

By Doug Pyper,
Philip Loft

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British Sign Language Bill



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Summary

The [British Sign Language Bill](#) was introduced to the House of Commons on 16 June 2021 by Rosie Cooper MP. The Bill is a [Private Members' Bill](#), a type of bill introduced by backbench Members of Parliament.

This briefing explains the clauses of the Bill, looks at the British Sign Language (Scotland) Act 2015 and summarises the Bill's passage in the House of Commons.

What would the Bill do?

The Bill has three main clauses.

Clause 1 would provide legal recognition for British Sign Language (BSL) as a language of England, Wales and Scotland.

Clause 2 would create a duty for the Government to prepare and publish BSL reports, describing what government departments have done to promote the use of BSL in their communications with the public. The first of these should be published by 30 April 2023. Subsequent reports should be published at least once every three years.

Clause 3 would require the Government to arrange for guidance to be published about how to promote and facilitate the use of BSL. This guidance could, for example, include advice for government departments on best practice for communicating with BSL users.

How many people use BSL?

The Census produces some estimates for England and Wales of BSL users. The 2011 Census recorded that [15,487 people in England and Wales said that BSL was their main language](#). However, the Census only asks about people's main language, so it is unlikely to capture all users of BSL. Data from the 2021 census is not yet available.

More widely, it's been estimated by advocacy groups that [151,000 people use BSL in the UK, of whom 87,000 are Deaf](#).

The Equality Act requires service providers, employers, public bodies and others to make "reasonable adjustments" for disabled people, and public authorities must have ["have due regard" to various equality considerations](#).

However, campaigners argue that viewing BSL through the lens of reasonable adjustments fails to recognise it as an indigenous minority language with a rich cultural heritage.

The law in Scotland

The new Bill's purposes are similar to those in Scotland's [British Sign Language \(Scotland\) Act 2015](#), which requires Scottish Ministers to promote the use and understanding of BSL. Under a national plan, the Scottish Government has [70 actions it plans to take to promote BSL by 2023](#) (PDF).

In October 2021, the Scottish Government's progress report said that [while several aims had been achieved, many were wholly or partially incomplete](#), partly due to the Covid-19 pandemic.

Government support

The British Sign Language Bill was introduced to Parliament following the ballot process. At the start of the new parliamentary year, backbench MPs are invited to enter their names into a ballot and 20 names are drawn. Each MP whose name is drawn may present a bill of their choosing. Only the top seven are guaranteed any debate.

[The most recent ballot was held on 20 May 2021](#) and Rosie Cooper came in twentieth position. This would normally suggest that her bill would be unlikely to become law. The last time an MP in twentieth position presented [a ballot bill that went on to become law was 15 December 1999 \(the Protection of Animals \(Amendment\) Bill](#).

However, the British Sign Language Bill has now attracted cross-party support. This has been attributed partly to the awareness of BSL raised by Rose Ayling-Ellis, a deaf actress and BSL user who won the television dance competition, *Strictly Come Dancing*, in 2021.

The Minister of State for the Department for Work and Pensions, Chloe Smith, confirmed "[the Bill has the Government's full support](#)". The Government helped draft the Bill and prepare its [explanatory notes](#) (PDF).

In view of the Government backing and cross-party support, the Bill is very likely to become law.

Second reading

On Friday 28 January 2022, MPs across the House [voted to support the Bill at its second reading](#). During the debate, Rosie Cooper told MPs:

I want to finally recognise BSL in statute—not just a gesture but a law that requires positive action from the Government, with real progress to put deaf people on an equal footing with those of us who hear.

[...] this recognition will be clear and a message that their language is equal and should be treated as equal.

At second reading, the Government also committed to creating a non-statutory board of BSL users to advise the Government on matters relating to the language. At committee stage, the Minister, Chloe Smith, said the Department for Work and Pensions (DWP) hoped to confirm further details and nominations for the board by the summer.

Committee stage

The Bill was considered at committee stage on 24 February 2022. Only one amendment was proposed, to change the Bill's long title. It was brought by Rosie Cooper, who argued this change was to bring the title into line with the Bill as it is now drafted. The amended Bill received unanimous support.

Rosie Cooper MP also raised the duty of the Government to prepare and publish reports on what each government department had done to promote BSL in their communications with the public. She said [this would be a “valuable tool” for the public](#) to hold the government, and public bodies such as schools and hospitals, to account.

Chloe Smith said communications could include public announcements, publication of strategies, plans and consultations, and press conferences promoting a department's work.

Report stage and third reading

Report stage was held on Friday 18 March 2022. This gave MPs an opportunity to consider further amendments on the floor of the House of Commons. No amendments were proposed, and all speakers spoke in favour of the Bill. Third Reading was held on the same day, and the Bill was passed without a vote.

The Bill has now gone to the House of Lords, where it will receive further scrutiny and debate. The [second reading debate in the Lords was on 25 March](#)

2022. Both the Department for Work and Pensions Minister, Chloe Smith, and MP sponsoring the Bill, Rosie Cooper, [called on the Lords to pass the Bill without amendment](#).

The House of Lords Library [published an article on the British Sign Language Bill](#) before it was considered by the Lords.

1 Background

In a written ministerial statement in 2003 the then Secretary of State for Work and Pensions, Andrew Smith, said “The Government recognise that British Sign Language (BSL) is a language in its own right regularly used by a significant number of people.”¹ This recognition does not on its own have any legal effect. BSL is not accorded any legal status by UK legislation. Indeed, there are no official languages in the UK, nor is there any clear mechanism in UK law via which a language can acquire official status.

However, legislation can encourage the use of languages and there are examples of this. The [British Sign Language \(Scotland\) Act 2015](#), discussed below, is the most relevant, and helps to promote BSL in Scotland.

The [Welsh Language \(Wales\) Measure 2011](#) gave the Welsh language official status in Wales, and the [Gaelic Language \(Scotland\) Act 2005](#) established a body (the Bòrd na Gàidhlig) to promote the use and understanding of Gaelic language.

Campaigners have called for BSL to be given similar recognition and promotion. The [British Sign Language Bill](#) has been introduced in response these calls.

1.1 An adjustment or a language?

The Equality Act 2010 requires service providers, employers, public bodies and others to make “reasonable adjustments” for disabled people.² In some cases this may mean that information has to be provided in an accessible format, which may include BSL.³

In addition, public authorities are subject to the Public Sector Equality Duty. The Duty requires public authorities to “[have due regard](#)” to [various equality considerations](#) when exercising their functions, including the need to ‘advance equality of opportunity’.⁴ The [Equality Act defines advancing equality of opportunity](#) to include removing or minimising disadvantage; taking steps to meet specific needs; and encouraging people to participate in

¹ [HC Deb 18 March 2003 c41WS](#)

² Equality Act 2010, section 20

³ For further background see: [Disability Discrimination](#), Commons Library briefing CBP9061

⁴ Equality Act 2010, section 149(1). For further background see: [The Public Sector Equality Duty and Equality Impact Assessments](#), Commons Library briefing SN06591

public life.⁵ Again, this duty may in some cases mean that public authorities provide information in BSL, although the Duty will not require this.⁶

Campaigners argue that viewing BSL through the lens of reasonable adjustments fails to recognise it as an indigenous minority language with a rich cultural heritage.

This position was articulated by the British Deaf Association in a 2015 submission to a House of Lords Select Committee on the Equality Act 2010 and Disability. The Association wrote:

Currently language rights for BSL used by Deaf people in the UK are only offered under the aegis of disability legislation, however speakers of other indigenous spoken languages are not required to self-identify as disabled to access their language rights. The Equality Act 2010 does not make specific reference to BSL and it is therefore up to case law and judicial interpretation to determine what constitutes a “reasonable adjustment”. Reasonable adjustments are achieved primarily through the use of BSL-English interpreters (the majority of interpreters have acquired and use BSL as a second language). The mere provision of second language speakers acting as interpreters would not for one moment be considered adequate to safeguard and protect the integrity of other (spoken) indigenous languages.

The Equality Act 2010 does not therefore focus on the value and integrity of BSL and Deaf culture. It accords rights to individuals to protect them from discrimination but it does not protect or promote BSL as a language.⁷

1.2 British Sign Language (Scotland) Act 2015

Legislation relating to equal opportunities is generally reserved to Westminster.⁸ However, the Scotland Act 1995 provides exceptions to this, which entitles the Scottish Parliament to legislate to encourage equal opportunities.

The [British Sign Language \(Scotland\) Act 2015](#) was passed by the Scottish Parliament on 17 September 2015 and received Royal Assent on 22 October 2015. The Act aims to promote the use and understanding of BSL. [Section 1](#) states:

⁵ Equality Act 2010, section 149(3)

⁶ The Public Sector Equality Duty requires public authorities to have ‘due regard’ to the relevant considerations, which essentially means ‘consider them carefully’ – it does not prescribe any particular outcome once such consideration has been had

⁷ [Submission Paper Equality Act 2010 and Disability to the House of Lords’ Select Committee](#), 2015, page 9 (PDF)

⁸ Scotland Act 1995, Schedule 5, Head L, Section L.2

Scottish Ministers are to promote, and facilitate the promotion of, the use and understanding of the language known as British Sign Language

Scottish Ministers must prepare and lay before the Scottish Parliament ‘National Plans’, which set out their strategy for fulfilling the duty in section 1. These National Plans must be published once every six years. The first of these National Plans, the [National Plan 2017-2023](#), was published in October 2017 and contained 70 actions, ranging across a variety of themes, including public services, education, work and social security, health, transport, culture and the arts, and democratic participation.⁹

The Act also requires the Scottish Government to report every six years on progress against in the duty in section 1. The Scottish Government [published its first progress report](#) on 27 October 2021.¹⁰ The report noted that whilst several of the 70 actions [had been achieved](#), many were wholly or partially incomplete, partly due to the Covid-19 pandemic.

1.3 Petitions

MPs have recently debated petitions relating to BSL provision. On 15 May 2019, MPs [debated BSL provision as it relates to accessing NHS services](#).¹¹ The background to that debate is [explained in a Library briefing](#).¹²

On 5 March 2018, MPs debated [BSL provision as part of the national curriculum](#),¹³ the background to which is also [explained in a Library briefing](#).¹⁴

There have been several other petitions about BSL, including one calling for BSL interpretation for Covid briefings. The Government responded to that petition in May 2020 stating that BSL interpretation could not be provided as the Government could not “safely include a BSL interpreter in the room for daily briefings without potentially putting them and others at risk”.¹⁵

⁹ Scottish Government, [Scottish Government British Sign Language \(BSL\) National Plan 2017-2023, 2017](#)

¹⁰ Scottish Government, [British Sign Language - national plan: progress report, 2021](#)

¹¹ HC Deb 15 May 2019 c133WH-152WH

¹² Debate on access to NHS services for British Sign Language users, Commons Library debate pack, CDP2019-0118

¹³ HC Deb 5 March 2018 cc2WH-23WH

¹⁴ E-Petition 200000 “Make British Sign Language part of the National Curriculum”, Commons Library debate pack, CDP2018-0056

¹⁵ [Require British Sign Language Interpreters for emergency announcements on TV](#), Petitions [accessed 2 February 2022]

2

The Bill

The Bill is short, comprising three substantive clauses and one schedule.

Clause 1 would provide that “British Sign Language is recognised as a language of England, Wales and Scotland.”

The Bill would not extend to Northern Ireland. The Explanatory Notes state that this is because Northern Ireland has two distinct sign languages – British and Irish Sign Language – and the latter is not in scope of the Bill.

Clause 2 would place a duty on the Secretary of State (in practice, the Secretary of State for the Department for Work and Pensions) to publish a BSL report for each reporting period. The report must describe what “each relevant government department has done to promote or facilitate the use of British Sign Language in its communications with the public”.¹⁶ The relevant government departments are listed in the Schedule to the Bill. This list may be amended by regulations subject to the negative resolution procedure.¹⁷

The first reporting period will end on 30 April 2023. Thereafter each reporting period must be no longer than three years.¹⁸

Clause 2(5) would clarify the relationship between the reporting duty and the devolved governments, and states that the report would not include communications about reserved matters.

Clause 3 would require the Secretary of State to issue guidance, or arrange for guidance to be issued, about the promotion and facilitation of the use of BSL. Guidance could include advice for relevant government departments on providing information to support the reporting duty; advice on best practice for communicating with BSL users; and case studies to illustrate the value of providing BSL interpretation.

As originally introduced, the long title of the Bill indicated that the Bill would “provide for a British Sign Language Council to promote and advise on the use of BSL”.¹⁹

The Bill’s Explanatory Notes state that the content of the Bill has been revised, with the approval of the sponsoring Member, and that the Government intends instead to establish a non-statutory board.²⁰

¹⁶ Clause 2(2)

¹⁷ Clause 2(9)-(10)

¹⁸ Clause 2(7)

¹⁹ [British Sign Language Bill](#), Bill 33 58/2

²⁰ British Sign Language Bill Explanatory Notes, page 4, para 20

The Government restated this commitment at Second Reading and Committee stage. The sponsoring Member also introduced an Amendment to change the Bill's long title to remove the reference to a BSL Council.

3

Second reading debate

The Bill attracted unanimous support across the House during its second reading debate. In introducing the debate, Rosie Cooper explained that, through recognising BSL in statute and the Bill's other measures, the Bill would require "positive action from the Government, with real progress to put deaf people on an equal footing with those of us who hear."²¹

Rosie Cooper went on to highlight the difficulties experienced by deaf people accessing services when there is a lack of BSL provision:

The need for an interpreter should be obvious, but it is repeatedly overlooked. It shocks people to know that the only place where someone is guaranteed a qualified interpreter is in the courts. As a result, it seems that every deaf person has their own awful account of being failed, such as the NHS failing to provide qualified interpreters for a medical appointment. It is unthinkable that we live in a world where a person can go to a pre-arranged medical appointment and the doctor has no way of clearly and understandably communicating a diagnosis or giving medical advice.²²

Other Members took up the same point, and recounted stories from constituents of difficulty accessing services and understanding government communications. Caroline Nokes, chair of the Women and Equalities Committee, explained that the Committee had taken evidence about this:

through the course of 2020 I listened to a great deal of evidence from people with disabilities about their access to services during the pandemic. I pay huge tribute to those people who came forward with their stories of the challenges that they had had receiving information as BSL users. We got testimony from the RNID, among others, about whole families who had not been able to understand the rules of lockdown and how they impacted them. It is critical that, moving forward, we make sure that access to Government information is available for all those with disabilities.²³

Lilian Greenwood, chair of the All-Party Parliamentary Group on deafness, criticised the "high-profile failure to provide BSL interpretation at the initial covid press conferences" and questioned

How many of us who speak a second language would want to use it to apply for a passport, check our entitlement to benefits or arrange

²¹ [HC Deb 28 January c1227](#)

²² *Ibid.*, c1228

²³ *Ibid.*, c1234

childcare vouchers on a site such as gov.uk? Why do we demand that nearly 90,000 of our citizens deal with these routine interactions with government based on an ability to use their second language? This needs to change, and information in BSL can empower deaf people to manage their own affairs and lead confident, independent lives.²⁴

In responding to the debate, the Minister of State for the Department for Work and Pensions (DWP), Chloe Smith MP, confirmed that the Bill had “the Government’s full support” and said that, in addition to the measures in the Bill, the Government would “create a non-statutory board of British Sign Language users that can advise the Government on matters pertaining to BSL”.²⁵ The Minister also said the Government is:

developing a suite of non-statutory measures that will help to promote and facilitate the use of BSL. That work includes examining how we might increase the number of BSL interpreters, reviewing how we might work in DWP to ensure that the Access to Work fund helps BSL users, and aiming to update the national disability strategy to facilitate and promote BSL usage.²⁶

²⁴ Ibid., c1236

²⁵ Ibid., cc1258-59

²⁶ Ibid., c1259

4 Committee stage

The Committee stage for the Bill took place on 22 February 2022. No oral evidence was taken, nor any written evidence received.

Echoing the Bill's second reading debate, it received unanimous support from Members. Only one amendment was made.²⁷

Annex 1 provides a list of Committee members.

Amendment to change the Bill's long title

Rosie Cooper MP, who introduced the Private Members Bill, tabled the one amendment to the Bill, to alter its long title. Amendment one proposed changing the title from:

Declare British Sign Language (BSL) an official language of the United Kingdom; to provide for a British Sign Language Council to promote and advise on the use of BSL; to establish principles for the use of BSL in public services; to require public bodies to have regard to those principles and to guidance issued by the Council; and for connected purposes.²⁸

The proposed long title read:

Recognise British Sign Language as a language of England, Wales and Scotland; to require the Secretary of State to report on the promotion and facilitation of the use of British Sign Language by ministerial government departments; and to require guidance to be issued in relation to British Sign Language.²⁹

Rosie Cooper MP said the change was intended to bring the title into line with the current version of the Bill, compared to its first draft.

In the Bill, as introduced in January 2022, Clause 1(2) of the Bill clarified that subsection (1), which would recognise BSL as a language, would not affect the operation of any enactment or rule of law.³⁰

This, the Member said, made the original title to “declare” BSL an official language symbolic only. She said that because there is no official language in

²⁷ UK Parliament, [British Sign Language Bill: Publications](#), accessed 24 February 2022

²⁸ [British Sign Language Bill](#), Bill 33 58/2, as introduced 26 January 2022

²⁹ [British Sign Language Bill](#), Bill 33 58/2, as amended in committee 23 February 2022

³⁰ [British Sign Language Bill](#), Bill 33 58/2, as amended in committee 23 February 2022

the UK, there was no practical way to refer to BSL as an official language, informing the amendment from “declaring” to “recognise.”³¹

She said the further changes to the long title were informed by this clarification in the original Bill, and the limited scope of Private Members Bills. She said the non-statutory body to be set up on the BSL (see above, page 13) could, in time, make recommendations and feed into guidance to go further than the Bill currently drafted.³²

Speaking also in favour of the amendment, Sir Mike Penning argued it “in no way changes the importance or the powers of the Bill.”³³

The amendment was agreed unanimously.³⁴

Labour Shadow Minister for Disabilities, Vicky Foxcroft, “noted with concern” clause 1 (2) of the Bill, stating the recognition of BSL as a language does not affect the operation of any enactment or rule of law. She argued that “future improvements must strengthen the Bill and give it more power.”³⁵

The DWP Minister, Chloe Smith, said this was to ensure legal certainty and to act quickly:

It is to ensure legal certainty so that recognition of BSL would not generate confusion or disputes. For the good reasons already set out by the hon. Member for West Lancashire [Rosie Cooper MP], we want to achieve something quickly and effectively, but the legal certainty is also important [...] The purpose and effect of clause 1(2) is to leave the existing balance of legal protections of the Equality Act 2010 unaffected.³⁶

Duty to report

Rosie Cooper MP also raised the duty of the Government to prepare and publish reports on what each government department had done to promote the use of BSL in their communications with the public. She said this would be a “valuable tool” for the public to hold the government, and public bodies such as schools and hospitals, to account.³⁷

The Minister, Chloe Smith, cited some examples of what communications this could include: public announcements, publication of strategies, plans and consultations, and press conferences promoting a department’s work.³⁸

³¹ PBC Deb, [23 February 2022](#), c4

³² PBC Deb, [23 February 2022](#), c4

³³ PBC Deb, [23 February 2022](#), c6

³⁴ PBC Deb, [23 February 2022](#), c16

³⁵ PBC Deb, [23 February 2022](#), c11

³⁶ PBC Deb, [23 February 2022](#), c12

³⁷ PBC Deb, [23 February 2022](#), c5

³⁸ PBC Deb, [23 February 2022](#), c12

Non-statutory body

Vicky Foxcroft MP raised concerns about the non-statutory nature of the board of BSL users and associated persons who will advise the Secretary of State:

We must ask why the body advising on such an important issue will be a non-statutory board. Does that mean Ministers will not have to listen to or act upon its recommendations? Ministers need to be clear about how the members of the body will be recruited.³⁹

She also called for the body's minutes and recommendations to be made public and for it to be transparent in how it communicates with the Deaf community.⁴⁰

The Minister said that the Government wants BSL users to be “central to the board” and that it was considering the need to widen the board's members beyond the larger charities.

The Department for Work and Pensions is now considering the composition and remit of the board and hopes to confirm details in the summer and seek nominations for members. They will be appointed by the Secretary of State.⁴¹

³⁹ PBC Deb, [23 February 2022](#), c10

⁴⁰ PBC Deb, [23 February 2022](#), c10

⁴¹ PBC Deb, [23 February 2022](#), c14

5

Report stage and third reading

On Friday 18 March 2022, the Bill had its report stage and third reading in the Commons. No amendments were proposed. Speakers from across the House supported the legislation, and it passed its third reading without division.

In advance of the debate, the Government reiterated its support for the Bill and its plans to establish a non-statutory advisory board of BSL signers.⁴²

Scope of the Bill

Rosie Cooper MP, who introduced the Bill, said it would “make such a difference to the lives of deaf people,” but also addressed what it did not contain:

Some campaigners have made the fair point that this Bill does not give specific legal rights to deaf people [...] In bringing forward this Bill, I knew that we could not rewrite or replace legislation; instead, we are opening the door for deaf people to have their voices heard and their language protected.⁴³

The Shadow Minister for Disabled People, Vicky Foxcroft, re-stated her concerns from the committee stage debate on the non-statutory nature of the BSL advisory board and her hope that future legislation would strengthen consultations between the Deaf community and the Government.⁴⁴

Rosie Cooper said the board is an “essential mechanism for deaf people to say, ‘This isn’t working. This is what would help. This is what needs to change.’”⁴⁵

The Minister, Chloe Smith, reiterated that a Private Members Bill cannot create new public expenditure, so it was not possible for it to create a statutory board.⁴⁶

Consideration in the Lords

In the Lords, the Bill will be subject to further scrutiny and debate. [Second reading took place](#) in the Lords on 25 March 2022.⁴⁷

⁴² DWP, [Government backs latest stage of BSL Bill](#), 18 March 2022 (accessed 21 March 2022)

⁴³ HC Deb, [18 March 2022](#), c1199

⁴⁴ HC Deb, [18 March 2022](#), c1206

⁴⁵ HC Deb, [18 March 2022](#), c1199

⁴⁶ HC Deb, [18 March 2022](#), c1223

⁴⁷ UK Parliament, [BSL Bill](#), last updated 22 March 2022

The Minister said that members of the Lords should consider carefully before submitting amendments, arguing there is “no time” in the remainder of this parliamentary session if the Bill is to gain Royal Assent and become an Act.⁴⁸ MPs Rosie Cooper and Sir Mike Penning endorsed the Minister’s call.⁴⁹

⁴⁸ HC Deb, [18 March 2022](#), c1223

⁴⁹ HC Deb, [18 March 2022](#), c1223

Annex 1

The Public Bill Committee was chaired by Maria Miller MP, and consisted of seventeen other Members:

- Aiken, Nickie (Cities of London and Westminster) (Con)
- Aldous, Peter (Waveney) (Con)
- Bacon, Gareth (Orpington) (Con)
- Clarkson, Chris (Heywood and Middleton) (Con)
- Cooper, Rosie (West Lancashire) (Lab)
- Crosbie, Virginia (Ynys Môn) (Con)
- Eagle, Maria (Garston and Halewood) (Lab)
- Fellows, Marion (Motherwell and Wishaw) (SNP)
- Foxcroft, Vicky (Lewisham, Deptford) (Lab)
- Greenwood, Lilian (Nottingham South) (Lab)
- Kruger, Danny (Devizes) (Con)
- Lockhart, Carla (Upper Bann) (DUP)
- Longhi, Marco (Dudley North) (Con) [did not attend the Committee]
- Penning, Sir Mike (Hemel Hempstead) (Con)
- Rimmer, Ms Marie (St Helens South and Whiston) (Lab)
- Smith, Chloe (Minister of State, Department for Work and Pensions)
- Williams, Craig (Montgomeryshire) (Con).⁵⁰

⁵⁰ PBC, [22 February 2022](#), c1

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