



DEBATE PACK

Number CDP-0208 (2019), 3 September 2019

Artist Visas

Summary

There will be a debate in Westminster Hall on Wednesday 4 September 2019 on 'artist visas' sponsored by Deidre Brock of the SNP.

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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

1. Background

Refusals for visas for non-EU artists and performers have attracted parliamentary and media attention, particularly in Scotland.

1.1 Issues for non-EU artists entering the UK

According to media reports going back to 2018, visa requirements have prevented UK festivals from featuring non-EU artists and performers, with the reports focusing on those bound for Scottish festivals.

The Guardian reported:

Edinburgh's arts and cultural festivals have lobbied ministers to introduce a more flexible visa system, fearing European artists could be barred from entering the UK after Brexit.

Nick Barley, the director of the Edinburgh international book festival, said there was concern that performers from the EU would face the same visa restrictions as artists from the Middle East, Africa and south Asia.

A dozen authors due to take part in last year's festival were denied visas, including the Palestinian writer Nayrouz Qarmout who was refused entry three times before the Home Office eventually relented. Some were told they had too much money and others not enough.¹

The Times reported in June that festival officials were engaging in talks with UK ministers on the effect of visa rules on the 'international standing' of Edinburgh's festivals.² The article explains:

Last year a number of African and Middle Eastern authors were denied visas, preventing their appearance at the book festival, while in 2017 an international festival concert by Conchita Wurst, the Eurovision winner, was cancelled after a Syrian member of his band was refused entry to the UK.

There are a number of relevant visa categories which festival performers may apply for and these are outlined below.

Immigration statistics for the Tier 5 – Creative and Sporting visa category show that there has been minimal change in refusal rates when comparing Q2 2018 and Q2 2015.³ This category also includes temporary sporting workers and it is not possible to distinguish between temporary sporting workers and temporary creative workers in the statistics.

Immigration statistics in the other possible visa categories (outlined below) do not show sufficient information to indicate refusal rates for festival performers.

¹ ['Edinburgh arts festivals lobby for urgent visa reforms'](#), *The Guardian*, 6 June 2019

² ['Complex visa rules threaten city's festivals'](#), *The Times*, 7 June 2019

³ See the Home Office's Entry clearance visas table vi 01 q (volume 1)

1.2 Visa requirements for temporary festival performers and artists

Non-EU citizens who wish to come to the UK to perform as artists may require a visa depending on whether they are a 'visa national'. A person is a visa national if they come from a country designated by the Home office as requiring a visa for tourism purposes up to 6 months. The list of visa nationals can be found in [Appendix 2](#) of the immigration rules appendix V: visitor rules.

A visa national who wishes to come to the UK to perform as an artist (such as musicians, artists, actors, writers, etc) is required to have immigration permission to carry out their performances and activities.

Non-visa nationals are entitled to carry out the same permitted activities as those who hold the related visa if relevant.

Standard visitor visa

The standard visitor visa is a type of visitor visa which lasts for 6 months and permits artists to come to the UK to 'undertake an activity that is connected to the arts'.⁴ Some examples of these activities are:

- poets
- film crew
- photographers
- designers
- artists
- musicians
- writers
- conductors⁵

However, payment cannot be received for any of these activities while on a standard visitor visa. The exception is for paid performances at designated 'permit free festivals' which are set out in [Appendix 5](#) of the immigration rules appendix V: visitor rules. There is a wide range of permit free festivals including Glastonbury, the Edinburgh Festival Fringe and the Isle of Wight Festival.

The Home Office guidance explains:

The list of permit free festivals is set out in Appendix 5 to [Appendix V of the Immigration Rules](#). Festivals and events which are included on this list are able to invite entertainers or artists to take part in their event without the need to issue a certificate of sponsorship under the points-based system. The performers can exceptionally be paid for their participation in the festival under the [Standard Visitor](#) route. Where entertainers or artists are established professionals it may also be possible for them to use the [Permitted Paid Engagement](#) visitor route.

⁴ Home Office, '[Visit guidance](#)', 5 April 2019, p 26 [accessed 7 August 2019]

⁵ Home Office, '[Visit guidance](#)', 5 April 2019, p 26 [accessed 7 August 2019]

Festivals that wish to be included on the permit free festival list must send their applications for inclusion by 13 January 2019 if the festival is scheduled to start between 7 April 2019 and 6 April 2020.⁶

Permitted paid engagement visa

The permitted paid engagement visa (“PPE”) is a type of visitor visa. Visa nationals may be required to apply for a PPE, but non-visa nationals can apply for one if they choose to. A non-visa national must, however, be able to show they would meet the requirements for a PPE visa when entering the UK at the border if they have not already applied for a PPE.

The list of permitted activities is the same for the PPE as on the standard visitor visa. However, holders of a PPE visitor visa can be paid for their work, unlike those on a standard visitor visa.

A PPE visitor must not use the PPE route ‘on a repeat basis for temporary employment’ and the Home Office guidance states a case officer should refuse an applicant who is making repeat visits.⁷

Tier 5 (creative and sporting) visa

The Tier 5 (creative and sporting) visa is a temporary visa which requires the applicant to have a certificate of sponsorship. The visa is open to those who have been offered work in the UK as a creative worker such as ‘an actor, dancer, musician or film crew member’.⁸

To be eligible for this visa the applicant must show that they ‘make a unique contribution to the UK labour market, for example you’re internationally renowned or are required for continuity’.⁹

Those who are not visa nationals can enter the UK on a Tier 5 (creative and sporting) concession without applying in advance if they have a certificate of sponsorship and are coming to the UK to work for no longer than 3 months.¹⁰ Non-visa nationals coming for more than 3 months will need to apply for the Tier 5 visa.

1.3 Impact of Brexit

The impact of Brexit on the ability of UK festivals to attract EU artists has also garnered parliamentary and media attention. After the UK leaves the EU it plans to implement a new immigration regime for EU citizens who wish to come to the UK. The impact of Brexit on artists from the EU who wish to perform in UK festivals is unclear. According to news reports the new Home Secretary Priti Patel has indicated an overhaul of the Government’s policy on immigration after Brexit. The May Government’s policy was set out in the Immigration White Paper of 2018, [‘The UK’s future skills-based immigration system’](#) but it is not

⁶ GOV.UK, [‘Guidance: how to apply to get on the list of permit free festivals’](#), updated 20 November 2018 [accessed 7 August 2019]

⁷ Home Office, [‘Visit guidance’](#), 5 April 2019, p 53 [accessed 7 August 2019]

⁸ GOV.UK, [‘Temporary worker – creative and sporting visa \(tier 5\)’](#), undated [accessed 7 August 2019]

⁹ GOV.UK, [‘Temporary worker – creative and sporting visa \(tier 5\)’](#), undated [accessed 7 August 2019]

¹⁰ GOV.UK, [‘Temporary worker – creative and sporting visa \(tier 5\)’](#), undated [accessed 7 August 2019]

known to what extent and detail these proposals are being taken forward.

2. Media

2.1 Press releases

Alexsobel.co.uk

[Alex Sobel MP calls on Home Office to reverse new visa rules for visiting musicians and artists](#)

23 October 2018

Index on Censorship

[UK overturns decision to refuse visas to award-winning Cuban artists](#)

4 October 2018

2.2 Articles and blogs

Times

[Complex visa rules threaten city's festivals](#)

7 June 2019

Bookseller

[Visa issues could stop authors attending Edinburgh Book Festival, warns director](#)

7 June 2019

Guardian

[Edinburgh arts festivals lobby for urgent visa reforms](#)

6 June 2019

Scotsman

['Festival visas' urged to allow performers into Edinburgh](#)

29 May 2019

Times

[Britain ends visa anomaly for touring bands that struck sour note with Republic](#)

3 March 2019

IQ Magazine

[UK Live hails new Ireland visa waiver process](#)

28 February 2019

Home Office

[New process for artists and sportspeople entering from Ireland](#)

28 February 2019

Scotsman

[Performers are 'collateral damage' as visa issues hamper Edinburgh festivals](#)

4 February 2019

Bookseller

[Barley renews call for visa overhaul, warning of 'irreversible' damage](#)

4 February 2019

Richmond Chambers immigration barristers

[Immigration White Paper could harm UK music industry](#)

31 December 2018

Creative Industries Federation

[The Immigration White Paper: What does this mean for the Creative Industries?](#)

19 December 2018

Times

[World music star Rokia Traoré quits festival over 'insulting' visa rules](#)

27 October 2018

Billboard

[British Music Bodies Look to End 'Costly' Visa Restrictions for Visiting US Acts](#)

24 October 2018

Free Move Create

[FreeMoveCreate letter in response to the Migration Advisory Committee's final report EEA Migration in the UK.](#)

16 October 2018

IQ Magazine

[Keeping the doors open for African music](#)

15 October 2018

Musicians Union

[Musicians' Union Calling for Touring Visa for Musicians Post-Brexit](#)

13 September 2018

Left Foot Forward

[Left on the fringes: Britain's broken immigration system is crushing the arts](#)

22 August 2018

Guardian

[Visa refusals starve UK's arts festivals of world talent - Letters](#)

21 August 2018

Guardian

[UK festival directors demand end to 'overly complex' visa process](#)

21 August 2018

North Edinburgh News

[UK Government's 'hostile environment' keep authors away from Book Festival, says Brock](#)

10 August 2018

Politics Home

[Nicola Sturgeon accuses UK ministers of 'undermining' Edinburgh festival by refusing visas](#)

9 August 2018

Guardian

[Home Office refuses visas for authors invited to Edinburgh book festival](#)

8 August 2018

Guardian

[What the Womad visa fiasco tells us about live music in Brexit Britain](#)

2 August 2018

Guardian

[Opinion: Britain is open for business? Not for African artists coming to Womad - Ian Birrell](#)

27 July 2018

UK Music

[UK Music echoes House of Lords' warning over impact of Brexit on live tours](#)

26 July 2018

3. Parliamentary Business

3.1 Ministerial Statements

3.2 Debates

[Immigration](#)

HC Deb 26 June 2019 c673-725

[Brexit: Movement of People in the Cultural Sector \(European Union Committee Report\)](#)

HC Deb 15 May 2019 c1557-95

[Business of the House](#)

HC Deb 9 May 2019 c670

Extract from Business Question:

Valerie Vaz:

...

the right hon. Lady will have seen the research from the Incorporated Society of Musicians which shows that the uncertainty over Brexit is continuing to cause real damage to the music industry, which is a very important part of our GDP. The ISM has concerns about future work, mobility, visas, transportation of instruments and equipment, and health and social security. The research showed that 63 respondents cited difficulty in securing future work in the EU27 and EEA countries as the biggest issue that they faced because of Brexit. More than one in 10 respondents reported that offers of work had been withdrawn or cancelled with Brexit being given as the reason. May we have more certainty for that sector?

...

[Arts: Impact of Brexit](#)

HL Deb 11 October 2018 c240-80

[UK Entry Visas](#)

HC Deb 19 November 2018 c692-700

3.3 Parliamentary Questions

[Musicians: Visas](#)

Asked by: Dakin, Nic | **Party:** Labour Party

To ask the Secretary of State for Exiting the European Union, what progress he has made on ensuring reciprocal mobility agreements between the UK and the EU for people in the music industry that require short-term visas after the UK leaves the EU.

Answering member: Mr Robin Walker | **Party:** Conservative Party |
Department: Department for Exiting the European Union

In the event that the UK leaves the EU without a deal, UK nationals undertaking paid work, including in the music industry, in the EU should check with the Embassy of the countries they plan to travel to for what kind of visa or permit, if any, they will need. The FCO provides advice on their [country-specific travel pages online](#). Information about entry requirements for those intending to work or provide a service in an EU Member State is listed on our [advice pages for UK businesses](#) on gov.uk.

The Political Declaration agreed between the UK and the EU acknowledges the importance of mobility for cultural cooperation. The UK has proposed reciprocal mobility arrangements with the EU that support businesses to provide services and move their talented people. We also want to discuss how to facilitate the temporary mobility of self-employed professionals and employees providing services. The detail of our reciprocal mobility arrangements will be discussed in the next phase of negotiations.

22 Jul 2019 | Written questions | Answered | House of Commons | 277712

Date tabled: 16 Jul 2019 | **Date for answer:** 22 Jul 2019 | **Date answered:** 22 Jul 2019

[Visas: Musicians](#)

Asked by: Jones, Ruth

To ask the Secretary of State for Exiting the European Union, what progress he has made in discussions with the Home Secretary on a two-year, multi-entry touring visa for UK musicians in the event that the UK leaves the EU without a deal.

Answering member: Mr Robin Walker | **Party:** Conservative Party |
Department: Department for Exiting the European Union

The Secretary of State for Exiting the European Union has regular discussions with Cabinet colleagues on preparations for the UK's departure from the European Union.

In the event that the UK leaves the EU without a deal, UK nationals undertaking paid work such as tours in the EU should check with the Embassy of the countries they plan to travel to for what kind of visa or

permit, if any, they will need. The FCO provides advice on their country-specific travel pages online. Information about entry requirements for those intending to work or provide a service in an EU Member State is listed on our [advice pages for UK businesses](#) on gov.uk.

The Political Declaration agreed between the UK and the EU acknowledges the importance of mobility for cultural cooperation. The UK is seeking to agree reciprocal mobility arrangements that would facilitate the temporary mobility of self-employed professionals and employees providing services. The detail will be discussed in the next phase of negotiations.

05 Jul 2019 | Written questions | Answered | House of Commons | 269789

Date tabled: 26 Jun 2019 | **Date for answer:** 01 Jul 2019 | **Date answered:** 05 Jul 2019

[Free Movement of People: Arts and Musicians](#)

Asked by: Farrelly, Paul | **Party:** Labour Party

To ask the Secretary of State for the Home Department, what steps he is taking to ensure the maintenance of freedom of movement for touring (a) musicians and (a) artists; and if he will make an assessment of the potential merits of a two-year multi-entry visa for those people.

Answering member: Caroline Nokes | **Party:** Conservative Party | **Department:** Home Office

While the government is clear that free movement will end when we leave the EU, we are aware that continued access to international talent and the ability for UK talent to tour are key concerns for the cultural and creative sectors.

Non-EEA musicians and artists can currently enter the UK through a range of routes. Standard visitors can be paid for their participation at Permit Free Festivals for up to six months, Permitted Paid Engagement visitors can undertake various engagements for up to one month and the Tier 5 (Creative and Sporting) route permits artists, performers and their entourage to work in the UK. Tier 5 visas are granted for up to 12 months and can be extended for up to a maximum of 2 years in the UK.

The Home Office has launched a year-long engagement programme on the proposals in the White Paper on our future skills-based immigration system. The Home Office is working with DCMS and creative and cultural industries throughout this process so that Government approaches policy well informed by those working in the sector.

13 May 2019 | Written questions | Answered | House of Commons | 251951

Date tabled: 08 May 2019 | **Date for answer:** 13 May 2019 | **Date answered:** 13 May 2019

[Musicians](#)

Asked by: Offord, Dr Matthew | **Party:** Conservative Party

To ask the Secretary of State for Digital, Culture, Media and Sport, what initiatives his Department is promoting to help ensure that (a) UK musicians are able to perform in the EU and (b) EU musicians are able to perform in the UK after the UK leaves the EU.

Answering member: Margot James | **Party:** Conservative Party |
Department: Department for Digital, Culture, Media and Sport

The music industry is a major success story for the UK and the government recognises the importance of the continued mobility of talented individuals and groups to support cultural and creative cooperation and the continued growth of the sector.

Recognising the depth of the UK-EU relationship, the UK is seeking reciprocal mobility arrangements with the EU in a defined number of areas, for example to allow business professionals to provide services, or tourists to continue to travel visa-free. This is in line with the arrangements that the UK might want to offer other close trading partners in future, where they support new and deep trade deals. This is subject to wider negotiations with the EU.

12 Nov 2018 | Written questions | Answered | House of Commons | 187336

Date tabled: 02 Nov 2018 | **Date for answer:** 06 Nov 2018 | **Date answered:** 12 Nov 2018

[Visas: Certificates of Sponsorship](#)

Asked by: Lord Clement-Jones | **Party:** Liberal Democrats

To ask Her Majesty's Government what assessment they have made of the impact of changes to arrangements for Certificates of Sponsorship, in particular those affecting artists visiting the United Kingdom for music festivals.

Answered by: The Minister of State, Home Office (Baroness Williams of Trafford) (Con) | **Party:** Conservative Party

My Lords, we welcome artists from across the world visiting the UK to perform in music festivals, recognising the needs of the creative arts and to promote the creative industries. Specific arrangements

were introduced in 2008 under tier 5. While there have been no changes to these, we recognise concerns raised by the sector about the operation of tier 5 in specific areas and we are working with it to understand and address them accordingly.

13 Sep 2018 | Oral questions - Lead | Answered | House of Lords | House of Lords chamber | 792 cc2373-5

Date answered: 13 Sep 2018

[Visas: Certificates of Sponsorship](#)

Asked by: Lord Clement-Jones (LD) | **Party:** Liberal Democrats

My Lords, the UKVI now seems to be telling its officers that all non-EU entertainers need an entry visa if they come through Ireland, whereas previously, certificates of sponsorship could be presented and activated when they came to Britain. This change was not announced publicly and no proper consultation with the music industry took place. It was taken unawares and the new requirement has had a major impact on major summer music festivals such as Glastonbury, Edinburgh, Glyndebourne, Reading and Leeds. Is this the hostile environment we can now expect for all artists—whether they are EU citizens or not—if Brexit takes place? Is the Home Office now dictating our cultural and creative exchanges?

Oral questions - 1st Supplementary

Answering member: Baroness Williams of Trafford | **Party:** Conservative Party

I hope the noble Lord could concede that it is not hostile; it is quite the opposite. There has been a change in how the tier 5 route is implemented when individuals enter the UK, particularly from Ireland. Because there are no routine immigration controls on these routes, the correct form of entry clearance cannot be given and the certificates of sponsorship therefore cannot be activated. It has nothing to do with exit from the EU. Work is well under way to identify a workaround for the tier 5 concession route when entering the UK from Ireland to avoid the requirement to obtain a visa before arrival. I hope that gives the noble Lord some comfort.

13 Sep 2018 | Oral answers to questions | House of Lords | House of Lords chamber | 792 c2374

Date answered: 13 Sep 2018

3.4 Select Committee material

Digital, Culture, Media and Sport Committee, [Live music](#), 19 March 2019, HC 733 2017-19

European Union Committee, [Brexit: movement of people in the cultural sector](#), 26 July 2018, HL Paper 182

Digital, Culture, Media and Sport Committee, [The potential impact of Brexit on the creative industries, tourism and the digital single market](#), 25 January 2018, HC 365 2017-19

4. Scottish Parliament

[Edinburgh Festivals \(Effect of Immigration Policy\)](#)

Scottish Parliament Official Report 30 May 2019 cc27-41

Business debate on motion S5M-15707, in the name of Gordon MacDonald, on the impact of hard-line visa controls on the Edinburgh festivals.

Motion debated.

That the Parliament notes with concern the growing impact of what it sees as the UK Government's hostile immigration policy on the ability of the Edinburgh's festivals to attract international guests; understands that acclaimed international writers, actors and musicians have been forced to cancel trips to the capital's festivals in recent years after what it sees as hard-line visa controls were introduced; believes that the situation can only worsen after Brexit; notes the calls on the UK Government to seek a more streamlined approach, in light of festival programmes reportedly being hit by visa refusals, errors and delays; appreciates the work of Deidre Brock MP, who has continually supported the festivals and artists, and has recently made an urgent request to meet the UK immigration minister to discuss the matter; considers that the Edinburgh festivals are essential to cultural and social life in the city, and believes that the reputation of Edinburgh as a global gathering place is being put at risk by what it sees as narrow-minded, xenophobic policies

[Edinburgh Festivals \(Artists' Visas\)](#)

Scottish Parliament, Official Report 18 June 2019, cc13-14

Gordon MacDonald (Edinburgh Pentlands) (SNP): To ask the Scottish Government whether it is aware of any action being taken to ensure that the Edinburgh festivals do not experience the same difficulties as last year regarding complex visa rules faced by some artists. (S50-03399)

The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop): At the end of last month, I was pleased to close the members' business debate on the important topic of visa issues for festivals. For the benefit of those who were not in the chamber on that day, I repeat that I have written to the Home Secretary as well as to other ministers, inviting their attendance at an international festivals visa summit here, in Edinburgh. I have reiterated that a better solution for visiting artists, performers and others must be integral to any future immigration system. The United Kingdom Government's current visa application process for visitors who come to Scotland for our festivals is lengthy and complex, and there is a catalogue of examples of poor decision making. The Scottish Government is committed to ensuring

that Scotland's voice and that of our internationally renowned festivals is heard in the discussion on the future immigration system.

Gordon MacDonald: I thank the cabinet secretary for that answer and for her efforts to address the problem. The issue needs to be addressed for the long term. Will the cabinet secretary join me in calling on the UK Government to make the visa process for this year's festivals more transparent and to allow festival organisers a chance to put any errors or omissions right before a visa refusal is received?

Fiona Hyslop: I will, indeed. We have reminded the Home Office that it needs to address that for this year, not just for future years. The member will have heard about the real concern of two Indian artists who have come as part of a UK-India cultural exchange programme, which was set up by the UK Government with funding from the British Council, Creative Scotland and the Scottish Government. Paragon, a charity that promotes Scottish inclusive music and dance, was involved in that particular programme. The galling thing is that the artists' non-disabled colleagues from the charitable foundation in Chennai, who were travelling to Glasgow with them to support them, were granted entry without any trouble but the two young artists were not. We are looking into the issue and we are asking the Home Office to look into it. As of now, and as of this weekend, we are continuing to see the issues that are faced by cultural artists who want to come and perform here. They should be made welcome, and we should celebrate our international musical connections. The Home Office really must pay special attention to those issues this year.

[Gordon MacDonald, Edinburgh Pentlands, Scottish National Party](#)

Scottish Parliament, Written Answer 21 May 2019

To ask the Scottish Government what impact the UK Government's immigration policy is having on the Edinburgh festivals.

Answered by Fiona Hyslop

The Scottish Government has longstanding concerns around how readily artists and performers can come to Scotland for the Edinburgh Festivals, and the problems that delays visa processes and indeed refusals that are overturned on appeals and after a late stage can cause festival organisers of all sizes.

The internationalism of the Edinburgh Festivals programme is at the heart of the city's continuing appeal as the world's leading festival city and we intend to continue to spread the message that we remain open. For artists and wider cultural exchange.

5. Organisations and Further reading

UK Visas and Immigration, [Guidance: Common travel area](#), 27 June 2019

Guidance for staff on the common travel area (CTA) including its legal basis, instructions and requirements for people travelling to and within the CTA and in-country encounters.

Musicians Union, [Report Released Recommending that Government Must Act Now to Protect Music](#), 20 March 2019

UK Music, [New process for artists and sportspeople entering from Ireland](#), 6 Mar 2019

Migration Advisory Committee, [Migration Advisory Committee \(MAC\) report: EEA migration](#), 18 September 2018

Iain Halliday, [What's going on with UK visit visas?](#) Free Movement, 13 August 2018

Creative Industries Federation, [Freelance Visa: Securing the future workforce of the UK's creative industries](#), 2018

Creative Industries Federation, [Creative Freelancers report](#), 17 July 2017

UK Visas and Immigration, [Guidance on the main immigration routes for artists and entertainers coming to the UK for visits or work](#), 1 August 2015

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