



Debate on the Queen's Speech: Day 4 Home Affairs, Justice, Local Government, Devolved Affairs and Constitutional Affairs 21 October 2019

Summary

This Lords Library Briefing is one of four prepared ahead of the five days of debate in the House of Lords on the Queen's Speech, scheduled to take place between 15 and 22 October 2019. The briefing looks at home affairs, justice, local government, devolved affairs and constitutional affairs.

The briefing identifies key bills that may be announced in the Queen's Speech. This is based on existing government commitments foreshadowing such legislation and press reports. Additional bills may be announced not covered in this briefing. Details vary but at the time of writing possible government bills include:

- A bill or bills to enshrine the Police Covenant, tackle serious violence, replace current arrangements for the European Arrest Warrant and modernise espionage laws.
- The Domestic Abuse Bill, which was carried over from the last session.
- An immigration bill, possibly following on from the Immigration and Social Security Co-ordination (EU Withdrawal) Bill which was lost at the end of the last session.
- A bill or bills concerning sentencing of prisoners and denying parole to murderers who refuse to reveal the location of their victims.
- A bill or bills about housing matters, including commonhold and leasehold, and the statutory regulation of letting agents.
- A bill to implement recommendations by the Hart Inquiry into Historical Institutional Abuse in Northern Ireland.
- An electoral law bill concerning intimidation, influence and information.

Several bills were lost at the close of the previous parliamentary session on 8 October 2019 having not been carried over. These included Divorce, Dissolution and Separation Bill and the Courts and Tribunals (Online Procedure) Bill [HL]. It is unclear whether these bills will be reintroduced and in what format. The Sentencing (Pre-consolidation Amendments) Bill was carried over.

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Home Affairs

The Government has stated that through a Queen's Speech, it will seek to "tackle crime and enhance the integrity of the criminal justice system".¹ In relation to this commitment, various announcements have been made.

Domestic Abuse Bill

In a tweet, Boris Johnson pledged to include domestic abuse legislation in the Queen's Speech:

Domestic abuse shatters lives and tears families apart. We are fully committed to tackling this horrific crime—which is why the Queen's Speech will confirm we will be reintroducing domestic abuse legislation in the next session.²

The Government under Theresa May had introduced the Domestic Abuse Bill in July 2019. The bill, which has been carried over from the 2017–19 session, would:³

- place a legal duty on councils to offer secure homes to those fleeing violence;
- introduce the first government definition of domestic abuse;
- create a domestic abuse commissioner to champion survivors and hold local and national government to account;
- set up domestic abuse protection notices and domestic abuse protection orders, allowing police and courts to intervene earlier when abuse is suspected; and
- prohibit the cross-examination of victims by their abusers in the family courts.

In September 2019, the Home Secretary, Priti Patel, announced Nicole Jacobs as the designate domestic abuse commissioner. She stated that Ms Jacobs will work as the designate commissioner until the Government places the commissioner's office on a statutory footing.⁴

¹ Prime Minister's Office, '[Queen's Speech: Invest in NHS, Attack Violent Crime, Cut the Cost of Living](#)', 28 August 2019.

² BBC News, '[Johnson Promises New Domestic Abuse Bill](#)', 12 September 2019.

³ UK Parliament website, '[Domestic Abuse Bill 2017–19](#)', accessed 23 September 2019.

⁴ Home Office, '[UK's First Domestic Abuse Commissioner Announced as Government Pledges to Tackle Crime](#)', 18 September 2019.

Police Bill

The Home Secretary, Priti Patel, announced plans to enshrine the Police Covenant in law in her speech to the Conservative Party conference.⁵

Initially announced by the previous Home Secretary, Sajid Javid, the covenant:

Will recognise that police officers are not employees but rather hold the 'office of constable', which comes with a high level of personal accountability and responsibility for the protection of life and property. They must also abide by a code of ethics which sets out the high standards of behaviour expected from everyone who works in policing in England and Wales, both on and off duty.⁶

Speaking at the Police Superintendents Association annual conference, Ms Patel said that she plans to focus work on the covenant in three areas: health and wellbeing; physical protection; and support for families.⁷

Serious Violence Bill

In July 2019, Theresa May's Government published its response to a consultation on a new legal duty to support a multi-agency approach to preventing and tackling serious violence.⁸ In the report, the Home Office stated that it intended to bring forward primary legislation to "create a new duty on organisations to collaborate, where possible through existing partnership structures, to prevent and reduce serious violence".⁹ It also said that:

In recognition of the important role of community safety partnerships in this context we also intend to amend the Crime and Disorder Act 1998 to ensure that serious violence is an explicit priority for community safety partnerships.¹⁰

Commenting on the plans in a debate on serious violence, Louise Haigh, Shadow Minister for Policing, questioned how it would "differ from or go beyond the duties already placed on agencies under crime and disorder

⁵ Priti Patel, '[Priti Patel Speech to Conservative Party Conference 2019](#)', Conservative Press Office, 1 October 2019.

⁶ Home Office, '[Home Secretary Announces Plans for a Police Covenant](#)', 18 July 2019.

⁷ Home Office, '[Speech: Home Secretary at Police Superintendents' Association](#)', 9 September 2019.

⁸ Home Office, '[Consultation on a New Legal Duty to Support a Multi-Agency Approach to Preventing and Tackling Serious Violence: Government Response](#)', 15 July 2019.

⁹ *ibid*, p 6.

¹⁰ *ibid*.

reduction partnerships or under 'Working Together to Safeguard Children' guidance".¹¹

Extradition Power of Arrest Bill

When giving evidence to the House of Commons Home Affairs Committee in September 2019, Deputy Assistant Commissioner, Richard Martin, said that the Home Office was drafting legislation to replace current arrangements for the European Arrest Warrant which the Government hoped to introduce in the next session.¹²

Espionage Bill

In a speech at New Scotland Yard in May 2019, the then Home Secretary, Sajid Javid, announced that the Home Office was preparing an espionage bill to "bring together new and modernised powers, giving our security services the legal authority they need to tackle this threat".¹³ Detailing the work to be done in this area, he said officials would consider: foreign agent registration; updating the Official Secrets Act; and updating treason laws.

Immigration Bill

In her speech to the 2019 Conservative Party conference, the Home Secretary, Priti Patel, stated that she planned to end free movement and "introduce an Australian style points-based immigration system".¹⁴ In September 2019, the Government commissioned the independent Migration Advisory Committee to review the Australian system and other international comparators.¹⁵ The committee is also consulting on potential salary thresholds and the range at which they could be set.¹⁶

The Government has explained that primary legislation would be required to end free movement:

Free movement as it currently stands under EU law will end on 31 October 2019. However, Parliament has provided that much of the

¹¹ [HC Hansard, 15 May 2019, col 324.](#)

¹² House of Commons Home Affairs Committee, [Oral Evidence: Home Office Preparations for Brexit, HC 2612](#), 4 September 2019, Q38.

¹³ Home Office, ['Home Secretary Speech on Keeping Our Country Safe'](#), 20 May 2019.

¹⁴ Priti Patel, ['Priti Patel Speech to Conservative Party Conference 2019'](#), Conservative Press Office, 1 October 2019.

¹⁵ Home Office, [No Deal Immigration Arrangements for EU Citizens Arriving After Brexit](#), 5 September 2019; and Migration Advisory Committee, ['Home Secretary Tasks MAC on Australian-Style Points-Based Immigration System'](#), 6 September 2019.

¹⁶ Migration Advisory Committee, ['Open Consultation: Salary Threshold and Points-Based System \(PBS\) Commission: Call for Evidence'](#), last updated 25 September 2019.

free movement framework will remain in place under the EU (Withdrawal) Act 2018 until Parliament passes primary legislation to repeal it.¹⁷

However, the Government has not indicated when it would introduce new primary legislation to end free movement.

In the last session, Theresa May's Government introduced the Immigration and Social Security Co-ordination (EU Withdrawal) Bill. The bill's provisions would have included changes to retained EU law to bring free movement to an end when the UK withdraws from the EU. The bill completed its committee stage in the House of Commons in March 2019 but fell at prorogation.

Students

Under new proposals announced in September 2019, the Government will allow international students to stay in the UK for two years after graduation to find a job.¹⁸ Referred to as the 'graduate route', it will launch for the 2020–21 intake of students. The change will apply to international students who have a valid UK immigration status as a student and have successfully completed a course of study in any subject at undergraduate level or above at an approved UK higher education provider. The visa will allow eligible students to work or look for work in any position for two years after completing their studies. The Shadow Home Secretary, Diane Abbott, has expressed support for the move.¹⁹

In August 2019, Boris Johnson announced a new fast-track visa route for scientists.²⁰ The route is designed to "attract elite researchers and specialists in science, engineering and technology" and includes:

- abolishing the cap on numbers under the tier 1 exceptional talent visas;
- expanding the pool of UK research institutes and universities able to endorse candidates;
- creating criteria that confer automatic endorsement, subject to immigration checks;

¹⁷ Home Office, [No Deal Immigration Arrangements for EU Citizens Arriving After Brexit](#), 5 September 2019; and House of Commons Library, ['Will Free Movement End from 31 October 2019?'](#), 29 August 2019.

¹⁸ British High Commission New Delhi, ['UK Announces 2-Year Post-Study Work Visa for International Students'](#), 11 September 2019.

¹⁹ Labour Party, ['Diane Abbott: The Government's International Students Announcement'](#), 10 September 2019.

²⁰ Prime Minister's Office, ['PM Sets Out Vision to Cement UK as a Science Superpower'](#), 8 August 2019.

- ensuring dependants have full access to the labour market;
- removing the need to hold an offer of employment before arriving; and
- accelerated path to settlement.²¹

Policing Announcements

In July 2019, during his first speech as Prime Minister, Boris Johnson announced that the Government would recruit 20,000 new police officers.²² The Home Office later stated that the recruitment would take place over the next three years.²³ The planned timings of the recruitment were set out in the launch of the Government's recruitment campaign:

- Up to 6,000 officers will be recruited by the end of 2020–21 and all of them will be shared between the 43 territorial police forces in England and Wales.
- The remainder of officers will be recruited in 2021–22 and 2022–23.
- The 20,000 new officers will be in addition to those recruited to replace officers leaving the force.²⁴

The Chancellor of the Exchequer, Sajid Javid, outlined funding for the commitment in the 2019 spending round.²⁵ He stated that £45 million would be immediately available to “kick start [the] recruitment” this year, with a further £750 million pledged for 2020/21.

Responding to the Government's announcements, both Labour and the Liberal Democrats raised concerns. Labour questioned the allocation of the new officers between territorial, regional and national policing functions with the Shadow Policing Minister, Louise Haigh, stating “a huge proportion of the new recruits won't be in the frontline and people simply won't be seeing the extra police officers on the streets that they were promised”.²⁶ The Liberal Democrats focused on the pay of officers, arguing that the increase would be unachievable unless a pay rise was given to retain existing staff and encourage new recruits.²⁷ In addition, the chair of the House of Commons

²¹ Prime Minister's Office, '[PM Sets Out Vision to Cement UK as a Science Superpower](#)', 8 August 2019.

²² Prime Minister's Office, '[Boris Johnson's First Speech as Prime Minister](#)', 24 July 2019.

²³ Home Office, '[Fact Sheet: 'Be A Force For All' Police Recruitment Campaign](#)', 5 September 2019.

²⁴ *ibid.*

²⁵ HM Treasury, '[Spending Round 2019](#)', September 2019, CP 170, p 3.

²⁶ Dan Sabbagh, '[Boris Johnson Accused of Misleading Public Over Police Numbers](#)', *Guardian*, 27 August 2019.

²⁷ Lizzie Dearden, '[Boris Johnson's Pledge to Increase Police Numbers by 20,000 Still Won't Be Enough to Undo Austerity Cuts. Warn Senior Officers](#)', *Independent*, 18 August 2019.

Home Affairs Committee, Yvette Cooper (Labour), questioned whether the funding promised would be enough. She stated that it “does not reverse any of the cuts of 7,000 PCSOs [Police Community Support Officers] and 5,000 specialists since 2010”.²⁸

In the spending review, the Chancellor also made announcements relating to the Crown Prosecution Service (CPS) and counter-terrorism policing. He said £55 million would be provided for the Ministry of Justice and £80 million for the CPS to “support the work of the 20,000 police officers and manage the increasing complexity of crime”.²⁹ In addition, Mr Javid confirmed funding for counter-terrorism policing, stating he would be:

Increasing the budget for counter-terrorism policing in line with inflation, including continuing the additional £160 million announced at Budget 2018, which maintains current counter-terrorism capability and protects officer numbers.³⁰

In her speech to the 2019 Conservative Party conference, the Home Secretary, Priti Patel, made several announcements relating to policing. This included a £20 million package to disrupt county lines drug gangs, and a £25 million safer street fund for projects aimed at preventing acquisitive crime (such as burglary and theft).³¹ In addition, Ms Patel mentioned £10 million in “additional funding” to increase the number of police officers carrying tasers.³² The Home Office stated that the funding could mean “over 10,000 more police officers in England and Wales will be able to carry the device”.

Stop and Search: Extension of Section 60

Writing for the *Mail on Sunday* in August 2019, Boris Johnson announced that the Government would be extending an existing pilot which related to the police's use of stop and search powers.³³

The Home Office has stated that the plans:

[Make] it simpler for all forces in England and Wales to use section 60 of the Criminal Justice and Public Order Act, which empowers officers

²⁸ [HC Hansard, 4 September 2019, col 201](#).

²⁹ HM Treasury, [Spending Round 2019](#), September 2019, CP 170, p 3.

³⁰ *ibid*.

³¹ Priti Patel, '[Priti Patel Speech to Conservative Party Conference 2019](#)', Conservative Press Office, 1 October 2019; and Home Office, '[Home Secretary Launches £25 million Fund to Prevent Burglary and Theft in Crime Hotspots](#)', 1 October 2019.

³² Home Office, '[Home Office Announces £10 million for Taser Uplift](#)', 27 September 2019.

³³ Boris Johnson, '[Left Wingers Will Howl. But Its Time To Make Criminals Afraid—Not the Public: PM Boris Johnson on His Pledge to Come Down Hard on Crime and Reverse the Balance of Fear](#)', *Daily Mail*, 10 August 2019.

to stop and search anyone in a designated area without needing reasonable grounds for suspicion if serious violence is anticipated.³⁴

Providing further detail, the Home Office also said that the expansion would see the lifting of all conditions relating to section 60 set out in the voluntary *Best Use of Stop and Search Scheme*:³⁵

- reducing the level of authorisation needed for officers to deploy and extend section 60 from senior officers (above the rank of chief superintendent³⁶) to inspectors and superintendents;
- lowering the degree of certainty required by the authorising officer so they must reasonably believe an incident involving serious violence 'may', rather than 'will', occur; and
- extending the initial period, a section 60 can be in force from 15 hours to 24, and extending the overall period an extension can be in place from 39 to 48 hours.³⁷

Both Labour and the Liberal Democrats have been critical of the extension.³⁸

Justice

Since becoming Prime Minister in July 2019, Boris Johnson has made a number of justice announcements, particularly about criminal justice.

In his 25 July 2019 statement to the House of Commons, which outlined the Government's priorities, the Prime Minister highlighted his plans to tackle violent crime, to review sentencing for the most serious violent and sexual offences, and to reduce the number of prolific offenders as priorities for his Government.³⁹ Other areas where there have been notable developments include announcements about prison places, Ministry of Justice spending, crime in prisons and Crown Prosecution Service (CPS) funding.⁴⁰

³⁴ Home Office and Prime Minister's Office, '[Government Lifts Emergency Stop and Search Restrictions](#)', 11 August 2019.

³⁵ Home Office, '[Best Use of Stop and Search Scheme](#)', 26 August 2014.

³⁶ *ibid*, p 2.

³⁷ Home Office and Prime Minister's Office, '[Government Lifts Emergency Stop and Search Restrictions](#)', 11 August 2019.

³⁸ Labour Party, '[Extending Section 60 Powers Over the Summer is a Tried and Tested Recipe for Unrest. Not Violence Reduction—Abbott](#)', 10 August 2019 and BBC News, '[PM to Create 10,000 New Prison Places and Extend Stop-and-Search](#)', 11 August 2019.

³⁹ [HC Hansard, 25 July 2019, col 1460](#).

⁴⁰ BBC News, '[Crime: What has Boris Johnson Promised on Law and Order?](#)', 13 August 2019.

Sentencing Bill

On 12 August 2019, the Prime Minister ordered an urgent review into sentencing, to focus on violent and sexual offenders and to ascertain whether prisoners serve sentences “that reflect the severity of their crimes”. The review seeks to establish whether any changes in legislation are needed to stop sexual and violent offenders being released part-way through their sentences and looked at: sentencing for the most serious violent and sexual offenders; the rules governing when and how these offenders are released; and sentencing of the most prolific offenders.⁴¹

Under the current system of ‘extended determinate sentences’ the most serious offenders can be made to serve at least two-thirds of their sentence before facing a parole board. However, the majority of offenders sentenced to twelve months or more in prison are eligible for release after serving half their term.⁴² Commenting on the urgent review, Justice Secretary Robert Buckland stated that it would focus on those violent, sexual and prolific offenders who are not currently given extended determinate sentences.

Speaking at the Conservative Party conference on 1 October 2019, Robert Buckland stressed the need to “restore public faith in sentencing” and announced plans to remove the automatic release of “the most serious violent and sexual offenders” after half their sentence was completed.⁴³

In a press release issued on the same day, the Ministry of Justice and Robert Buckland stated that the most serious violent and sexual offenders “face longer behind bars” under the planned changes.⁴⁴ Detailing the proposals, it stated:

The move will abolish the current automatic half-way release for those serious offenders who currently receive standard fixed-term sentences, including those found guilty of rape, manslaughter and GBH. Instead they will be required to serve two-thirds of their sentence in prison and subject to strict licence conditions on release.⁴⁵

Responding to the policy announcement Peter Dawson, director of

⁴¹ Prime Minister's Office, '[PM Launches Sentencing Review to Look at Most Dangerous and Prolific Offenders](#)', 12 August 2019.

⁴² Ministry of Justice, '[Violent and Sexual Offenders to Spend Longer Behind Bars](#)', 1 October 2019.

⁴³ Robert Buckland, '[Conservatives to End Automatic Early Release at 50 percent](#)', Conservative Press Office, accessed 2 October 2019.

⁴⁴ Ministry of Justice, '[Violent and Sexual Offenders to Spend Longer Behind Bars](#)', 1 October 2019.

⁴⁵ *ibid.*

the Prison Reform Trust (PRT), said:

This is no way to make sentencing policy. There has been no review worthy of the name. In cases where the risk to the public is high, judges already have the power to do everything the Lord Chancellor says he wants.⁴⁶

Frances Cook, the chief executive of the Howard League for Penal Reform, was also critical, commenting:

This is not about protecting victims. This is not making communities safer [...] It adds to increasingly punitive rhetoric emanating from government. The tenor of the debate on crime and punishment seeps into the public discourse insidiously. At a time when the nation is already divided and increasingly angry, adding this fuel to the fire is irresponsible.⁴⁷

The *Telegraph* has previously reported that the Government intends to use the Queen's Speech to introduce the changes, commenting "Mr Johnson will use the Queen's Speech to announce a new Sentencing Bill and plans to introduce statutory instruments [...] in the week of Oct 14".⁴⁸ The article also highlighted several other policy proposals:

- murderers of pre-school children will be subject to whole-life orders, with increases also considered for other sentences;
- sobriety tags to monitor alcohol intake of criminals with alcohol problems to try to reduce re-offending;
- a move away from automatic early release towards a new "earned release" system; and
- expansion of unduly lenient sentences scheme, which allows victims to challenge sentences they feel are too lenient, to include more offences.⁴⁹

Parole Bill

On 8 October 2019, the *Daily Mail* reported that the Justice Secretary had committed to introducing a 'Helen's Law' in the Queen's Speech "to keep killers who stay silent about where they concealed their victims' bodies in

⁴⁶ Prison Reform Trust, '[PRT Comment: Changes to Automatic Release](#)', 1 October 2019.

⁴⁷ Frances Cook, '[It is Just as Irresponsible to Promote Short Prison Sentences as it is to Oppose Vaccination](#)', Frances Cook's Blog, 1 October 2019.

⁴⁸ Christopher Hope, '[Life will mean Life for Child Killers: Boris Johnson Plans Tougher Sentences for Worst Offenders](#)', *Telegraph* (£), 14 September 2019.

⁴⁹ Christopher Hope, '[Life will mean Life for Child Killers: Boris Johnson Plans Tougher Sentences for Worst Offenders](#)', *Telegraph* (£), 14 September 2019.

prison for longer”.⁵⁰

In July 2019, the then Justice Secretary, David Gauke, confirmed proposals for a new law to deny parole to murderers who refuse to reveal the location of their victims' bodies. He said:

The Government intend to bring forward legislation when parliamentary time allows to create a Helen's law. We propose to change the life sentence release test to ensure that, in a case where an offender has been sentenced for murder and the remains of the victim have not been found, the Parole Board must take account of any failure or refusal to disclose the location of those remains when assessing whether such an offender is safe to release. Although the Parole Board already considers such a failure or refusal as part of its risk assessment procedures, our proposal will set that out in statute. I pay tribute to Marie McCourt for her tireless work on the Helen's law campaign and the hon. Member for St Helens North (Conor McGinn) for similar such work.⁵¹

'Helen's Law' follows a campaign named after Helen McCourt, who was murdered in 1988. Her killer, Ian Simms, has not revealed the location of her remains.⁵²

Sentencing (Pre-consolidation Amendments) Bill

On 5 September 2019 the House of Lords agreed to carry over the [Sentencing \(Pre-consolidation Amendments\) Bill](#) to the next session.⁵³ The bill, which started in the House of Lords, had reached report stage and sought to underpin the Law Commission's work to consolidate the law on sentencing. Further details on the bill can be found in the House of Lords Library briefing.⁵⁴

Bills Lost at Prorogation

The [Courts and Tribunals \(Online Procedure\) Bill \[HL\]](#) failed to complete all of its stages during the 2017–19 session and was lost at prorogation.⁵⁵ The

⁵⁰ Ian Drury et al, '[Victory on Helen's Law "Within Days" as Justice Secretary Robert Buckland Vows to Change Rules to Punish Killers Who Stay Silent About Location of Victims' Bodies](#)', *Daily Mail*, 8 October 2019.

⁵¹ [HC Hansard, 9 July 2019, col 149](#).

⁵² BBC News, '[Helen's Law: Killers who Conceal Victims' Remains Face Parole Refusal](#)', 6 July 2019.

⁵³ [HL Hansard, 5 September 2019, col 1234](#).

⁵⁴ House of Lords Library, [Sentencing \(Pre-consolidation Amendments\) Bill \[HL\]](#), 29 May 2019.

⁵⁵ UK Parliament website, '[Courts and Tribunals \(Online Procedure\) Bill \[HL\] 2017–19](#)', accessed 18 September 2019.

bill sought to make greater use of technology and online proceedings in the courts. Further information can be found in the House of Lords Library briefing.⁵⁶

The [Divorce, Dissolution and Separation Bill](#) received its first reading in the House of Commons on 13 June 2019. The bill reached committee stage in that House before falling when Parliament was prorogued.⁵⁷ At present the only ground for divorce in England and Wales is that the marriage has irretrievably broken down. The court cannot hold that the marriage has broken down irretrievably unless the petitioner satisfies the court of one or more of five facts, three of which are fault based (adultery, behaviour, desertion). Two of the facts relate to periods of separation—two years if both parties consent, and five years without consent. In many cases, it is possible to divorce more quickly if the petition is based on one of the conduct (fault) facts.

The bill sought to remove the legal requirement to make allegations about spousal conduct or to have lived separately for up to five years and to replace these with a requirement to provide a statement of irretrievable breakdown. The law relating to judicial separation, and to dissolution of civil partnership and separation of civil partners, would be amended in a similar way. Introducing the bill at second reading, the then Lord Chancellor and Secretary of State for Justice, David Gauke, stated:

This bill seeks to ensure that, in those unfortunate circumstances where a marriage comes to an end, it comes to an end in a way that minimises the conflict between the parties [...] where children are involved, it is all the more important that we minimise the conflict. The current requirement incentivises that sense of attribution of fault, which does nothing to ensure that the relationship between the two parents can be as strong as possible, and it is the children who lose out in those circumstances.⁵⁸

Further details on the bill can be found in the House of Commons Library briefing.⁵⁹

⁵⁶ House of Lords Library, [Courts and Tribunals \(Online Procedure\) Bill \[HL\]: Briefing for Lords Stages](#), 9 May 2019.

⁵⁷ UK Parliament website, '[Divorce, Dissolution and Separation Bill 2017–19 Bill](#)', accessed 25 September 2019.

⁵⁸ [HC Hansard, 25 June 2019, cols 575–6](#).

⁵⁹ House of Commons Library, [Commons Analysis: Divorce, Dissolution and Separation Bill 2017–19](#), 10 July 2019.

Prisons Announcements

In his speech to the Conservative Party conference, Robert Buckland, the Justice Secretary, argued that “prisons simply cannot be giant academies of crime” and pledged to improve the rehabilitation of prisoners and support the probation service. He also echoed announcements first made in August 2019, which said up to £2.5 billion would be spent on “modern and efficient prisons” that would “create 10,000 additional prison places”.⁶⁰ In addition, Mr Buckland restated the Government’s commitment to spend £100 million on improving prison security.

Responding to announcements on extra prison places, the Shadow Justice Secretary, Richard Burgon, stated:

Under the Tories, there aren’t enough prison officers for the current prison population, let alone for 10,000 new prison places Johnson recently announced.⁶¹

He added the Prime Minister “should be embarrassed to call this a ‘new’ announcement. It’s one of the most recycled Tory promises ever”.

The Prison Reform Trust has sought further detail from the Justice Secretary about prison places. It has noted:

First, [the announcement] makes no bones about the fact that the previous programme to provide 10,000 spaces will fall around 6,500 spaces short of its target and much of the unspent capital has been siphoned off to plug the gap in the Ministry’s running cost budget over the last two years. It would take a brave person to predict that the new promise of 10,000 additional spaces is more likely to be kept than its predecessor. But if it is, the total number of new spaces from both programmes will be just over 13,500.⁶²

Other announcements relating to criminal justice include £85 million for the CPS “to build capacity and manage caseloads over the next two years”.⁶³ The Director of Public Prosecutions, Max Hill, welcomed the announcement, saying the money “comes at a crucial time for criminal justice”.⁶⁴ In contrast, Nick Thomas-Symonds, Labour’s Shadow Solicitor General, said the funding “does not come anywhere near reversing the effect of nine years of deep

⁶⁰ Ministry of Justice, ‘[10,000 Extra Prison Places to Keep the Public Safe](#)’, 11 August 2019.

⁶¹ Labour Party, ‘[Richard Burgon Speaking at Labour Party Conference](#)’, 22 September 2019.

⁶² Prison Reform Trust, ‘[The Prime Minister’s Announcements on Prisons—The Fog Clears, But Only a Little...](#)’, 16 September 2019.

⁶³ Prime Minister’s Office, ‘[PM Launches Sentencing Review to Look at the Most Dangerous and Prolific Offenders](#)’, 12 August 2019.

⁶⁴ Crown Prosecution Service, ‘[CPS Response to Additional £85m Funding](#)’, 12 August 2019.

cuts to the Crown Prosecution Service's budget and staff". He added that the "criminal justice system is on its knees as a result of austerity. The percentage of reported rapes reaching even charging stage is below two per cent".⁶⁵

⁶⁵ Labour Party, '[Crown Prosecution Service Extra Funding—Nick Thomas-Symonds Responds](#)', 12 August 2019.

Housing, Communities and Local Government

Possible Bills

The House of Commons Library has highlighted several government commitments to legislation that may be announced in the Queen's Speech. These commitments include:

- reform of leasehold and commonhold;
- introducing statutory regulation of letting and managing agents, enforced by an independent regulator;
- requiring all private landlords to be members of a redress scheme;
- strengthening the existing mobile homes legislation; and
- a new system for regulating high rise buildings.⁶⁶

Bill Lost at Prorogation

The Non-Domestic Rating (Public Lavatories) Bill [HL] was lost due to the prorogation. The bill would have introduced a 100 percent mandatory business rate relief for public lavatories in England and Wales, with the aim of decreasing the cost of running public lavatories and helping to make them more affordable to keep open. More information about the bill can be found in the House of Lords Library briefing.⁶⁷

Announcements

The Ministry of Housing, Communities and Local Government (MHCLG) has made several announcements since 24 July 2019. These include:

- a new green standard for new build homes, known as the 'future homes standard'. The Government has launched a consultation on stronger building regulations "that will pave the way for the future homes standard". In addition, the Government has confirmed proposals to speed up the planning system and will publish a green paper on accelerated planning in November 2019;⁶⁸
- £24 million additional funding for the building safety programme to support the new building safety regime and help prevent a tragedy like Grenfell happening again. This comes on top of

⁶⁶ House of Commons Library, [Queen's Speech 2019](#), 9 October 2019, pp 19–20.

⁶⁷ House of Lords Library, [Non-Domestic Rating \(Public Lavatories\) Bill \[HL\]](#), 27 June 2019.

⁶⁸ Ministry of Housing, Communities and Local Government, ['Housing Secretary Unveils Green Housing Revolution'](#), 1 October 2019.

£600 million of government funding for the removal of aluminium composite material (ACM) cladding in the private and social residential sectors;⁶⁹

- a £3.6 billion towns fund; including an additional £325 million for the future high streets fund, taking the overall fund to £1 billion;⁷⁰
- changes to shared ownership rules for homeowners to help more people onto the property ladder;⁷¹
- an additional £10 million for integration areas.⁷² Integration areas aim to support English as a second language, under the integration programme. The scheme will provide improved access to education, jobs and other opportunities;⁷³
- continued funding for the troubled families programme, which aims to deliver public services to support families with complex needs;⁷⁴
- £422 million resource funding to help reduce homelessness and rough sleeping, including an additional £54 million in 2020/21, representing a real terms increase of 13 percent compared to 2019/20;⁷⁵
- continued funding to “make the housing market work” and backing the Midlands Engine and Northern Powerhouse.⁷⁶ In his conference speech the Chancellor announced that the Government would fund the Manchester to Leeds route of Northern Powerhouse Rail, “we will set out more details—far more details—in the autumn on our new infrastructure strategy”.⁷⁷

Local Government

During his speech to the Conservative Party conference on 30 September 2019, the Chancellor of the Exchequer, Sajid Javid, announced a white paper

⁶⁹ HM Treasury, [Spending Round 2019](#), September 2019, CP 170, p 16.

⁷⁰ Ministry of Housing, Communities and Local Government, [‘£1 billion Future High Streets Fund Expanded to 50 More Areas’](#), 26 August 2019.

⁷¹ Ministry of Housing, Communities and Local Government, [‘Changes to Shared Ownership to Help More People Get on the Property Ladder’](#), 28 August 2019.

⁷² [HC Hansard, 4 September 2019, col 187.](#)

⁷³ Ministry of Housing, Communities and Local Government, [‘Spending Round gives Big Boost to Local Communities’](#), 10 September 2019.

⁷⁴ *ibid.*

⁷⁵ HM Treasury, [Spending Round 2019](#), September 2019, CP 170, p 16.

⁷⁶ Ministry of Housing, Communities and Local Government, [‘Spending Round Gives Big Boost to Local Communities’](#), 10 September 2019.

⁷⁷ Sajid Javid, [‘Speech to Conservative Party Conference 2019’](#), Conservative Press Office, accessed 2 October 2019.

on further devolution in England:

Giving more local areas more local powers to drive investments in the infrastructure and services they know they need. We already have four brilliant Conservative metro mayors—let's get one in Manchester too!⁷⁸

In addition, the Chancellor announced a £500 million youth investment fund to “roll out youth centres and services right across the country”.⁷⁹ A press release by the MHCLG after the September 2019 spending round argued:

Councils across England are set to receive the biggest year-on-year real terms increase in funding for almost a decade, after details of the spending round were announced.

The Chancellor confirmed local authorities can expect to see the funding they have access to now rise in real terms by an estimated 4.3% in 2020 to 2021, with a £2.9 billion increase in their core spending including £1 billion government grant for adults and children's social care.

Councils will also have the option to raise up to half a billion pounds more for adult social care, where needed, through additional council tax flexibilities to fund more care home places, more social workers and to provide residents with the local services that they need and deserve.⁸⁰

Responding to the spending round announcements, the Shadow Chancellor of the Exchequer, John McDonnell, was critical, stating:

On local government, any new money for local government today will be a drop in the ocean compared with the 60% funding cuts that councils have suffered in recent years. What effect does the Chancellor estimate his announcement today will have, for example, on the crisis in children's services that we have highlighted at every spending review and budget over the past two years? There has been a 29% drop in Government funding after eight years and as a result vulnerable children are left at risk.

On homelessness, the Chancellor mentioned £54 million of additional spending to tackle homelessness. There has been a 160% increase in

⁷⁸ Sajid Javid, '[Speech to Conservative Party Conference 2019](#)', Conservative Press Office, accessed 2 October 2019.

⁷⁹ *ibid.*

⁸⁰ Ministry of Housing, Communities and Local Government, '[Spending Round Gives Big Boost to Local Communities](#)', 10 September 2019.

people sleeping rough. In the past two years, people have died near the doors of Parliament. The LGA says that there is a £100 million spending gap just to get by. The most vulnerable in our society have been put at risk as a result of the Government's austerity over nine years, and he expects us to celebrate an inadequate attempt to plaster over the problems we have.⁸¹

Commitments in the spending round were welcomed by the Local Government Association (LGA), which stated it “provided councils with much of the funding certainty and stability they need for next year”.⁸²

It said it was “pleased the Government has responded to our calls and provided desperately needed new money, including £1 billion for social care and £700 million for children and young people with special educational needs and disabilities”. The LGA noted the Chancellor had confirmed that key grants to local government would also continue next year.

⁸¹ [HC Hansard, 4 September 2019, col 190.](#)

⁸² Local Government Association, '[Spending Round 2019: On the Day Briefing](#)', 4 September 2019.

Devolved Affairs

Historical Institutional Abuse Bill

The Hart Inquiry into Historical Institutional Abuse investigated abuse in residential homes in Northern Ireland between 1922 and 1995.⁸³ The inquiry's report, published in January 2017, recommended that the Northern Ireland Executive create a publicly funded compensation scheme for victims.⁸⁴

A public consultation on draft legislation to implement some of the recommendations of the report ran from November 2018 to March 2019.⁸⁵ The consultation included proposals for a bill to create a Commissioner for Survivors of Institutional Childhood Abuse, a bill to create a Historical Institutional Abuse Redress Board, and subordinate legislation dealing with the detail of compensation proposals.

Following the consultation, the Head of the Northern Ireland Civil Service, David Sterling, wrote to the then Secretary of State for Northern Ireland, Karen Bradley, asking that the proposed legislation be introduced in Parliament.⁸⁶ Karen Bradley consulted with local political parties about the legislation and several changes were made on the basis of that consultation. In July 2019 David Sterling wrote to Karen Bradley again, asking that the matter be given urgent consideration and the legislation be taken through Westminster.

Speaking in the House of Commons on 9 September 2019, the Secretary of State for Northern Ireland, Julian Smith, said that he had requested that a bill to implement the recommendations of the inquiry "be included in the Queen's Speech as a matter of urgent priority".⁸⁷

Obligations Under the Northern Ireland (Executive Formation etc) Act 2019

If the Northern Ireland Executive is not restored by 21 October 2019, obligations under the Northern Ireland (Executive Formation etc) Act 2019 come into force. If no executive is in place, the Act requires the UK Government to introduce secondary legislation to change the law in

⁸³ Historical Institutional Abuse Inquiry, [Report of the Historical Institutional Abuse Inquiry](#), 20 January 2017.

⁸⁴ *ibid*, p 235.

⁸⁵ Northern Ireland Executive Office, '[Historical Institutional Abuse Consultation](#)', accessed 7 October 2019.

⁸⁶ *ibid*.

⁸⁷ [HC Hansard, 9 September 2019, col 585](#).

Northern Ireland in the following ways:⁸⁸

- to extend same-sex marriage and opposite sex civil partnerships to Northern Ireland by 13 January 2020;
- to give effect to recommendations set out in the United Nations Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW) report in respect of lawful access to abortion services by 31 March 2020; and
- to introduce a system of victims payments (a “victims pension”) in Northern Ireland, to be in force by the end of May 2020, for people who have sustained an injury as a result of a Troubles-related incident.

On 7 October 2019, the Government published the following statement:

It has always been the Government's strong preference for decisions on sensitive, devolved matters such as these to be taken by the locally elected representatives of the people of Northern Ireland.

The restoration of the Executive and Assembly is of vital importance to the people of Northern Ireland. This is the top priority of the Secretary of State and he is continuing to work with the Northern Ireland parties to meet that objective.⁸⁹

Growth Deals and Spending

In July 2019, the Prime Minister announced that £300 million would be made available for new growth deals in Scotland, Wales and Northern Ireland.⁹⁰ Growth deals are intended to provide significant investment for local businesses and projects. Funding from the UK Government will be complemented by support from the devolved administrations, local authorities and the private sector. The Government stated the new funding would be used for new deals in the regions of Falkirk; the Islands; Argyll and Bute; Mid South West Northern Ireland; and Causeway Coast and Glens, as well as to complete deals already in negotiation in North Wales, Mid Wales, Derry-Londonderry and Moray.

The 2019 spending round also included an announcement of £10 million for the Cabinet Office “to strengthen the links between the four nations of the Union as the UK leaves the EU, supporting the work of the Prime Minister

⁸⁸ Northern Ireland Office, [‘Changes to the Law in Northern Ireland’](#), 7 October 2019.

⁸⁹ *ibid.*

⁹⁰ Prime Minister's Office, [‘Prime Minister Launches New Growth Deals Funding as He Kicks off Union Visits in Scotland’](#), 28 July 2019.

as Minister for the Union”.⁹¹

Northern Ireland

Leaving the EU and Direct Rule

The Northern Ireland Executive collapsed in January 2017. Since then, Northern Ireland has been governed without ministers. The Northern Ireland civil service undertakes the day-to-day running of the administration, but does not have the ability to make policy decisions.⁹²

Northern Ireland civil service permanent secretaries make decisions within the scope of the policy direction set by ministers prior to the executive's collapse. This poses challenges in relation to Brexit, as the civil service is following policy documents written before January 2017.

The UK Government can legislate in devolved areas and has been doing so in the absence of an executive, for example by passing budgets for Northern Ireland.⁹³ However, while competence is still devolved this must be done through primary legislation. Suspending devolution and imposing direct rule would allow UK ministers to direct Northern Ireland departments and legislate by secondary legislation, rather than needing to pass new primary legislation every time legislation is needed.

In March 2019, the then Prime Minister, Theresa May, stated that if the UK leaves the EU without an agreement it might be necessary to impose direct rule on Northern Ireland. In response to a question about how Northern Ireland could be prepared for a no-deal Brexit, Mrs May said:

If there is no Stormont Government and if powers and ministerial direction, which are not currently available to the civil servants, are needed, that would require some form of direct application of powers from Westminster.⁹⁴

On 5 September 2019, the Leader of the House of Commons, Jacob Rees-Mogg, stated that more legislation would not be needed for the UK to leave the EU on 31 October 2019. Mr Rees-Mogg said all the legislation needed for the UK to leave the EU on 31 October 2019 is in place.⁹⁵

There continues to be uncertainty, however, as to whether further

⁹¹ HM Treasury, '[Spending Round 2019](#)', September 2019, CP 170, p 14.

⁹² Institute for Government, '[Direct Rule in Northern Ireland](#)', 31 July 2019.

⁹³ *ibid.*

⁹⁴ [HC Hansard, 25 March 2019, col 32.](#)

⁹⁵ [HC Hansard, 5 September 2019, col 394.](#)

measures would be needed to prepare Northern Ireland for a no-deal Brexit. The Chancellor of the Duchy of Lancaster, Michael Gove, said on 25 September 2019 that the Government might need to take action regarding Northern Ireland if the UK leaves the EU without an agreement.

Mr Gove said:

If no Executive is in place, we will have to consider in the House and in discussions with our neighbours in the Republic of Ireland what steps might be required to ensure that we can give appropriate support to the Northern Ireland civil service.⁹⁶

⁹⁶ [HC Hansard, 25 September 2019, col 726.](#)

Constitutional Affairs

Electoral Law Bill

In August 2016, an independent review led by the Government's Anti-Corruption Champion, Sir Eric Pickles (now Lord Pickles), published a report into tackling electoral fraud in the UK.⁹⁷ This report addressed the intimidation of voters and argued that many instances of voter intimidation would not be defined as such under current criminal law. The report recommended that the law governing the prevention of intimidation of voters be strengthened.⁹⁸

In December 2017, the Committee on Standards in Public Life published a review into intimidation experienced by public office holders.⁹⁹ In his introduction to the committee's report, Lord Bew, the chair of the committee, stated that "a significant proportion of candidates at the 2017 general election experienced harassment, abuse and intimidation".¹⁰⁰ The committee concluded that the current criminal law is sufficient to cover the full range of cases of intimidation and that no behaviour which is currently legal should be made illegal. However, the committee recommended that the Government consult on whether an offence "in electoral law" should be established. This would ensure that specific electoral sanctions would apply in cases of intimidation during an election period, to reflect the threat that intimidation of candidates and their campaigners poses to the integrity of elections.¹⁰¹

Following these reports, the Cabinet Office launched a consultation, *Protecting the Debate: Intimidation, Influence and Information*, in July 2018. The consultation sought feedback on three proposals:¹⁰²

- a new offence in electoral law of intimidating candidates and campaigners during the election period;
- clarification of the electoral offence of undue influence; and
- extending the electoral law requirements for an imprint on campaigning materials to electronic communications.

In May 2019, Theresa May's Government announced new measures intended

⁹⁷ Cabinet Office, [Securing the Ballot: Review into Electoral Fraud](#), 12 August 2016.

⁹⁸ *ibid*, p 9.

⁹⁹ Committee on Standards in Public Life, [Intimidation in Public Life: A Review by the Committee on Standards in Public Life](#), 13 December 2017, Cm 9543.

¹⁰⁰ *ibid*, p 7.

¹⁰¹ Cabinet Office, [Protecting the Debate: Intimidation, Influence and Information](#), 29 July 2018, p 22.

¹⁰² *ibid*, p 6.

to protect the integrity of UK elections.¹⁰³ As part of this package of measures, the Government said it intended to introduce bills to create a new offence of intimidating a candidate or campaigner during the run up to an election and to clarify the electoral offence of undue influence of a voter. In addition, the Government said it would extend to digital election communications the obligation for printed election material to carry an imprint stating who produced it.

The Government has confirmed it plans to pursue this legislation since Boris Johnson replaced Theresa May as Prime Minister. On 26 September 2019, Kevin Foster, Minister for the Constitution, stated that the Government was “committed to legislating around intimidation at election time”.¹⁰⁴

¹⁰³ Cabinet Office, [‘Government Safeguards UK Elections’](#), 5 May 2019

¹⁰⁴ [HC Hansard, 26 September 2019, col 888.](#)