



# The Queen's Speech 2016

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### COMMENT

In a normal year the Queen's Speech would be the government's moment to move on from a difficult Budget and a poorly received campaign for London Mayor. But this is a year like no other. Five weeks and one day after Her Majesty sets out the Government's legislative agenda, the nation will go to the polls for the EU referendum. The Queen's Speech is usually a big event in the political calendar but this year will be a sideshow even though, as this document sets out, the government will put forward a substantive legislative programme.

At the Conservative Party Conference in 2015 the Prime Minister, David Cameron, overtly moved to occupy the centre ground, vowing to tackle the country's deepest social problems – poverty, lack of opportunity, discrimination and extremism. We expect the Bills announced in the Queen's Speech to focus on these themes with, for example, new laws on adoption, education and tackling extremism. A new Bill on the prison system is also likely, following the Prime Minister's call, earlier this year, for progressive reforms of the criminal justice system, with more emphasis on rehabilitation. With an eye on a future leadership contest, George Osborne told Andrew Marr this week that his was a vision of "a modern, compassionate Conservative Party that offers sober, serious, principled answers to the big problems the country faces...". The Chancellor will want to use his influence to make sure that the Queen's Speech reflects this vision.

Another tell of Osborne's involvement will be the Bills that further boost the Northern Powerhouse. We should, for example, expect to see a Bill on infrastructure. Energy policy has been away from the front pages, but new laws are required to improve competition and ensure the rollout of smart meters. It will be interesting to see if the once burnished green credentials of this government have been abandoned. The ongoing row over junior doctors and legislation fatigue may give the NHS a break, although there are reports that measures will be brought forward to support NHS whistle-blowers.

The Home Secretary, Theresa May, presumed to be another candidate for the leadership, is expected to acquire new powers to tackle extremism. This is a tricky issue for the government, pitting as it does the Home Secretary against the Secretary of State for Justice, Michael Gove. Given the mudslinging around extremism from the Tories' mayoral campaign and the Labour Party's own anxieties around allegations of anti-Semitism, this could be a defining theme of the session.

Other measures will be needed to tie up loose ends around deregulation, water and local government. Also expect a token Bill on tax avoidance to follow the Prime Minister's anti-corruption summit later this week.

The vote on 23<sup>rd</sup> June and speculation about a reshuffle will no doubt continue to dominate the news. But anyone interested in the impact of policy should continue to keep an eye on the House of Commons as well – there is life in David Cameron's ambitions yet, even if most people are looking the other way.

## INTRODUCTION

On Wednesday 18 May 2016 the Government will unveil its second Queen's Speech since the 2015 General Election. This document provides an overview of some of the Bills that may be included in the speech and their likely content.

## POSSIBLE BILLS

### ADOPTION BILL

The Government has announced the intention to make changes to the laws around adoption *"so that children are placed with their new family as quickly as possible."* Details of the proposals were set out in the Department for Education's paper, *'Adoption – A vision for change'*, with the intention to legislate *"as soon as possible"*. The paper says that adoption law would be changed to ensure that local authorities and courts consider the best permanent option for the child at the end of care proceedings.

### CULTURE BILL

The Department for Culture, Media and Sport published their Culture White Paper in March 2016. This was the first White Paper for culture in more than 50 years. Alongside this, the Department opened a consultation into the ambition for public libraries in England 2016-2021. It is likely that they will be looking to use both of these to gauge public opinion before announcing a Bill.

The White Paper's primary aim is to increase the chances for disadvantaged young people to access cultural opportunities, including the establishment of a new cultural citizens programme.

### DEREGULATION BILL

In November last year, the Chancellor, George Osborne and the Business Secretary, Sajid Javid, launched *'A better deal: Boosting competition to bring down families and firms'*, setting out the Government's ambition to introduce a broad package of reforms to *"make markets work better for families"*.

Following this, in April, Sajid Javid announced a call for evidence to look into employment rules *"that could be stifling British entrepreneurship by preventing employees from starting up their own business after leaving a job."* The Department for Business, Innovation and Skills has also opened a consultation seeking views on how the UK can develop its innovation framework.

Across these three documents the Government has given a clear signal that it wishes to find ways to improve competition and reduce regulation. 'Deregulation' or 'Competition' Bills are a regular feature of Queen's Speeches down the years, often providing a convenient avenue to implement a wide range of small, disparate policy changes. We expect to see one included in some form in this year's Speech.

### DIGITAL ECONOMY BILL

Elsewhere, other indications have been trickling out during the course of Parliamentary business over recent months that the Government intends to introduce a Digital Economy Bill.

In February, Culture and Digital Economy Minister, Ed Vaizey, used a debate on mobile infrastructure to inform the House that the Government was intending to introduce a Bill, to bring forward changes to the Electronic Communications Code first attempted without success during the passage of the 2015 Infrastructure Act. It is hoped that reform of the Code will make deploying new broadband infrastructure easier.

### EDUCATION BILL

#### Academies

The Chancellor of the Exchequer announced in his Budget statement in March 2016 that the Government would implement changes to ensure that all schools would become academies by 2022, with an order to convert to academy status in place by 2020 at the latest. On the following day, the Department for Education published a White Paper, Educational Excellence Everywhere, which set out the Government's education proposals for the next five years.

The White Paper was met with strong opposition from Conservative MPs as well as from the teaching unions and the usual suspects. On the day of the local elections, the Secretary of State for Education, Nicky Morgan, announced a U-turn on Government plans to force all schools to become academies. Instead of "blanket" conversion, she said that new powers to enable the Department for Education to step in and force schools in "underperforming" local authorities to convert to academy status.

The Government have so far kept to their plans to scrap compulsory parent governor seats on school governing bodies.

#### School funding reform

In the November 2015 Comprehensive Spending Review, the Government confirmed it would consult on a new national school funding formula, with revised funding arrangements being brought in over a two-year period starting in 2017-18. The document added that they "intend to bring forward legislation at the next opportunity."

#### Careers advice

The Secretary of State for Education announced that the Government would legislate "at the earliest opportunity" to require schools to ensure non-academic routes received "equal airtime" with academic routes as part of careers advice in schools.

### HIGHER EDUCATION BILL

In a moment straight from *The Thick of It*, a Minister's notes were caught on camera revealing that "BIS are due to publish an HE White Paper alongside the Queen's Speech and introduce the planned second session bill shortly afterwards."

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The notes added that the aim of the White Paper and subsequent Bill would be to “*solve real problems of quality and regulation*” in the HE sector. This echoes speculation from the Financial Times, which suggested in March that there would be a new Bill designed to liberalise higher education.

The proposed legislation would reflect the Government's desire to remove barriers to new private universities, so as to “*broaden access and create more competition*”, paving the way for “*a new generation of higher education providers*”.

### ENERGY BILL

The Energy Bill is likely to feature in the Queen's speech following the Department for Energy and Climate Change's decision to publish draft regulation in January. The legislation is expected to look at improving competition in the energy market and supporting the rollout of smart meter technology over the next few years.

Reportedly, the Energy and Climate Change Committee has been helping the Department with research for the Bill.

### EXTREMISM BILL

The Prime Minister has said that tackling Islamist extremism is the “*struggle of our generation*” and the Home Secretary and Prime Minister have both promised new legislation to take on Islamist extremism.

The Bill is likely to extend vetting rules so that employers will be told of known extremists to prevent them from working with children and other vulnerable groups or from carrying out roles in “*sensitive areas*”. There Bill is also rumoured to include plans to extend Ofcom's powers to suspend broadcasts deemed to include “*unacceptable extremist material*”.

### HEALTH BILL

A number of reports have suggested that the Government is intending to bring forward new legislation aimed at ending the “*blame culture*” in the health service. This would include extra support for NHS whistle-blowers and measures to enable medical professionals to come forward about mistakes in care.

While the experience of the politically disastrous Health and Social Care Act in the last Parliament has left scars on the backs of many across Government, any hesitation about new health legislation will be balanced against a desire to try and move the conversation on from the damaging row with junior doctors

### INFRASTRUCTURE BILL

In March, the Department for Communities and Local Government and the Treasury opened a consultation on further reform of the compulsory purchase system. The consultation, which is set to close on 15 May, just in time to inform the Queen's speech, seeks views on a number

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of proposed reforms to the principles of assessing compensation and other technical process improvements.

The consultation refers to the *"pressing need to ensure that compulsory purchase can more effectively support the delivery of the government's housing, regeneration and infrastructure objectives."* Amongst other things, the consultation is proposing to allow more authorities to bring forward compulsory purchase orders for joint purposes.

### LOCAL GOVERNMENT FINANCE BILL

Following George Osborne's announcement last year that the Government was looking to reform business rates, it is likely that the Queen's Speech will include a consultation on reform of the business rates system.

Adding to the likelihood of business rates reform being included in some form, the Local Government Chronicle has reported that it *"understands Department for Communities & Local Government civil servants now expect some primary legislation will be needed."*

### PRISONS BILL

In February, the Prime Minister made a speech on prison reform in which he said that the Government would follow on from its decision to create six reformed prisons *"run by some of the most innovative governors from across the prison estate"* with a Prisons Bill. He went on to explain that the Bill will *"spread these principles across the rest of the prisons system."* On the issue of prisoners' mental health, the Bill will also include a move towards full co-commissioning for governors and NHS England to apply from 2017.

### TAX AVOIDANCE BILL

Following the leak of the Panama Papers, the Prime Minister announced that the Government would legislate this year for a new criminal offence to apply to corporations that fail to prevent their representatives from illegally aiding tax evasion. The following week, the Chancellor confirmed that the Government would be introducing *"a new criminal offence of facilitating tax evasion, which will apply to the corporate sector in Britain as well."*

HMRC published a consultation document, *'Tackling tax evasion: legislation and guidance for a corporate offence of failure to prevent the criminal facilitation of tax evasion'*, which closes on 10 July 2016. This legislation is unlikely to require a stand-alone Bill but even so, some mention of it in the Speech is expected.

### WATER BILL

In 2014 the Coalition Government successfully passed the Water Act. While the wide ranging legislation covered a number of important areas, one key issue was left out: abstraction reform.

Indicating a desire within Government to tackle this outstanding issue, the Department for Environment, Food and Rural Affairs published a strategy in January 2016 to reform the UK's outdated abstraction regime for surface water and groundwater.

The reform aims to *“support investment over the long-term to ensure resilience, while protecting the value of our natural capital.”* The reforms will also include a new charging system to encourage use of water from sources where doing so will not harm the environment or hinder resilience.

### OTHER LEGISLATION

In addition to the Bills likely to be included in the Queen's Speech there are also a number of smaller legislative changes that we are likely to see over the course of the next Parliament. The below list provides an overview of the minor legislative changes that remain on the Government's 'to do' list:

#### **Chief Executive of the Financial Conduct Authority**

- The Government has announced their intention to change the legislation governing the appointment of the Chief Executive of the Financial Conduct Authority (FCA).

#### **Civil Registration: mother's details on marriage certificates**

- The law in England and Wales currently require the details of the father but not the mother of the married couple on a marriage registration.
- In 2014, the Prime Minister announced the Government's intention for mothers' details to be included in marriage registration.

#### **Cold Calling**

- This April the Government announced that cold callers will no longer be able to *“hide or disguise their phone numbers”* and that all direct marketing companies registered in the UK will be required to display their phone number when making unsolicited phone calls.

#### **Electoral fraud**

- Sir Eric Pickles, the Government's Anti-Corruption Champion, is currently reviewing electoral fraud for the Government and is due to make a number of recommendations on what more could be done to tackle it.

#### **Guardianship**

- In March 2015, the Government confirmed its intention to create a new legal status of guardian of the property and affairs of a missing person.
- This would require primary legislation but there has been no progress in bringing a Bill forward.

#### **Homelessness**

- With a reported doubling of the numbers of rough sleepers across the country in the past five years, the Government are keen to do more on the issue.
- It is possible that a statutory duty to prevent homelessness similar to that in Wales might be introduced.

### **Privatisation of the Land Registry**

- The Government announced its intention to privatise the Land Registry in the Autumn Statement 2015 and opened a consultation process, which closes on 26 May 2016.

### **Reform of the House of Lords**

- The Government is yet to respond to the publication of the Strathclyde Review in December 2015, which recommended that there should be a new procedure, set out in statute, which would allow the Lords to invite the Commons to "*think again*" when there is a disagreement on a Statutory Instrument between the two Houses.