UK Statistics Authority. I have asked the Authority to reply.

Letter from Stephen Penneck, dated 9 February 2010:

As Director General for the Office for National Statistics, I have been asked to reply to your question asking how many persons reported to vote in each parliamentary constituency are registered as resident abroad. (316404)

ONS has data, collected by local authorities, on the number of UK citizens resident overseas who are registered to vote in parliamentary elections in the United Kingdom. However it is not possible to distinguish those who actually voted.

Funding Certificates

Mr. Sanders: To ask the Secretary of State for Justice how many appeals regarding decisions on funding certificates have been referred to a review panel comprising more than one member in each of the last five years. [315708]

Bridget Prentice: A review panel is an independent body made up of solicitors and barristers from which adjudicators, assessors and committees are appointed to review decisions made by LSC staff in regional offices.

The information requested is not held centrally and could be provided only at a disproportionate cost.

Legal Aid: Brighton

Mr. Sanders: To ask the Secretary of State for Justice how many applications for legal aid funding have been referred to the Special Cases Unit in Brighton in each of the last five years; and how many of those were (a) accepted, (b) refused and (c) referred to the adjudicator in each such year. [315711]

Bridget Prentice: The Special Cases Unit does not necessarily only receive applications for funding. Funded cases are also transferred to SCU when the referral criteria are met. Only since 2007 have all SCU's cases been recorded to SCU specifically. The figures from that point are reported in the table. Because of the transfer of cases these figures do not relate directly to Committee or Adjudicator decisions of applications.

	Number
2007-08	6,893
2008-09	6,303

Legal Services Commission

Grant Shapps: To ask the Secretary of State for Justice (1) how many new housing matters were started by the Legal Services Commission in 2008-09; and how many have been started in 2009-10 to date; [315650]

(2) what proportion of all applications for (a) civil representations and (b) legal help in 2008-09 were related to housing; [315651]

(3) how many applications for acts of assistance relating to housing the Legal Services Commission (LSC) received in (a) 2008-09 and (b) 2009-10 to date; how many such applications were accepted; and what percentage of the total number of requests to the LSC each figure represents. [315653]

Bridget Prentice: Legal aid in civil matters is provided at two levels, Controlled Work and Licensed Work:

Controlled Work, also known as legal help, covers basic levels of advice and representation, not including representation in court. The Legal Services Commission (LSC) allocates specific volumes of New Matter Starts to providers. An act of assistance is each instance in which a provider gives legal help to a client, including face to face and telephone advice (New Matter Start) and there is no need for providers to apply to the LSC for each case.

Licensed Work, also known as civil representation, accounts for all other types of civil work, with the exception of Very High Cost Cases, which are managed under specialist contracts. Funding applications need to be submitted to the LSC for each case. The LSC decides whether funding criteria and the merits test are met. Funding limits in relation to the work are then set, which may be varied on application by the client.

Legal aid providers contract with the LSC to undertake an agreed number of new matter starts in legal help within specific categories of law. The numbers of applications for legal help are unknown because they are received and assessed directly by the legal services provider. Therefore, while the LSC can determine the number of matters started within a certain category of law, such as housing, it cannot determine how many applications have been made. Table A shows the numbers of housing new matter starts for legal help.

The numbers of applications for civil representation are shown in Table B.

Table A: Legal help new matters started figures

	1 April to 30 November 2009	2008-09
Housing new matters started (NMS)	75,129	111,244
Housing CLA telephone advice ¹	18,863	26,450
Housing NMS— CLACs ²	1,841	2,077
Housing court duty scheme ³	21,866	33,842
Total housing NMS	117,699	173,613
Total NMS (all categories)	671,740	927,654
Total (percentage)	17.5	18.7

¹ Community Legal Advice telephone service—providing help on a range of civil categories for eligible clients.

² Community Legal Advice Centres—LSC and local authority commissioned centres, providing integrated face to face advice in housing, debt, welfare benefits, employment, community care and family.

³ Housing Possession Court Duty Scheme—available in most county courts in England and Wales providing free on the day advice and representation to individuals at risk of losing their home.

Note:

Many of these figures can be found in the statistical information packs published on the LSC website:

http://www.legalservices.gov.uk/aboutus/how/strategic_publications.asp

Table B: Civil representation housing applications

	Civil representation 1 April to 30 November 2009	2008-09
Applications	10,601	15,559
Certificates issued ¹	8,668	12,628

Table B: Civil representation housing applications

	Civil representation 1 April to 30 November 2009	2008-09
Percentage of total applications (all categories)	7.7	8.5

¹ The certificates issued may not directly relate to the applications received, as there may be a time lag between when an application is received and when a certificate is granted.

Legal Services Commission

Grant Shapps: To ask the Secretary of State for Justice how much the Legal Services Commission spent on acts of assistance relating to housing in each of the last five years; and how much has been spent in 2009-10 to date on applications for acts of assistance. [315652]

Bridget Prentice: For so called “Controlled Work” (which includes legal help and general advice and assistance), legal aid providers are paid a standard monthly payment in the first instance, which is not split by category of law. Once a case has been completed, the provider submits a claim to the LSC. Before the introduction of the Unified Contract in April 2007, solicitors were paid hourly rates and not-for-profit providers were paid in advance for hours agreed in their contract and the monthly data related to the number of cases started and finished as opposed to their cost. Since the introduction of a standard fixed fee payment regime in October 2007 it has been possible to provide figures for the cost of claims for all providers for 2008-09 to date.

	1 April to 30 November 2009	2008-09
<i>Housing claims</i>		
Volume	75,100	107,100
Value (£ million)	15.0	22.2
<i>Community Legal Advice telephone line</i>		
Volume	18,900	26,400
Value (£ million)	2.5	2.7
<i>Housing Duty Solicitor Scheme</i>		
Volume	21,900	33,800
Value (£ million)	2.2	3.3

The cost of civil representation for housing matters closed from 1 April 2009 to 30 November 2009 and each of the previous five years is shown in the following table.

	Cases completed ¹	Expenditure (£ million) ²
1 April 2009 to 30 November 2009	7,100	17.9
2008-09	11,300	28.4
2007-08	11,200	26.6
2006-07	10,600	25.4
2005-06	11,000	25.7
2004-05	11,400	26.9

¹ The figures relate to cases closed during the period.

² The figures show costs to the LSC and exclude certain cases including: cases that were settled and where the other party agreed to pay some or all of the costs; cases where the solicitor later reported that there was no longer a claim; cases where certificates were revoked due to an applicant failing to pay contributions or was found to be ineligible for legal aid following a reassessment of income and; cases where the total cost of the case equalled the same as the initial payment on account to the provider or the cost was less than £10. The figure represents gross spend excluding income.

Mr. Sanders: To ask the Secretary of State for Justice what expenditure has been incurred on (a) remuneration and (b) expenses for each adjudicator appointed by the Brighton office of the Legal Services Commission in each of the last five years. [315709]

Bridget Prentice: The expenditure on Independent Funding Adjudicators, the former Funding Review Committee and the Multi-Party Action Committee for the Special Cases Unit, of which one part operates from Brighton, over the past five years was:

	(£)
2004-05	34,330
2005-06	30,525
2006-07	23,863
2007-08	27,689
2008-09	22,733

The present remuneration rates for the members of LSC Committees are:

Chair half-day £180.85, full day £361-70; Member half-day £143.55, full day £287.10. Single adjudicators receive the payment rate for a chair of a Committee. SCU pay pro-rata rates for hours worked and this includes preparatory reading for meetings.

Specific information on the remuneration of all the individuals involved in this work is not held centrally and could be provided only at a disproportionate cost.

Mr. Sanders: To ask the Secretary of State for Justice how many appeals to a Legal Services Commission adjudicator have been (a) upheld and (b) rejected in each of the last five years. [315710]

Bridget Prentice: Single independent funding adjudicators were introduced in October 2006. Prior to that the reviews were decided by funding review committees.

The information is not held centrally for the last five years and could be provided only at disproportionate cost.

In the period January to December 2009 determinations by single independent adjudicators were: (a) 41 upheld the clients' review in part or full, (b) 194 dismissed. In the same period determinations by committees of independent funding adjudicators were: (a) five upheld the clients review in part or full, (b) 37 dismissed. These reviews covered applications, amendments and discharges of funding.

Mr. Sanders: To ask the Secretary of State for Justice how long the adjudicator for the Legal Services Commission (LSC) has to give their decision in respect each matter referred to them; what steps the LSC takes to monitor the performance of adjudicators; who in the LSC monitors the performance of adjudicators; how many complaints about delay have been raised by the LSC with adjudicators in the last five years; and what the outcome was in each case. [315731]

Bridget Prentice: The LSC aims to complete reviews promptly from the date of receipt.

For the Special Cases Unit it is typical for the adjudicators to provide their decision within 14 days. SCU will chase a response if a decision has not been provided within four weeks.

Complaints records are not kept for five years. Between January and December 2009 the SCU has recorded three complaints about delays in determining reviews. These three complaints were found to be justified and were resolved by apologising to the complainant and actioning the review. The Commission has not raised complaints with adjudicators.

Organised Crime: Immigration

Chris Grayling: To ask the Secretary of State for Justice how many people have been convicted of an offence relating to organised immigration crimes in each year since 1998. [314742]

Claire Ward: Organised immigration crimes do not exist as specific offences. Immigration and criminal offences are incorporated within Immigration Acts and other statutes. Information held centrally by the Ministry of Justice does not record specific information on offences beyond descriptions provided by the statutes under which proceedings are brought.

Prisoners Release

Philip Davies: To ask the Secretary of State for Justice pursuant to the answer of 27 January 2010, *Official Report*, column 864W, on prisoners release, from which prisons were prisoners released in error in 2009. [315482]

Maria Eagle: The following tables show the breakdown of releases in error by prison and court areas in England and Wales. These figures cover the period between 1 January 2009 and 31 December 2009.

The majority of prisoners released in error are returned to custody quickly. They are usually unaware of the error and make no attempt to evade the police.

Table 1: Releases in error from prisons in England and Wales for 2009

Establishment	Number
Acklington	1
Altcourse	4
Belmarsh	2
Brinsford	1
Bristol	3
Brixton	2
Bullingdon	1
Chelmsford	1
Dovegate	1
Durham	2
Elmley	1
Gloucester	1
Haslar	1
Haverigg	1
Highdown	2
Leeds	1
Lewes	2
Liverpool	1
Low Newton	1
Manchester	1
New Hall	1

Table 1: Releases in error from prisons in England and Wales for 2009

Establishment	Number
Nottingham	1
Onley	2
Pentonville	1
Peterborough	2
Preston	1
Reading	1
Standford Hill	2
Swansea	1
The Mount	1
Winchester	3
Wormwood Scrubs	1
Wymott	1
Total	48

Table 2: Release in errors from court areas in England and Wales for 2009

Court area	Number
East	2
London and South East	2
North	1
South Wales and West	1
Total	6

Note:

These figures have been drawn from live administrative data systems which may be amended at any time. Although care is taken when processing and analysing the returns, the detail collected is subject to the inaccuracies inherent in any large scale recording system. The number of releases in error reported for 2009 may change should further incidents be reported.

Prisons: Mobile Phones

Philip Davies: To ask the Secretary of State for Justice what recent estimate he has made of the cost of installing a mobile telephone blocker in every prison; and what plans his Department has for their installation in every prison. [312926]

Maria Eagle: National Offender Management Service (NOMS) is currently trialling mobile phone signal blocking technology. Given commercial sensitivity and the fact that pilot projects are testing various technologies, I am

unable to provide details of the potential cost of installing a mobile phone blocker in all prisons.

As agreed in the Government response to the Blakey report, NOMS will seek to deploy further blockers once the technology has been shown to be effective in prison conditions and as funding allows.

Referendums: Costs

Mr. Grieve: To ask the Secretary of State for Justice what recent estimate he has made of the cost of holding a referendum. [316336]

Mr. Straw: Under the Political Parties, Elections and Referendums Act 2000 the Electoral Commission is responsible for the conduct of referendums.

The Government have not made a detailed estimate of the likely cost of holding a referendum. We have previously said that, as a guide, we expect the cost of running a UK-wide referendum to be similar to the cost of a general election. In 2005 the general election cost something in excess of £80 million.

There are however, a number of key differences between the running of a general election and the running of a referendum—for example, the role of the Electoral Commission and the entitlements to send communications to voters—and as such the cost of a UK-wide referendum would not be exactly the same as a general election.

Robbery: Convictions

Chris Grayling: To ask the Secretary of State for Justice how many people in each age group were convicted of robbery in (a) Greater London and (b) England and Wales in each year since 1998. [314996]

Claire Ward: The number of people convicted of robbery in Greater London and England and Wales in each age group for 1998 to 2008 (latest available) are shown in the following table:

Number of persons found guilty at all courts for robbery offences, by age group, from 1998 to 2008^{1, 2, 3}

Type of offence, sex and age group	Greater London										
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008 ¹
<i>Robbery offences</i>											
<i>Persons</i>											
10 to 11	1	3	3	5	4	2	9	3	8	11	10
12 to 14	94	94	146	240	192	190	240	233	384	498	497
15 to 17	495	495	558	743	669	592	761	870	1,141	1,282	1,063
18 to 20	309	300	276	303	346	318	330	310	417	495	469
21 and over	459	519	473	485	726	736	692	539	629	641	709
Total	1,358	1,411	1,456	1,776	1,937	1,838	2,032	1,955	2,579	2,927	2,748
<i>England and Wales</i>											
Type of offence, sex and age group	Number of offenders										
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008 ¹
<i>Robbery offences</i>											
<i>Persons</i>											
10 to 11	19	23	31	26	36	33	46	32	29	40	33
12 to 14	412	410	469	681	632	679	695	736	849	993	918
15 to 17	1,739	1,611	1,725	2,085	2,139	1,929	2,223	2,311	2,823	3,082	2,667
18 to 20	1,302	1,235	1,261	1,446	1,480	1,314	1,462	1,387	1,639	1,810	1,753
21 and over	2,070	2,347	2,405	2,584	3,424	3,348	3,055	2,617	2,765	2,904	3,104

England and Wales

Type of offence, sex and age group	Number of offenders										
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008 ¹
Total	5,542	5,626	5,891	6,822	7,711	7,303	7,481	7,083	8,105	8,829	8,475

¹ Excludes convictions for Cardiff magistrates court for April, July and August 2008.

² The statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences the principal offence is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

³ Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Source:

Justice Statistics Analytical Services—Ministry of Justice.

CABINET OFFICE

Census

Mr. Hurd: To ask the Minister for the Cabinet Office pursuant to the answer of 3 December 2009, *Official Report*, column 956W, on the Census, if she will place in the Library a copy of the data-sharing agreement with (a) Local Government Information House, (b) the Royal Mail and (c) Ordnance Survey. [315172]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General I have been asked to reply to your recent question asking if a copy of the data-sharing agreement with (a) Local Government Information House, (b) the Royal Mail and (c) Ordnance Survey will be placed in the Library. (315172)

There are no plans to lay a copy of the data-sharing agreement in the House of Commons Library. However an electronic version of the agreement will be on the Office for National Statistics (ONS) website shortly.

Mr. Hurd: To ask the Minister for the Cabinet Office pursuant to the answer of 3 December 2009, *Official Report*, column 951W, on the Census, if she will place in the Library a copy of the Information Commissioner's response on the privacy impact assessment. [315173]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck:

As Director General I have been asked to reply to your recent question asking pursuant to the answer of 3 December 2009, *Official Report*, column 951W on the Census, if a copy of the information commissioner's response on the privacy impact assessment will be placed in the Library. (315173)

The Privacy Impact Assessment (PIA) is a process developed by the Information Commissioner's Office (ICO) and we had preliminary meetings with the ICO on the scope of the PIA. Their advice was to focus on those aspects of the 2011 Census which are new and have been introduced since the 2001 Census. They also offered suggestions about which privacy groups to speak to. Further guidance was obtained through their published handbook.

The Privacy Impact Assessment was published on the ONS website in November. We have had no response from the Information Commissioner to the published document.

<http://www.ons.gov.uk/census/2011-census/2011-census-project/commitment-to-confidentiality/index.html>

Mr. Hurd: To ask the Minister for the Cabinet Office pursuant to the answer of 3 December 2009, *Official Report*, column 951W, on Census, if she will place in

the Library a copy of each written submission made to the Office for National Statistics on the Census by the Equality and Human Rights Commission. [315174]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General I have been asked to reply to your recent question asking pursuant to the Answer of 3 December 2009, *Official Report*, column 951W on Census, if a copy of each written submission made to the Office for National Statistics on the Census by the Equality and Human Rights Commission will be placed in the Library. (315174)

There are no plans to place in the Library copies of written submissions made by the Equality and Human Rights Commission (and the former bodies that have since been incorporated into it). Individual written submissions in response to the programme of consultation on census topics in 2005 are available on the Office for National Statistics (ONS) website:

<http://www.ons.gov.uk/about/consultations/closed-consultations/consultation-on-2011-census---responses/index.html>

Mr. Hurd: To ask the Minister for the Cabinet Office (1) with reference to paragraph 4.76 of the Census 2001's General Report for England and Wales, if she will place in the Library a copy of each document drawn up on guidance and training on procedures for handling census non-compliance; [315219]

(2) how many non-compliance staff are planned for the Census 2011; and what estimate has been made of the cost of employing such staff. [315273]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck:

As Director General I have been asked to reply to your recent questions asking (1) With reference to paragraph 4.76 of the Census 2001 General Report for England and Wales, if a copy of each document drawn up on guidance and training on procedures for handling census non-compliance will be placed in the Library; (2) How many non-compliance staff are planned for the census 2011; and what estimate has been made of the cost of employing such staff. (315219 and 315273)

(1) There are no plans to place such documentation in the Library. The Office for National Statistics (ONS) considers any such guidance to be covered by legal and professional privilege, and that its publication may have a detrimental effect on ONS's public responsibilities and may adversely affect any potential prosecution undertaken in respect of anyone refusing to make a census return.

(2) Current estimations of the resources needed for the non-compliance stage of the 2011 Census are for up to 60 teams of

two people covering England and Wales managed by six non-compliance coordinators. It is expected that census non-compliance teams will be engaged full time for the first six months but that their involvement will taper off rapidly after this until only the occasional visit or court attendance is required during the following six months.

Initial estimates for costs of these staff over the entire census period are approximately £1.3 - £1.8 million. These costs are currently being reviewed.

Mr. Hurd: To ask the Minister for the Cabinet Office what the person response rate was in the 2001 Census in each local authority area; and what the estimated number of people is in each local authority area who did not respond. [315255]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General I have been asked to reply to your recent question asking what the person response rate was in the 2001 Census in each local authority area; and what the estimated number of people is in each local authority area who did not respond. (315255)

Listing the response rates for each local authority area in England and Wales areas is not practical within this answer. However, response rates are accessible in a spreadsheet available through this link:

<http://www.statistics.gov.uk/census2001/annexb.asp#byarea>

The spreadsheet is downloadable. Whilst it does not show the actual number or people in each local authority area that did not respond, the first column gives a percentage of those people within each of the local authority areas that did respond; this information is then broken down by age and gender.

To make sure the published census results are an accurate picture of the population, an independent survey—the Census Coverage Survey (CCS)—is carried out after the census. The households and people counted in the CCS are matched with those recorded in the census to allow Office for National Statistics (ONS) to estimate the number and the characteristics of people not included on a census questionnaire.

The results of the CCS are then used in conjunction with the Census results to ensure that the final published results are an accurate estimation of the population in England and Wales.

Mr. Hurd: To ask the Minister for the Cabinet Office what assessment has been made of the potential effect of a postal strike on the 2011 Census. [315265]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General I have been asked to reply to your recent question asking what assessment has been made of the potential effect of a postal strike on the 2011 Census. (315265)

The Office for National Statistics (ONS) has contracted the delivery and post back of census questionnaires to Royal Mail. Part of this contract requires Royal Mail to develop a number of contingency plans which can be put in place in the event of disruption to postal services during the 2011 Census. These plans are part of ONS's contractual arrangements with Royal Mail, and are therefore commercially confidential.

We have been able to test some of the Royal Mail contingency plans during the census rehearsal in Lancaster, Newham and Isle of Anglesey, as it took place during a period industrial action. There was no impact on the delivery of questionnaires and the measures put in place to avoid disruption to the rehearsal worked

well. ONS would expect Royal Mail to handle any potential issues occurring during the time of the 2011 Census in a similarly effective manner.

Mr. Hurd: To ask the Minister for the Cabinet Office what arrangements will apply to recording the details of guests at house parties on 2011 Census night. [315329]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General I have been asked to reply to your recent question asking what arrangements will apply to recording the details of guests at house parties on 2011 Census night. (315329)

As explained in my answer to your similar question (Official Report column 957W 3 December 2009), as in previous censuses (but with the exception of 2001) in addition to recording information for all usual residents at an address on census night, householders are required to record any non-resident persons present on census night, including house party guests if they stay overnight. In 2011, four questions will be asked about overnight visitors—name, sex, date of birth, usual address. In censuses taken before 2001, overnight visitors were required to answer the full range of census questions.

Mr. Hurd: To ask the Minister for the Cabinet Office how many and what proportion of people in (a) England and Wales and (b) the UK had at least one (i) edit and (ii) imputation made to their record in the 2001 Census. [315334]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General I have been asked to reply to your recent questions asking: i) how many and what proportion of people in (a) England and Wales and (b) the UK had at least one (i) edit and (ii) imputation made to their record in the 2001 Census. (315334)

a) An Edit and Donor Imputation System (EDIS) was devised for the 2001 Census and applied to individual records to provide proxy data for any missing information from existing people and households.

(i) The base population for EDIS was 49.4 million people in England and Wales, including some 0.6 million students living away from home during term-time for whom only a few demographic and relationship questions applied at their home address. A total of 13.7 million edits were carried out on the data for some 11.8 million of these people. The eight most frequently executed edits accounted for 91 per cent of the total.

(ii) One or more data items needed to be imputed for 13.8 million people—that is 28.0 per cent of the population who returned census questionnaires.

Detailed information about edit and imputation is available on the website

<http://www.statistics.gov.uk/census2001/editimputevrep.asp>

The Census 2001 Quality Report for England and Wales, published and laid before Parliament in 2005, includes information on edit and imputation. A copy of the report is thus available at the House of Commons Library and is also available on the National Statistics website through this link:

http://www.statistics.gov.uk/census2001/proj_qr.asp

b) Censuses in Scotland and Northern Ireland are responsibility of the Registrars General for the General Register Office Scotland and the Northern Ireland Statistics Research Agency respectively.

Mr. Hurd: To ask the Minister for the Cabinet Office what the imputation rate in the 2001 Census for (a) persons and (b) households was in each local authority area. [315338]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated February 2010:

As Director General I have been asked to reply to your recent questions asking what the imputation rate in the 2001 Census for (a) persons and (b) households was in each local authority area. (315338)

The numbers of people and households imputed in each local authority into the final 2001 Census counts were used to produce an imputation rate, analysed by a number of key variables. Listing the imputation rates for each local authority area in England and Wales is not practical within this answer. However, imputation rates by key variables for each local authority in England and Wales are accessible in a spreadsheet available through this link:

http://www.statistics.gov.uk/census2001/imputation_rates_by_variable.asp

This spreadsheet is downloadable.

Census: Communications

Mr. Hurd: To ask the Minister for the Cabinet Office (1) how many telephone calls were made to the 2001 Census helpline; how many were predicted before the line became operational; and what assessment was made of the adequacy of the capacity of the line; [315330]

(2) how many emails were sent to the email help system in the 2001 Census; and what the (a) average and (b) maximum time taken to respond was. [315335]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General I have been asked to reply to your recent questions asking (1) how many telephone calls were made to the 2001 Census helpline; how many were predicted before the line became operational; and what assessment was made of the adequacy of the capacity of the line; (2) How many emails were sent to the email help system in the 2001 Census; and what the (a) average and (b) maximum time taken to respond to them was. (315330 and 315335)

The 2001 Census Helpline in England and Wales received 2,629,455 calls, with some 240,000 calls received on 23 April alone. Experience of previous census helplines had suggested that the number of calls would be much lower; for example, the 1991 Census helpline had received 125,000 calls prior to Census Day and a further 85,000 subsequently. For the 2001 Census, initial estimates predicted the expected number of calls in England and Wales at 375,000. When it became apparent that the volume of calls being received was far in excess of expectations, the number of telephone lines was increased to 1,000 with an additional 50 operators.

For the 2001 Census in England and Wales the email help system received 16,399 emails. It is not possible to provide average and maximum response times to these emails as these data no longer exist. It was realised at the time that it would not be possible to answer all email queries immediately and the system was designed so that an automatic reply was sent informing the questioner that their query would be answered within 24 hours. However, priority was given to telephone calls and during the unprecedented deluge of calls to the telephone helpline it was not always possible to adhere to the 24 hour deadline. Those emails

with more complex issues which had to be escalated to specialist staff for a response were also not always replied to within the 24 hour deadline.

Census: EU Law

Mr. Hurd: To ask the Minister for the Cabinet Office what Census datasets the Government is required to provide to the European Commission. [315253]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck:

As Director General I have been asked to reply to your recent question asking what Census datasets the Government is required to provide to the European Commission. (315253)

The classifications for the statistical outputs from the 2011 Census to be provided to the Statistical Office of the European Union (Eurostat) under the provision of Article 7 (1) (a) of Regulation (EC) No 763/2008 of the European Parliament and the Council on population and housing censuses, which came into force on 9 July 2008, were prescribed in a subsequent implementing Regulation (EC) 201/2009, which came into force on 30 March 2009. The draft of a further implementing Regulation setting out the details of the statistical programme of data to be made available to Eurostat is being submitted for approval by the European Statistical Systems Committee at its next meeting on 11 February.

Copies of EU Regulations are available from the House of Commons Library.

Census: Homelessness

Mr. Hurd: To ask the Minister for the Cabinet Office how homeless people were counted in the 2001 Census; how many homeless people were counted; and how homeless people will be counted in the 2011 Census. [315333]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General I have been asked to reply to your recent question asking how homeless people were counted in the 2001 Census; how many homeless people were counted; and how homeless people will be counted in the 2011 Census. (315333)

In the 2001 Census initial liaison took place with the Rough Sleepers Unit of the then Department of the Environment, Transport and Regions to explore the potential for them to assist and advise in counting persons sleeping rough. Some information on particular areas where there were known to be persons sleeping rough was obtained through this contact. Additionally every local authority within England and Wales was contacted for geographical information on persons sleeping rough and contact was made with organisations such as the National Homeless Alliance and Shelter from which volunteers were sought to help conduct the enumeration. The count of rough sleepers was held on census night between 22:00 hours and 06:00 hours the following morning. For each location containing one or more rough sleepers, the enumerators completed a communal establishment questionnaire, which had a specific category for rough sleepers and which provided an address to link the individuals to. The enumerators then either asked rough sleepers to complete their own individual questionnaire, or tried to gather basic demographic information to do this on the individual's behalf.

The total number of rough sleepers recorded in the 2001 Census in England and Wales was 938.

For the 2011 Census we are still researching the best methodology to use for counting people sleeping, or bedded down, in the open air (such as on the streets, or in doorways, parks or bus shelters); and people in buildings or other places not designed for habitation (such as barns, sheds, car parks, cars, derelict boats, or stations. We have liaised with the Department for Communities and Local Government (DCLG) who are now responsible for overseeing work on this issue. We have also been in touch with local authorities who are required to conduct their own annual counts if they have more than ten rough sleepers to learn how they carry out their counts to see whether any successful procedures used by them could be used or modified.

Hostels or night shelters which have homeless people staying will be enumerated as Communal Establishments (CEs). CE managers will get a questionnaire to complete containing basic questions on the accommodation type and including a headcount of all visitors staying there on census night. However, anyone staying at the establishment who has no usual residence elsewhere would also be expected to complete an individual questionnaire, including any non UK residents who intend to stay in the country for three months or more. The individual questionnaire contains the complete set of census questions that would normally be completed by household residents.

Local census field managers will contact hostels and night shelters several weeks before the census to make arrangements and assess any requirements for special supplies such as literacy aids or translations. The questionnaires will then be delivered just before census day by a special enumerator. The CE manager is responsible for getting everything completed on census night. The special enumerator will then return and collect the questionnaires by hand shortly after census day.

Census: ICT

Mr. Hurd: To ask the Minister for the Cabinet Office what the limit is on the number of users who will be able to use the Census online system at any one time.

[315274]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General I have been asked to reply to your recent question asking what the limit is on the number of users who will be able to use the Census online system at any one time. (315274)

The Office for National Statistics estimates that up to 25 per cent. of people will use the online option. We expect many of these to complete an online questionnaire before or after census day itself and expect the peak of usage to be during the evening of 27 March 2011. We are still reviewing, with our contractors, the best way of supporting the maximum number of concurrent users possible; therefore the actual maximum number of users that could use the system at one time is not yet finalised. However, should there be more users wanting to use the online system at any one time than it is capable of accommodating, those people already in the system will be able to carry on as normal, and additional users will be asked to try again later.

Mr. Hurd: To ask the Minister for the Cabinet Office what checks were carried out by the Office for National Statistics on the accuracy of the optical data capture exercise in the 2001 Census.

[315337]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General I have been asked to reply to your recent question asking what checks were carried out by the Office for National Statistics on the accuracy of the optical data capture exercise in the 2001 Census. (315337)

The 2001 Census scanning system used Optical Mark Recognition (OMR) and Optical Character Recognition (OCR) to lift information from 2001 Census questionnaires. An automated coding system was used for responses that required translation from a textual response into a numerical code. Responses not able to be coded automatically were coded manually. An automatic quality assurance system was incorporated within the data capture and coding subsystems, and these checks assessed whether quality standards were being met. Quality standards were measured continuously throughout data processing. The overall results for each of these standards were:

<i>Item</i>	<i>Accuracy standard</i>	<i>Percentage</i>
		<i>Accuracy achieved</i>
OMR	99.3	99.84
OCR Alpha	96.0	99.03
OCR Alpha numeric	95.0	98.99
OCR Numeric	98.0	99.75
Date of Birth	99.5	99.93
Form Identity	99.995	99.68
Country of Birth	96.0	99.80
Ethnic Group	96.0	98.60
Religion	96.0	98.80
Industry	88.0	89.10
Occupation	88.0	91.10
Enumeration	100.0	99.30
Workplace	94.5	94.30
Address 1 year Ago	96.5	98.10

Key:

OMR—Optical Mark Recognition

OCR—Optical Character Recognition

Notes:

1. The coding results above relate only to textual responses.
2. Where the answer could have been a tick box, these are included in the OMR results.

Full information on accuracy and data quality are available in the published Census 2001 Quality Report for England and Wales ISBN 1-4039-8769-6 and laid before Parliament in 2005 and which is also available on the website through this link:

http://www.statistics.gov.uk/census2001/proj_gr.asp

Census: Lost Property

Mr. Hurd: To ask the Minister for the Cabinet Office what estimate has been made of the proportion and number of completed Census questionnaires that were lost by Royal Mail in the 2001 Census.

[315256]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General I have been asked to reply to your recent question asking what estimate has been made of the proportion and number of completed census questionnaires that were lost by Royal Mail in the 2001 Census. (315256)

The Office for National Statistics (ONS) is not aware of Royal Mail having lost any questionnaires in 2001 and was satisfied with the strict security measures maintained by Royal Mail in their handling of census questionnaires.

ONS acknowledges that there were some sporadic instances of questionnaires being delivered to the processing site later than originally intended, due to, for example, backlogs in Royal Mail's delivery process.

The post back of questionnaires using Royal Mail in 2001 worked effectively overall, which led to the decision for the 2011 Census to both post questionnaires out and allow respondents to post them back, using Royal Mail.

For the 2011 Census a new Questionnaire Tracking System has been developed which will track questionnaires throughout the census using barcodes and scanning equipment.

Census: Security

Mr. Hurd: To ask the Minister for the Cabinet Office what steps are being taken to prevent phishing attacks related to the 2011 Census. [315267]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General I have been asked to reply to your recent question asking what steps are being taken to prevent phishing attacks related to the 2011 Census. (315267)

The primary mechanism for phishing attacks is email and the 2011 Census will not be sending any unsolicited emails to the public or emails asking the public to supply any personal details, click on links to any websites (including the official census website) or to verify any login credentials. This message will be clearly displayed on the census website. The census website will also provide advice and guidance to the public on the threat of phishing attacks, how to reduce the risk of phishing attacks and the steps to take in the event of a suspected phishing attack.

The official census website address is memorable and will be clearly printed on the census forms. As a precaution, the Office for National Statistics (ONS) will also be defensively registering a range of similar website addresses and will be monitoring for rogue websites to reduce the risk from imitation census websites appearing in popular search engines.

Census: Travelling People

Mr. Hurd: To ask the Minister for the Cabinet Office what means will be used to collect 2011 Census forms from (a) Travellers and (b) people in travelling fairs. [315263]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General I have been asked to reply to your recent question asking what means will be used to collect 2011 Census forms from (a) travellers and (b) people in travelling fairs. (315263)

We are making special preparations to enumerate Gypsies, Travellers and people in travelling fairs and in developing the plans we are working closely with local authority Gypsy and Traveller Liaison Officers, as well as with Gypsy and Traveller community groups.

Travellers, Gypsies and people in travelling fairs will be counted by special enumerators who are trained to liaise successfully with these groups. Advance information about traveller sites will be gathered including any requirements for help with literacy or sight or hearing impairment issues. Authorised sites will be visited as pre-arranged with the site manager to hand deliver questionnaires. Transit sites and any temporary roving caravans, travelling fairs and circuses will also be visited to complete both delivery and collection of questionnaires.

Following face-to-face meetings with a number of Roma and Romani community leaders and support organisations, plus direct meetings with representations of Travellers and Gypsy communities, we are planning to recruit directly from those communities to help overcome issues of literacy, language and concerns about confidentiality. The community leaders themselves have also offered to support our Census awareness campaign. We are continuing through the community liaison programme to improve contact with Gypsy and Traveller groups.

The proposed 2011 Census ethnic group question includes for the first time a specific category for 'Gypsy or Irish Traveller'. A write-in option is also available for those Travellers who may wish to identify themselves in any other way.

Chief Information Officer: Government Communications

Mr. Hurd: To ask the Minister for the Cabinet Office whether the Communications Manager in the Office of the Government Chief Information Officer and Senior Information Risk Owner will be a member of the Government Communications Network. [315325]

Angela E. Smith: The post of Communications Manager within the Office of the Government Chief Information Officer and Senior Information Risk Owner was recently advertised and an offer of employment made. The new incumbent is not yet in post.

When in post, the Communications Manager will be able to register with the Government Communication Network (GCN). GCN is a virtual, online network and resource open to all civil servants who have an interest in government communications.

Death: Cancer

Mr. Dismore: To ask the Minister for the Cabinet Office (1) how many deaths from (a) breast cancer and (b) heart disease were caused by alcohol in the last year for which figures are available; [316280]

(2) how many deaths from cancer of the (a) mouth, (b) oesophagus and (c) larynx were caused by alcohol in the last year for which figures are available; [316293]

(3) how many deaths from breast cancer were caused by alcohol in the last year for which figures are available. [316348]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 5 February 2010:

As Director General for the Office for National Statistics, I have been asked to reply to your recent questions asking:

1) How many deaths from (a) breast cancer and (b) heart disease were caused by alcohol in the last year for which figures are available. (316280)

2) How many deaths from cancer of the (a) mouth, (b) oesophagus and (c) larynx were caused by alcohol in the last year for which figures are available. (316293)

3) How many deaths from breast cancer were caused by alcohol in the last year for which figures are available. (316348)

It is not possible to provide figures for the number of deaths where (a) breast cancer, (b) heart disease, (c) cancer of the mouth, (d) cancer of the oesophagus or (e) cancer of the larynx was the underlying cause of death, and which were caused by alcohol, from the information collected at death registration.

Internationally accepted guidance from the World Health Organisation requires only those conditions that contributed directly to the death to be recorded on the death certificate. Medical practitioners and coroners are not required to record all of the diseases or conditions present at or before death, and whether a condition contributed is a matter for their clinical judgement. Lifestyle and behavioural factors, such as the deceased's alcohol consumption, are not recorded.

Mr. Dismore: To ask the Minister for the Cabinet Office (1) how many deaths from cancer of the (a) mouth, (b) oesophagus and (c) larynx there were in the last year for which figures are available; [316292]

(2) many deaths from breast cancer there were in the last year for which figures are available. [316294]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 5 February 2010:

As Director General for the Office for National Statistics, I have been asked to reply to your recent questions asking:

(1) How many deaths from cancer of the (a) mouth, (b) oesophagus and (c) larynx there were in the last year for which figures are available. (316292)

(2) How many deaths from breast cancer there were in the last year for which figures are available. (316294)

The table attached provides the number of deaths where cancer of the (a) mouth, (b) oesophagus, (c) larynx, and (d) breast was the underlying cause of death, in England and Wales, in 2008 (the latest year available).

Table 1. Number of deaths where cancer of the mouth, oesophagus, larynx and breast was the underlying cause of death, England and Wales, 2008^{1, 2, 3}

<i>Cause of death</i>	<i>Number</i>
Cancer of the mouth	418
Cancer of the oesophagus	6,609
Cancer of the larynx	715
Breast cancer	10,779

1 Cause of death was defined using the International Classification of Diseases, Tenth Revision (ICD-10) codes C03-C06 (cancer of the mouth), C15 (cancer of the oesophagus), C32 (cancer of the larynx) and C50 (breast cancer).

2 Figures for England and Wales include deaths of non-residents.

3 Figures are for deaths registered in each calendar year.

Death: Liver Diseases

Mr. Lansley: To ask the Minister for the Cabinet Office how many deaths from (a) liver cancer and (b) other liver disease there have been in (i) England and (ii) each parliamentary constituency in each year since 1997. [315907]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General for the Office for National Statistics, I have been asked to reply to your recent question asking in how many deaths from (a) liver cancer and (b) other liver disease there have been in (i) England and (ii) each constituency in each year since 1997. (315907)

The tables provide the number of deaths with an underlying cause of (a) liver cancer (table 1) and (b) liver diseases (table 2) in (i) England and (ii) each English parliamentary constituency, from 1997 to 2008 (the latest year available). Copies have been placed in the House of Commons Library.

Mr. Dismore: To ask the Minister for the Cabinet Office how many deaths from (a) chronic liver disease and (b) cirrhosis there were in the last 12 months; and in how many such cases alcohol was listed on the death certificate. [316279]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 5 February 2010:

As Director General for the Office for National Statistics, I have been asked to reply to your recent question asking how many

deaths from (a) chronic liver disease and (b) cirrhosis there were in the last 12 months; and in how many such cases alcohol was listed on the death certificate. (316279)

The table attached provides the number of deaths with an underlying cause of (a) chronic liver disease and (b) cirrhosis, and the number of cases where alcohol is also mentioned on the death certificate as a contributing factor, in England and Wales, for 2008 (the latest year available).

Since cirrhosis is defined as a chronic liver disease, all deaths from cirrhosis are included in the figures for chronic liver disease.

Table 1. Numbers of deaths with an underlying cause of chronic liver disease and cirrhosis¹, and the number mentioning alcohol as a contributing factor², England and Wales³, 2008⁴

	<i>Deaths (persons)</i>	
	<i>Chronic liver disease</i>	<i>Cirrhosis</i>
Underlying cause	6,514	2,510
With mention of alcohol	4,797	1,035

¹ Cause of death was defined using the International Classification of Diseases, Tenth Revision (ICD-10). The specific causes of death categorised as chronic liver disease and cirrhosis, and their corresponding ICD-10 codes, are shown in the box below.

² Deaths were categorised as alcohol mentions where the underlying cause was chronic liver disease or cirrhosis and one of the ICD-10 codes listed in the box below was mentioned anywhere on the death certificate.

³ Figures for England and Wales include deaths of non-residents.

⁴ Figures are for deaths registered in 2008.

Box 1. Chronic liver disease, Cirrhosis and Alcohol mentions—International Classification of Diseases, Tenth Revision (ICD-10)

	<i>ICD-10 code(s)</i>
<i>Chronic Liver Disease</i>	
Chronic viral hepatitis	B18
Alcoholic liver disease	K70
Toxic liver disease	K71.3—K71.9
Chronic hepatic failure and hepatic failure unspecified	K72.1—K72.9
Chronic hepatitis, not elsewhere classified	K73
Fibrosis and cirrhosis of liver (excl. Biliary cirrhosis)	K74 (excl. K74.3—K74.5)
<i>Cirrhosis</i>	
Alcoholic cirrhosis of liver	K70.3
Fibrosis and cirrhosis of liver (excl. Biliary cirrhosis)	K74 (excl. K74.3—K74.5)
<i>Alcohol mentions</i>	
Alcohol-induced pseudo-Cushing's syndrome	E24.4
Mental and behavioural disorders due to use of alcohol	F10
Degeneration of nervous system due to alcohol	G31.2
Alcoholic polyneuropathy	G62.1
Alcoholic myopathy	G72.1
Alcoholic cardiomyopathy	I42.6
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Finding of alcohol in blood	R78.0
Toxic effect of alcohol	T51
Accidental poisoning by and exposure to alcohol	X45
Intentional self-poisoning by and exposure to alcohol	X65
Poisoning by and exposure to alcohol, undetermined intent	Y15

Death: Respiratory Disease

Mr. Pelling: To ask the Minister for the Cabinet Office how many deaths of children aged (a) one to four and (b) five to 14 years (i) in total and (ii) as a result of respiratory disease there were in England and Wales in each month since 2006. [316441]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 5 February 2010:

As Director General for the Office for National Statistics, I have been asked to reply to your recent question asking how many deaths of children aged (a) one to four and (b) five to 14 years (i) in total and (ii) as a result of respiratory disease there were in England and Wales in each month since 2006. (316441)

The tables attached provide the number of deaths of children aged (a) 1 to 4 years and (b) 5 to 14 years for (i) all causes (Table 1) and (ii) where respiratory diseases were the underlying cause of death (Table 2), in England and Wales, in each month, for 2006 to 2008 (the latest year available).

Table 1: Deaths of children aged one to four and five to 14 years, by month, England and Wales, 2006-08^{1, 2}

	Number					
	One to four			Five to 14		
	2006	2007	2008	2006	2007	2008
January	55	46	45	68	58	51
February	57	63	36	63	59	49
March	44	56	49	61	66	53
April	53	41	39	68	60	53
May	48	54	41	51	62	56
June	50	43	48	61	47	48
July	34	34	40	69	49	56
August	32	40	29	56	62	47
September	27	40	35	56	51	40
October	35	43	42	61	51	40
November	46	48	47	48	44	56
December	64	48	55	66	66	41

¹ Figures for England and Wales include deaths of non-residents.

² Figures are for deaths occurring in each calendar month and year.

Table 2: Deaths of children aged one to four and five to 14 years, where respiratory diseases were the underlying cause of death, by month, England and Wales, 2006-08^{1, 2, 3}

	Number					
	One to four			Five to 14		
	2006	2007	2008	2006	2007	2008
January	7	4	9	8	5	9
February	2	7	4	10	7	4
March	5	5	8	5	2	0
April	5	5	2	6	2	8
May	7	3	5	5	5	2
June	2	2	2	5	1	2
July	1	5	2	7	6	4
August	1	0	2	7	1	2
September	2	3	1	2	7	3
October	1	2	5	2	6	5
November	6	8	7	2	5	3
December	11	10	9	6	6	3

¹ Cause of death was defined using the International Classification of Diseases, Tenth Revision (ICD-10) codes J00 to J99 (diseases of the respiratory system).

² Figures for England and Wales include deaths of non-residents.

³ Figures are for deaths occurring in each calendar month and year.

Departmental Recruitment

Mr. Hurd: To ask the Minister for the Cabinet Office how many job vacancies in (a) her Department, (b) the Charity Commission and (c) the Central Office of Information were filled using external recruitment in the last year for which figures are available. [315209]

Angela E. Smith: The number of job vacancies filled using external recruitment from 1 April 2008 to 31 March 2009 was (a) 88 at Cabinet Office (b) 85 at the Charity Commission and (c) 74 at the Central Office of Information.

Departmental Sick Leave

David Simpson: To ask the Minister for the Cabinet Office how many staff in her Department have had five or more periods of sickness absence of less than five days in two or more of the last three years. [316458]

Angela E. Smith: There has been 36 staff that have had five or more periods of absence which have lasted less than five days in two or more of the last three calendar years.

Employment: Merseyside

Mr. Frank Field: To ask the Minister for the Cabinet Office how many jobs there were in Merseyside (a) in 1997 and (b) on the most recent date for which figures are available. [315995]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 5 February 2010:

As Director General for the Office for National Statistics, I have been asked to reply to your Parliamentary Question asking how many jobs there were in Merseyside (a) in 1997 and (b) on the most recent date for which figures are available. (315995)

Estimates of the number of jobs in local areas are not available. As an alternative we have provided estimates of the number of people employed in Merseyside on the requested dates.

The Office for National Statistics (ONS) compiles employment statistics for local areas from the Annual Population Survey (APS) and its predecessor the Annual Labour Force Survey following International Labour Organisation (ILO) definitions.

The number of persons resident in Merseyside employed in the March 1997 to February 1998 period was 522,000 and for the July 2008 to June 2009 period was 572,000.

National and local area estimates for many labour market statistics, including employment, unemployment and claimant count are available on the NOMIS website at:

<http://www.nomisweb.co.uk>

Government Communications

Mr. Hurd: To ask the Minister for the Cabinet Office what the eight principles of the Government Communication Network's Engage Strategic Communications Framework are. [315229]

Tessa Jowell: There are eight key principles to the Government Communication Network's Engage Strategic Communications Framework.

These identified in the Introduction to Engage booklet (2006) as:

1. "Listening, consulting, understanding, questioning to obtain insight into people's motivations, needs and barriers.
2. Segmentation makes our communication more effective. Identifying people with distinctive shared needs, characteristics and beliefs gives a sharper focus to policy and communication.
3. Changing behaviour is often essential to policy delivery. We need to work with colleagues to help identify the interventions that will encourage change and develop communication that will support them, and really engage our audiences.
4. Propositions express policy in a way that makes sense to people we are targeting and gives them a clear understanding of what's in it for them or for society as a whole.
5. Reaching people in complex communication environments means that we must consider a wide range of media, channel and stakeholder options.
6. The best people experience is achieved when the views of the public are fed into all aspects of policy development and service delivery.
7. We need to collaborate with policy and service delivery partners and stakeholders if we are to improve communication and encourage effective engagement with our audiences.
8. Being open and accountable in all our communication and marketing activities, adhering to our civil service values of integrity, honesty, objectivity and impartiality."

Mr. Hurd: To ask the Minister for the Cabinet Office pursuant to the answer of 1 December 2009, *Official Report*, column 702W, on Government communications, how many public sector employees are registered to access the Government Communication Network. [315276]

Tessa Jowell: The Government Communications Network is a virtual, online network and resource open to all civil servants who have an interest in Government communications.

As of December 2009 there are 5,844 civil servants registered to the Government Communication Network website. These registrations include communications staff and other civil servants in no-communications roles.

These registrations include both those who work solely on Government communications and those civil servants who have registered for whom communications may only be part of their role or who wish to access specific best practice material.

Government Departments: ICT

Mr. Maude: To ask the Minister for the Cabinet Office what the estimated monetary value is of the central Government information and communication technology contracts that are expected to be renewed or commissioned over the next two years. [312266]

Ian Pearson: I have been asked to reply.

Details of ICT contracts across central Government are not held centrally. However, data on the IT expenditure since 2006 for those parts of the public sector represented on the Chief Information Officers' Council can be found in the Transformational Government Annual Reports using the following link.

www.cabinetoffice.gov.uk/cio/transformational_government.aspx

Office for National Statistics: Contracts

Mr. Hurd: To ask the Minister for the Cabinet Office what the monetary value is of the Office for National Statistics' 2011 Census contract with (a) Polestar, (b) UK Data Capture, (c) Cable and Wireless, (d) bss, (e) Logica, (f) Steria and (g) Lockheed Martin. [315266]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General I have been asked to reply to your recent question asking what the monetary value is of the Office for National Statistics 2011 Census contract with (a) Polestar, (b) UK Data Capture, (c) Cable and Wireless, (d) bss, (e) Logica, (f) Steria and (g) Lockheed Martin. (315266)

The monetary value of the contract with (g) Lockheed Martin UK is approximately £150 million. Lockheed Martin UK has subcontracted a number of specialist activities to (a) Polestar, (b) UK Data Capture, (c) Cable and Wireless, (d) bss, (e) Logica and (f) Steria. These contracts are commercially confidential and I am unable therefore to supply details.

Unemployment: East Sussex

Norman Baker: To ask the Minister for the Cabinet Office how many and what proportion of jobseeker's allowance claimants in each constituency in East Sussex had been claiming the allowance for (a) up to three, (b) between three and six, (c) between six and 12 and (d) between 12 and 24 months in each month since September 2009. [315762]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 5 February 2010:

As Director General for the Office for National Statistics, I have been asked to reply to your Parliamentary Question asking how many and what proportion of jobseeker's allowance claimants in each constituency in East Sussex had been claiming the allowance for (a) up to three, (b) between three and six, (c) between six and 12 and (d) between 12 and 24 months in each month since September 2009 (315762).

The Office for National Statistics (ONS) compiles the number of claimants of Jobseeker's Allowance (JSA) from the Jobcentre Plus administrative system.

Table 1 shows the number of computerised claims of Jobseeker's Allowance (JSA) for people, aged 16 or over resident in each parliamentary constituency in East Sussex, by duration of the claim in each month since September 2009. Table 2 shows the percentage of all claimants in each constituency by duration of the claim for the same periods.

National and local area estimates for many labour market statistics, including employment, unemployment and claimant count are available on the NOMIS website at

<http://www.nomisweb.co.uk>

Table 1—Number of persons claiming jobseeker's allowance by duration of claim

Duration of claim	September 2009					October 2009				
	Up to 13 weeks	Over 13 weeks up to 26 weeks	Over 26 weeks up to 52 weeks	Over 52 weeks up to 104 weeks	Total	Up to 13 weeks	Over 13 weeks up to 26 weeks	Over 26 weeks up to 52 weeks	Over 52 weeks up to 104 weeks	Total
Bexhill and Battle	615	305	335	120	1,405	635	305	315	150	1,435
Brighton, Kemptown	1,060	490	550	255	2,500	1,140	490	535	265	2,580
Brighton, Pavilion	1,375	480	575	275	2,840	1,325	515	565	290	2,830
Eastbourne	980	470	485	215	2,175	950	485	485	225	2,175
Hastings and Rye	1,195	780	765	350	3,140	1,325	715	800	375	3,280
Hove	1,065	560	460	245	2,475	1,080	515	465	265	2,470
Lewes	640	310	270	95	1,345	640	310	285	100	1,365
Wealden	600	265	265	70	1,215	570	250	265	80	1,175
Total	7,540	3,665	3,720	1,640	17,105	7,675	3,600	3,720	1,760	17,320

Duration of claim	November 2009					December 2009				
	Up to 13 weeks	Over 13 weeks up to 26 weeks	Over 26 weeks up to 52 weeks	Over 52 weeks up to 104 weeks	Total	Up to 13 weeks	Over 13 weeks up to 26 weeks	Over 26 weeks up to 52 weeks	Over 52 weeks up to 104 weeks	Total
Bexhill and Battle	625	300	295	160	1,410	650	295	285	180	1,450
Brighton, Kemptown	1,160	485	520	295	2,610	1,150	515	500	315	2,640
Brighton, Pavilion	1,290	560	515	315	2,830	1,185	640	480	330	2,790
Eastbourne	985	480	475	235	2,215	995	500	455	270	2,260
Hastings and Rye	1,420	655	835	445	3,425	1,465	705	850	490	3,585
Hove	1,095	545	490	275	2,560	1,035	540	500	280	2,515
Lewes	600	305	275	115	1,340	605	295	295	130	1,365
Wealden	560	235	245	95	1,150	520	265	225	115	1,150
Total	7,740	3,585	3,665	1,950	17,560	7,620	3,765	3,605	2,120	17,770

Notes:

1. Data rounded to nearest five.

2. Age and duration data is only available for computerised claims, which account for 99.7 per cent. of all claims.

Source:

Jobcentre Plus administrative system

Table 2—Proportion of claimants of jobseeker's allowance by duration of claim

Duration of claim	September 2009					October 2009					Percentage
	Up to 13 weeks	Over 13 weeks up to 26 weeks	Over 26 weeks up to 52 weeks	Over 52 weeks up to 104 weeks	Total	Up to 13 weeks	Over 13 weeks up to 26 weeks	Over 26 weeks up to 52 weeks	Over 52 weeks up to 104 weeks	Total	
Bexhill and Battle	44	22	24	9	44	21	22	10	10	10	
Brighton, Kemptown	42	20	22	10	44	19	21	10	10	10	
Brighton, Pavilion	48	17	20	10	47	18	20	10	10	10	
Eastbourne	45	22	22	10	44	22	22	10	10	10	
Hastings and Rye	38	25	24	11	41	22	24	12	12	12	
Hove	43	23	19	10	44	21	19	11	11	11	
Lewes	48	23	20	7	47	23	21	7	7	7	
Wealden	49	22	22	6	48	21	23	7	7	7	

Duration of claim	November 2009					December 2009					Percentage
	Up to 13 weeks	Over 13 weeks up to 26 weeks	Over 26 weeks up to 52 weeks	Over 52 weeks up to 104 weeks	Total	Up to 13 weeks	Over 13 weeks up to 26 weeks	Over 26 weeks up to 52 weeks	Over 52 weeks up to 104 weeks	Total	
Bexhill and Battle	44	21	21	11	45	20	20	12	12	12	
Brighton, Kemptown	44	19	20	11	44	20	19	12	12	12	
Brighton, Pavilion	46	20	18	11	42	23	17	12	12	12	
Eastbourne	45	22	21	11	44	22	20	12	12	12	
Hastings and Rye	41	19	24	13	41	20	24	14	14	14	
Hove	43	21	19	11	41	22	20	11	11	11	

Duration of claim	November 2009				December 2009				Percentage
	Up to 13 weeks	Over 13 weeks up to 26 weeks	Over 26 weeks up to 52 weeks	Over 52 weeks up to 104 weeks	Up to 13 weeks	Over 13 weeks up to 26 weeks	Over 26 weeks up to 52 weeks	Over 52 weeks up to 104 weeks	Over 52 weeks up to 104 weeks
Lewes	45	23	21	9	44	22	22	10	10
Wealden	49	21	21	9	45	23	20	10	10

Note:

Age and duration data are only available for computerised claims, which account for 99.7 per cent. of all claims.

Source:

Jobcentre Plus administrative system

Unemployment: Lewes

Norman Baker: To ask the Minister for the Cabinet Office what the level of unemployment was in Lewes constituency in each year since 1997. [315772]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 4 February 2010:

As Director General for the Office for National Statistics, I have been asked to reply to your Parliamentary Question asking what the level of unemployment was in Lewes constituency in each year since 1997. (315772)

The Office for National Statistics (ONS) compiles unemployment statistics for local areas from the Annual Population Survey (APS) and its predecessor the annual Labour Force Survey (LFS) following International Labour Organisation (ILO) definitions. However, estimates of unemployment for the requested geography are not available.

As an alternative, in Table 1 we have provided the number of persons claiming Jobseeker's Allowance for the Lewes constituency for December 2009 and December of each year since 1997.

National and local area estimates for many labour market statistics, including employment, unemployment and claimant count are available on the NOMIS website at

<http://www.nomisweb.co.uk>

Table 1. Number of persons resident in Lewes parliamentary constituency claiming jobseeker's allowance

As at December each year	Number
1997	1,101
1998	1,019
1999	886
2000	743
2001	694
2002	748
2003	725
2004	691
2005	752
2006	758
2007	607
2008	1,091
2009	1,369

Source:

Jobcentre Plus administrative system

ORAL ANSWERS

Monday 8 February 2010

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