

Vol. 781
No. 10



Monday
27 February 2017

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

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Earl Howe	Minister of State, Ministry of Defence and Deputy Leader of the House of Lords
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Baroness Anelay of St Johns	Minister of State, Foreign and Commonwealth Office
Lord Ashton of Hyde	Parliamentary Under-Secretary of State, Department for Culture, Media and Sport, Whip
Lord Bates	Minister of State, Department for International Development
Lord Bourne of Aberystwyth	Parliamentary Under-Secretary of State, Department for Communities and Local Government, Wales Office
Lord Bridges of Headley	Parliamentary Under-Secretary of State, Department for Exiting the European Union
Baroness Buscombe	Whip
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Lord Dunlop	Parliamentary Under-Secretary of State, Scotland Office and Northern Ireland Office
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Baroness Goldie	Whip
Lord Henley	Parliamentary Under-Secretary of State, Department for Work and Pensions
Lord Keen of Elie	Advocate-General for Scotland and Ministry of Justice Spokesperson
Baroness Mobarik	Whip
Lord Nash	Parliamentary Under-Secretary of State, Department for Education
Baroness Neville-Rolfe	Commercial Secretary to the Treasury
Lord O'Shaughnessy	Parliamentary Under-Secretary of State, Department of Health
Lord Price	Minister of State, Department for International Trade
Lord Prior of Brampton	Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy
Baroness Shields	Parliamentary Under-Secretary of State, Home Office
Lord Taylor of Holbeach	Chief Whip
Baroness Vere of Norbiton	Whip
Baroness Williams of Trafford	Minister of State, Home Office
Lord Young of Cookham	Whip
Viscount Younger of Leckie	Whip

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Written Statements

Monday, 27 February 2017

Competitiveness Council: Post-Council Statement

[HLWS505]

Lord Prior of Brampton: The Competitiveness Council met recently in Brussels. I represented the UK at the meeting.

Council began with the approval of the legislative and non-legislative ‘A’ items.

The Council then reached agreement on a general approach for the proposed text on enforcement in the Consumer Protection Cooperation Regulation. Alongside most other Member States, the UK supported the text of the regulation.

The next item was an exchange of views as part of the regular competitiveness check-up on the EU economy. This focussed on investment in intangible assets. The Commission presented evidence to show that the gap between the EU and US on investment in intangible assets is growing, and highlighted its own efforts to help small and medium-sized enterprises. In the following discussion, Member States shared best practice and identified areas where they felt the EU could add value.

The Council next discussed actions to modernise public procurement in the context of the European Semester. The Commission set out its views on the state of public procurement across the EU as published in its Annual Growth Survey 2017. Member States emphasised their efforts to promote environmentally friendly and socially responsible procurement, as well as ensuring access for SMEs.

Over lunch Ministers were joined by two guest speakers Markus Beyrer (Business Europe) and Hariolf Kotmann (Clariant) to debate the competitiveness of European industries. Member States were asked to consider the appropriate balance between pan-European, national and regional initiatives. Issues of investment and innovation capacity were also discussed. I explained the approach we are taking to development of the UK’s new industrial strategy and that we are seeking to address the cross-cutting, geographical and horizontal issues which impact businesses, rather than focussing on a purely sectoral approach.

The afternoon session began with a presentation from the Commission on its start-up and scale-up initiative (published last autumn). The Commission emphasised that the key challenge is supporting SMEs to scale up to become larger, job-creating enterprises. In the discussion, measures promoting access to finance received the greatest praise from the Council which perceives this as a key barrier to scaling-up. Some Member States requested a single EU-wide definition of a “start-up”. Others emphasised that there was a barrier to scaling-up beyond

national borders as the single market is not, in fact, a reality.

Next the Presidency gave a progress report on the negotiations of the revised regulations on type approval and market surveillance of motor vehicles. The European Parliament has recently agreed on a text. The Presidency said it hopes that an agreement in Council will be possible at the next Competitiveness Council meeting in May. The Commission reiterated its message that swift progress on this file was imperative in order to respond to the Volkswagen scandal and fix the systematic failures of the type approval system. Most Member States supported the Commission’s proposal, although some had reservations about some of the provisions in the text.

Next the Council took note of information from the Commission on the European Defence Action Plan. In November the Commission adopted the European Defence Action Plan, which is the industrial pillar of the EU defence package. The Commission highlighted the need for more competitive defence technology. It outlined that it does not seek to replace Member State action in this area, but is looking for a dialogue on where support is needed. Several Member States supported the Commission’s plan.

The next item was information from the Presidency on the implementation and entry into operation of the Unitary Patent and the Unified Patent Court (UPC). The Commission echoed calls for signatory states to ratify the agreement without delay, pointing out the barrier to innovation caused by the currently fragmented patent system. I updated the Council on the domestic processes required for entry into force of the UPC in the UK and the progress we are making.

This was followed by information from the Commission on its recent services package. Several Member States, including the UK, welcomed the Commission’s package and called for rapid and ambitious consideration of it by the Council. Other Member States expressed concerns about aspects of the package.

Next the Council discussed a joint paper from nine Member States on the competitiveness of the single market. The group was concerned about potentially burdensome new regulatory measures, particularly on minimum wages, introduced at national-level by some Member States. They feared these measures discriminate against workers and businesses in other member states, reducing their competitiveness. This could lead to single market fragmentation, with the road transport sector particularly affected. The Commission, after taking note of the discussion, stated it would publish its road package later in the year.

Council concluded with an update from the Presidency on the regulation on cross-border portability of online content services. The Presidency expressed delight at having reached a full political agreement on the regulation. This will see subscribers able to take their subscriptions to online content abroad with them when they travel around the EU. The Presidency declared this

as an important step towards modernising copyright for the Digital Single Market, removing some of the existing licensing and commercial barriers. The Presidency thanked Member States for their hard work and cooperation.

Justice Update

[HLWS506]

Lord Keen of Elie: My right honourable friend the Lord Chancellor and Secretary of State for Justice (Elizabeth Truss) has made the following Written Statement.

"Earlier today, I notified the market via the London Stock Exchange group that I would today lay a Statutory Instrument to change the discount rate applicable to personal injury lump sum compensation payments, to minus 0.75%.

Under the Damages Act 1996, I, as Lord Chancellor, have the power to set a discount rate which courts must consider when awarding compensation for future financial losses in the form of a lump sum in personal injury cases.

The current legal framework makes clear that claimants must be treated as risk averse investors, reflecting the fact that they may be financially dependent on this lump sum, often for long periods or the duration of their life.

The discount rate was last set in 2001, when the then-Lord Chancellor, Lord Irvine of Lairg, set the rate at 2.5%. This was based on a three year average of real yields on index-linked gilts. Since 2001, the real yields on index-linked gilts has fallen, so I have decided to take action.

Having completed the process of statutory consultation, I am satisfied that the rate should be based on a three year

average of real returns on index-linked gilts. Therefore I am setting it at minus 0.75%. A full statement of reasons, explaining how I have decided upon this rate, will be placed in the Libraries of both Houses. The Statutory Instrument to effect this change has been laid today, and will become effective on 20 March 2017.

There will clearly be significant implications across the public and private sector. The Government has committed to ensuring that the NHS Litigation Authority has appropriate funding to cover changes to hospitals' clinical negligence costs. The Department of Health will also work closely with General Practitioners (GPs) and Medical Defence Organisations to ensure that appropriate funding is available to meet additional costs to GPs, recognising the crucial role they play in the delivery of NHS care.

The Government will review the framework under which I have set the rate today to ensure that it remains fit for purpose in the future. I will bring forward a consultation before Easter that will consider options for reform including: whether the rate should in future be set by an independent body; whether more frequent reviews would improve predictability and certainty for all parties; and whether the methodology – which in effect assumes that claimants would invest only in index-linked gilts – is appropriate for the future. Following the consultation, which will consider whether there is a better or fairer framework for claimants and defendants, the Government will bring forward any necessary legislation at an early stage.

I recognise the impacts this decision will have on the insurance industry. My Rt. Hon. Friend the Chancellor will meet with insurance industry representatives to discuss the situation."

Written Answers

Monday, 27 February 2017

Chronic Obstructive Pulmonary Disease

Asked by Lord Freyberg

To ask Her Majesty's Government what is their response to the findings of the Healthcare Quality Improvement Partnership's National Chronic Obstructive Pulmonary Disease Audit Programme: National supplementary report published on 1 February. [HL5442]

Lord O'Shaughnessy: The pattern identified in the report was increasing number of admissions and readmission together with reduced length of stay and improved mortality. This reflects improvements in acute care for acute episodes in a long term condition for which there is no ultimate cure. The established pattern, backed up by epidemiological data, now appears to be one of increasingly frequent hospital admissions in the last years of life.

The Government expects National Health Service commissioners and providers to use the report, along with other evidence, to continue to improve services.

Clinical Reference Groups

Asked by Baroness Wheeler

To ask Her Majesty's Government when NHS England will publish the details of clinical and patient and public voice members who have been appointed to Clinical Reference Groups since May 2016. [HL5487]

Lord O'Shaughnessy: NHS England is in the process of refreshing the Clinical Reference Group (CRG) webpages and the names of all CRG members will be published by April 2017.

Evan Mawarire

Asked by Lord Oates

To ask Her Majesty's Government on what grounds they declined a visa to Pastor Evan Mawarire in 2016, preventing him from addressing UK parliamentarians. [HL5465]

Baroness Williams of Trafford: The Home Office does not routinely comment on individual cases. All applications for a visa to travel to the UK are considered on their individual merits, in accordance with the Immigration Rules.

Health Services: USA

Asked by Lord Pendry

To ask Her Majesty's Government, in the light of the statement by the Secretary of State for Health in his

speech to the Conservative Party Conference that "a country that works for everyone takes special care of the public service closest to everyone's heart", what was the outcome of his recent visit to New York to discuss links and collaboration between the UK and US health sectors. [HL5575]

Lord O'Shaughnessy: After the referendum vote to leave the European Union, the Secretary of State for Health committed to meeting the Chief Executives of the global top 10 pharmaceutical companies. As part of this, he visited New York to deliver assurance of the United Kingdom's commitment to life sciences, research and innovation and to encourage United States investment in the UK life sciences sector.

High Speed 2 Railway Line

Asked by Lord Berkeley

To ask Her Majesty's Government what steps they have taken to ensure that all bidders for phase 2B of the HS2 project, including the successful company CH2M, were compliant with Article 42 of Directive 2014/25/EU on procurement by entities operating in the water, energy, transport and postal services sectors, regarding conflicts of interest in procurement procedures. [HL5428]

Lord Ahmad of Wimbledon: All applicants are required to identify any real or perceived conflicts of interest together with a management plan for their resolution in their Pre-Qualification Questionnaires submission that is assessed as part of the prequalification evaluation process. Applicants are then required to notify HS2 Ltd immediately if any such information provided with a PQ Application changes at any subsequent stage in the procurement process.

HS2 Ltd's contracts for consultants providing services to HS2 Ltd include conflicts of interest clauses that require the relevant consultants to undertake ongoing and regular conflict of interest checks throughout the duration of their contract and to notify HS2 Ltd in writing immediately on becoming aware of any actual or potential conflict of interest and to work with HS2 Ltd to do whatever is necessary (including the separation of staff working on, and data relating to, the services from the matter in question) to manage such conflict to the HS2 Ltd's satisfaction.

All individuals involved in the evaluation process are required to sign a form confirming that they do not have any conflicts of interest in connection with the bidding organisations before they are allowed to undertake their evaluation, and this forms part of HS2 Ltd's evaluator training.

Any real or perceived conflicts of interest that are raised through any of these routes are referred to HS2 Ltd's compliance team for resolution or escalated to HS2 Ltd's Conflicts Panel if required.

Planet Aid

Asked by Lord Patel of Bradford

To ask Her Majesty's Government when the decision was made to stop the Department for International Development funding for the charity Planet Aid; what formal evaluation or audits were made of the work of Planet Aid and when were those carried out; and on what evidence the recommendation to stop Planet Aid funding was made. [[HL5468](#)]

Lord Bates: DFID has no record of directly funding Planet Aid and therefore no record of stopping funding to the organisation.

Refugees: Children

Asked by The Lord Bishop of Durham

To ask Her Majesty's Government whether they will accept unaccompanied child refugees under section 67 of the Immigration Act 2016 in the financial year 2017–18. [[HL5438](#)]

Baroness Williams of Trafford: Under the Immigration Act we made a commitment to transfer a specified number of unaccompanied refugee children to the UK. On 8 February the Government announced that we will transfer the specified number of 350 children to the UK under section 67 of the Immigration Act. This includes the more than 200 children already transferred under section 67 from France as part of the UK's support for the Calais camp clearance. This number has been agreed following consultation with local authorities on

their capacity to accommodate and care for unaccompanied children. We will announce in due course the basis on which further children will be transferred from Europe to the UK under section 67 of the Immigration Act to the specified number.

Social Services: Pay

Asked by Lord Beecham

To ask Her Majesty's Government what estimate they have made of the impact of the requirement for the employers of careworkers to pay for sleep-in time and what steps they will take to ensure that local authorities are able to fund the additional costs. [[HL5383](#)]

Lord Bourne of Aberystwyth: Local authorities are responsible for commissioning suitable care for anyone assessed as having eligible care needs. It has always been the responsibility of social care providers to pay care workers the National Minimum Wage /National Living Wage for sleeping time, if what they are doing amounts to work under their Contract.

Following measures announced in the Local Government Finance Settlement local authorities will have access to £7.6 billion of new money for adult social care by 2019/20. These changes mean that local government will have access to the funding it needs to increase spending on adult social care every year in this Parliament. The key Government departments with an interest in adult social care work together regularly to review the effectiveness of the system to support future decisions.

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