



Queen's Speech: Home Affairs, Communities and Local Government, Justice, Constitutional Affairs and Devolved Affairs

Day 3: 27 June 2017

Summary

This Lords Library briefing has been prepared in advance of the forthcoming Queen's Speech, which is due to take place on 21 June 2017. The House of Lords is due to debate the Queen's Speech over five days between 22 and 29 June 2017. This briefing is one of five prepared by the House of Lords Library to cover the themes of each day of debate.

The Conservative Party won the largest number of seats at the 2017 general election, but did not secure an overall majority in the House of Commons. At the time of writing, the Conservative Party and the Democratic Unionist Party were in negotiations regarding a potential coalition or confidence and supply arrangement. Any agreement between the parties will have implications for which proposals the Government will bring forward. However, in lieu of any agreement, the Conservatives may seek to govern without a majority, which again will affect the contents of the Queen's Speech. The Labour Party has said it will table an amendment, setting out its own programme for government.

In this context, this briefing sets out commitments in the Conservative Party manifesto for each policy area to be debated, together with relevant policy and legislative proposals made by the previous Conservative Government. It does not constitute official information about the Government's intentions or provide a complete list of bills to be announced. This briefing also highlights sections of the Democratic Unionist Party manifesto, and comments or material from opposition parties, which may be helpful in establishing which Conservative proposals will be put forward in the Queen's Speech. Again, this does not constitute official information about the forthcoming legislative programme, rather it is provided with the aim of indicating the policy intentions of parties prior to the general election.

The Government announced on 17 June 2017 that the forthcoming parliamentary session would last two years to "give MPs enough time to fully consider the laws required to make Britain ready for Brexit".

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Home Affairs

Domestic Violence and Abuse Bill

On 17 February 2017, the Prime Minister, Theresa May, announced plans for a cross-governmental programme of work aimed at developing a Domestic Violence and Abuse Bill.¹ The Government stated that this programme of work would look at what could be done to improve support for victims, especially the way the law operates in such cases. It would also invite experts to contribute ideas and proposals for improving the way the system for dealing with domestic violence and abuse operates. Speaking at the time, the Prime Minister stated that the programme of work had the “potential to completely transform the way we think about and tackle domestic violence and abuse”, and that “given the central importance of victim evidence to support prosecutions in this area, raising public awareness—as well as consolidating the law—will prove crucial”.²

The Conservative manifesto confirmed that a Conservative Government would seek to bring forward a Domestic Violence and Abuse Bill in the next Parliament to “consolidate all civil and criminal prevention and protection orders and provide for a new aggravated offence if behaviour is directed at a child”.³ The document explained that there is currently no statutory definition of domestic violence and abuse, so a Conservative Government would also legislate to enshrine a definition of domestic violence and abuse in law.⁴ The document contained a commitment to create a domestic violence and abuse commissioner in law. The role of this individual would be to “stand up for victims and survivors, monitor the response to domestic violence and abuse and hold the police and the criminal justice system to account”. The manifesto also undertook that a Conservative Government would support victims of domestic violence to leave abusive partners, review the funding for refuges and ensure that victims who have lifetime tenancies and flee violence are able to automatically secure a new lifetime tenancy.

Security and Counter-Terrorism

On the subject of counter-terrorism, the manifesto stated that a Conservative Government would invest in the security services and maintain and develop the UK's counterterrorism strategy, known as CONTEST.⁵ In 2016, the Home

¹ Prime Minister's Office, [Prime Minister's Plans to Transform the Way We Tackle Domestic Violence and Abuse](#), 17 February 2017.

² *ibid.*

³ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 58.

⁴ The Government's current definition of domestic violence and abuse is: “any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality”. The abuse can encompass, but is not limited to: psychological; physical; sexual; financial; and/or emotional (Home Office, [Domestic Violence and Abuse](#), 8 March 2016).

⁵ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 44.

Office led a cross-government review of the CONTEST strategy.⁶ In March 2017, the Government stated that the National Security Council had considered and approved the review's recommendations and would publish a new strategy "shortly".⁷

Regarding extremism, the manifesto stated that a Conservative Government would consider what new criminal offences might need to be created, and what aggravated offences might need to be established, to defeat extremist behaviours. The document also undertook to establish a Commission for Countering Extremism to "identify examples of extremism and expose them, to support the public sector and civil society, and help the Government to identify policies to defeat extremism and promote pluralistic values".⁸

Following the terror attack in London during the final week of the election campaign, Prime Minister Theresa May made a speech in which she stated that "enough is enough" and outlined four important challenges for government to tackle:

- Defeating the ideology of Islamist extremism.
- Regulating cyberspace to prevent the spread of extremism and terrorist planning.
- Depriving extremists of their safe spaces in the real world, both at home and abroad.
- Reviewing the UK's counter-terrorism strategy to make sure the police and security services have all the powers they need in the light of the changing threat.⁹

The Prime Minister added that a Conservative Government would consider increasing the length of custodial sentences for terrorism-related offences, "even apparently less serious offences", if this was deemed necessary.¹⁰ The Prime Minister was also reported to have later stated that she wanted to do more to restrict the freedom and movements of terrorist suspects; that she had suggested the possibility of increasing the period for which terror suspects can be held without trial; and she would look at work with authorities to make it easier to deport foreign terrorist suspects back to their own countries.¹¹ In

⁶ House of Commons, '[Written Question: Counter-terrorism](#)', 14 March 2017, 66619.

⁷ *ibid.*

⁸ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 55.

⁹ Prime Minister's Office, '[PM Statement Following London Terror Attack: 4 June 2017](#)', 4 June 2017. Conservative Party campaign material subsequently summarised the Prime Minister's four proposed actions for defeating Islamist extremism as follows: stronger disruptive powers for the police and security services; longer sentences for terrorism-related offences; stop the internet being a safe space for terrorists; more intervention to stop extremism in British communities (Conservative Party, '[Action to Defeat Islamist Extremism](#)', 5 June 2017).

¹⁰ Prime Minister's Office, '[PM Statement Following London Terror Attack: 4 June 2017](#)', 4 June 2017.

¹¹ BBC News, '[Theresa May: Human Rights Laws Could Change for Terror Fight](#)', 7 June 2017; and James Blitz, '[Security and Human Rights Dominate Final Day Before UK Election](#)', *Financial Times* (£), 7 June 2017.

response, the Shadow Secretary of State for Exiting the European Union, Sir Keir Starmer, stated during the campaign that there was “no incompatibility between protecting human rights and taking effective action against terrorists”. For the Liberal Democrats, the former Deputy Prime Minister, and the Party’s Brexit spokesperson during the campaign, Nick Clegg, is reported to have described the Prime Minister’s proposals as a “crass last-minute attempt to divert attention from the much more difficult questions around our antiterrorism policy to appeal to the splenetic prejudices of the right-wing tabloids”.¹²

On security in Northern Ireland, the Conservative manifesto stated that, while the number of terror attacks from dissident republican terrorists had fallen from 40 in 2010 to four in 2016, the “threat they pose remains severe and the need for vigilance paramount”. The document stated that a Conservative Government would “continue to confront and combat those who use violence, threats and intimidation”, in addition to providing the “fullest possible” support to the Police Service of Northern Ireland and other agencies.¹³

The Democratic Unionist Party manifesto stated that the Party believed that a review of terrorism legislation was required to establish whether present arrangements “need to be updated or upgraded”.¹⁴ The Party stated that such a review should include:

- An updated legal framework for intelligence led anti-terrorism investigations and operations in the UK.
- A UK-wide definition of a victim which excludes perpetrators.
- Changes to the glorification of terrorism offences with an examination of the 20-year time limit.
- Consideration of intelligence and security committee membership representing all regions of the UK.¹⁵

Crime and Policing

The Conservative manifesto stated that a Conservative Government would introduce a new national infrastructure police force, bringing together the Civil Nuclear Constabulary, the Ministry of Defence Police and the British Transport Police, as a means to improve the protection of critical infrastructure—such as

¹² James Blitz, ‘[Security and Human Rights Dominate Final Day Before UK Election](#)’, *Financial Times* (£), 7 June 2017. The European Convention on Human Rights allows for derogations—or opt-outs—during periods of emergency and the UK derogated from Article 5 of the ECHR—relating to the right to liberty and security of the person—during the troubles in Northern Ireland.

¹³ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 34.

¹⁴ Democratic Unionist Party, [The DUP Manifesto for the 2017 Westminster Election](#), 31 May 2017, p 17.

¹⁵ *ibid.*

nuclear sites, railways and the strategic road network.¹⁶

Regarding police recruitment and working practices, the manifesto made a commitment to extend direct entry into the police, including at chief officer level.¹⁷ It also stated that the Conservatives would seek to legislate to mandate changes in police practices if “‘stop and search’ does not become more targeted and ‘stop and arrest’ ratios do not improve”.¹⁸

The issue of police numbers and funding arose during the election campaign, with the Labour Party accusing the Conservatives of having overseen cuts to both during that party's time in government.¹⁹ The Foreign Secretary, Boris Johnson, stated that the Government had invested in the security services and was increasing the number of armed officers. On this issue, the Democratic Unionist Party pledged in its manifesto to support a “measure of protection for the police in future budgets”.²⁰

The Conservative manifesto also stated that a Conservative Government would “strengthen” the country's response to white collar crime by incorporating the Serious Fraud Office into the National Crime Agency, improving intelligence sharing and bolstering the investigation of serious fraud, money laundering and financial crime.²¹

Cyber Security and Online Safety

The Conservative manifesto pledged the introduction of a digital charter, aimed at making the UK the “safest place in the world to be online” and which would allow users to use the internet without “fear of abuse, criminality or exposure to horrific content”.²² A Conservative Government would continue a £1.9 billion investment in cyber security.²³ It also made a commitment to build on the establishment of the National Cyber Security Centre through the cyber security strategy, published in November 2016.²⁴ It stated that a Conservative Government would:

- Make sure that public services, businesses, charities and individual users are protected from cyber risks.
- Strengthen cyber security standards for government and public

¹⁶ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 44.

¹⁷ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 44.

¹⁸ *ibid*, p 56.

¹⁹ BBC News, [‘General Election: Tories and Labour in Police Funding Battle’](#), 6 June 2017.

²⁰ Democratic Unionist Party, [The DUP Manifesto for the 2017 Westminster Election](#), 31 May 2017, p 15.

²¹ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 44.

²² *ibid*, pp 77–80.

²³ *ibid*, p 80.

²⁴ HM Government, [National Cyber Security Strategy 2016–2021](#), 1 November 2016.

- services, by “requiring all public services to follow the most up to date cyber security techniques appropriate”.
- Outlined that a Conservative Government would aim to close down online spaces for those who abuse children, incite violence or propagate hate speech.²⁵

The Democratic Unionist Party manifesto stated that the Party’s MPs would support an “increased focus on cyber crime”.²⁶

Immigration

The Conservative manifesto promised that a Conservative Government would control immigration, reducing net migration from current levels—cited as 273,000—to “sustainable levels”, specified as tens of thousands.²⁷ The document stated that a Conservative Government would continue to “bear down” on immigration from outside the European Union, in part by increasing the earnings thresholds for people wishing to sponsor migrants for family visas and by toughening visa requirements for students. Students would be expected to leave the country at the end of their course, unless they met new, higher requirements, and overseas students would remain in the immigration statistics. The manifesto stated that leaving the European Union would permit the UK to introduce an immigration policy that would allow for a reduction in immigration from European Union states, “while still allowing us to attract the skilled workers our economy needs”.²⁸

Asked during the election campaign about the Conservative Party policy on immigration, the Secretary of State for Exiting the European Union, David Davis, stated:

We’re aiming to bring it down to sustainable levels as soon as is economically viable. And the aim is to do it in a way that doesn’t cause labour shortages, that allows us to train people up to do the jobs.²⁹

The Defence Secretary, Sir Michael Fallon, is reported to have stated during the campaign that the cost to the economy of reducing immigration had not yet been worked out, though the Office for Budget Responsibility is reported to have estimated that cutting annual net immigration from 273,000 now to 185,000 by 2021 could cost £5.9 billion—because of considerations such as a lower tax take and a higher proportion of non-working people in the overall

²⁵ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, pp 38 and 80.

²⁶ Democratic Unionist Party, [The DUP Manifesto for the 2017 Westminster Election](#), 31 May 2017, p 15.

²⁷ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 54.

²⁸ *ibid*, pp 54–5.

²⁹ BBC News, [‘Reality Check: Conservative Manifesto on Immigration’](#), 19 May 2017.

population.³⁰ The Labour Party manifesto stated that a Labour Government would prioritise “growth, jobs and prosperity” over “bogus immigration targets”.³¹

Regarding the visa regime for migrants, the Conservative manifesto stated that a Conservative Government would ask the independent Migration Advisory Committee to make recommendations on how the visa system could become “better aligned with our modern industrial strategy”.³² The document stated that the Conservatives envisage the Committee’s advice allowing for “significant numbers” of visas for workers in strategically-important sectors (such as digital technology) to be set aside “without adding to net migration as a whole”. However, the manifesto also outlined the intention to double the Immigration Skills Charge levied on companies employing migrant workers to £2,000 a year by the end of the Parliament.³³ The document stated that revenue generated from the charge would be used to invest in higher skills training for workers in the UK.

Further Measures

- **Modern Slavery:** The Conservative manifesto included a commitment for the UK to lead the fight against modern slavery.³⁴ The document stated that a Conservative Government would build on its record in this area by focussing on the exploitation of vulnerable men, women and children for their labour; reviewing the application and exploitation of the Modern Slavery Act 2015; and using the UK’s power and influence to “push the United Nations and other international bodies to make modern slavery a thing of the past”.³⁵
- **Reforming Asylum:** The Conservative manifesto stated that a Conservative Government would ensure the UK remains a place of sanctuary for refugees and asylum seekers; but would, wherever possible, offer asylum and refuge to “people in parts of the world affected by conflict and oppression, rather than to those who have made it to Britain”.³⁶ The document added that a Conservative Government would work to reduce asylum claims made in the UK and would work with other countries, and the United Nations, to review the international legal definitions of asylum and refugee status. The manifesto also outlined that a Conservative

³⁰ BBC News, [‘Reality Check: Conservative Manifesto on Immigration’](#), 19 May 2017.

³¹ Labour Party, [The Labour Party Manifesto 2017](#), 16 May 2017, p 28.

³² Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 20.

³³ *ibid*, pp 20–1. The Immigration Skills Charge is currently £1,000 per migrant worker for the first 12 months for a medium or large sponsor (HM Government, [‘UK Visa Sponsorship for Employers’](#), accessed 8 June 2017).

³⁴ For background information on the Modern Slavery Act 2015, see House of Commons Library, [Modern Slavery Act 2015: Recent Developments](#), 22 July 2016.

³⁵ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, pp 40–41.

³⁶ *ibid*, p 40.

Government would support councils in dealing with people as they arrived, and would establish schemes to assist individuals, charities, faith groups, churches and businesses to provide housing and other support for refugees.³⁷

- **Integration Strategy:** The Conservative manifesto also stated that a Conservative Government would bring forward a new integration strategy, which would “seek to help people in more isolated communities to engage with the wider world, help women in particular into the workplace, and teach more people to speak English”.³⁸

³⁷ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 40.

³⁸ *ibid*, p 55.

Communities and Local Government

Housing

In its manifesto, the Conservative Party pledged to “fix the dysfunctional housing market so that housing is more affordable and people have the security they need to plan for the future”.³⁹ It stated that a Conservative Government would meet the Party’s 2015 commitment to deliver a million homes by the end of 2020 and another half a million by the end of 2022. It also pledged to implement the reforms proposed in the Government’s housing white paper, published in February 2017.⁴⁰ This included proposals to force councils to produce a plan to address housing demand; to simplify the planning process, encouraging the development of higher densities; and consult on proposals to ban lettings agents’ fees.⁴¹

The manifesto also pledged new Council Housing Deals with councils to help them build more social housing. It stated that councils would be provided with low-cost capital funding to build new fixed-term social houses. These could then be sold privately after ten to fifteen years “with an automatic Right to Buy for tenants, the proceeds of which will be recycled into further homes”.⁴² The manifesto pledged to reform Compulsory Purchase Orders to make them “easier and less expensive for councils to use”.⁴³

There is consensus that the UK faces a housing shortage. In England, an estimated 240,000 to 300,000 new homes are needed each year to meet demand.⁴⁴ However, in 2015/16, only around 190,000 residential dwellings were built.⁴⁵ The Labour Party manifesto pledged to build over a million homes over the current Parliament while the Liberal Democrats pledged to build 300,000 homes per year by 2022.⁴⁶

Homelessness

The Conservative manifesto pledged that a Conservative Government would “continue to combat homelessness and rough sleeping” and included a commitment to the “full implementation of the Homelessness Reduction

³⁹ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 70.

⁴⁰ Department for Communities and Local Government, [Fixing Out Broken Housing Market](#), 7 February 2017, Cm 9352.

⁴¹ *ibid*, pp 18 and 61.

⁴² Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 71.

⁴³ *ibid*.

⁴⁴ House of Commons Library, [Tackling the Under-Supply of Housing in England](#), 9 June 2017, p 6.

⁴⁵ *ibid*, p 4.

⁴⁶ Labour Party, [The Labour Party Manifesto](#), 16 May 2017, p 60; and Liberal Democrats, [Liberal Democrat Manifesto](#), 2017.

Act".⁴⁷

The Homelessness Reduction Bill 2016–17 was introduced on 29 June 2016 by Bob Blackman (Conservative MP for Harrow East). The Bill received cross-party support and it received royal assent on 27 April 2017.⁴⁸ The Act amended part 7 of the Housing Act 1996 and:

[P]laces duties on local housing authorities to intervene at earlier stages to prevent homelessness and to take reasonable steps to help those who become homeless to secure accommodation. It requires local housing authorities to provide some new homelessness services to all people in their area and expands the categories of people who they have to help to find accommodation.⁴⁹

The Act only applies to England, as homelessness provision is devolved to Wales, Scotland and Northern Ireland. Implementation of the Act is awaiting the making of relevant statutory instruments.

Business Rates

The Conservative manifesto pledged to make long-term reforms to the business rates system to “address concerns about the way it currently works”.⁵⁰ It made a commitment to increase the frequency of business rate revaluations to “avoid large changes to the bills that businesses face, and explore the introduction of self-assessments in the valuation process”.⁵¹ It also promised a full review of the business rates system to “make sure it is up to date for a world in which people increasingly shop online”.⁵²

The business rate changes in April 2017 in England and Wales caused controversy when it emerged that some businesses would face higher bills, while others would receive smaller savings in places where property values had fallen.⁵³ In the Spring Budget 2017, the Chancellor of the Exchequer, Philip Hammond, announced £435 million to support businesses affected by the business rate revaluation and promised to consider reform of the business rate system.⁵⁴ However, the *Guardian* reported that some business leaders were critical of the proposals, describing them as “sticking plasters” and complained

⁴⁷ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 58.

⁴⁸ *Guardian*, [‘MP’s Push to Extend Homeless Safeguards Gets Cross-Party Support’](#), 24 October 2016

⁴⁹ [Explanatory Notes to the Homelessness Reduction Bill](#), 24 October 2016, p 2.

⁵⁰ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 14.

⁵¹ *ibid.*

⁵² *ibid.*

⁵³ Vanessa Houlder, [‘UK Political Parties Find Common Ground on Business Rates Reform’](#), *Financial Times* (£), 28 May 2017.

⁵⁴ HM Treasury, [‘Spring Budget 2017: Philip Hammond’s Speech’](#), 8 March 2017.

that there had not been any business rate reform.⁵⁵

Planning Law for Shale Applications

Hydraulic fracturing or fracking is a process of drilling into the earth to release reserves of shale gas. A mixture of water, chemicals and sand is pumped through a borehole at high pressure which creates fissures underground rocks and releases the gas inside.⁵⁶ The Conservative manifesto stated that a Conservative Government would “legislate to change planning law for shale applications”. It added that:

Non-fracking drilling will be treated as permitted development, expert planning functions will be established to support local councils, and, when necessary, major shale planning decisions will be made the responsibility of the National Planning Regime.⁵⁷

The manifesto proposed setting up a new Shale Environmental Regulator. This would take on current functions of the Health and Safety Executive, the Environment Agency and the Department for Business, Energy and Industrial Strategy. The manifesto argued that the new body would “provide clear governance and accountability, become a source of expertise, and allow decisions to be made fairly but swiftly”.⁵⁸ The Conservative manifesto also proposed changing the Shale Wealth Fund so that a “greater percentage of the tax revenues from shale gas directly benefit the communities that host the extraction sites”.⁵⁹ On 8 August 2016, the Government launched a consultation on the “delivery method and priorities of the Shale Wealth Fund”.⁶⁰

Fracking has proved controversial. Environmental campaigners have argued that the chemicals used in the process could potentially contaminate groundwater and there are concerns that fracking could cause tremors.⁶¹ Other commentators have raised concern about excessive water use.⁶²

In May 2016, planning approval was given to Third Energy's fracking application at Kirby Misperton in North Yorkshire. This was contested by anti-fracking campaigners but a judicial review ruled that the approval was legal in December 2016. In 2015, Lancashire County Council rejected Cuadrilla's planning application for drilling at two Lancashire sites. However, in October 2016, the Secretary of State for Communities and Local Government, Sajid Javid, recovered Cuadrilla's appeal, which allowed the application to proceed.

⁵⁵ *Guardian*, [‘Businesses Accuse Chancellor of Ignoring Rate Concerns in Budget’](#), 8 March 2017.

⁵⁶ British Geological Survey, [‘Shale Gas, the Basics’](#), accessed June 2017.

⁵⁷ Conservative Party, [‘The Conservative and Unionist Party Manifesto 2017’](#), 18 May 2017, p 23.

⁵⁸ *ibid.*

⁵⁹ *ibid.*

⁶⁰ HM Treasury, [‘Shale Wealth Fund’](#), 8 August 2016.

⁶¹ BBC News, [‘What is Fracking and Why is it Controversial’](#), 16 December 2017.

⁶² House of Commons Library, [‘Shale Gas and Fracking’](#), 13 April 2017, p 11.

This decision was contested by anti-fracking campaigners in a judicial review, but a High Court Judge ruled against the campaigners on 12 April 2017.⁶³

Local Enterprise Partnerships

The Conservative manifesto pledged to “support local growth through combined authorities, mayoralities and local enterprise partnerships”.⁶⁴ It added that a Conservative Government would give “local enterprise partnerships greater weight by backing them in law”.⁶⁵ Local enterprise partnerships (LEPs) were created to replace Regional Development Agencies. They were announced in the Coalition Government’s October 2010 white paper, *Local Growth: Realising Every Place’s Potential*.⁶⁶ An initial 24 were set up, with a further 15 created so that all areas of England are now covered.⁶⁷

LEPs are non-statutory bodies and have responsibility for Enterprise Zones, which were announced in March 2011 by the then Chancellor of the Exchequer, George Osborne. They provide incentives for businesses to operate within them, such as a 100 percent business rate discount over a five year period.⁶⁸ As at 4 April 2017, there were 48 Enterprise Zones in England and the Government estimated that 29,000 jobs had been created since their launch in 2012.⁶⁹

⁶³ House of Commons Library, [Shale Gas and Fracking](#), 13 April 2017, p 11.

⁶⁴ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 25.

⁶⁵ *ibid.*

⁶⁶ Department for Business, Innovation and Skills, [Local Growth: Realising Every Place’s Potential](#), 28 October 2010, Cm 7961.

⁶⁷ House of Commons Library, [Local Enterprise Partnerships](#), 2 May 2017.

⁶⁸ HM Government, [‘Enterprise Zones: Looking for a Place to Grow Your Business?’](#), accessed 7 June 2017.

⁶⁹ Department for Communities and Local Government, [‘Twelve New Enterprise Zones Have Gone Live. Helping to Boost Economic Growth from the North-East to the South-West’](#), 4 April 2017.

Justice

Prisons and Courts

The Government's white paper, *Prison Safety and Reform*, published in November 2016, stated that the rates of violence and self-harm in prisons had "increased significantly in recent years", and noted emerging challenges to security from the use of mobile phones and drones to drop contraband over prison walls.⁷⁰ The paper suggested such violence had "in part been fuelled by the recent flood of dangerous psychoactive drugs" into prisons.⁷¹ The proposals in the white paper included giving prison governors "significantly greater authority and flexibility (along with greater accountability)" in running prisons, increasing the number of prison officers by 2,500 by the end of 2018, publishing annual league tables on prison performance and proposals relating to psychoactive drug testing.⁷²

The Prisons and Courts Bill was introduced into the House of Commons on 23 February 2017. Part 1 of the Bill contained measures relating to prisons, including: proposed new statutory powers for prison inspectors; placing the Prisons and Probation Ombudsman on a statutory footing; provisions relating to unlawful mobile phone use in prisons; and new powers to test for psychoactive substances in prisons.⁷³ Parts 2 and 3 of the Bill contained provisions relating to the court and tribunal system which aimed to modernise the justice system through procedural changes to improve efficiency and greater use of technology, such as "virtual hearings", where parties' attend via telephone or video conferencing facilities.⁷⁴

The Bill received a mixed reaction from the Labour Party. At second reading in the House of Commons, Richard Burgeon, Shadow Lord Chancellor and Secretary State for Justice, stated:

We are not opposed to the Bill. Indeed, we welcome and support much of its content. However, when we disagree with provisions or believe that the Government should go further, we will pursue amendments in Committee. The Bill comes at a time of dual crises: a dangerous and declining prison estate; and thousands of people being priced out of access to justice. I will set out the reasons for those crises and what the Bill must offer to make a real difference.⁷⁵

The Bill did not proceed beyond committee stage due to Parliament's dissolution on 3 May 2017.

⁷⁰ Ministry of Justice, [Prison Safety and Reform](#), November 2016, Cm 9350, pp 6–7.

⁷¹ *ibid*, p 7.

⁷² *ibid*, pp 9–10.

⁷³ [Explanatory Notes to the Prisons and Courts Bill 2016–17](#), p 6.

⁷⁴ *ibid*.

⁷⁵ [HC Hansard, 20 March 2017, cols 669–70.](#)

The Conservative manifesto committed to invest over £1 billion into the prison estate, which included replacing “the most dilapidated prisons” and creating 10,000 “modern prison places”.⁷⁶ The manifesto promised to also reform from entry to the management of prison officers.⁷⁷ Further, the manifesto proposed to create a new legal framework that intends to strengthen Her Majesty’s Inspectorate of Prisons and the Prisons and Probation Ombudsman to provide “sharper” scrutiny.⁷⁸ Further, the manifesto stated that it was the Conservative Party’s aim to create a national community sentencing framework that “punishes offenders and focuses on the measures that have a better chance of turning people around and preventing crime, such as curfews and orders that tackle drug and alcohol abuse”.⁷⁹ The manifesto also suggested a Conservative Government would introduce dedicated provision for women offenders.⁸⁰ In relation to the court system, the manifesto also promised to “continue to modernise our courts, improving court buildings and facilities and making it easier for people to resolve disputes and secure justice”.⁸¹

Pre-Recorded Cross-Examination Witness Evidence in Courts

The Conservative manifesto proposed reforms in relation to victims’ entitlements. It stated:

We will ensure that victims of crime are supported at every stage of the criminal justice system. We will enshrine victims’ entitlements in law, making clear what level of service they should expect from the police, courts and criminal justice system. We will ensure that child victims and victims of sexual violence are able to be cross-examined before their trial without the distress of having to appear in court. Publicly-funded advocates will have specialist training in handling victims before taking on serious sexual offences cases.⁸²

A scheme piloting pre-recorded cross-examination evidence for witnesses under the age of 16 and those eligible for assistance by reason of disability, was undertaken at Leeds, Liverpool and Kingston-upon-Thames Crown Court centres from December 2013.⁸³ In March 2017, the Ministry of Justice announced that the then Lord Chancellor, Elizabeth Truss, and senior judges had “agreed to accelerate” the scheme to adult victims of rape and sexual crime allowing them to have their cross-examination evidence pre-recorded and played at trial.⁸⁴ The Ministry of Justice stated that the “new measures [...]

⁷⁶ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 45.

⁷⁷ *ibid.*

⁷⁸ *ibid.*

⁷⁹ *ibid.*

⁸⁰ *ibid.*

⁸¹ *ibid.*, p 44.

⁸² *Ibid.*

⁸³ Ministry of Justice, [Process Evaluation of Pre-recorded Cross-examination Pilot \(Section 28\)](#), 15 September 2016.

⁸⁴ Ministry of Justice, [‘Greater Protection for Rape Victims and Children at Risk of Grooming’](#), 19 March 2017.

will be rolled out across the country from September [2017]".⁸⁵ The then Lord Chancellor and Secretary State for Justice, Elizabeth Truss, further stated in the House of Commons at that time:

Yesterday, we announced that we are bringing forward the roll-out of reforms to allow rape victims to pre-record their cross examination, sparing them the trauma of giving evidence during trial. This follows successful pilots of measures for child victims of all crimes. This will not reduce the right to a fair trial. During the pilots for vulnerable victims there was no significant change in the conviction rate, but we did see more early guilty pleas and fewer cracked trials. That means less stress and trauma for all of those participating in the case.⁸⁶

The Lord Chief Justice, the Lord Thomas of Cwmgiedd, commented on the issue in oral evidence to the House of Lords Constitution Committee⁸⁷ and further in a letter to the Ministry of Justice. In his correspondence, he stated that from September 2017, the same three court centres will pilot pre-recorded cross examination of adult witnesses in respect of sexual offences and that "this new pilot will have to be evaluated and no decision has yet been made as to expansion of these provisions to other court centres".⁸⁸

Racial Discrimination in Prisons

On 31 January 2016, the then Prime Minister, David Cameron, asked David Lammy (Labour MP for Tottenham) to lead a review of the criminal justice system in England and Wales to investigate evidence of possible bias against black defendants and other ethnic minorities.⁸⁹ Upon becoming Prime Minister in June 2016, Theresa May, also committed to "fighting against the burning injustice that [...] if you're black, you're treated more harshly by the criminal justice system than if you're white".⁹⁰

The review is currently underway and is due to report in 2017.⁹¹ In an open letter to the Prime Minister on 16 November 2016 reporting on the review's emerging findings, Mr Lammy stated:

Prison is also an area of some concern. The statistical analysis found that

⁸⁵ Ministry of Justice, '[Greater Protection for Rape Victims and Children at Risk of Grooming](#)', 19 March 2017.

⁸⁶ [HC Hansard, 20 March 2017, cols 664–5.](#)

⁸⁷ House of Lords Constitution Committee, '[Corrected Oral Evidence: Oral Evidence Session with the Lord Chief Justice](#)', 22 March 2017.

⁸⁸ FullFact, '[Letter from the Lord Chief Justice of England and Wales the Right Honourable the Lord Thomas of Cwmgiedd](#)', 27 March 2017.

⁸⁹ Prime Minister's Office '[Review of Racial Bias and BAME Representation in Criminal Justice System Announced](#)', 31 January 2016 (the press release states that the "formal recommendations are expected to be presented to Ministers in spring 2017").

⁹⁰ Prime Minister's Office, '[Speech: Statement from the New Prime Minister Theresa May](#)', 13 July 2016.

⁹¹ Lammy Review, '[Lammy Review: Emerging Findings Published](#)', 16 November 2016.

black men were more likely than white men to be placed in high security prisons for some offence groups. As you will know, this can restrict access to opportunities like work experience on day release. Men in prisons from ethnic minority backgrounds are also less likely than white prisoners to report having a prison job or access to offending behaviour programmes. I am concerned about the impact of these findings on reoffending rates.⁹²

Research on prison experiences by the Ministry of Justice which contributed to the review indicates that for public order offences, black and Asian men were more likely to be housed in high security facilities than white men.⁹³ Black men were also over four times more likely to be housed in high security prison than white men, while Asian men were six times more likely.⁹⁴

In response to the findings, the Director of the Prison Reform Trust, Peter Dawson, said:

Theresa May was right to highlight in her first speech as Prime Minister that being black means harsher treatment in the criminal justice system. David Lammy's interim report to her sheds important new light on exactly where that unfairness occurs. The statistical evidence is shocking. But it also shows where the review can now concentrate its investigation to understand why discrimination happens and what needs to be done to stop it.⁹⁵

The Conservative manifesto promised to address this "race gap", and to:

Reduce the disproportionate use of force against black, Asian and ethnic minority people in prison, young offender institutions and secure mental health units and we will legislate here too if progress is not made.⁹⁶

⁹² Lammy Review, '[Open Letter to Prime Minister](#)', 16 November 2016.

⁹³ Ministry of Justice, '[Black, Asian and Minority Ethnic Disproportionality in the Criminal Justice System in England and Wales](#)', 16 November 2016, p 23.

⁹⁴ *ibid.*

⁹⁵ Prison Reform Trust, '[PRT Comment: Lammy Review Interim Findings](#)', 16 November 2016.

⁹⁶ Conservative Party, '[The Conservative and Unionist Party Manifesto 2017](#)', 18 May 2017, p 56.

Constitutional Affairs

Human Rights Act

The Conservative manifesto stated that a Conservative Government would consider the UK's human rights legal framework once the process of the UK leaving the EU had concluded.⁹⁷ The Party would not therefore repeal or replace the Human Rights Act "while the process of Brexit is underway", according to the manifesto.⁹⁸ The manifesto also committed to the UK remaining a signatory to the European Convention on Human Rights for the duration of the next Parliament.⁹⁹

The Conservatives had previously advocated change to the UK's human rights law. The Party's 2015 manifesto had stated that it would seek to "scrap the Human Rights Act", limit the jurisdiction of the European Court of Human Rights in the UK and create a British Bill of Rights.¹⁰⁰ The creation of a British Bill of Rights was included in the 2015 Queen's Speech but no bill was introduced during the 2015–17 Parliament.¹⁰¹

The Prime Minister has stated her personal support for reform of UK human rights law. During the 2016 EU referendum campaign, Theresa May, then the Home Secretary, stated that it was her view that, if the UK wanted to reform its human rights law, it needed to leave the European Convention on Human Rights and the jurisdiction of the European Court of Human Rights.¹⁰²

During the 2017 general election campaign, the Prime Minister stated in an interview with the *Sun* that a Conservative Government would be prepared to change the UK's human rights law if necessary for the purposes of countering terrorism.¹⁰³ These comments by the Prime Minister were criticised by the Shadow Secretary of State for Exiting the European Union, Sir Keir Starmer, who argued that effective counter-terrorism policing was not incompatible with UK human rights law.¹⁰⁴ The human rights campaign organisation Liberty, also criticised the Prime Minister, arguing that she was seeking to undermine UK human rights and that this would not make the UK safer from terrorist attacks.¹⁰⁵

⁹⁷ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 37.

⁹⁸ *ibid.*

⁹⁹ *ibid.*

¹⁰⁰ Conservative Party, [The Conservative Party Manifesto 2015](#), April 2015, pp 58, 60, and 73.

¹⁰¹ [HL Hansard, 27 May 2015, cols 5–7](#).

¹⁰² Home Office, [Home Secretary's Speech on the UK, EU and Our Place in the World](#), 25 April 2016.

¹⁰³ *Sun*, [Theresa May Vows To Beef Up Police Powers On Jihadis With a Human Rights Act Shake-Up and 28 Days To Question Suspects](#), 6 June 2017.

¹⁰⁴ Sir Keir Starmer, [I have Prosecuted Terrorists—and Know Human Rights Laws Make Us Safe](#), *Guardian*, 7 June 2017.

¹⁰⁵ Liberty, [The Prime Minister Risks Handing Terrorists Their Greatest Victory](#), 6 June 2017.

Fixed-term Parliaments Act

The Conservative manifesto stated that a Conservative Government would repeal the Fixed-term Parliaments Act 2011.¹⁰⁶ Passed by the Coalition Government, the Act established a fixed date every five years when parliamentary general elections would take place and when Parliament could be dissolved. Prior to the Act, while parliamentary general elections had to take place at least once every five years, Parliament could be dissolved earlier through the Prime Minister's use of prerogative powers. Under the 2011 Act, an early general election may only take place if a motion in favour of one is passed either unopposed or by a two-thirds majority in the House of Commons; or if the Government loses a vote of no confidence and a replacement Government cannot be formed within 14 days.¹⁰⁷

Under the Fixed-term Parliaments Act 2011, a defeat for Government in the House of Commons would only trigger an early general election if it is an explicit confidence motion, conforming to the wording in section 2 of the 2011 Act. The Hansard Society has contended that these provisions would make it easier for a minority government to remain in power in Westminster, surviving defeats on a range of issues, including its Budget.¹⁰⁸ However, the Hansard Society also note that the political pressure from such defeats remained and the Act would not prevent a Prime Minister from resigning if they believed that they had lost the confidence of the House.¹⁰⁹

House of Lords Reform

The Conservative Party stated in its 2017 manifesto that comprehensive reform of the House of Lords would not be a priority for the Party in government.¹¹⁰ This was similar to the wording of the Party's 2015 manifesto.¹¹¹ However, unlike the 2015 manifesto, the 2017 manifesto made no reference to there being a case in principle for introducing an elected element into the second chamber.

The manifesto did state that a Conservative Government would "ensure the work of the House of Lords remains relevant and effective" by addressing specific issues.¹¹² The manifesto cited one such issue as being the size of the House of Lords. Efforts to seek a cross-party approach to reforming the size of the House were conducted during the 2015–17 Parliament. A Lord Speaker's

¹⁰⁶ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 43.

¹⁰⁷ Fixed-term Parliaments Act 2011, s 1–2. Further information is provided in the House of Commons Library briefing [Fixed-term Parliaments Act 2011](#) (27 April 2017).

¹⁰⁸ Hansard Society, [A Numbers Game: Parliament and Minority Government](#), June 2017, p 15

¹⁰⁹ *ibid.*

¹¹⁰ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 43.

¹¹¹ Conservative Party, [The Conservative Party Manifesto 2015](#), April 2015, p 49.

¹¹² Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 43.

Committee on the size of the House of Lords was created in December 2016. The cross-party committee, chaired by Lord Burns (Crossbench), is expected to publish its recommendations in 2017.¹¹³

The Conservative manifesto also stated that the Party would “ensure that the House of Lords continues to fulfil its constitutional role as a revising and scrutinising chamber which respects the primacy of the House of Commons”.¹¹⁴ During the 2015–17 Parliament, the issue of the primacy of the House of Commons in relation to secondary legislation was considered as part of the Strathclyde Review, commissioned by the Government following its defeat in the House of Lords on changes to tax credits regulations.¹¹⁵ Following the review, the Government stated that, while it believed that the will of the House of Commons should prevail in decisions on secondary legislation, it would not seek to enforce that principle through primary legislation at that time.¹¹⁶

Voting

In its 2017 manifesto, the Conservative Party set out plans to make several changes to the franchise and to how elections are conducted.

Voting Systems

The Conservative manifesto included plans to replace the supplementary vote system with first-past-the-post voting for elections for police and crime commissioners and local mayors.¹¹⁷ The Party also stated its intention to retain the first past the post system for parliamentary elections.

At present, police and crime commissioners and local mayors are elected using the supplementary vote system.¹¹⁸ This is provided for in the Police Reform and Social Responsibility Act 2011 for police and crime commissioners,¹¹⁹ and the Local Democracy, Economic Development and Construction Act 2009, as amended by the Cities and Local Government Devolution Act 2016, for local mayors.¹²⁰ Under the supplementary vote system, voters are asked to indicate their first and second preferences. If no candidate receives more than 50 percent of the votes cast, all candidates apart from those in first and second place are eliminated. The votes showing a first preference for the eliminated

¹¹³ [HL Hansard, 20 December 2016, col 1541](#). Further information is provided in House of Lords, [‘Written Statement: Lord Speaker’s Committee on the Size of the House’](#) (20 December 2016, HLWS386).

¹¹⁴ Conservative Party, [‘The Conservative and Unionist Party Manifesto 2017’](#), 18 May 2017, p 43.

¹¹⁵ Further information on the Strathclyde Review is provided in the House of Lords Library briefing, [‘History of the House of Lords: A Short Introduction’](#) (27 April 2017, pp 19–22).

¹¹⁶ [HL Hansard, 17 November 2016, cols 1538–48](#); and [HC Hansard, 17 November 2016, cols 395–6](#).

¹¹⁷ *ibid*, p 43.

¹¹⁸ GOV.UK, [‘Types of Election, Referendums, and Who Can Vote’](#), accessed 1 June 2017.

¹¹⁹ Police Reform and Social Responsibility Act 2011, s 57.

¹²⁰ Cities and Local Government Devolution Act 2016, schedule 1.

candidates are checked for their second preference. Any second preference votes for the two remaining candidates are then added to their first preference votes and the candidate with the most votes wins.

In a survey conducted by the Electoral Commission after the police and crime commissioner elections in May 2016, 95 percent of voters in England and 84 percent of voters in Wales said it was easy to complete their police and crime commissioner ballot paper.¹²¹ However, research commissioned by the Electoral Commission in March 2015 found that “knowledge and understanding of [supplementary voting] was low” and suggested ways in which the instructions on the ballot paper could be amended to be clearer.¹²²

Identification

The Conservative manifesto set out plans to introduce legislation requiring identification to be presented before voting, in order to tackle electoral fraud.¹²³ Such a requirement is already in place in Northern Ireland.¹²⁴

On 8 January 2014, the Electoral Commission published a report on combatting electoral fraud. The Commission concluded that “electoral fraud is not widespread across the UK”.¹²⁵ However, the report stated that “polling station voting in Great Britain remains vulnerable to personation fraud” and called for electors to be required to show proof of identity at the polling station before they can be issued with a ballot paper.¹²⁶ On 12 August 2016, Sir Eric Pickles, former Secretary of State for Communities and Local Government, published a review into electoral fraud which recommended that the Government consider the options for electors to be required to show identification.¹²⁷ In its response to this report, the Government set out plans to trial the requirement for voters to show identification at local authority polls in May 2018.¹²⁸

The Electoral Reform Society, an organisation whose stated objectives are to “champion the rights of voters and build a better democracy”,¹²⁹ argues that requiring voters to show identification would disenfranchise marginalised

¹²¹ Electoral Commission, [The May 2016 Police and Crime Commissioner Elections](#), September 2016, p 30.

¹²² Electoral Commission, [Public User Testing of Instructions for SV Ballot Papers: Summary and Recommendations](#), March 2015.

¹²³ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 43.

¹²⁴ Electoral Commission, [Delivering and Costing a Proof of Identity Scheme for Polling Station Voters in Great Britain](#), December 2015, p 3.

¹²⁵ Electoral Commission, [Electoral Fraud in the UK: Final Report and Recommendations](#), January 2014, p 3.

¹²⁶ *ibid*, p 5.

¹²⁷ Cabinet Office, [Securing the Ballot: Review into Electoral Fraud](#), 12 August 2016.

¹²⁸ Cabinet Office, [A Democracy that Works for Everyone: A Clear and Secure Democracy](#), December 2016, pp 28–32.

¹²⁹ Electoral Reform Society, [About Us](#), accessed 31 May 2017.

groups who do not hold passports, driving licenses or have bank accounts.¹³⁰ Citing an Electoral Commission statistic that there were only 26 allegations of personation fraud at polling stations in 2015, the Electoral Reform Society contend that introducing an identification requirement for voters would be a disproportionate measure.¹³¹

Franchise

At present, British citizens retain the right to register to vote only for the first 15 years that they live abroad.¹³² The Conservative manifesto contained a promise to introduce legislation to remove the current restrictions on voting for British citizens living abroad,¹³³ a commitment which was also included in the Party's 2015 manifesto.¹³⁴ In October 2016, the Government published a policy document setting out its intended approach for abolishing the 15-year restriction.¹³⁵ Under the Government's proposals, the franchise would be extended to include any British citizen who was previously resident or registered to vote in the UK.¹³⁶

Several campaign groups have expressed disappointment that the measures were not brought in after they were initially announced in 2015. Reacting to the news that the law would not be changed ahead of the 2017 general election, Dave Spokes, one of the founders of the support group Expat Citizen Rights in EU, said:

The people most affected by the referendum were not allowed to vote in it, simply because they exercised their right to live in another country. Now it seems they will miss out again as their government has repeatedly failed to honour repeated promises to repeal this unjust and unfair rule.¹³⁷

The Conservative manifesto stated that the Party did not intend to change the voting age, which is currently 18.¹³⁸

Draft Public Services Ombudsman Bill

In December 2016, the Government published the draft Public Service

¹³⁰ Electoral Reform Society, '[Voter ID](#)', accessed 31 May 2017.

¹³¹ Electoral Commission, [Analysis of Cases of Alleged Electoral Fraud in the UK in 2015 Summary of Data Recorded by Police Forces](#), March 2016, p 11.

¹³² HM Government, '[Voting When You're Abroad](#)', accessed 31 May 2017.

¹³³ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 42.

¹³⁴ Conservative Party, [Conservative Party Manifesto 2015](#), April 2015, p 49.

¹³⁵ Cabinet Office, [A Democracy that Works for Everyone: British Citizens Overseas](#), October 2016.

¹³⁶ *ibid*, p 6.

¹³⁷ Lisa O'Carroll, '[Britons Abroad for Longer than 15 years Denied Vote in General Election](#)', *Guardian*, 21 April 2017.

¹³⁸ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 43.

Ombudsman Bill, which proposed the replacement of the Parliamentary and Health Service Ombudsman and the Local Government Ombudsman with a new Public Service Ombudsman.¹³⁹ The Government further stated in February 2017 that it intended to introduce the Bill when parliamentary time allowed.¹⁴⁰

The creation of a Public Service Ombudsman was the subject of a Cabinet Office consultation in 2015.¹⁴¹ The proposal was initially to combine the roles of the Parliamentary and Health Service Ombudsman, the Local Government Ombudsman and the Housing Ombudsman. Following the consultation, the Housing Ombudsman was not included in the subsequent draft Bill. However, the draft Bill would have provided the Minister for the Cabinet Office with the power to pass secondary legislation to enable complaints against social landlords to be incorporated into the remit of the Public Service Ombudsman.¹⁴²

The House of Commons Public Administration and Constitutional Affairs Committee stated in December 2016 that it would examine the case for pre-legislative scrutiny on the draft Bill in due course, but had not conducted any such scrutiny before the general election was called.¹⁴³ However, the Committee has received and published evidence submissions on the proposals.¹⁴⁴

¹³⁹ Cabinet Office, [Draft Public Service Ombudsman Bill](#), December 2016, Cm 9374.

¹⁴⁰ House of Commons, [Written Question: Parliamentary and Health Service Ombudsman](#), 14 February 2017, 63237.

¹⁴¹ Cabinet Office, [A Public Service Ombudsman: Government Response to Consultation](#), December 2015.

¹⁴² Cabinet Office, [Draft Public Service Ombudsman Bill](#), December 2016, Cm 9374, p 23.

¹⁴³ House of Commons Public Administration and Constitutional Affairs Committee, [Oral Evidence: Public and Health Service Ombudsman Annual Scrutiny 2016](#), 13 December 2016, HC 809 of session 2016–17, Q14.

¹⁴⁴ House of Commons Public Administration and Constitutional Affairs Committee, [Publications](#), accessed 12 June 2017.

Devolved Affairs

Northern Ireland

Devolved Executive

The Conservative manifesto stated that a Conservative Government would “work to re-establish a strong, stable and inclusive executive [in Northern Ireland] at the earliest opportunity”.¹⁴⁵ In January 2017, elections were called in Northern Ireland after the former Deputy First Minister and Leader of Sinn Féin in Northern Ireland, Martin McGuinness, resigned from the power-sharing government, leading to its collapse. Mr McGuinness stated that he was resigning in protest over the handling of the renewable heat incentive scheme, in particular the role of the then First Minister and Leader of the Democratic Unionist Party (DUP), Arlene Foster.¹⁴⁶ Ms Foster denied any wrong-doing.¹⁴⁷

Elections to the devolved assembly were held on 2 March 2017.¹⁴⁸ As a result of these elections, Sinn Féin increased the proportion of seats they held, while the share held by the DUP fell.¹⁴⁹ Sinn Féin now holds 27 seats and the DUP holds 28. The Belfast Agreement stipulates that the executive must be composed of both unionists and nationalists.¹⁵⁰ However, the DUP and Sinn Féin failed to reach an agreement on power sharing before the initial deadline of 27 March 2017.¹⁵¹ The Secretary of State for Northern Ireland, James Brokenshire, initially extended the deadline and talks were then suspended until after the general election.¹⁵²

In its general election manifesto, the DUP stated its wish for the Northern Ireland Executive to be restored as quickly as possible.¹⁵³ The DUP set out five “core tests” that it would judge any deal to restore the Northern Ireland Assembly and Executive against:

- Is the agreement likely to increase support for Northern Ireland's constitutional position within the United Kingdom?
- Is the agreement fully consistent with Northern Ireland remaining a

¹⁴⁵ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 34.

¹⁴⁶ Sein Fein, [‘Letter from Martin McGuinness to Robin Newton, Speaker of the Northern Ireland Assembly’](#), 9 January 2017.

¹⁴⁷ ITV News, [‘Foster Backs Investigation but Won't Stand Down’](#), 6 January 2017.

¹⁴⁸ BBC News, [‘Assembly Election: DUP MP Says Up to Foster to Accept Sinn Féin Ultimatum’](#), 4 March 2017.

¹⁴⁹ *Economist*, [‘A Surge in Republican Turnout Causes an Upset in Northern Ireland’](#), 11 March 2017.

¹⁵⁰ Northern Ireland Office, [Belfast Agreement](#), 10 April 1998, s 5(d)(i).

¹⁵¹ Henry McDonald, [‘Northern Ireland Secretary Rules Out Snap Election’](#), *Guardian*, 27 March 2017.

¹⁵² BBC News, [‘Brexit: Parties “Were Close to Agreement”, says Foster’](#), 22 May 2017.

¹⁵³ Democratic Unionist Party, [The DUP Manifesto for the 2017 Westminster Election](#), 31 May 2017, p 6.

full and integral part of the United Kingdom?

- Is the agreement fully compatible with our British citizenship?
- Will the agreement result in better government and policies for the people of Northern Ireland than a return to Direct Rule?
- Is the agreement consistent with the mandate we received for our Assembly manifesto in March?¹⁵⁴

The Belfast Agreement contains a commitment by both the UK and Irish Governments to act with “rigorous impartiality on behalf of all the people in the diversity of their identities and traditions”.¹⁵⁵ Several commentators have raised concerns that a Conservative Party potentially reliant on the DUP for votes at Westminster would not be seen as an impartial broker in talks to restore a power-sharing executive at Stormont House.¹⁵⁶ However, the Defence Secretary, Sir Michael Fallon, argued that power-sharing talks between Sinn Féin and the DUP in Northern Ireland would be unaffected by developments at Westminster.¹⁵⁷

Brexit

In relation to the UK's exit from the European Union, the Conservative manifesto promised a recognition of “Northern Ireland's unique circumstances” and stated that a Conservative Government would “seek to ensure that Northern Ireland's interests are protected”.¹⁵⁸

Northern Ireland is the only part of the UK to share a land border with the EU, and the treatment of this border after the UK's withdrawal from the EU is one of the matters to be resolved as a result of the decision to leave the EU. Citizens of the UK and Ireland are currently able to travel between the Republic of Ireland and Northern Ireland freely under the provisions of the Common Travel Area (CTA), an open borders travel zone between Ireland and the United Kingdom.¹⁵⁹ However, immigration officers in the Republic of Ireland possess powers to carry out checks on people arriving from the UK and, if necessary, refuse them entry “on the same grounds as apply to people arriving from outside the Common Travel Area”.¹⁶⁰ The CTA is not provided for in either UK or Irish legislation, but is based on administrative agreement between the two states.¹⁶¹ However, it is referenced in both domestic

¹⁵⁴ Democratic Unionist Party, [The DUP Manifesto for the 2017 Westminster Election](#), 31 May 2017, p 7.

¹⁵⁵ Northern Ireland Office, [Belfast Agreement](#), 10 April 1998, article I(v).

¹⁵⁶ Vincent Boland, [‘DUP Deal with Tories Casts Doubt on Northern Ireland Talks’](#), *Financial Times* (£), 10 June 2017.

¹⁵⁷ BBC News, [‘General Election 2017: Fallon Defends DUP Government “deal”](#)’, 11 June 2017.

¹⁵⁸ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 34.

¹⁵⁹ Citizens Information Board, [‘Common Travel Area between Ireland and the United Kingdom’](#), accessed 12 June 2017.

¹⁶⁰ *ibid.*

¹⁶¹ House of Commons Library, [The Common Travel Area, and the Special Status of Irish Nationals in UK Law](#), 9 June 2017, p 8.

legislation and bilateral agreements between the two countries.¹⁶² Customs controls have not been in operation for goods travelling between Northern Ireland and the Republic of Ireland since the Single European Market came into force in 1992.¹⁶³ Whether these controls would be reintroduced after the UK leaves the European Union has been the subject of considerable debate.¹⁶⁴

The DUP manifesto stated that the Party would like the Common Travel Area to be maintained after the UK leaves the EU, and advocates a “frictionless border with [the] Irish Republic assisting those working or travelling in the other jurisdiction”.¹⁶⁵ The manifesto also set out the Party’s wish that there would be “strengthened relationships across the four component parts of the United Kingdom with no internal borders”.¹⁶⁶

Corporation Tax

The Conservative manifesto stated that the Party remained “committed to the devolution of corporation tax powers [in Northern Ireland] subject to the executive demonstrating fiscal stability”.¹⁶⁷ The Corporation Tax (Northern Ireland) Act 2015 allows for devolution to the Northern Ireland Assembly of the power to set a Northern Ireland rate of corporation tax for certain trading income.¹⁶⁸ The Fresh Start Agreement, signed by the Northern Ireland political parties, the Northern Ireland Executive and the UK and Irish Governments in November 2015, states that the devolution of corporation tax powers is dependent on the Northern Ireland Executive demonstrating that its finances “are on a sustainable footing for the long term”.¹⁶⁹ According to the Agreement, the planned implementation date for the devolution of these powers is April 2018. However, there has been speculation that this date may be postponed because of the delay in the formation of an Executive.¹⁷⁰

The DUP manifesto set out its commitment to reducing the corporation tax rate in Northern Ireland to 12.5 percent.¹⁷¹

¹⁶² Institute of International and European Affairs, [What Would Happen to the Northern Irish Border in the Event of Brexit?](#), 22 June 2016.

¹⁶³ Citizens' Rights and Constitutional Affairs Department of the European Parliament, [The Impact and Consequences of Brexit for Northern Ireland](#), 17 March 2017, p 9.

¹⁶⁴ For a list of resources on the impact of the UK's exit from the EU on the Northern Ireland border see Section 11 of the House of Commons Library briefing [Brexit Reading List: Legal and Constitutional Issues](#) (2 May 2017).

¹⁶⁵ Democratic Unionist Party, [The DUP Manifesto for the 2017 Westminster Election](#), 31 May 2017, p 18.

¹⁶⁶ *ibid.*

¹⁶⁷ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 34.

¹⁶⁸ House of Commons, [Written Question: Corporation Tax: Northern Ireland](#), 4 July 2016, 41791.

¹⁶⁹ Northern Ireland, [A Fresh Start: The Stormont Agreement and Implementation Plan](#), 17 November 2015, p 21.

¹⁷⁰ John Mulgrew, [Corporation Tax Levy in Limbo until Functioning Executive is Established](#), *Belfast Telegraph*, 31 March 2017.

¹⁷¹ Democratic Unionist Party, [The DUP Manifesto for the 2017 Westminster Election](#), 31 May 2017, p 10.

Budget

The Conservative manifesto highlighted its commitment to continuing with the current system for the division of resources between the constituent nations of the UK, stating that the Party would “continue to work in partnership with the Scottish and Welsh Governments and the Northern Ireland Executive, in a relationship underpinned by pooling and sharing resources through the Barnett Formula”.¹⁷² The DUP manifesto stated that the Party “will fight hard at Westminster for a Budget settlement that allows for real terms increases in health and education spending over the next parliamentary term”.¹⁷³

The DUP also outlined plans to increase tourism to Northern Ireland, including abolishing Air Passenger Duty and reducing VAT for tourism businesses.¹⁷⁴

Scotland

Independence Referendum

Following the vote to leave the European Union in the referendum of June 2016, the First Minister of Scotland, Nicola Sturgeon, announced that the Scottish National Party (SNP) would seek a second referendum on the question of Scottish independence.¹⁷⁵ In her statement, Ms Sturgeon argued that the referendum should take place between the autumn of 2018 and the spring of 2019, “when the terms of Brexit are known”, but before the UK withdraws from the European Union. On 28 March 2017, the Scottish Parliament approved a motion giving the Scottish Government the authority to request an order under section 30 of the Scotland Act 1998 to allow the Scottish Parliament to legislate for a referendum on the question of independence.¹⁷⁶

Following the 2017 general election, in which the SNP remained the largest party in Scotland but lost 21 Westminster seats, the Deputy Leader of the SNP, John Swinney, said “we have to acknowledge that the question of a second independence referendum was a significant motivator of votes against the SNP in this election and we have to be attentive to that point”.¹⁷⁷

The Conservative manifesto stated that “in order for a referendum [on Scottish independence] to be fair, legal and decisive, it cannot take place until the Brexit

¹⁷² Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 31.

¹⁷³ Democratic Unionist Party, [The DUP Manifesto for the 2017 Westminster Election](#), 31 May 2017, p 14.

¹⁷⁴ *ibid*, p 11.

¹⁷⁵ Scottish National Party, [‘Nicola Sturgeon’s Speech on Scotland’s Referendum’](#), 13 March 2017.

¹⁷⁶ [Scottish Parliament, Official Report, 28 March 2017](#).

¹⁷⁷ BBC News, [‘General Election 2017: SNP Lose a Third of Seats Amid Tory Surge’](#), 9 June 2017.

process has played out”.¹⁷⁸ In an interview given shortly after Ms Sturgeon announced she would seek a second referendum, the Prime Minister, Theresa May, stated that “right now we should be working together, not pulling apart”, and that efforts should be focused on “ensuring we get that right deal for the UK and the right deal for Scotland in our negotiations with the European Union” rather than discussing an independence referendum.¹⁷⁹

Wales

Although no specific legislative proposals regarding Wales featured in the Conservative manifesto, the document included a commitment to investing in improved infrastructure for Wales, particularly to modernise its railway infrastructure.¹⁸⁰ The potential for improvements to rail infrastructure has been identified by Network Rail, which stated that in South Wales, “improved stations serviced by faster and more reliable trains, with the possibility of extra services, will improve the experience of passengers and stimulate economic growth across Wales”.¹⁸¹ The Welsh Conservative Party’s manifesto also included a commitment to abolishing tolls for vehicles using the Severn Crossings.¹⁸²

In its manifesto, the Conservative Party also committed to continuing to support S4C, the Welsh broadcaster.¹⁸³ In March 2017, prior to the general election being called, the Government announced a loan of £10 million to S4C to enable it to move from its current location in Cardiff to Carmarthen.¹⁸⁴ In addition, the Government announced funding of £350,000 to enable S4C to upgrade technical and IT equipment.¹⁸⁵

Growth Deals

In its manifesto, the Conservative Party promised to “bring forward a Borderlands Growth Deal, including all councils on both sides of the border, to help secure prosperity in southern Scotland”.¹⁸⁶ It also highlighted a commitment to bringing forward a North Wales Growth Deal, connecting

¹⁷⁸ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 32.

¹⁷⁹ Heather Stewart, Peter Walker and Severin Carrell, [Theresa May Rejects Nicola Sturgeon's Referendum Demand](#), *Guardian*, 16 March 2017.

¹⁸⁰ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 33.

¹⁸¹ Network Rail, [Wales Upgrade Plan](#), accessed 31 May 2017.

¹⁸² Welsh Conservative Party, [Forward Together: Our Plan for a Stronger Wales, a Stronger Britain and a Prosperous Future](#), 2017, p 25.

¹⁸³ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 33.

¹⁸⁴ Department for Culture, Media and Sport, [Major Boost for Welsh Language TV as Government Commits Additional Investment for S4C](#), 20 March 2017.

¹⁸⁵ *ibid.*

¹⁸⁶ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 33.

North Wales and northern England.¹⁸⁷ The DUP manifesto stated that the Party would “continue to press HM Government to create City Region Growth Deals for Northern Ireland”.¹⁸⁸

No Growth Deals currently exist outside England. In 2013, the Coalition Government announced its intention to establish a Single Local Growth Fund for England which would “support investment in economic priorities and stimulate growth across local areas” by providing funding to Local Enterprise Partnerships (LEPs) on the basis of Growth Deals.¹⁸⁹ Between 2015–16 and 2020–21, £12 billion has been committed to LEPs through the Local Growth Fund.¹⁹⁰

United Kingdom Shared Prosperity Fund

The Conservative manifesto included a commitment to create a United Kingdom Shared Prosperity Fund.¹⁹¹ The proposal would be funded by money that previously was allocated to the European Union’s Structural Funds and which would be newly available after the UK leaves the EU. The Conservative Party stated that this fund would be “specifically designed to reduce inequalities between communities across our four nations”.¹⁹²

¹⁸⁷ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 33.

¹⁸⁸ Democratic Unionist Party, [The DUP Manifesto for the 2017 Westminster Election](#), 31 May 2017, p 10.

¹⁸⁹ HM Treasury, [Investing in Britain's Future](#), June 2013, Cm 8669, p 60.

¹⁹⁰ National Audit Office, [Local Enterprise Partnerships](#), 23 March 2016, p 4.

¹⁹¹ Conservative Party, [The Conservative and Unionist Party Manifesto 2017](#), 18 May 2017, p 35.

¹⁹² *ibid.*