



HOUSE OF LORDS

Liaison Committee

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5th Report of Session 2017–19

**Summary of  
House of Lords  
investigative and  
scrutiny committee  
activity in 2018–19**

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### *Liaison Committee*

The Liaison Committee advises the House on the resources required for select committee work and allocates resources between select committees; reviews the select committee work of the House; considers requests for ad hoc committees and reports to the House with recommendations; ensures effective co-ordination between the two Houses; and considers the availability of Lords to serve on committees.

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# Summary of House of Lords investigative and scrutiny committee activity in 2018–19

## CHAPTER 1: INTRODUCTION

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1. The exceptionally high levels of committee activity in the first year of the 2017–19 session continued throughout the second year. Although no new sessional committee was set up there was an unusually high level of draft bill committee activity in an already busy session. Following the decision in the June 2016 referendum that the UK should leave the EU, much committee activity continued to focus on the possible impact of Brexit.
2. The Informal Brexit Liaison Group, established by the Liaison Committee in November 2016, continued its work in helping co-ordinate and oversee committee activity in the House relating to Brexit and keeping in touch with Brexit scrutiny being carried out by House of Commons committees. It met a further six times, chaired by Liaison Committee Chair and Senior Deputy Speaker Lord McFall of Alcluith, and bringing together other House of Lords committee Chairs. Following each meeting of the Informal Group a note of the discussion was posted on the parliamentary website.
3. On 14 January 2019 the Procedure Committee and Liaison Committee agreed that, for the remainder of the current session of Parliament, the European Union (EU) Committee should scrutinise and report on all Brexit-related treaties, or international agreements, laid before Parliament in accordance with section 20 of the Constitutional Reform and Governance Act 2010. The EU Committee swiftly adopted this new feature of this work, and on 5 February reported for the first time on three such international agreements.
4. Another change followed the decision of the Procedure Committee in March 2018 that overdue Government responses to select committee reports should be noted in a new section in House of Lords Business.<sup>1</sup> This new practice has led to a significant decrease in the number of Government responses which are not received within two months of publication of the relevant report, and for many weeks no list of overdue responses has needed to be published.
5. 2018–19 also saw a step change in the public engagement activity carried out by House of Lords committees. A variety of innovative outreach methods were piloted by the special inquiry committees in particular, and we report on these in chapter three of this report.
6. The Liaison Committee’s over-arching review of committee activity, the first for 25 years, was conducted throughout 2018–19. The present report, like its predecessor, is intended to provide helpful background and context for the review.

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1 Procedure Committee, *Private notice questions timing: Noting overdue Government responses to select committee reports in House of Lords Business* (3rd Report, Session 2017–19, HL Paper 97)

## CHAPTER 2: SESSIONAL COMMITTEE ACTIVITY AND IMPACT

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7. This chapter highlights some of the achievements of all the sessional investigative committees during 2018–19. Most of our previous highlights reports have covered typical one-year sessions. Given the current two-year session, last year we decided to report mid-way through the session, focusing on activity from the start of the session in June 2017 to spring 2018.

### Communications Committee

8. In 2018–19 the Communications Committee undertook a wide-ranging inquiry into online regulation. It considered various aspects of regulation including the use of personal data, competition in digital markets and online harms. This built on earlier work, particularly the Committee's reports *Growing up with the internet*<sup>2</sup> and *UK advertising in a digital age*<sup>3</sup> which respectively considered children's use of the internet and the future of the advertising sector. The Committee heard from experts in a range of disciplines, as well as representatives of Twitter, Match Group, Google, Facebook and Microsoft. For the first time the Committee heard from Amazon. The Committee's report *Regulating in a digital world*<sup>4</sup> found that regulation was fragmented and not adapting to the changing environment of the internet. It recommended that the Government should introduce a statutory duty of care for service providers to protect users against online harms. While the Government is yet to respond to the report fully, it undertook to introduce such a duty in its Online Harms White Paper.<sup>5</sup>
9. In March 2019 the Committee launched a new inquiry into the future of public-service broadcasting in the light of the rising popularity of video on demand services. It is considering whether the emergence of services such as Netflix is undermining the case for public-service broadcasting and, if not, how public-service broadcasting could be better supported in future.
10. The Committee received the Government's response to its report *UK advertising in a digital age*.<sup>6</sup> The Committee had found that the digital advertising market is dysfunctional and not transparent, and recommended that the Competition and Markets Authority undertake a market study of the digital advertising market. These studies provide a broad 'health check' of a market to ensure that it is functioning efficiently and fairly. Dame Frances Cairncross, who was commissioned by the Government to review the sustainability of journalism, explicitly endorsed the Committee's

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2 Communications Committee, *Growing up with the internet* (2nd Report, Session 2016–17, HL Paper 130)

3 Communications Committee, *UK advertising in a digital age* (1st Report, Session 2017–19, HL Paper 116)

4 Communications Committee, *Regulating in a digital world* (2nd Report, Session 2017–19, HL Paper 299)

5 Department for Digital, Culture, Media and Sport and Home Office, *Online Harms White Paper* (April 2019): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/793360/Online\\_Harms\\_White\\_Paper.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793360/Online_Harms_White_Paper.pdf) [accessed 9 May 2019]

6 HM Government, *Government response to report on UK advertising in a digital age* (16 July 2018): <https://www.parliament.uk/documents/lords-committees/communications/advertising-industry/ukadvertisinggovresponse160718.pdf> [accessed 9 May 2019]

recommendation in her report, which was in turn accepted by the Government.<sup>7</sup> The report was debated in the House on 25 April 2019.<sup>8</sup>

11. The Committee introduced its own Twitter account to engage directly with stakeholders and those interested in its work.

### Constitution Committee

12. The Committee inquired into *Parliamentary Scrutiny of Treaties*.<sup>9</sup> The report concluded that the current processes for scrutinising treaties were limited and insufficient given the developments in treaty-making in recent decades. The Committee recommended establishing a dedicated treaty scrutiny committee to sift all treaties, identifying which require further scrutiny and drawing them to the attention of both Houses. It concluded that the Government should provide Parliament with more information on treaties at all stages in the treaty-making process and that the Government would need to work closely with the devolved institutions in negotiating and implementing treaties after Brexit.
13. The Committee addressed the increasing prevalence of delegated powers in the second report of its inquiry into the legislative process.<sup>10</sup> It concluded that, while delegated powers were necessary to allow Parliament to focus on important policy frameworks and leave detail to secondary legislation, there was a constitutionally unacceptable trend for the Government to seek wide delegated powers, including Henry VIII powers. The Committee said that the Government should take more account of parliamentarians' concerns about secondary legislation when deficiencies were identified and, if it does not do so, in exceptional circumstances Parliament may use its powers to block such instruments and require the Government to think again.
14. The Constitution Committee reported on seven bills in 2018–19,<sup>11</sup> and corresponded with the Government on one other.<sup>12</sup> One example of the Committee's impact was its scrutiny of the Ivory Bill,<sup>13</sup> on which it raised concerns about the proposed powers for civilian officers, rather than recognised law enforcement, to enter and search private premises. Following

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7 Dame Frances Cairncross, *The Cairncross Review: A Sustainable Future for Journalism* (February 2019): [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779882/021919\\_DCMS\\_Cairncross\\_Review\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779882/021919_DCMS_Cairncross_Review_.pdf) [accessed 9 May 2019]

8 HL Deb, 25 April 2019, cols 714–44 [Lords Chamber]

9 Constitution Committee, *Parliamentary Scrutiny of Treaties* (20th Report, Session 2017–19, HL Paper 345)

10 Constitution Committee, *The Legislative Process: The Delegation of Powers* (16th Report, Session 2017–19, HL Paper 225)

11 Constitution Committee, *Ivory Bill* (12th Report, Session 2017–19, HL Paper 178), *Trade Bill* (13th Report, Session 2017–19, HL Paper 193), *Counter Terrorism and Border Security Bill* (14th Report, Session 2017–19, HL Paper 207), *Northern Ireland (Executive Formation and Exercise of Functions) Bill* (15th Report, Session 2017–19, HL Paper 211), *Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill* (17th Report, Session 2017–19, HL Paper 279), *Healthcare (International Arrangements) Bill* (18th Report, Session 2017–19, HL Paper 291), *European Union (Withdrawal) (No. 5) Bill* (19th Report, Session 2017–19, HL Paper 339)

12 Letter from the Chairman to Lord Bates, Lords Spokesperson for HM Treasury, on the Financial Services (Implementation of Legislation) Bill, 19 December 2018: [https://www.parliament.uk/documents/lords-committees/constitution/Chairman to Lord Bates 19 December 2018.pdf](https://www.parliament.uk/documents/lords-committees/constitution/Chairman%20to%20Lord%20Bates%2019%20December%202018.pdf)

13 Constitution Committee, *Ivory Bill* (12th Report, Session 2017–19, HL Paper 178)



the Committee’s report, meetings with ministers and debates in the House of Lords,<sup>14</sup> the Government agreed to remove the power from the bill.<sup>15</sup>

15. The Committee held annual evidence sessions with the Lord Chancellor,<sup>16</sup> the Lord Chief Justice of England and Wales,<sup>17</sup> and the President and Deputy President of the Supreme Court.<sup>18</sup>

### Economic Affairs Committee

16. The Economic Affairs Committee’s *Treating Students Fairly: The Economics of Post-18 Education* report was published in June 2018.<sup>19</sup> The Committee found that the system of post-school education is unbalanced in favour of full-time university degrees and offers poor value for money to individuals, taxpayers and the economy. The report highlighted that the national accounts mask the true cost of higher education: around half of the value of student loans being issued will never be paid back, but these write-offs will not appear in the national accounts until the end of the 30-year term of the loans. The Committee recommended that the expected losses on loans should be recognised upfront, which would allow for a better discussion of where public money in post-school education should be directed. Citing the Committee’s report, the Office for National Statistics announced in December 2018 that it would adopt this accounting approach to student loans from 2019/20.<sup>20</sup>
17. Following the Governor of the Bank of England saying to the Committee that it may be time to transition away from using the retail price index (RPI),<sup>21</sup> the Committee inquired into the use of RPI. The report *Measuring Inflation*,<sup>22</sup> published in January 2019, found that the UK Statistics Authority was at risk of breaching its statutory duties on the publication of statistics by refusing to correct an error that it admitted exists in the RPI. The Committee recommended that the Authority should seek the Chancellor of the Exchequer’s approval to correct the error and, given that RPI remains in widespread use, resume a programme of regular methodological improvements. The Chairman wrote a joint letter with the Chair of the House of Commons Treasury Select Committee to the National Statistician and the Chancellor asking them to correct the RPI errors identified in the

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14 See HL Deb, 12 September 2018, [col 2339](#) [Lords Chamber].

15 HM Government, *Response to the committee’s report on the Ivory Bill* (17 October 2018): [https://www.parliament.uk/documents/lords-committees/constitution/Ivory Bill/181017](https://www.parliament.uk/documents/lords-committees/constitution/Ivory%20Bill/181017%20Ivory%20Bill%20-%20Defra%20response%20to%20the%20Constitution%20Committee.pdf) Ivory Bill - Defra response to the Constitution Committee.pdf [accessed 9 May 2019]

16 Oral evidence taken before the Constitution Committee, 9 May 2018 (Session 2017–19), [QQ 1–12](#) (the Lord Chancellor and Secretary of State for Justice)

17 Oral evidence taken before the Constitution Committee, 25 April 2018 (Session 2017–19), [QQ 1–12](#) (Lord Burnett of Maldon, Lord Chief Justice of England and Wales) and 3 April 2019 (Session 2017–19), [QQ 1–12](#) (Lord Burnett of Maldon, Lord Chief Justice of England and Wales)

18 Oral evidence taken before the Constitution Committee, 21 March 2019 (Session 2017–19), [QQ 1–15](#) (Baroness Hale of Richmond, President of the Supreme Court, and Lord Reed, Deputy President of the Supreme Court)

19 Economic Affairs Committee, *Treating Students Fairly: The Economics of Post School Education* (2nd Report, Session 2017–19, HL Paper 139)

20 Office for National Statistics, *New treatment of student loans in the public sector finances and national accounts* (December 2018): <https://www.ons.gov.uk/economy/governmentpublicsectorandtaxes/publicsectorfinance/articles/newtreatmentofstudentloansinthepublicsectorfinancesandnationalaccounts/2018-12-17> [accessed 9 May 2019]

21 Oral evidence taken before the Economic Affairs Committee, 5 March 2019 (Session 2017–19), [QQ 1–16](#) (Dr Mark Carney)

22 Economic Affairs Committee, *Measuring Inflation* (5th Report, Session 2017–19, HL Paper 246)



report.<sup>23</sup> The Chancellor announced in the Spring Statement 2019 that the Government was consulting the UK Statistics Authority on the report's recommendations.<sup>24</sup> The Governor of the Bank of England wrote to the Committee to state his support for the report's recommendations.<sup>25</sup>

18. The Committee launched its inquiry into social care funding in England in September 2018. The inquiry is covering the short and long-term funding challenges in social care.
19. The Committee has also undertaken follow-up work on its 2015 report into High Speed 2.
20. Since January 2019 the Committee has trialled having two prominent political journalists on a job-share arrangement as specialist media advisers. They work in tandem with the House of Lords Press Office, using their experience and contacts to help the Committee increase publicity for its reports and evidence sessions. Both before and after these appointments the Committee has had significant success in promoting its work. The four reports of the Committee and its sub-committee (see below) all received extensive and prominent coverage in the national and trade press. *Measuring Inflation* received detailed attention in the financial press and has been the subject of substantial subsequent debate. Other Committee activity, such as follow-up work on High Speed 2 and correspondence with the Financial Secretary to the Treasury, has also received coverage. As part of the media strategy for *Treating Students Fairly: The Economics of Post-18 Education*, six videos of interviews with Committee members were widely shared online.<sup>26</sup> The committee's Twitter account<sup>27</sup> has been updated regularly, using images and video. The account has seen significant levels of engagement from other Twitter users, particularly on *The Powers of HMRC*, *Measuring Inflation* and follow-up work on High Speed 2.

#### *Finance Bill Sub-Committee*

21. Unlike in previous sessions, the Finance Bill Sub-Committee published two separate reports, on thematic issues arising from the draft Finance Bill. *Making Tax Digital for VAT: Treating Small Businesses Fairly*<sup>28</sup> considered progress on the Making Tax Digital programme since the Sub-Committee's March 2017 report on the subject, and the proposed introduction of Making Tax Digital for VAT for 1.2 million businesses in April 2019. The Sub-Committee recommended that Making Tax Digital for VAT be delayed until April 2020, and that the wider programme also proceed at a slower pace.

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23 Letter from the chairman and the Rt Hon. Nicky Morgan MP, chair of the Treasury Committee, to John Pullinger CB, National Statistician (6 February 2019): [https://www.parliament.uk/documents/lords-committees/economic-affairs/LF and NM to UKSA 110219.pdf](https://www.parliament.uk/documents/lords-committees/economic-affairs/LF%20and%20NM%20to%20UKSA%20110219.pdf)

24 The Chancellor of the Exchequer, Spring Statement 2019: written statement - HCWS1407: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-03-13/HCWS1407/> [accessed 10 May 2019]

25 Letter from Dr Mark Carney, Governor of the Bank of England, to the chairman of the Economic Affairs Committee (28 January 2019): <https://www.parliament.uk/documents/lords-committees/economic-affairs/Governor%20to%20Chairman%2028%20January%202019.pdf>

26 Economic Affairs Committee, *The Economics of Post-School Education: The Fiscal Illusion*, 11 June 2018: <https://www.youtube.com/watch?v=Iw-zUrOGc8&list=PLilBYVf0P9aZjbu-51ts7PyCrz9lAhcOV> [accessed 10 May 2019]

27 Economic Affairs Committee (@LordsEconComm): <https://twitter.com/LordsEconComm> [accessed 10 May 2019]

28 Economic Affairs Committee, *Making Tax Digital for VAT: Treating Small Businesses Fairly* (3rd Report, Session 2017–19, HL Paper 229)

22. *The Powers of HMRC: Treating Taxpayers Fairly*<sup>29</sup> considered the balance of powers between Her Majesty’s Revenue and Customs and the taxpayer in light of additions to HMRC powers in recent Finance Bills. The Sub-Committee found that many of these recent powers were disproportionate, and often hindered taxpayers’ access to justice. The Sub-Committee recommended a review of the powers, and a number of remedies for specific powers.

### European Union (EU) Select Committee

23. The EU Select Committee continued to scrutinise the Brexit process. It held evidence sessions with three successive Secretaries of State for Exiting the EU (The Rt Hon David Davis MP, The Rt Hon Dominic Raab MP and The Rt Hon Stephen Barclay MP); visited Brussels to meet the EU’s Chief Brexit Negotiator, Michel Barnier and other EU representatives; and took evidence in London and Brussels from other key stakeholders and experts. The Committee continued its dialogue with the European Parliament, EU national parliaments and the devolved institutions, as well as the Governments of Gibraltar and the Crown Dependencies. Members attended Interparliamentary Conferences, and welcomed several parliamentary delegations to London.
24. The Committee also published three substantive reports. Two of these looked beyond the continuing political uncertainty towards the future UK-EU relationship.
25. In June 2018 the Committee published its report *UK-EU relations after Brexit*,<sup>30</sup> calling on both sides in the negotiations, rather than focusing on ‘red lines’, to start identifying beneficial outcomes and to make the compromises necessary to achieve them. The Committee called on the Government to present an inclusive vision for future UK-EU relations, commanding broad support, and called on the EU to reciprocate, acknowledging the importance to the EU of a close and lasting partnership with the UK.
26. In March 2019 the Committee published a report entitled *Beyond Brexit: how to win friends and influence people*.<sup>31</sup> The report outlined the formal and informal structures that will support UK-EU relations after Brexit, and considered how the UK as a whole could use them to rebuild bridges. The Committee focused in particular on Parliament’s key role, in scrutinising EU legislative proposals, examining the governance and institutional mechanisms established under the Withdrawal Agreement, scrutinising the negotiations on the future UK-EU relationship, and engaging in inter-parliamentary dialogue.
27. In between these two reports, in December 2018, the Committee published its report *Brexit: the Withdrawal Agreement and Political Declaration*.<sup>32</sup> The report was prepared, agreed and published within nine days of the appearance of the Withdrawal Agreement and Political Declaration, containing a detailed and dispassionate analysis of these crucial documents. The Committee sought to inform debate in both Houses and beyond, ahead of the first scheduled

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29 Economic Affairs Committee, *The Powers of HMRC: Treating Taxpayers Fairly* (4th Report, Session 2017–19, HL Paper 242)

30 European Union Committee, *UK-EU relations after Brexit* (17th Report, Session 2017–19, HL Paper 149)

31 European Union Committee, *Beyond Brexit: how to win friends and influence people* (35th Report, Session 2017–19, HL Paper 322)

32 European Union Committee, *Brexit: the Withdrawal Agreement and Political Declaration* (24th Report, Session 2017–19, HL Paper 245)

‘meaningful vote’ in the Commons—though that vote was subsequently delayed.

### Treaty scrutiny

28. In January the Procedure Committee and the Liaison Committee decided to transfer responsibility for scrutinising Brexit-related ‘rollover’ agreements from the Secondary Legislation Scrutiny Committee to the EU Committee, for the remainder of the 2017–19 session. These are international agreements, or treaties, designed to replace agreements from which the UK currently benefits as an EU Member State, but which will cease to apply to the UK after Brexit. The Government, as part of its preparations for a possible ‘no deal’ Brexit, is seeking to conclude over a hundred such agreements.
29. By the end of April 2019 the EU Committee had published 10 reports on 40 Brexit-related treaties, either drawing special attention to them, or reporting them for information. In so doing, it has sought to support the exercise by the House of the role set out in the Constitutional Reform and Governance Act 2010 (CRaG), under which the Government is required to lay treaties before Parliament prior to ratification, and each House has a period of 21 sitting days in which it may call on the Government to withhold ratification. This is the first time either House has undertaken such systematic and detailed scrutiny of treaties laid under CRaG.
30. All six of the EU Sub-Committees, as well as the Select Committee have been involved in this work, supported by the Committee’s Legal Advisers and a Specialist Adviser. The pace of the work has underlined some of the limitations of the CRaG process, and the lessons learned by the EU Committee are expected to feed into the Liaison Committee’s consideration of future scrutiny of treaties.

### *Energy and Environment Sub-Committee*

31. It was a busy year for the Energy and Environment Sub-Committee, which since April 2018 has conducted inquiries, and published reports, on the UK’s implementation of the EU fisheries landing obligation;<sup>33</sup> the future of chemical regulations post-Brexit;<sup>34</sup> the implications of Brexit for plant and animal biosecurity;<sup>35</sup> and the impact of Brexit on the price and availability of food.<sup>36</sup>
32. The Sub-Committee also held one-off sessions/short investigations on the UK’s implementation of the EU air quality Directive; the Office of Nuclear Regulation’s Brexit preparedness; post-Brexit carbon pricing; post-Brexit enforcement of environmental law; the Department for Environment, Food and Rural Affairs (DEFRA) and the Department for Business, Energy and Industrial Strategy (BEIS)’s no-deal preparedness; and food safety risk management post-Brexit.
33. The Sub-Committee has increasingly used a roundtable format as a way of hearing from a wider range of witnesses and of encouraging discussion

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33 European Union Committee, *Fisheries: implementation and enforcement of the EU landing obligation* (26th Report, Session 2017–19, HL Paper 276)

34 European Union Committee, *Brexit: chemical regulation* (23rd Report, Session 2017–19, HL Paper 215)

35 European Union Committee, *Brexit: plant and animal biosecurity* (21st Report, Session 2017–19, HL Paper 191)

36 European Union Committee, *Brexit: food prices and availability* (14th Report, Session 2017–19, HL Paper 129)

and debate between witnesses and members. It has also improved the way it explains its work clearly and publicly: from twitter threads that explained complex EU fisheries regulations through the medium of knitted fish, to posting all its scrutiny work on its webpages with simple explanations of what the documents contain.

34. Examples of notable successes include the Sub-Committee's work on the EU landing obligation, which came into force on 1 January 2019. The Sub-Committee had taken evidence on the likely impact of these new rules, but had yet to publish its report. On 31 December 2018, ahead of publication, the Sub-Committee issued a media statement previewing its conclusions, and this gained significant coverage, thanks both to its timeliness, and the fact that New Year is a quiet news period.
35. In December 2018 the Government published plans for an Office for Environmental Protection, to hold the Government to account on the implementation of environmental law post-Brexit. This was something the Sub-Committee called for in its 2017 report *Brexit: environment and climate change*—even though the recommendation was dismissed by Government at the time. A number of external organisations have commented on the role that the report played in raising awareness of this issue.

#### *External Affairs Sub-Committee*

36. The External Affairs Sub-Committee's inquiries have focused on three aspects of the UK's relationship with the EU after Brexit: foreign affairs, customs arrangements and international development. The Sub-Committee published two reports: one on the UK's potential contribution to Common Security and Defence Policy (CSDP) missions and operations after Brexit (14 May 2018),<sup>37</sup> and one on post-Brexit UK customs arrangements (20 September 2018).<sup>38</sup> The Sub-Committee also issued a call for evidence on international development cooperation after Brexit and had held two evidence sessions by the time this report was being prepared.
37. The Government agreed with most of the recommendations in the CSDP report, including with the central conclusion that the UK would almost certainly derive value from ongoing participation in CSDP missions and operations. The UK-EU Political Declaration setting out the framework for the future relationship, published on 25 November 2018, sets out the UK's intention to cooperate with the EU on CSDP missions and operations on a case-by-case basis. At the time this report was prepared the Government had yet to provide a response to the report on the UK's future customs arrangements.
38. In October 2018, three Committee members represented the House at the Interparliamentary Conference on the EU's Common Foreign and Security and Common Security and Defence Policy in Vienna. On 13 November 2018, the Sub-Committee hosted the Joint meeting of the parliamentary committees on the Lancaster House Treaties—an Anglo-French dialogue on defence, held twice annually with representatives of the House of Lords, the House of Commons, the French Assemblée Nationale and the Sénat. The Chair, one

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37 European Union Committee, *Brexit: Common Security and Defence Policy missions and operations* (16th Report, Session 2017–19, HL Paper 132)

38 European Union Committee, *Brexit: the customs challenge* (20th Report, Session 2017–19, HL Paper 187)

other Sub-Committee member and a member of the International Relations Committee represented the House of Lords.

### *Financial Affairs Sub-Committee*

39. The Financial Affairs Sub-Committee published its report *Brexit: the European Investment Bank* on 31 January 2019.<sup>39</sup> This highlighted the importance of the European Investment Bank’s (EIB) lending in the UK and how this had declined substantially since the 2016 referendum. The report recommended that the Government consider the creation of a national infrastructure bank. It also expressed dissatisfaction at the Government’s explanation of the UK’s not securing any share of the EIB’s retained earnings as part of the ‘financial settlement’ provisions contained in the UK-EU withdrawal agreement.
40. The Sub-Committee also held a number of one-off sessions on: contractual continuity; data sharing; financial services under the World Trade Organization; central counterparties (CCPs); and the Financial Conduct Authority’s Brexit preparations.
41. The Sub-Committee Chair, Baroness Falkner of Margravine, attended the Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union in Vienna 17–18 September 2018, and also the Global Parliamentary Conference of the Parliamentary Network on the World Bank and IMF in Washington 8–9 April 2019.

### *Home Affairs Sub-Committee*

42. The Home Affairs Sub-Committee has published three reports since April 2018, on *Brexit: the proposed UK-EU security treaty*,<sup>40</sup> *Brexit: movement of people in the cultural sector*,<sup>41</sup> and *Brexit: the Erasmus and Horizon programmes*.<sup>42</sup> The security treaty report, which was debated in the House in January 2019, called on the Government and the EU to make pragmatic compromises on security matters to achieve the over-riding objective of protecting the safety of UK and EU citizens after Brexit. Since the debate, the Sub-Committee has continued to correspond with the Minister of State for Policing and the Fire Service, The Rt Hon Nick Hurd MP on the UK-EU security relationship during the transition period, and in February took evidence on the Government and UK security agencies’ preparations for security cooperation in a ‘no deal’ scenario.
43. The Sub-Committee published its report on the EU’s student mobility (Erasmus) and research (Horizon) programmes on 12 February 2019. A central theme was the importance of the Erasmus programme in improving employment prospects, contributing to economic growth, and increasing opportunities, particularly for people from disadvantaged backgrounds and those with special needs. Also that month, Universities UK—a witness to the inquiry—launched a campaign highlighting the impact of losing access to Erasmus on UK students, and this helped to generate public interest in the Sub-Committee’s report. On publication, the report was one of the first

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39 European Union Committee, *Brexit: the European Investment Bank* (25th Report, Session 2017–19, HL Paper 269)

40 European Union Committee, *Brexit: the proposed UK-EU security treaty* (18th Report, Session 2017–19, HL Paper 164)

41 European Union Committee, *Brexit: movement of people in the cultural sector* (19th Report, Session 2017–19, HL Paper 182)

42 European Union Committee, *Brexit: the Erasmus and Horizon programmes* (28th Report, Session 2017–19, HL Paper 283)



select committee reports to be drawn to the attention of all Members of the House by means of an email from the Senior Deputy Speaker.

44. In March 2019 the Sub-Committee held one-off hearings on future EU migration to the UK for work and on UK-EU asylum cooperation after Brexit, followed by an evidence session with the Minister of State for Immigration, the Rt Hon Caroline Nokes MP. The Sub-Committee subsequently wrote to the Minister outlining its concerns in these areas.

#### *Internal Market Sub-Committee*

45. From September to November 2018 the Sub-Committee held a series of evidence sessions on future UK-EU transport arrangements, covering the road, rail and maritime sectors. This included an evidence session with the Secretary of State, Rt Hon Chris Grayling MP. In light of the uncertainty over the fate of the UK-EU Withdrawal Agreement, the Sub-Committee postponed publishing its report—publication is now scheduled for May 2019.
46. For most of the year, however, the Sub-Committee focused on shorter, more reactive pieces of work. For instance, in April 2018 the Sub-Committee published a letter to the Minister of State for Universities, Science, Research and Innovation on the implications of Brexit for the UK space industry, following this up in July with an evidence session with the Minister, in the midst of live negotiations on future UK participation in EU space programmes. Then in January 2019 Baroness McGregor-Smith attended an industry-led event, the European Space Policy Conference, in Brussels.
47. In June 2018 the Sub-Committee visited St John’s Innovation Centre and ideaSpace in Cambridge to discuss Brexit opportunities and challenges with start-ups and scale-ups. Members were motivated in part by a desire to improve parliamentary engagement with small and emerging businesses, and followed up the visit in July with a roundtable evidence session in Westminster with representatives from start-ups and scale-ups from across the UK. A letter was sent later that month to the Parliamentary Under Secretary of State, Minister for Small Business, Consumers and Corporate Responsibility, Ms Kelly Tolhurst MP on the implications of Brexit for small and medium sized enterprises (SMEs), start-ups and scale-ups.
48. In July the Sub-Committee also published a letter summarising follow-up evidence sessions to the Committee’s 2017 report *Brexit: trade in non-financial services*, which covered aviation, professional business services, digital, creative and travel, including education-related travel.
49. In October 2018 the Sub-Committee agreed a Reasoned Opinion,<sup>43</sup> formally registering its concern over the European Commission’s proposal to discontinue seasonal changes of time. This was the first Reasoned Opinion adopted by the House of Lords since the 2016 referendum, and the House of Commons and the Danish Parliament subsequently followed suit.
50. The Sub-Committee also scrutinised five of the Commission’s ‘no deal’ contingency measures, including the ‘bare bones’ aviation and road haulage agreements. As part of its scrutiny, the Sub-Committee held an evidence session with the Minister of State for Transport, Mr Jesse Norman MP.

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43 European Union Committee, *Subsidiarity Assessment: discontinuing seasonal changes of time* (22nd Report, Session 2017–19, HL Paper 200)

*Justice Sub-Committee*

51. The EU Justice Sub-Committee focused on Brexit-related inquiries. Its report on post-Brexit governance and dispute settlement was published in May 2018, and explored how the UK and the EU would address disagreements over the implementation of the Withdrawal Agreement, the transition period and the future relationship.<sup>44</sup>
52. On citizens' rights, the Sub-Committee continued to press the Government for detailed assurances about the rights of EU citizens living in the UK. Members questioned the Home Secretary, The Rt Hon Sajid Javid MP on two occasions and held three meetings with Home Office officials, including a visit to the Settlement Resolution Centre in Liverpool. The Sub-Committee also met diplomats from EU/EEA countries to hear their concerns. The Sub-Committee's correspondence with the Home Office continues to attract press interest and has been closely followed by groups representing those affected.
53. The Sub-Committee revisited its work on civil justice co-operation after Brexit, hearing from family lawyers and representative bodies about the problems posed by reducing legal cooperation, particularly for those seeking court rulings and the enforcement of judgments across borders. It also questioned the Minister responsible for this area (the Parliamentary Under-Secretary of State, Ministry of Justice) about the status of the Brexit negotiations, and highlighted the need to maintain cooperation.
54. The Sub-Committee's short inquiry into intellectual property and the 'Unified Patent Court' focused on an often-overlooked area of law. The Sub-Committee received evidence from legal experts, corporations and industry bodies, who helped the Sub-Committee to highlight key priorities for the Government in preparing for Brexit.
55. The Sub-Committee also began an inquiry into rights after Brexit, to consider the impact of the removal from UK law of the EU Charter of Fundamental Rights. The Sub-Committee has heard evidence from human rights academics and advisers, and from human rights commissions, and will continue this work into summer 2019.

*International Relations Committee*

56. In December 2018 the International Relations Committee published its report, *UK foreign policy in a shifting world order*, following a year-long inquiry. The Committee's witnesses included former Cabinet Ministers, former National Security Advisers, academics and the Secretary of State for Foreign and Commonwealth Affairs. Five members travelled to Washington DC to hear from US politicians, officials and thinktanks. The report found that the US Administration had taken a number of decisions on high-profile foreign policy issues which undermined the UK's interests, and recommended that the UK Government should place less reliance on reaching a common US/UK approach. It drew attention to the expansion of China's influence, the disruptive role in international relations played by Russia, the importance of defending the rules-based international order, and the need to address the challenges of new technologies, particularly cyber warfare.

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44 European Union Committee, *Dispute resolution and enforcement after Brexit* (15th Report, Session 2017–19, HL Paper 130)



57. The report received good media coverage, particularly on the conclusions on the US relationship. The Global Strategy Forum hosted a well-attended panel discussion on the report's findings in March 2019. The Chairman wrote to the Foreign Secretary in April 2019 to express disappointment that the Government's response had not engaged sufficiently with some of the important underlying themes of the report, including the shift in world economic weight to Asia, that some US foreign policy decisions were contrary to the UK's national interest, and that it was necessary to engage with Russia on issues of common concern.
58. In April 2019, in the week before the Preparatory Committee of the Nuclear Non-Proliferation Treaty Review Conference 2020, the Committee published the report, *Rising nuclear risk, disarmament and the Nuclear Non-Proliferation Treaty*.<sup>45</sup> The Committee's witnesses included the UN Under Secretary General for Disarmament Affairs, a former Secretary of State for Defence, the Executive Director of the International Campaign for Nuclear Disarmament, academics and the Minister of State for Europe and the Americas. Five members visited the UK Atomic Weapons Establishment at Aldermaston. The Committee found that the risk of nuclear weapons being used was increasing as a result of misunderstanding and miscalculation, and urged the Government to pursue dialogue between nuclear possessor states. It found that the maintenance of the existing international nuclear regime, with the Nuclear Non-Proliferation Treaty at its core, was important to long-term efforts to reduce the risks inherent in the possession of nuclear weapons. The Committee called on the UK to encourage the nuclear weapon states (China, France, Russia, the US and the UK) to show a demonstrable commitment to disarmament. The report received coverage in a wide range of national press.
59. The International Relations Committee published three short reports: *The NATO Summit 2018*,<sup>46</sup> *United Nations General Assembly 2018*<sup>47</sup> and *Yemen: giving peace a chance*.<sup>48</sup> The report on Yemen generated significant broadcast and press coverage. The report has regularly been referenced in media stories on Yemen and arms sales since publication, and has generated interest from NGOs.
60. Members of the Committee met a number of foreign delegations, including the Vice President of Somaliland and parliamentarians from Kosovo, which followed up the Committee's report, *The UK and the future of the Western Balkans*,<sup>49</sup> published in January 2018.

### Science and Technology Committee

61. The Science and Technology Committee started the reporting year with a short inquiry into off-site manufacture for construction. The Committee took evidence from April 2018 to June 2018 and visited Laing O'Rourke's Explore

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45 International Relations Committee, *Rising nuclear risk, disarmament and the Nuclear Non-Proliferation Treaty* (7th Report, Session 2017–19, HL Paper 338)

46 International Relations Committee, *The NATO Summit 2018* (3rd Report, Session 2017–19, HL Paper 143)

47 International Relations Committee, *The United Nations General Assembly 2018* (4th Report, Session 2017–19, HL Paper 156)

48 International Relations Committee, *Yemen: giving peace a chance* (6th Report, Session 2017–19, HL Paper 290)

49 International Relations Committee, *The UK and the future of the Western Balkans* (1st Report, Session 2017–19, HL Paper 53)

Industrial Park. In its report the Committee welcomed the Government's commitment to off-site manufacture, demonstrated in its Construction Sector Deal, and made recommendations for further investment in modern methods of construction. The report was published at a launch event at the Institution of Civil Engineers. The Government response contained a number of commitments to act on the recommendations made by the Committee.<sup>50</sup> The report was debated in the House of Lords Chamber on 12 December 2018.<sup>51</sup>

62. The Government response to the Committee's report *Life Sciences Industrial Strategy: Who's driving the bus?*<sup>52</sup> was received in June 2018 and debated in October 2018.<sup>53</sup> The Government was reluctant to accept many of the committee's recommendations, particularly in relation to governance in the NHS.
63. Since July 2018 the Committee has been inquiring into forensic science. The Committee took oral evidence between October 2018 and January 2019 and received over 100 pieces of written evidence. Members visited the Metropolitan Police Service forensic science directorate to see some of the current techniques used in criminal investigations. The report was published on 1 May 2019<sup>54</sup> with a launch event at the Royal Society. The report raised concerns about the oversight, funding and research of forensic science in England and Wales.
64. The Science and Technology Committee continues to engage a wide audience through Twitter, with 57,800 followers as at April 2019. Engagement has been almost all positive, with one Twitter user praising the committee for "listening, challenging and discussing [forensic science] so thoroughly."<sup>55</sup> The Committee has sought to increase engagement with science issues among other members of the House, with the introduction of peers' seminars on scientific issues, the first of which covered the threat of global emerging infections. This was followed by a seminar on the science of ageing.

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50 HM Government, Response to Off-site manufacture for construction: Building for change report (9 October 2018): <https://www.parliament.uk/documents/lords-committees/science-technology/off-site-manufacture-for-construction/Govt-response-off-site-manufacture-construction.pdf>

51 HL Deb, 12 December 2018, cols 1346–1378 [Lords Chamber]

52 HM Government, Response to Life Sciences Industrial Strategy: Who's driving the bus? (27 June 2018): <https://www.parliament.uk/documents/lords-committees/science-technology/life-sciences-industrial-strategy/Govt-response-Life-Sciences-Industrial-Strat.pdf>

53 HL Deb, 23 October 2018, cols 803–852 [Lords Chamber]

54 Science and Technology Committee, *Forensic science and the criminal justice system: a blueprint for change* (3rd Report, Session 2017–19, HL Paper 333)

55 Reply to Lords Science & Tech (@LordsSTCom) from Angus Marshall (@marshalla99): <https://twitter.com/marshalla99/status/1090884014536359936> [accessed 20 May 2019]

## CHAPTER 3: SPECIAL INQUIRY COMMITTEES

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### Introduction

65. The special inquiry, or *ad hoc*, Committees for the second year of the session 2017–19 were appointed on 17 May 2018 and were ordered to report by 31 March 2019. All the committees met this deadline, with one report being published in March 2019 and the rest in April.

### Select Committee on the Bribery Act 2010

66. As usual, one of the four committees appointed was for post-legislative scrutiny. The Act selected for scrutiny was the Bribery Act 2010, which came into force in July 2011 and had therefore been in force for almost seven years at the start of the inquiry. The Committee was appointed “to consider and report on the Bribery Act 2010.”<sup>56</sup>
67. The Select Committee held its first meeting on 12 June 2018. A Call for Evidence was issued on 19 June<sup>57</sup> and the Committee received evidence from 50 persons and bodies, and a further 16 pieces of supplementary written evidence from 13 persons and bodies were also received. Between 3 July and 11 December 2018 the Committee heard oral evidence from 52 witnesses over 23 sessions. Witnesses included the prosecuting authorities, organisations dedicated to stamping out bribery and corruption, businesses affected by bribery, City solicitors advising companies on these issues, and Ministers from the relevant Government departments.
68. The universal perception was that the Act is an excellent piece of legislation which is a model for other countries to follow. The Committee accordingly had only a small number of recommendations to make. However, the Liaison Committee had also instructed the Committee to look at deferred prosecution agreements (DPAs), the mechanism allowing companies which have been responsible for bribery to report this to the prosecuting authorities and to have the prosecution for the offences deferred and, ultimately, withdrawn, in return for which the company puts its house in order and pays a large financial penalty. Here the Committee found more significant failings and made a number of recommendations for improvement.
69. The Committee has received extensive attention from City and international law firms, with its work being a regular feature of economic crime and criminal law blogs, and the legal industry press, especially the Law Society Gazette and Lawyer Monthly. Its report was published on 14 March. Ashurst, an international law firm, has identified it as one of the ‘key developments’<sup>58</sup> regarding bribery and corruption in the UK in 2019. Another international law firm, WilmerHale, in their ‘Global Anti-Bribery Year-in-Review’ saw the inquiry as one of the main ‘legislative developments’<sup>59</sup> in UK anti-bribery efforts for 2018–19. The New Law Journal has published an article by the Chairman.<sup>60</sup>

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56 HL Deb, 17 May 2018, col 771 [Lords Chamber]

57 House of Lords Bribery Act 2010 Committee, *Call for Evidence*, 20 June 2018

58 Ashurst, *Bribery and Corruption: what now for 2019?* (January 2019): <https://www.ashurst.com/en/news-and-insights/legal-updates/bribery-and-corruption-what-now-for-2019/> [accessed 20 May 2019]

59 WilmerHale, *Global Anti-Bribery Year-in-Review: 2018 Developments and Predictions for 2019*: <https://www.wilmerhale.com/en/insights/client-alerts/20190117-global-anti-bribery-year-in-review-2018-developments-and-predictions-for-2019> [accessed 20 May 2019]

60 New Law Journal, *Bribery in the spotlight* (March 2019): [https://www.newLawjournal.co.uk/content/bribery-in-the-spotlight](https://www.newlawjournal.co.uk/content/bribery-in-the-spotlight) [accessed 20 May 2019]

### Select Committee on Intergenerational Fairness and Provision

70. The Committee was appointed “to consider the long-term implications of Government policy on intergenerational fairness and provision.”<sup>61</sup> During the course of the inquiry the Committee received 72 written evidence submissions and heard oral evidence from 55 witnesses across 22 evidence sessions.
71. In order to ensure that the views of the public were heard and represented throughout the inquiry, the Committee proposed the novel idea of a Contact Group. The Committee invited 14 members of the public, from across all ages and across the country, to form the Contact Group. This consisted of four representatives of the ‘younger’ age range (coordinated by the British Youth Council), five representatives of a ‘middle’ age range (coordinated with Coram Family and Childcare Trust) and five representatives of the ‘older’ age range (coordinated by the Centre for Ageing Better).
72. The Contact Group was invited to two meetings at the Houses of Parliament on 31 October and 5 December 2018. In the initial meeting, participants discussed their experience of the intergenerational issues raised by the inquiry, as reflected in the chapters of the report; housing, education, jobs, communities and taxation. The participants then returned to their home areas where they held sessions with members of their local communities, reaching over 240 people. Participants then fed back their findings to the Committee in the second meeting. The Contact Group feedback was invaluable and has been incorporated throughout the report, to both support and contradict the evidence gathered.
73. The Committee also carried out a visit to Doncaster in order to see intergenerational projects at work, and to talk to both those running and those using these projects. The visit included meetings with Doncaster Council, Swallowdale Extra Care facility and St Leger Homes. The Committee also set up its own Twitter account ([@LordsIntergen](#)) in order to engage with the existing discussion on intergenerational fairness and raise the profile of the work of the Committee. Video clips of the recommendations witnesses made in the oral evidence sessions received over 11,000 views.
74. The Committee published its report *Tackling intergenerational unfairness*<sup>62</sup> on 25 April 2019. The report struck a positive tone, concluding that the intergenerational compact between generations is stronger than typically portrayed. The Committee’s recommendations focused on protecting the intergenerational compact, and taking a life course approach to policy. The report provoked a considerable media response, with coverage across the press including the Chair appearing on BBC Newsnight. Some coverage continued the negative rhetoric which has typically surrounded the topic of intergenerational fairness, but others argued that the Committee “has done an outstanding job in identifying many of the key issues underlying intergenerational fairness in the UK.”<sup>63</sup>

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61 HL Deb, 17 May 2018, [col 771](#) [Lords Chamber]

62 Select Committee on Intergenerational Fairness and Provision, [Tackling intergenerational unfairness](#) (Report of Session 2017–19, HL Paper 329)

63 Associated Retirement Community Operators, ‘Select Committee calls for planning guidance to boost Retirement Communities’ (25 April 2019): <https://www.arcouk.org/press-release/select-committee-calls-planning-guidance-boost-retirement-communities> [accessed 29 April 2019]

75. On the day of publication, the Committee held a seminar event in partnership with the British Academy with academics, policymakers and think tanks to discuss the findings of the report. This ensured continued engagement with the report’s findings and allowed experts in the various sectors to feed back their views on the report. The attendees welcomed the report, and responses were positive.

### Select Committee on Regenerating Seaside Towns and Communities

76. The Committee was appointed “to consider the regeneration of seaside towns and communities.”<sup>64</sup> The Committee received over 120 submissions of written evidence and heard oral evidence from 52 witnesses.
77. The nature of the inquiry called for a number of visits far beyond the norm for investigative committees, as seaside towns themselves face a uniquely broad array of challenges, often related to their built or natural environments. Accordingly, the Committee undertook six visits in total, encompassing the challenges and success stories to be found all around the English coast, in their many and varied forms. Taking in Clacton-on-sea, Jaywick, Blackpool, Fleetwood, Margate, Skegness, Newquay, St. Ives, Penzance, Scarborough, and Whitby, these visits not only allowed members to meet with local authorities, businesses, and community figures, but also for the bicameral Select Committee Engagement Team to carry out complementary work in parallel on location. This included conducting interviews with members of the public around these towns, polling on issues deemed most pertinent to local people, and structured events with young people in schools.
78. Additionally, the Committee attended a meeting of the Local Government Association’s Coastal Special Interest Group, which convened local council representatives from around the country, allowing members to advertise the inquiry, as well as gain an understanding of the prevailing sentiments among local authorities and their geographical variations. A delegation from Teach First was also received by the Committee for an informal discussion of the challenges around education faced by seaside towns.
79. The report itself acknowledged the unique and varied identities of coastal communities, but nevertheless identified and examined key issues found in common across many or all of them, such as housing quality, connectivity, educational obstacles, health disparity, and funding processes.
80. In all, the Committee made 58 recommendations to the Government, including the need for improved transport links, incentives to attract and keep good teachers, and to favour long-term regeneration projects over short-term initiatives. The report, *The Future of Seaside Towns*,<sup>65</sup> was published on 4 April 2019, and drew considerable attention from a wide spread of local news outlets, trade press, and national press, receiving particularly prominent coverage on BBC News online and via BBC local radio. A particular focus on local radio in coastal areas generated a good deal of discussion and awareness of the Committee’s work, and regeneration-related issues more generally, with the Chairman providing live interviews.

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64 HL Deb, 17 May 2018, [col 771](#) [Lords Chamber]

65 Select Committee on Regenerating Seaside Towns and Communities, *The future of seaside towns* (Report of Session 2017–19, HL Paper 320)



### Select Committee on the Rural Economy

81. The Committee was appointed “to consider the rural economy, and to make recommendations.”<sup>66</sup> The Committee received 209 written submissions and took oral evidence from 64 witnesses during 26 public evidence sessions. Forty per cent of the expert witnesses were women—a higher than usual percentage for parliamentary committees.
82. As part of its inquiry, the Committee undertook visits to Herefordshire and South Yorkshire to understand the diversity, opportunities and challenges of rural economies. In Herefordshire, the Committee hosted round table discussions with local business owners, council leaders, representatives of business organisations, voluntary organisations and local residents, and visited a number of local businesses to hear directly of successes and challenges for business development in the county. In Yorkshire, the Committee visited a range of rural coalfield locations, areas which are less often considered in national debates around rural policy. During the visit, the Committee visited a number of regeneration and community projects and explored the challenges of former mining areas in a round table discussion with local businesses, local authorities and community organisations. The Committee’s media officer also attended the visits and secured wide coverage in the local media.
83. The Committee published its report, entitled *Time for a Strategy for the Rural Economy*,<sup>67</sup> on 27 April 2019. It concluded that the contribution rural economies can make to the nation’s prosperity and wellbeing has been underrated by successive governments, and with rural England at the point of major transition, a different approach is now urgently needed. It made three key recommendations: the development of a new Rural Strategy outlining a long-term, overarching vision for the countryside, re-energising the rural proofing process, and adopting a place-based<sup>68</sup> approach which reflects the diversity of our countryside and the capabilities and knowledge of those who live and work there.

### Former Special Inquiry Committees

84. The Liaison Committee seeks to follow-up the work of special inquiry (ad hoc) committees which reported in earlier years. This follow-up will not begin for the Committees which reported in April 2018 until October 2019. In the following paragraphs we outline some of the developments in relation to recent committees.

### *Artificial Intelligence Committee*

85. The report of the Select Committee on Artificial Intelligence, published in April 2018, has been very well-received by Government, academia, business and civil society alike, both in the UK and abroad. The recommendations the Committee made have been discussed by the United Nations, the governments of Canada, Japan and the United Arab Emirates (UAE) among others, and a wide variety of organisations, including the Law Commission. The Centre for Data Ethics and Innovation has considered the report’s

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66 HL Deb, 17 May 2018, [col 771](#) [Lords Chamber]

67 Select Committee on the Rural Economy, *Time for a strategy for the rural economy* (Report of Session 2017–19, HL Paper 330)

68 See Chapter 3 of Select Committee on the Rural Economy, *Time for a strategy for the rural economy* (Report of Session 2017–19, HL Paper 330).

recommendations as part of its founding consultation process, and two former Committee members have been appointed to its board.

*Select Committee on Citizenship and Civic Engagement*

86. The Government has undertaken to review and revise the book ‘Life in the UK’ which is the basis for naturalisation tests, and which is admitted by all, including the Government, to be outdated, inaccurate and entirely inappropriate as a means of discovering whether applicants know essential facts about this country. The Government has not however given a date by which this review will be concluded and a revised book published.



## CHAPTER 4: SECONDARY LEGISLATION COMMITTEES

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### Delegated Powers and Regulatory Reform Committee

87. During the period from 1 May 2018 to the beginning of April 2019 (end of the 2018/19 financial year), the Delegated Powers and Regulatory Reform Committee (DPRRC) met 15 times and published 27 reports. It considered 36 bills (20 Government bills and 16 Private Members' bills),<sup>69</sup> and reported on one Legislative Reform Order and one Localism Order.
88. During the reporting period, Brexit-related legislation featured largely in the Committee's work. Earlier, in September 2017, the Committee had reported on the European Union (Withdrawal) Bill both whilst it was before the Commons and when it was introduced into the Lords. The Committee explained that it had taken this unusual step because of the Bill's "exceptional constitutional significance."<sup>70</sup> The Committee subsequently adopted the same approach towards certain other Brexit-related Bills, namely the Agriculture Bill (reported in October 2018), the Fisheries Bill (November 2018), the Healthcare (International Arrangements) Bill<sup>71</sup> (November 2018 and, following introduction into the Lords, February 2019) and the Immigration and Social Security Co-ordination (EU Withdrawal) Bill (January 2019). Three of the four Bills are still in the House of Commons. The Committee will report on them again once introduced into the Lords. The Government have so far responded to two of the four reports (including two responses to the two reports on the Healthcare Bill). The Fisheries Bill provided a clear demonstration of the value of reporting early; the Government accepted the Committee's recommendations and put them into effect by way of amendment in the Commons.<sup>72</sup> Whilst the Committee's first report on the Healthcare (International Arrangements) Bill received a less positive response, the Committee appreciated the thoroughness of the Minister's explanation.<sup>73</sup> A more positive response was made in relation to the Committee's second report on the Bill.<sup>74</sup>
89. Towards the end of the reporting period and at considerable speed, the Committee reported on the European Union (Withdrawal) (No. 5) Bill. The Bill was introduced into the Commons on 2 April 2018, with remaining stages on 3 April, and then introduced into the House of Lords, followed by second reading, on 4 April. The Committee reported on the Bill in time for the second reading debate.
90. The DPRRC also reported on the Northern Ireland (Executive Formation and Exercise of Functions) Bill whilst in the Commons, in that case because of the expedited timetable for Parliamentary consideration. The Committee's report was published on 22 October, with second reading and remaining

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69 These figures include scrutiny of bills introduced into either the House of Lords or the House of Commons during the reporting period. They do not include instances where, having reported on a bill during the period prior to the reporting period, the DPRRC subsequently reported on Government amendments or published correspondence or a Government response.

70 Delegated Powers and Regulatory Reform Committee, *3rd Report* (3rd Report, Session 2017–19, HL Paper 22, para 6)

71 Later changed to the Healthcare (European Economic Area and Switzerland Arrangements) Bill.

72 Delegated Powers and Regulatory Reform Committee, *45th Report* (45th Report, Session 2017–19, HL Paper 274, Appx 1)

73 Delegated Powers and Regulatory Reform Committee, *47th Report* (47th Report, Session 2017–19, HL Paper 289, para 6)

74 Delegated Powers and Regulatory Reform Committee *50th Report*, (50th Report, Session 2017–19, HL Paper 336, Appx 1)

stages in the House of Commons scheduled for 24 October and all stages in the House of Lords on 30 October.<sup>75</sup> An amendment giving effect to the Committee’s one recommendation was made whilst the Bill was in the Commons.<sup>76</sup>

91. Although Brexit-related legislation predominated, the Committee also continued its scrutiny of non Brexit-related bills. These included Government bills such as the Domestic Gas and Electricity (Tariff Cap) Bill, the Ivory Bill and the Counter-Terrorism and Border Security Bill, and Private Members’ bills such as the Mental Health Units (Use of Force) Bill, the Organ Donation (Deemed Consent) Bill and the Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill. In commenting on the Ivory Bill and the Mental Health Units (Use of Force) Bill, the Committee used the opportunity to raise a concern common to both Bills about the delegation of power to the Secretary of State to issue guidance which was, in effect, mandatory.<sup>77</sup> In their response, the Government undertook to table amendments in relation to the Ivory Bill to meet the point.<sup>78</sup>
92. The DPRRC considered one Legislative Reform Order (LRO) during the reporting period, the draft Legislative Reform (Horserace Betting Levy) Order 2018. To assist its deliberation, the Committee invited the Minister to give evidence to the DPRRC and the Commons Regulatory Reform Committee (RRC) sitting concurrently.<sup>79</sup> The DPRRC observed in its report on the LRO that “sitting concurrently not only provided practical efficiencies for members and witnesses, but enabled each Committee to benefit from the different perspective of the other.”<sup>80</sup> Both the DPRRC and the RRC concluded that the draft Order failed to satisfy the requirements of the Legislative Reform Order procedure.<sup>81</sup> No further proceedings were therefore taken on the LRO.
93. The DPRRC also considered one Localism Order, the draft Harrogate Stray Act 1985 (UCI World Road Race Championships) Order 2019. It was the third Localism Order to be laid since 2014, each having the effect of disappling temporarily certain provisions of the Harrogate Stray Act 1985 to enable a cycling event to be held on the Harrogate Stray. Both the DPRRC and RRC concluded that the draft Order satisfied the requirements of the Localism Order procedure, and that the negative procedure should apply.
94. In November 2018, the Constitution Committee published a report on the delegation of powers which included references to the role of the DPRRC.<sup>82</sup> The report stated that the DPRRC “provides expert assessment of the appropriateness of proposed delegations of power. Its scrutiny has

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75 Delegated Powers and Regulatory Reform Committee, [36th Report](#) (36th Report, Session 2017–19, HL Paper 204, para 8)

76 Delegated Powers and Regulatory Reform Committee, [37th Report](#) (37th Report, Session 2017–19, HL Paper 212)

77 Delegated Powers and Regulatory Reform Committee, [31st Report](#) (31st Report, Session 2017–19, HL Paper 177)

78 Delegated Powers and Regulatory Reform Committee, [35th Report](#) (35th Report, Session 2017–19, HL Paper 202, Appx 1)

79 Lord Lipsey also gave oral evidence, and a number of bodies made written submissions.

80 Delegated Powers and Regulatory Reform Committee, [41st Report](#) (41st Report, Session 2017–19, HL Paper 249, para 7)

81 *Ibid.*, para 19, and Regulatory Reform Committee, [Draft Legislative Reform \(Horseracing Betting Levy\) Order 2018](#) (Third Report, Session 2017–19, HC 1756)

82 Delegated Powers and Regulatory Reform Committee, [16th Report](#) (16th Report, Session 2017–19, HL Paper 225)

a beneficial effect on legislation presented to parliament, both in securing government agreement to amend proposed powers of delegation in a bill and, less obviously, in concentrating the minds of ministers and their bill teams during the earlier process of drafting the legislation.”<sup>83</sup>

### Joint Committee on Statutory Instruments

95. The Joint Committee on Statutory Instruments (JCSI) is comprised of seven members from each House and seeks to ensure that the legal drafting of statutory instruments laid before Parliament is complete, appropriate and does not exceed the powers set out in the Act under which the instrument is made. As a result of the volume of Brexit-related secondary legislation, the period from 1 May 2018 to 4 April 2019 was at times a demanding one. In 34 reports, the JCSI considered 950 instruments (including instruments subject to, and those not subject to, a parliamentary procedure), of which 104 were drawn to the special attention of the Houses. In addition, the Committee published three Special Reports: the first on transparency and accountability in subordinate legislation (June 2018),<sup>84</sup> the Government’s response to that report (September 2018)<sup>85</sup> and a third report on how the Government have acted in response to issues raised by the JCSI (March 2019).<sup>86</sup> With regard to the last of these reports, the Committee concluded that the analysis of Government responses indicated that “the Committee’s scrutiny has had a positive and substantial impact on secondary legislation so far this Session” but that there was “room for improvement.”<sup>87</sup> The Committee said: “We look to the Government to ensure that there are no instances where a recommendation is simply ignored, and we remind the Government that the Committee, and the Houses, expect Ministers, during debates on instruments, to respond to any issues raised by the Committee.”<sup>88</sup>

### Secondary Legislation Scrutiny Committee

96. 2018–19 was an unusually eventful period for the Secondary Legislation Scrutiny Committee (SLSC). Following the passage of the European Union (Withdrawal) Act 2018 (“the withdrawal Act”), the remit of the Committee was extended by the House to include a new sifting function in relation to certain instruments—proposed negative instruments—laid under the withdrawal Act. At the same time, the Committee was given power to appoint sub-committees and to co-opt members to serve on the sub-committees. These new powers enabled the Committee to enlarge its capacity to meet the increased workload caused by a combination of the new sifting function and an anticipated 800 to 1,000 Brexit-related instruments.<sup>89</sup> In April 2018, the SLSC launched an inquiry into what criteria should be applied when deciding whether to recommend that a proposed negative be upgraded to the affirmative procedure. The Committee reported its conclusions in July

83 *Ibid.*, para 33

84 Joint Committee on Statutory Instruments, *Transparency and Accountability in Subordinate Legislation* (First Special Report, Session 2017–19, HC 1158, HL 151)

85 Joint Committee on Statutory Instruments, *Transparency and Accountability in Subordinate Legislation: Government Response to First Special Report* (Second Special Report, Session 2017–19, HC 1577, HL Paper 189)

86 Joint Committee on Statutory Instruments, *Government response to parliamentary scrutiny of statutory instruments* (Third Special Report, Session 2017–19, HC 2057, HL Paper 311)

87 Joint Committee on Statutory Instruments, *Government response to parliamentary scrutiny of statutory instruments* (Third Special Report, Session 2017–19, HC 2057, HL Paper 311) paras 7 and 8

88 Joint Committee on Statutory Instruments, *Government response to parliamentary scrutiny of statutory instruments* (Third Special Report, Session 2017–19, HC 2057, HL Paper 311) paras 7 and 8

89 This figure was later revised by the Government to “below 600”.

2018.<sup>90</sup> In October 2018, the SLSC appointed two sub-committees, Sub-Committee A under the chairmanship of Lord Trefgarne (also chairman of the SLSC), and Sub-Committee B under the chairmanship of Lord Cunningham of Felling. Eleven members of the House were co-opted, six to Sub-Committee A and five to Sub-Committee B, giving each sub-committee a complement of 11 members. The first meeting of Sub-Committee A was on 15 October and of Sub-Committee B on 16 October. They met weekly until 30 April 2019 when scrutiny work reverted to the SLSC.

97. During the period from 1 May until 9 October 2018 (after which the sub-committees began work), the SLSC met 14 times and published 15 reports. These reports concerned 285 instruments, of which 48 were affirmative and 195 negative instruments, and 19 proposed negative instruments. The Committee drew to the special attention of the House 12 affirmative and five negative instruments, and recommended that two proposed negative instruments should be upgraded to the affirmative procedure.
98. Following the appointment of the sub-committees, the SLSC met relatively infrequently. It held three meetings and published five reports. These included reports on the Government's assessment of the likely volume and flow of Brexit-related instruments (November 2018),<sup>91</sup> on the quality of information provided in support of secondary legislation (following an evidence session in November 2018 with three Permanent Secretaries, repeating similar sessions in July 2016 and September 2017) (December 2018),<sup>92</sup> and on accessing the work of the Committee and information relating to secondary legislation (March 2019).<sup>93</sup> The Committee also published a report drawing the special attention of the House to the draft European Union (Withdrawal) Act 2018 (Exit Day) (Amendment) Regulations 2019 (March 2019).<sup>94</sup>
99. From October 2018 until they were suspended, Sub-Committee A met 25 times and Sub-Committee B 24 times. They published 25 and 24 reports respectively. These reports concerned a total of 741 instruments, of which 344 were affirmative and 397 negative instruments, and 201 proposed negative instruments. They drew to the special attention of the House 44 affirmative and 16 negative instruments, and recommended that 40 proposed negative instruments should be upgraded to the affirmative procedure. Many of the instruments were Brexit-related and were often quite lengthy and complex. Sub-Committee B drew the special attention of the House to the draft Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, noting, amongst other things, that its length (over 600 pages) and complexity was “a challenge to effective parliamentary scrutiny”<sup>95</sup> and risked

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90 Secondary Legislation Scrutiny Committee, *37th Report* (37th Report, Session 2017–19, HL paper 174)

91 Secondary Legislation Scrutiny Committee, *42nd Report* (42nd Report, Session 2017–19, HL Paper 214)

92 Evidence was taken from Elizabeth Gardiner, First Parliamentary Counsel and Permanent Secretary of the Government in Parliament Group in the Cabinet Office; Jonathan Jones, Treasury Solicitor, and Sir Chris Wormald, Permanent Secretary Department of Health and Social Care and Head of the Civil Service Policy Profession. Secondary Legislation Scrutiny Committee, *43rd Report* (43rd Report, Session 2017–19, HL Paper 248)

93 Secondary Legislation Scrutiny Committee, *45th Report* (45th Report, Session 2017–19, HL Paper 312)

94 Secondary Legislation Scrutiny Committee, *46th Report* (46th Report, Session 2017–19, HL Paper 326)

95 Secondary Legislation Scrutiny Committee (Sub-Committee B), *17th Report* (17th Report, Session 2017–19, HL Paper 293, para 55)



compromising the accessibility of the law.<sup>96</sup> Sub-Committee A was similarly critical of the draft Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 on the ground, amongst other things, that it covered such a diverse range of subjects that it inhibited effective scrutiny.<sup>97</sup> In February 2019, the sub-committees raised with the Chancellor of Exchequer the issue of timely availability of impact assessments (IAs), following instances where an IA was provided well after the instrument had been laid and, on occasion, after it had been debated. In response, the Chancellor acknowledged the importance of making IAs available for parliamentary scrutiny.

100. There is no equivalent to the SLSC in the Commons. With the introduction of sifting, however, a Commons committee—the European Statutory Instruments Committee (ESIC)—was appointed to exercise the new function. From an early stage, the SLSC and ESIC adopted a collaborative approach and, in accordance with the recommendation of the Commons Procedure Committee, sought “to establish and maintain good working relations and common understanding” with each other.<sup>98</sup> The SLSC and ESIC recommendations to upgrade to the affirmative procedure often, but not always, coincided. The Government have not rejected any of the recommendations to upgrade of either Committee.
101. The SLSC continues to scrutinise some treaties. Given forecasts about the numbers of treaties needed as a result of Brexit, in January 2019, it was agreed that the European Union Select Committee should, until the end of the session, be responsible for scrutinising Brexit-related treaties and international agreements.
102. In addition to drawing instruments to the special attention of the House, the Committee and sub-committees included in their reports information paragraphs where an instrument was of interest, was topical or followed an unusual process. Between 1 May 2018 and October 2018, before the sub-committees were appointed, the SLSC published 72 information paragraphs, and between October 2018 and until their suspension, the sub-committees published a total of 191 information paragraphs. In order to assist the House, instruments about which information paragraphs have been published (as well as instruments drawn to the special attention of the House) are now identified by an italicised note in House of Lords Business.<sup>99</sup> The Committee and sub-committees also published, as appendices to their reports, correspondence with Ministers and additional information provided by departments to supplement Explanatory Memoranda.
103. The work of the SLSC and its sub-committees ranges over the whole of government policy, and their reports are cited frequently in debate. A notable example was the SLSC’s report on the draft Regulation of Investigatory Powers (Juveniles) (Amendment) Order 2018, in July 2018, concerning the use of persons under 18 being used as a covert human intelligence sources.<sup>100</sup>

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96 Secondary Legislation Scrutiny Committee (Sub-Committee B), *17th Report* (17th Report, Session 2017–19, HL Paper 293, para 55)

97 Secondary Legislation Scrutiny Committee (Sub-Committee A), *17th Report* (17th Report, Session 2017–19, HL Paper 292, para 5)

98 Procedure Committee, *Scrutiny of delegated legislation under the European Union (Withdrawal) Act 2018* (Sixth Report, Session 2017–19, HC 1395, para 54)

99 See Secondary Legislation Scrutiny Committee, *45th Report* (45th Report, Session 2017–19, HL Paper 312, para 32).

100 Secondary Legislation Scrutiny Committee, *35th Report* (35th Report, Session 2017–19, HL Paper 168)

As well as raising significant concern in the House, the issue was extensively covered in the media. One newspaper commented:

“Downing Street tells us that child spies are used very rarely by British police and intelligence agencies, and only when it is judged really vital. How reassuring. We would not know if they were being used at all were it not for government plans to relax the controls on their use. The House of Lords committee on secondary legislation has revealed that children are being used in covert operations against terrorists, gangs and drug dealers, and child sexual exploitation (and in doing so, incidentally, demonstrated parliament at its best and most useful, in a week where it has often looked at its worst).”<sup>101</sup>

104. More recently, in March 2019, Sub-Committee B reported on the draft Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019.<sup>102</sup> The report was mentioned during the debate on the instrument along with the fact that the Sub-Committee had, exceptionally, received submissions from over 430 correspondents.

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101 The Guardian view on police and child spies: ends don’t always justify the means, *The Guardian* (20 July 2018): <https://www.msn.com/en-gb/news/uknews/the-guardian-view-on-police-and-child-spies-ends-don%E2%80%99t-always-justify-the-means/ar-BBKSaH2> [accessed 15 May 2019]

102 Secondary Legislation Scrutiny Committee (Sub-Committee B), [22nd Report](#) (22nd Report, Session 2017–19, HL Paper 327)

## CHAPTER 5: JOINT COMMITTEES

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### Joint Committee on Human Rights

105. The Joint Committee on Human Rights (JCHR) undertook several thematic inquiries, mostly on the theme of the right to liberty, some of which linked to scrutiny of legislation that was going through Parliament at the time. The inquiry into deprivation of liberty safeguards<sup>103</sup> considered the legal processes by which individuals who lack mental capacity can be detained (and released) on medical grounds. This brought together complex legal evidence and personal testimonies to propose changes to legislation, which were subsequently tabled as amendments to the Mental Capacity (Amendment) Bill.
106. The Committee undertook three inquiries into detention, which will report in spring 2019. The first of these, an inquiry into youth detention, considered the use of restraint and separation in custody and hospitals, hearing evidence from young people and families as well as staff who work in the institutions. The report was published on 18 April 2019.<sup>104</sup> The inquiry into assessment and treatment units is considering whether these hospital units are appropriate for children and young people with autism or learning disabilities, while the inquiry into children whose mothers are in prison is considering the need for dependent children to be considered more fully in sentencing decisions.
107. The Committee's inquiry into detention of the Windrush generation heard from people who had been detained, and scrutinised the Home Office's decision-making processes to identify flaws in its processes.<sup>105</sup> The Committee's follow-up inquiry into immigration detention proposed improved safeguards and appeals processes to protect against wrongful detention, and proposed a time limit on detention which is being proposed as an amendment to the Immigration Bill.<sup>106</sup> Also on the immigration theme, the Committee scrutinised the Immigration and Social Security Co-ordination (EU Withdrawal) Bill, and proposed amendments to protect the rights of EU citizens living in the UK. The Committee also considered a Remedial Order to address discrimination in the British Nationality Act 1981.
108. Finally, the Committee conducted a short inquiry into human rights protections in international agreements, which recommended a greater role for Parliament in scrutinising the human rights implications of treaties after Brexit.<sup>107</sup>

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103 Joint Committee on Human Rights, *The Right to Freedom and Safety: Reform of the Deprivation of Liberty Safeguards* (Seventh Report, Session 2017–19, HL Paper 161, HC 890)

104 Joint Committee on Human Rights, *Youth detention: solitary confinement and restraint* (Nineteenth Report, Session 2017–19, HL Paper 343, HC 994)

105 Joint Committee on Human Rights, *Windrush generation detention* (Sixth Report, Session 2017–19, HL Paper 160, HC 1034)

106 Joint Committee on Human Rights, *Immigration detention* (Sixteenth Report, Session 2017–19, HL Paper 279, HC 1484)

107 Joint Committee on Human Rights, *Human Rights Protections in International Agreements* (Seventeenth Report, Session 2017–19, HL Paper 310, HC 1833)



### Joint Committee on the National Security Strategy

109. In July 2018 the Joint Committee on the National Security Strategy published its report on *Cyber Security Skills and the UK's Critical National Infrastructure*.<sup>108</sup> It found that both the Government and the private sector lacked the necessary cybersecurity skills base, and that the shortage in specialist skills and deep technical expertise was one of the greatest challenges faced by the UK's Critical National Infrastructure operators and regulators. The report received coverage in the trade press. In response to the Government's publication of an Initial Security Skills Strategy in December 2018, the Chair of the Joint Committee wrote to the Minister for Digital and the Creative Industries, noting that most of the proposals appeared only to involve continuing current initiatives and schemes, and that the strategy did not meet the scale and urgency of action required.
110. In November 2018 the Joint Committee published its report on *Cyber Security of the UK's Critical National Infrastructure*.<sup>109</sup> The Joint Committee concluded that the cyber threat to the UK's critical national infrastructure was credible, potentially devastating and immediate, and that the Government was not acting with sufficient urgency and forcefulness. The report received widespread broadcast and press coverage. It was referred to in the National Audit Office's report on the National Cyber Security Programme.
111. The Joint Committee followed up its report *Conflict, Stability and Security Fund*,<sup>110</sup> published in January 2017, which raised significant concerns about the Conflict, Stability and Security Fund's (CSSF) lack of transparency and ministerial accountability. Following the report, the Government changed how the CSSF is run and how it reports on its work, including establishing a dedicated National Security Council sub-committee and publishing summaries and annual reviews of many CSSF programmes, as well as annual reports. In November 2018 the Joint Committee took evidence on this from witnesses including the Chancellor of the Duchy of Lancaster, the Deputy National Security Adviser, and the Director, Joint Funds Unit, National Security Secretariat.
112. In January 2019 the Joint Committee took evidence from Sir Mark Sedwill, Cabinet Secretary, Head of the Civil Service and National Security Adviser, to discuss the combining of these roles, threats to UK national security, the National Security Capability Review and Modernising Defence Programme, and countering hostile state activity. In March 2019 the Joint Committee held a roundtable on biological security, at which it heard from witnesses including the Chief Medical Officer, a former Secretary of State for Defence and the Research Director, International Security, Chatham House. It held a private session on the National Security Capability Review and Modernising Defence Programme, with experts including a former Defence Secretary and the Deputy Director-General, International Institute for Strategic Studies. This followed up its March 2018 report *National Security Capability Review: A changing security environment*.<sup>111</sup>

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108 Joint Committee on the National Security Strategy, *Cyber Security Skills and the UK's Critical National Infrastructure* (Second Report, Session 2017–19, HL Paper 172, HC 706)

109 Joint Committee on the National Security Strategy, *Cyber Security Skills and the UK's Critical National Infrastructure* (Second Report, Session 2017–19, HL Paper 172, HC 706)

110 Joint Committee on the National Security Strategy, *Conflict, Stability and Security Fund* (Second Report, Session 2016–17, HL Paper 105, HC 208)

111 Joint Committee on the National Security Strategy, *National Security Capability Review: A changing security environment* (First Report, Session 2017–19, HL Paper 104, HC 756)

### Pre-legislative scrutiny committees

113. After a dearth in joint committees on draft bills, in 2018–19 four such committees began their work, including the two committees whose work is outlined below.

#### *Joint Committee on the Draft Health Service Safety Investigations Bill*

114. The Francis inquiry into the Mid-Staffordshire NHS Foundation Trust reported in 2013, and was one of the driving forces behind the 2015 inquiry by the House of Commons Public Administration Select Committee which recommended the setting up of a national agency to investigate the most serious patient safety issues in the NHS. A Health Safety Investigation Branch was established as part of the Department of Health in April 2017. To provide it with a statutory basis and operational independence the Government published a draft Bill in September 2017, and on 15 May 2018 a Joint Committee was established to conduct pre-legislative scrutiny of the draft Bill. The Committee reported on 24 July 2018.
115. The Committee was broadly supportive of the draft Bill. Apart from some technical points, their major issue was with Part 3 of the draft Bill, which provided for NHS Trusts to be able gain accreditation to carry out their own “safe space” investigations (i.e. the prohibition on disclosure of information held in connection with an investigation, except in very limited circumstances, designed to encourage NHS staff to speak freely in the course of investigations).<sup>112</sup> In their response, published in December 2018, the Government accepted the Committee’s recommendation that these accreditation provisions should be removed from the Bill altogether. However, the Government have yet to provide legislative time for the Bill.

#### *Joint Committee on the Draft Parliamentary Buildings Bill*

116. Early in 2018 both Houses agreed resolutions to begin work in connection with the restoration and renewal (R&R) of the Palace of Westminster. Both resolutions required “immediate steps” to be taken to establish a shadow Sponsor Body and Delivery Authority. The Government published the Draft Parliamentary Buildings (Restoration and Renewal) Bill to give a statutory basis for these two bodies and for an Estimates Commission. The Joint Committee appointed to examine the draft Bill reported on 13 March 2019.
117. The Committee broadly supported the provisions on the governance and structures of these bodies proposed in the draft Bill. However, the Committee thought it undesirable to have to repeat the public appointments process by which the external members of the shadow bodies had been appointed simply to enable them to be re-appointed to the statutory bodies. The Committee recommended that the Parliamentary members should be elected by each House, and that a Treasury Minister should be an additional member of the Sponsor Body. The Committee also recommended that the Sponsor Body should take control of the Northern Delivery Programme, including Richmond House, from the House of Commons Commission.

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<sup>112</sup> See Para 47 of Joint Committee on the Draft Health Service Safety Investigations Bill, *Draft Health Service Investigations Bill: A new capability for investigating patient safety incidents* (Report of Session 2017–19, HL Paper 180, HC 1064).

118. The Committee also made a wide range of recommendations about the work of and relationship between the bodies, and about R&R generally, which did not affect the content of the draft Bill.

## CHAPTER 6: COMMUNICATING MORE WIDELY

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### Introduction

119. Committee communications play a major role in communicating about the work of the House more generally. Committee activity can be far removed from the traditional image of the House at work. In 2018–19 Committees continued to receive widespread print and broadcast media coverage, most of it positive.

### Media coverage

120. The period between 16 April 2018–30 April 2019 saw 3,347 articles or broadcast features about House of Lords Select Committees, including 276 articles relating to domestic committees.
121. Of those articles 3,047 were positive, 251 were neutral and 49 were negative. The coverage included 1,436 items of broadcast coverage, 627 articles in national print media, 570 in regional print media, 358 in specialist trade publications, 56 in consumer titles, and 147 on political websites. Broadcast coverage includes some repeat broadcasts, for example when a committee session is broadcast on BBC Parliament it is often repeated later in the week.
122. These totals only include coverage picked up by the press cuttings service used by Parliament. This only includes cuttings from a small number of websites (news websites that do not have a print version—BBC Online, The Independent, Huffington Post etc). It is likely to underestimate the full level of coverage.
123. The media outlets covering Lords Committees most regularly during the period were The Times (80 articles), The Yorkshire Post (55 articles), The Daily Telegraph (53 articles), BBC News Channel (51 features), BBC News Website (50 articles) and The Independent website (49 articles).
124. The leading investigative committees in terms of incidence of coverage were:
- Economic Affairs Committee—516 articles/features
  - EU Sub-Committee on Energy and Environment—484 articles/features
  - Intergenerational Fairness and Provision Committee—257 articles/features
  - International Relations Committee—213 articles/features
  - EU Select Committee—200 articles/features
  - Rural Economy Committee—172 articles/features
  - Communications Committee—156 articles/features
  - Regeneration of Seaside Towns Committee—153 articles/features
  - Science and Technology Committee—105 articles/features
  - EU Sub-Committee on Home Affairs—94 articles/features
  - EU Sub-Committee on Financial Affairs—90 articles/features

## APPENDIX 1: ACTIVITY INDICATOR DATA BY FINANCIAL YEAR

	2014/15 (Joint Committees)	2015/16 (Joint Committees)	2016/17 (Joint Committees)	2017/18 (Joint Committees)	2018/19 (Joint Committees)
number of committees/sub-committees	18 <sup>113</sup> (3)	20 <sup>114</sup> (3)	20 <sup>115</sup> (2)	19 <sup>116</sup> (2)	20 <sup>117</sup> (3)
number of committee meetings	423 (40)	406 (29)	533 (39)	430 (26)	567 (45)
number of committee members	211 (19)	238 (23)	295 (16)	229 (16)	245 (22)
number of witnesses giving oral evidence	641 (70)	857 (77)	1,120 (95)	778 (77)	939 (119)
number of written submissions received	863 (106)	1,270 (208)	1,791 (284)	917 (327)	1,377 (229)
number of reports published	53 (12)	27 (2)	59 (11)	44 (7)	65 (15)
number of printed pages of reports	3,460 (725)	1,394 (220)	3,957 (551)	2,395 (298)	3,075 (541)
resource expenditure outturn	£3,611,305	£3,790,216	£3,954,294	£3,873,109	£4,211,641 <sup>118</sup>

Note: All figures exclude the Secondary Legislation Scrutiny Committee, the Delegated Powers and Regulatory Reform Committee and the Joint Committee on Statutory Instruments. The SLSC publishes data on its activity in its own yearly reports on the work of the Committee.

113 Including JCHR, Joint Committee on the Draft Charities Bill. Excluding JCNSS and Parliamentary Commission on Banking Standards.

114 Including JCHR, Joint Committee on the Draft Investigatory Powers Bill and JCNSS. Excluding Joint Committee on the Palace of Westminster.

115 Including JCHR and JCNSS. Excluding Joint Committee on the Palace of Westminster and the Select Committee on the High Speed Rail (London - West Midlands) Bill.

116 Including JCHR and JCNSS.

117 Including JCHR, JCNSS and Joint Committee on the Draft Registration of Overseas Entities Bill. Excluding Joint Committee on the Draft Health Service Safety Investigations Bill, Joint Committee on the Draft Parliamentary Buildings Bill and Joint Committee on the Draft Domestic Abuse Bill.

118 Provisional resource expenditure outturn.

**APPENDIX 2: LIST OF INVESTIGATIVE SELECT COMMITTEE REPORTS PUBLISHED IN 2018–19,<sup>119</sup> INCLUDING DATES OF GOVERNMENT RESPONSE**

<b>Committee</b>	<b>Title</b>	<b>Publication date</b>	<b>Government response received</b>
Bribery Act 2010	The Bribery Act 2010: post-legislative scrutiny	14 March 2019	13 May 2019
Communications	Regulating in a digital world	9 March 2019	15 May 2019
Constitution	Ivory Bill	23 July 2018	18 October 2018
Constitution	Trade Bill	15 October 2018	22 January 2019
Constitution	Counter-Terrorism and Border Security Bill	26 October 2018	28 November 2018
Constitution	Northern Ireland (Executive Formation and Exercise of Functions) Bill	29 October 2018	6 February 2019
Constitution	The Legislative Process: The Delegation of Powers	20 November 2018	25 January 2019
Constitution	Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill	31 January 2019	None required
Constitution	Healthcare (International Arrangements) Bill	18 February 2019	8 March 2019
Constitution	European Union (Withdrawal) (No.5) Bill	4 April 2019	None required
Economic Affairs	Treating Students Fairly: The Economics of Post-School Education	11 June 2018	10 August 2018
Economic Affairs	Measuring Inflation	15 January 2019	Due 17 March 2019, no further date agreed for a response

<sup>119</sup> 19 April 2018–28 April 2019.

<b>Committee</b>	<b>Title</b>	<b>Publication date</b>	<b>Government response received</b>
Economic Affairs Finance Bill Sub-Committee	The Powers of HMRC: Treating Taxpayers Fairly	4 December 2018	31 January 2019
Economic Affairs Finance Bill Sub-Committee	Making Tax Digital For VAT: Treating Small Businesses Fairly	22 November 2018	31 January 2019
EU Energy and Environment	Brexit: food prices and availability	10 May 2018	9 July 2018
EU Energy and Environment	Brexit: plant and animal biosecurity	24 October 2018	3 January 2019
EU Energy and Environment	Brexit: chemical regulation	7 November 2018	7 January 2019
EU Energy and Environment	Fisheries: implementation and enforcement of the EU landing obligation	8 February 2019	4 April 2019
EU External Affairs	Brexit: Common Security and Defence Policy missions and operations	14 May 2018	23 July 2018
EU External Affairs	Brexit: the customs challenge	20 September 2018	Due 20 November 2018, no further date agreed for a response
EU Financial Affairs	Brexit: the European Investment Bank	31 January 2019	30 March 2019
EU Home Affairs	Brexit: the proposed UK-EU security treaty	11 July 2018	12 September 2018
EU Home Affairs	Brexit: movement of people in the cultural sector	26 July 2018	5 November 2018
EU Home Affairs	Brexit: the Erasmus and Horizon programmes	12 February 2019	11 April 2019
EU Internal Market	Subsidiarity Assessment: discontinuing seasonal changes of time	22 October 2018	None required
EU Justice	Dispute resolution and enforcement after Brexit	3 May 2018	5 July 2018



<b>Committee</b>	<b>Title</b>	<b>Publication date</b>	<b>Government response received</b>
EU Select	UK-EU relations after Brexit	8 June 2018	9 August 2018
EU Select	Brexit: the Withdrawal Agreement and Political Declaration	5 December 2018	Due 5 February 2019, no further date agreed for a response
EU Select	Scrutiny of international agreements: treaties considered on 5 February 2019	6 February 2019	None required
EU Select	Scrutiny of international agreements: treaties considered on 12 February 2019	13 February 2019	None required
EU Select	Scrutiny of international agreements: treaties considered on 20 February 2019	21 February 2019	None required
EU Select	Scrutiny of international agreements: treaties considered on 26 February	27 February 2019	None required
EU Select	Scrutiny of international agreements: treaties considered on 5 March 2019	6 March 2019	None required
EU Select	Scrutiny of international agreements: treaties considered on 12 March 2019	13 March 2019	None required
EU Select	Scrutiny of international agreements: treaties considered on 19 March 2019	20 March 2019	None required
EU Select	Beyond Brexit: how to win friends and influence people	25 March 2019	Due 25 May 2019, no further date agreed for a response

<b>Committee</b>	<b>Title</b>	<b>Publication date</b>	<b>Government response received</b>
EU Select	Scrutiny of international agreements: treaties considered on 3 April 2019	4 April 2019	None required
EU Select	Scrutiny of international agreements: treaties considered on 9 April 2019	10 April 2019	None required
Intergenerational Fairness and Provision	Tackling intergenerational unfairness	25 April 2019	Not yet due
International Relations	The NATO Summit 2018	5 June 2018	None required
International Relations	The United Nations General Assembly 2018	27 June 2018	None required
International Relations	UK foreign policy in a shifting world order	18 December 2018	6 March 2019
International Relations	Yemen: giving peace a chance	16 February 2019	Not yet due
International Relations	Nuclear Non-Proliferation and nuclear disarmament	24 April 2019	Not yet due
JCHR	Proposal for a draft British Nationality Act 1981 (Remedial) Order 2018	31 May 2018	None required
JCHR	Windrush generation detention	29 June 2018	21 September 2018
JCHR	The Right to Freedom and Safety: Reform of the Deprivation of Liberty Safeguards	29 June 2018	2 April 2019
JCHR	Legislative Scrutiny: Counter-Terrorism and Border Security Bill	10 July 2018	4 September 2018
JCHR	Freedom of Speech in Universities: Responses	13 July 2018	None required
JCHR	Enforcing Human Rights	19 July 2018	13 September 2018
JCHR	Second Legislative Scrutiny Report: Counter-Terrorism and Border Security Bill	12 October 2018	28 November 2018

<b>Committee</b>	<b>Title</b>	<b>Publication date</b>	<b>Government response received</b>
JCHR	Legislative Scrutiny: Mental Capacity (Amendment) Bill	26 October 2018	2 April 2019
JCHR	Proposal for a draft Jobseekers (Back to Work Schemes) Act 2013 (Remedial) Order 2018	31 October 2018	None required
JCHR	Draft Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018	20 November 2018	None required
JCHR	Proposal for a draft Human Rights Act 1998 (Remedial) Order 2019	21 November 2018	None required
JCHR	Immigration detention	7 February 2019	Delayed
JCHR	Human Rights Protections in International Agreements	12 March 2019	21 May 2019
JCHR	Legislative Scrutiny: Immigration and Social Security Co-ordination (EU Withdrawal) Bill	26 March 2019	None required
JCHR	Youth detention: solitary confinement and restraint	18 April 2019	Not yet due
JCNSS	Cyber Security Skills and the UK's Critical National Infrastructure	19 July 2018	13 November 2018
JCNSS	Cyber Security of the UK's Critical National Infrastructure	19 November 2018	7 March 2019
Liaison	Review of Investigative Select Committee activity in 2017–18	19 July 2018	None required
Liaison	New special inquiry committees 2019–20	18 March 2019	None required
Regenerating Seaside Towns	The future of seaside towns	4 April 2019	5 June 2019
Rural Economy	Time for a strategy for the rural economy	27 April 2019	Not yet due
Science and Technology	Life Science Industrial Strategy: Who's driving the bus?	26 April 2018	27 June 2018
Science and Technology	Off-site manufacture for construction: Building for change	19 July 2018	14 September 2018