



Debate on the Queen's Speech: Day 2

Home Affairs, Justice, Constitutional Affairs and Devolved Affairs

8 January 2020

Summary

This Lords Library Briefing is one of three prepared ahead of the three days of debate in the House of Lords on the Queen's Speech, scheduled to take place between 7 and 9 January 2020. The briefings detail the legislative and policy announcements made by the Government, in the Queen's Speech and in the associated documents, and provide links to further reading.

This briefing looks at home affairs, justice, constitutional affairs and devolved affairs, providing details on the following legislative announcements:

- Immigration and Social Security Co-ordination (EU Withdrawal) Bill
- Serious Violence Bill
- Domestic Abuse Bill
- Police Powers and Protections Bill
- Extradition (Provisional Arrest) Bill
- Counter Terrorism (Sentencing and Release) Bill
- Sentencing Bill and Sentencing (Pre-consolidation Amendments) Bill
- Prisoners (Disclosure of Information About Victims) Bill
- Divorce, Dissolution and Separation Bill
- Legislation regarding espionage and foreign national offenders

It also covers proposals to repeal the Fixed-term Parliaments Act 2011, to set up a royal commission on the criminal justice process, to establish a constitution, democracy and rights commission and the Government's policies concerning the devolved administrations.

Thomas Brown, Emily Haves and Nicole Winchester | 3 January 2020

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I. Home Affairs

The Conservative Party manifesto said a Conservative government's first duty was "to keep our country safe".¹ The manifesto and subsequent Queen's Speech proposed several policies and bills to this end.

I.1 Immigration and Social Security Co-ordination (EU Withdrawal) Bill

The purpose of the Immigration and Social Security Co-ordination (EU Withdrawal) Bill is to introduce a points-based immigration system.² The bill's provisions include powers to:

- end the free movement of EU citizens under UK law;
- align the treatment of EU citizens with non-EU citizens from 2021; and
- change the current rules for access to benefits and social security coordination.

In addition to the bill, the Government announced plans to create visa schemes for new migrants, including a fast-track NHS scheme. The Conservative Party announced this visa—in addition to other visas focusing on students and start-ups—along with plans for a points-based immigration system in its manifesto.³

I.2 Serious Violence Bill

The Conservative Party manifesto made commitments about statutory multi-agency working and knife crime. The background briefing to the Queen's Speech stated that the Serious Violence Bill would create new duties on a range of agencies—including local government, youth offending, health and probation—to work collaboratively to tackle the root causes of violent crime.⁴ The bill also aims to deter people from carrying weapons. The bill's provisions would:

- place duties on relevant public agencies and bodies to work together to prevent and reduce serious violence;
- provide flexibility so that the relevant organisations can work together in the most effective way for the local area, with statutory guidance published to support this;
- amend section 6(1) of the Crime and Disorder Act 1998 to include serious violence in the strategies community safety partnerships must formulate and implement; and
- create new court orders to target known knife carriers, making it easier for the police to stop and search those convicted of knife crime offences.

The Government has also said that the bill would complement its wider response to serious violence, including its investment in violence reduction units, which ensure local agencies work together effectively in the areas worst affected by serious violence.

¹ Conservative Party, [Conservative Party Manifesto 2019](#), November 2019, p 17.

² Prime Minister's Office, [Queen's Speech December 2019: Background Briefing Notes](#), 19 December 2019, p 22.

³ Conservative Party, [Conservative Party Manifesto 2019](#), November 2019, p 21.

⁴ Prime Minister's Office, [Queen's Speech December 2019: Background Briefing Notes](#), 19 December 2019, pp 69–70.

1.3 Domestic Abuse Bill

The Domestic Abuse Bill aims to “transform the response to domestic abuse”. The main provisions of the bill include:

- creating a statutory definition of domestic abuse;
- establishing a domestic abuse commissioner;
- creating a new domestic abuse protection notice and domestic abuse protection order;
- placing a legal duty on councils to offer secure accommodation to people fleeing violence; and
- introducing a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal courts.

Theresa May’s Government initially introduced the bill in the House of Commons in the 2017–19 session.⁵ It was then carried over to the next session when Parliament was prorogued, reaching third reading before Parliament was dissolved for the 2019 general election. The Government recommitted to the bill in the Conservative Party manifesto.⁶

1.4 Police Powers and Protections Bill

The Conservative Party manifesto said a Conservative government would introduce police protection legislation. The background briefing to the Queen’s Speech provides details of this bill, stating that the bill would provide the police with additional powers, support and protection.⁷ Its provisions would:

- establish a statutory police covenant and introduce a requirement for the Home Office to report annually on progress made against the covenant;
- allow special constables (fully warranted volunteer police officers) to join the Police Federation so they can benefit from the protection and support it offers;
- introduce a new test to assess the standard of driving of a police officer, so that their skills and training can be taken into account should there be any investigations into their actions;
- criminalise the act of trespassing when setting up an unauthorised encampment in England and Wales; and
- introduce new police powers to arrest and seize the property and vehicles of trespassers who set up unauthorised encampments.

1.5 Extradition (Provisional Arrest) Bill

The Extradition (Provisional Arrest) Bill would enable the immediate arrest of an individual wanted by “trusted partners” for a serious offence.⁸ Such partners are countries that use Interpol notices and

⁵ UK Parliament website, ‘[Domestic Abuse Bill 2017–19 to 2019](#)’, accessed 19 December 2019.

⁶ Conservative Party, [Conservative Party Manifesto 2019](#), November 2019, p 19.

⁷ Prime Minister’s Office, [Queen’s Speech December 2019: Background Briefing Notes](#), 19 December 2019, p 73.

⁸ *ibid*, p 82.

criminal justice systems in which the Government has confidence. The bill would also enable Parliament to add countries to the list if there was good reason to do so. The Government has said that the bill could be amended to apply to some or all EU states, with parliamentary approval, should the UK lose access to the European Arrest Warrant after leaving the EU.

1.6 Foreign National Offenders Bill

The Conservative Party manifesto said a Conservative government, following Brexit, would prevent more foreign national offenders from entering the UK. In the background briefing to the Queen's Speech, the Government outlined legislation it said would enhance the UK's ability to do so. The bill would increase the maximum penalty for foreign national offenders who return to the UK in breach of a deportation order.⁹

1.7 Espionage Legislation

In the Queen's Speech, the Government said that "measures will be developed to tackle hostile activity conducted by foreign states".¹⁰ Setting out these plans in the background briefing to the speech, the Government said it would modernise existing offences to deal more effectively with the threat of espionage.¹¹ It also announced the creation of new offences to criminalise other harmful activity conducted by and on behalf of states.

1.8 Other Announcements

The following announcements were also made in the Conservative Party manifesto and in the background briefing to the Queen's Speech:

- Establish a royal commission to review and improve the efficiency and effectiveness of the criminal justice process.¹²
- Recruit 20,000 additional police officers over the next three years.¹³
- Consult on plans to develop and implement a 'victims' law' that guarantees victims' rights and the level of support they can expect.¹⁴
- Publish a revised 'victims' code', which will set out the minimum level of service victims can expect from criminal justice agencies (to be published in early 2020).¹⁵
- Legislate to provide financial authority for the Windrush compensation scheme, which provides compensation for the Windrush generation in recognition of "difficulties arising

⁹ Prime Minister's Office, [Queen's Speech December 2019: Background Briefing Notes](#), 19 December 2019, p 84.

¹⁰ Prime Minister's Office, [Queen's Speech December 2019](#), 19 December 2019.

¹¹ Prime Minister's Office, [Queen's Speech December 2019: Background Briefing Notes](#), 19 December 2019, p 87.

¹² Royal commissions are advisory committees established by the Government on an ad hoc basis to investigate a matter of public concern (BBC News, [Royal Commissions](#), 27 October 2008; and Prime Minister's Office, [Queen's Speech December 2019: Background Briefing Notes](#), 19 December 2019, p 89).

¹³ Prime Minister's Office, [Queen's Speech December 2019: Background Briefing Notes](#), 19 December 2019, p 70.

¹⁴ *ibid*, p 85.

¹⁵ *ibid*.

out of an inability to demonstrate lawful status”.¹⁶

- Publish interim codes of practice on tackling the use of the internet by terrorists and those engaged in child sexual abuse and exploitation.¹⁷

1.9 Further Reading

- Madeleine Sumption, [‘The Australian Point-Based System: What is it and What Would its Impact be in the UK?’](#), Migration Observatory, 2 August 2019
- House of Commons Library, [‘How is the Government Implementing a ‘Public Health Approach’ to Serious Violence?’](#), 22 July 2019
- House of Commons Home Affairs Committee, [Serious Youth Violence](#), 31 July 2019, HC 1016 of session 2017–19, pp 3–5
- House of Commons Library, [Domestic Abuse Bill 2017–19](#), 30 September 2019, pp 4–5
- Police Federation, [‘New Law and Order Package Shows Government is Listening to Federation’](#), 19 December 2019
- Rob Merrick, [‘Brexit: UK Could be Thrown Out of European Arrest Warrant System, Government Admits’](#), *Independent*, 19 December 2019
- Lizzie Dearden, [‘Conservatives’ ‘Crackdown on Foreign Criminals’ Would Affect 10 People A Year, Figures Show’](#), *Independent*, 14 October 2019
- Rob Merrick and Lizzie Dearden, [‘Boris Johnson Announces New Law to Stop Foreign Spies and Biggest Overhaul of Foreign Police ‘Since the Cold War’](#)’, *Independent*, 19 December 2019
- Steven Swinford, [‘Queen’s Speech: Britain’s Ancient Treason Laws Set for Overhaul’](#), *Times (£)*, 20 December 2019
- House of Commons Library, [‘The Challenge of Recruiting 20,000 Police Officers’](#), 11 September 2019
- Lizzie Dearden, [‘Government Accused of Ignoring ‘Calamitous Failings’ Caused by Its Own Budget Cuts with Justice Review’](#), *Independent*, 19 December 2019

¹⁶ Prime Minister’s Office, [Queen’s Speech December 2019: Background Briefing Notes](#), 19 December 2019, p 135.

¹⁷ *ibid*, p 58.

2. Justice

In the Queen's Speech, the Government stated that it was committed to a fair justice system that keeps people safe.¹⁸

2.1 Counter Terrorism (Sentencing and Release) Bill

The purpose of the Counter Terrorism (Sentencing and Release) Bill is to ensure that those convicted of the most serious terrorist offences stay in prison for longer.¹⁹ Under the provisions of the bill:

- the most serious terrorist offenders would receive tougher sentences, with a minimum sentence of 14 years for the worst terrorist offenders;
- the possibility of early release from custody for dangerous terrorist offenders who receive an extended determinate sentence (EDS) would be removed;
- the earliest point for discretionary release by the parole board would be moved from half-way to two-thirds for terrorist offenders who are not deemed "dangerous" and did not receive an EDS; and
- there would be measures to strengthen licence supervision for terrorist offenders.

2.2 Sentencing Bill

The Conservative Party manifesto said a Conservative government would introduce tougher sentencing for the worst offenders and end automatic half-way release from prison for serious crimes.²⁰ It also stated that it would toughen community sentences.

A bill to introduce these changes was detailed in the background briefing to the Queen's Speech.²¹ The bill's main provisions include:

- changing the automatic release point from half-way to two-thirds for adult offenders sentenced for serious violence or sexual offences, to bring sentencing in line with the earliest release point for those considered to be dangerous;
- adjusting how life tariffs are calculated to align them with the extended release points for serious violent and sexual offenders;
- implementing tougher community sentences that include curfews and more hours of unpaid work; and
- extending the range of circumstances where the starting point for the sentence in cases of murder is a whole life order, with a particular focus on those who have murdered children.

¹⁸ Prime Minister's Office, ['Queen's Speech December 2019'](#), 19 December 2019.

¹⁹ Prime Minister's Office, [Queen's Speech December 2019: Background Briefing Notes](#), 19 December 2019, p 64.

²⁰ Conservative Party, [Conservative Party Manifesto 2019](#), November 2019, p 18.

²¹ Prime Minister's Office, [Queen's Speech December 2019: Background Briefing Notes](#), 19 December 2019, p 66.

2.3 Sentencing (Pre-consolidation Amendments) Bill

The Sentencing (Pre-consolidation Amendments) Bill would make amendments to the law on sentencing to facilitate the operation and enactment of a new consolidated sentencing code (known as pre-consolidation amendments).²² The Government stated the bill would also provide for a “clean sweep” of sentencing law, meaning that offenders convicted after the code came into force would be sentenced according to the most up-to-date law regardless of when the offence was committed (with certain exceptions).

The bill was initially introduced in the House of Lords during the 2017–19 session. In September 2019, the bill was carried over to the next session, however, the bill did not make any further progress before the general election and therefore fell.

2.4 Prisoners (Disclosure of Information About Victims) Bill

In its background briefing to the Queen’s Speech, the Government set out details about the Prisoners (Disclosure of Information About Victims) Bill. The bill would ensure that where an offender who has been convicted of murder, manslaughter or taking indecent photographs of children refuses to disclose certain details about their offences, that refusal would be considered by the Parole Board as part of their assessment as to whether that offender should be released.²³

2.5 Divorce, Dissolution and Separation Bill

The Government said in the Queen’s Speech that it would be introducing legislation to minimise the impact of divorce.²⁴ In the background briefing, the Government outlined that the Divorce, Dissolution and Separation Bill would ensure that the decision to divorce was a considered one.²⁵ The bill also aims to reduce family conflict where reconciliation is not possible and divorce is inevitable. Its provisions include:

- retaining the sole ground of irretrievable breakdown, but removing the requirement to also make an allegation about the other spouse’s conduct or demonstrate a period of separation;
- removing the possibility of contesting the decision to divorce;
- introducing a new minimum period of 20 weeks between the start of proceedings and applying for a conditional order; and
- creating a new option for a joint application in cases where the decision to divorce is a mutual one.

²² House of Lords Library, [Sentencing \(Pre-consolidation Amendments\) Bill \[HL\]](#), 29 May 2019; and Prime Minister’s Office, [Queen’s Speech December 2019: Background Briefing Notes](#), 19 December 2019, p 71.

²³ Prime Minister’s Office, [Queen’s Speech December 2019: Background Briefing Notes](#), 19 December 2019, p 75.

²⁴ Prime Minister’s Office, [‘Queen’s Speech December 2019’](#), 19 December 2019.

²⁵ Prime Minister’s Office, [Queen’s Speech December 2019: Background Briefing Notes](#), 19 December 2019, p 77.

The Government has previously introduced the bill in the last two sessions.²⁶ On both occasions it fell, first when the session ended and then because of dissolution. In the 2017–19 session, it reached committee stage in the House of Commons but did not progress to the House of Lords.

2.6 Further Reading

- Matt Honeycombe-Foster, '[Boris Johnson Vows Terror Clampdown as Jeremy Corbyn Says Ministers Want Safety 'On the Cheap' After London Bridge Attack](#)', Politics Home, 1 December 2019
- Nick Davies, '[The Government's Criminal Justice Proposals Don't Add Up](#)', Institute for Government, 14 October 2019
- House of Lords Library, '[Sentencing \(Pre-consolidation Amendments\) Bill \[HL\]](#)', 29 May 2019
- Ministry of Justice, '[Prisoners \(Disclosure of Information About Victims\) Bill: Factsheet](#)', 15 October 2019
- House of Commons Library, '[Divorce, Dissolution and Separation Bill 2017–19: Committee Stage Report](#)', 10 July 2019

²⁶ UK Parliament website, '[Divorce, Dissolution and Separation Bill \[HL\] 2019](#)', accessed 19 December 2019; and '[Divorce, Dissolution and Separation Bill 2017–19](#)', accessed 19 December 2019.

3. Constitutional Affairs

The Conservative Party manifesto stated that a Conservative government would aim to restore public trust in government and politics.²⁷ It would establish a constitution, democracy and rights commission, repeal the Fixed-term Parliaments Act 2011, and introduce several other measures to “protect the integrity of our democracy”.²⁸

3.1 Constitution, Democracy and Rights Commission

In its manifesto, the Conservative Party said that it would establish a constitution, democracy and rights commission to examine the “broader aspects of our constitution”. The commission would look at:

- the relationship between the Government, Parliament and the courts;
- the functioning of the royal prerogative;
- the role of the House of Lords;
- access to justice;
- balance between the rights of individuals, national security and effective government; and
- judicial review.

This commission was announced in the Queen’s Speech.²⁹

3.2 Repeal of the Fixed-term Parliaments Act 2011

The Conservative Party manifesto said a Conservative government would “get rid of the Fixed-term Parliaments Act” because it had “led to paralysis”.³⁰ In the Queen’s Speech, the Government specified that it would repeal the Act.³¹

3.3 Further Measures

The Government’s background briefing to the Queen’s Speech also included several measures related to elections, including:³²

- introducing a requirement to show identification at polling stations;
- introducing limits around the use of postal votes;
- limiting the number of people a voter may act as proxy for;
- improving accessibility of voting and polling stations;

²⁷ Conservative Party, [Conservative Party Manifesto 2019](#), November 2019, p 48.

²⁸ *ibid.*

²⁹ *ibid.*

³⁰ *ibid.*

³¹ Prime Minister’s Office, [‘Queen’s Speech December 2019’](#), 19 December 2019.

³² Prime Minister’s Office, [The Queen’s Speech 2019: Background Briefing Notes](#), 19 December 2019, pp 126–7.

- launching a consultation on electoral integrity; and
- removing the 15-year time limit on UK citizens living abroad being able to vote in UK elections.

These measures were also set out in the Conservative Party's general election manifesto.³³

3.4 Further Reading

- House of Commons Library, '[Prerogative Powers and the Fixed-term Parliaments Act](#)', 19 November 2014
- Sebastian Payne and George Parker, '[Tories Focus on Major Overhaul of House of Lords](#)', *Financial Times* (£), 17 December 2019
- Jane Croft and James Blitz, '[Lawyers Fear Tories are Planning 'Revenge' against Supreme Court](#)', *Financial Times* (£), 11 December 2019
- House of Commons Public Administration and Constitutional Affairs Committee, '[Electoral Law: The Urgent Need for Review](#)', 1 November 2019, HC 244 of session 2019
- Cabinet Office, '[Government Safeguards UK Elections](#)', 5 May 2019

³³ Conservative Party, '[Conservative Party Manifesto 2019](#)', November 2019, p 48.

4. Devolved Affairs

In the Queen's Speech, the Government stated that "the integrity and prosperity of the United Kingdom is of the utmost importance".³⁴ In its manifesto the Conservative Party committed to strengthening the Union, and to upholding and strengthening the devolution settlements in Scotland, Wales and Northern Ireland.³⁵

In both the Queen's Speech and the manifesto, the Government asserted its commitment to re-establishing the Northern Ireland Executive and Assembly. Further measures relating to Scotland, Wales and Northern Ireland were included in the Government's background briefing to the Queen's Speech, as detailed below.

4.1 UK Shared Prosperity Fund

The Government's background briefing to the Queen's Speech stated the Government would introduce a UK shared prosperity fund to "tackle inequality and deprivation in each of the four nations".³⁶ This fund would replace EU structural funds. The Conservative Party manifesto included a commitment to introducing this fund.³⁷

4.2 Scotland

In the background briefing to the Queen's Speech, the Government outlined several measures it intended to take for Scotland. The Government said it would:³⁸

- invest in city and growth deals for Scotland;
- deliver a post-Brexit deal for Scottish fishing;
- implement a sector deal for the North Sea oil and gas industry; and
- review alcohol duty to ensure the tax system supports Scottish whisky and gin producers.

The Government also stated its view that a second referendum on Scottish independence in 2020 would be a "damaging distraction" that would "undermine the decisive result of the 2014 referendum and the promise made to the Scottish people that it was a once in a generation vote".³⁹

³⁴ Prime Minister's Office, '[Queen's Speech December 2019](#)', 19 December 2019.

³⁵ Conservative Party, '[Conservative Party Manifesto 2019](#)', November 2019, p 44.

³⁶ Prime Minister's Office, '[The Queen's Speech 2019: Background Briefing Notes](#)', 19 December 2019, p 121.

³⁷ Conservative Party, '[Conservative Party Manifesto 2019](#)', November 2019, p 44.

³⁸ Prime Minister's Office, '[The Queen's Speech 2019: Background Briefing Notes](#)', 19 December 2019, p 122.

³⁹ *ibid*, p 121.

4.3 Wales

The Government announced several measures for Wales, including:⁴⁰

- providing investment for city and growth deals;
- negotiating a Marches growth deal, which would focus on cross-border infrastructure; and
- upgrading the A55 and funding the West Wales Parkway station.

4.4 Northern Ireland

New talks to restore the Northern Ireland Assembly and Executive began on 16 December 2019 and restarted on 2 January 2020, after pausing for the Christmas break. Legislation stipulates that if power-sharing is not restored by 13 January 2020 a Northern Ireland Assembly election must be called.⁴¹

The Government has said that once the Northern Ireland Assembly and Executive has been restored it would look to devolve responsibility for corporation tax to Stormont and would consider doing the same for short-haul air passenger duty.⁴² These commitments were also included in the Conservative Party manifesto.⁴³

4.5 English Devolution

The Queen's Speech included a commitment that the Government would "give communities more control over how investment is spent so that they can decide what is best for them".⁴⁴

As part of this process, the Government intends to publish a white paper on devolution in England in 2020.⁴⁵ This will include plans for spending and local growth funding. It is also set to provide further information on the Government's plans for "full devolution across England, levelling up powers between mayoral combined authorities, increasing the number of mayors and doing more devolution deals". The Government has reiterated its commitment to the Northern Powerhouse, Midlands Engine and Western Gateway strategies.⁴⁶

The Conservative Party manifesto included other proposals relating to communities. These included:

- Reiterating support for the £3.6 billion towns fund to help regenerate towns across England.

⁴⁰ Prime Minister's Office, [The Queen's Speech 2019: Background Briefing Notes](#), 19 December 2019, pp 122–3.

⁴¹ Northern Ireland (Executive Formation and Exercise of Functions) Act 2018, s 1(1) (as amended).

⁴² Prime Minister's Office, [The Queen's Speech 2019: Background Briefing Notes](#), 19 December 2019, p 125.

⁴³ Conservative Party, [Conservative Party Manifesto 2019](#), November 2019, p 44.

⁴⁴ [HL Hansard, 19 December 2019, col 8](#).

⁴⁵ Conservative Party, [Conservative Party Manifesto 2019](#), November 2019, p 29; and Prime Minister's Office, [Queen's Speech December 2019: Background Briefing Notes](#), 19 December 2019, p 109.

⁴⁶ Prime Minister's Office, [Queen's Speech December 2019: Background Briefing Notes](#), 19 December 2019, p 109.

- Investing £500 million in new youth clubs and services and making available £250 million to support local libraries and regional museums.
- Establishing a new safer streets fund to invest in preventative measures like new CCTV or community wardens.
- Replacing EU structural funds to continue targeted investment in communities.⁴⁷

4.6 Further Reading

- House of Commons Library, [The UK Shared Prosperity Fund](#), 3 September 2019
- BBC News, [‘Power Sharing: ‘Now Is the Moment’ to Restore Devolution’](#), 16 December 2019
- House of Commons Library, [Fisheries and Brexit](#), 30 October 2019
- House of Commons Library, [‘How Will Brexit Affect the Union?’](#), 18 December 2019
- Ministry of Housing, Communities and Local Government, [‘Queen’s Speech: Delivering Fairer, More Affordable Homes for Buyers and Renters’](#), 19 December 2019
- Local Government Association, [‘Queen’s Speech: LGA Responds to Devolution White Paper’](#), 14 October 2019
- Local Government Association, [Queen’s Speech: On the Day Briefing](#), 19 December 2019, pp 1–4
- Ministry of Housing, Communities and Local Government, [‘Biggest Multi-billion Pound Spending Increase for Councils in a Decade’](#), 20 December 2019
- Local Government Association, [‘LGA Responds to Local Government Finance Settlement’](#), 20 December 2019
- Ministry of Housing, Communities and Local Government, [‘Further Funding and Expert Support for High Streets’](#), 30 December 2019

⁴⁷ Prime Minister’s Office, [Queen’s Speech December 2019: Background Briefing Notes](#), 19 December 2019, pp 109–10.