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Making Britain's Laws
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Preparing Britain for the future



THE GOVERNMENT'S DRAFT LEGISLATIVE PROGRAMME 2008/09



Governance of Britain



The Government's Draft Legislative Programme

Presented to Parliament
By the Lord Privy Seal, Leader of the House of Commons
and Minister for Women and Equality
By Command of Her Majesty
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Foreword



The Rt Hon Gordon Brown MP
Prime Minister



The Rt Hon Harriet Harman QC MP
Leader of the House of Commons

This Green Paper, *Preparing Britain for the Future – the Draft Legislative Programme 2008-09*, sets out the Government's plans for legislation in next year's Parliamentary session. It also refers to related non-legislative action. More importantly, it invites you to have your say on what the Government's priorities should be. It is the job of Government to understand and propose solutions to the challenges that face our country. We want you to have your say as it is you who would be affected by changes to our laws. Last year we opened up the legislative process for the first time. This year we are broadening the consultation process to give you more time to comment, more ways to tell us your thoughts and more time to shape the final legislative programme ahead of the Queen's Speech towards the end of the year.

These proposed bills and other, non-legislative actions are organised into four themes that reflect the core direction of this Government. The first is *Economic Stability*. Our first priority is to ensure that we steer the economy and our people through the global downturn and that we are well prepared for future opportunities and challenges. We are taking important steps to address the impact of issues in the credit and housing markets and encourage saving to deliver that stability.

The second theme is *Making the most of your potential* – with bills which would build a fairer and more equal Britain and ensure people make the most of their abilities. The Government is bringing forward proposals for a right to time off to train, enhanced flexible working, fair treatment of agency workers and welfare reform to enhance skills and get people ready for work to ensure that the benefits of economic growth are available to all, not just some.

Our third theme is the *Personalisation and Improvement of Public Services*. In the next Parliamentary session we are proposing changes to further put patients, parents, tenants and citizens in control of what services they receive with further reforms to our health, education and police services.

Our fourth theme is *Handing power back to people*. People want to work with and direct Government to do things for them, not just have their Government do things to them. We propose to give people and local communities more voice in how their services and neighbourhoods are run.

Along with other members of the Cabinet, we will be holding public meetings, hosting online discussions, and reading your comments on this Draft Legislative Programme. In this document, and on the website, www.commonleader.gov.uk/draftprogramme you will find ways to comment on this programme; on individual bills; and on specific questions around key policy areas. We look forward to working with you to develop the best possible programme for the future.

Chapter 1

Making New Laws – the role of the Draft Legislative Programme

1. The aim of publishing the Draft Legislative Programme is to set out the Government's current proposals for legislation, to be considered by Parliament in its next session, for comment and consultation before the final programme is published in the Queen's Speech towards the end of the year.
2. In July last year, the Government published its first Draft Legislative Programme, ahead of the 2007-08 Parliamentary session which began with the Queen's Speech in November. The decision to publish a programme in draft was part of the Government's objectives to modernise and open up the law-making process with increased public involvement across the United Kingdom, as outlined in the Green Paper *'The Governance of Britain'*, also published in July 2007. The innovation was widely welcomed. People do want to be involved in the decision-making process and would like to see this new approach repeated in future.
3. In continuing this approach and publishing the second Draft Legislative Programme, the Government's aim is to make active public engagement an established part of the annual legislative cycle – and through that to improve the quality of the legislation which it introduces to Parliament.
4. The timing of this year's programme, two months earlier than in 2007, reflects comments made last year and gives more of an opportunity for people to make their views known and inform Government thinking at an earlier stage of the policy development process.
5. This approach has been endorsed by the Select Committee on Modernisation of the House of Commons into the first Draft Legislative Programme in its report, *Scrutiny of the Draft Legislative Programme*¹, in January 2008.

1 HC 81

6. One of the recommendations of the Select Committee was that *“the Government’s main non-legislative plans should be included in the Draft Legislative Programme, alongside the list of proposed bills, in order that the full programme of government is available for scrutiny. This could be achieved through the inclusion of an expanded thematic section within the document.”*²
7. This comment reflects the fact that legislation is not the only way that the Government can act to bring about change. Some changes simply do not require legislation to make them happen and many legislative proposals are supported by a wider programme of related non-legislative activity, which people need to know about in order to understand the full impact of what is being proposed. The Government has therefore accepted the Committee’s recommendation and this year’s draft legislative programme includes a number of non-legislative proposals which support the overall themes. Although it is clearly not possible to include every such proposal, the Government has adopted the Committee’s suggestion of selecting those proposals which are key to each of the themes, and concentrated on forthcoming Green and White Papers, policy reviews and secondary legislation.
8. The Government’s response to the Committee’s recommendations will be published as a separate document shortly.
9. One message from last year’s consultation is that people do not always feel that they have a good understanding of the legislative process. There is a perception that law-making is a technical process of no interest to the public. The Government wants to change this by helping people to understand the process – from the initial proposal of an idea to it being implemented in law. Consultation opens up the policy-making process and shows how the Government must consider the relative merits of different options for tackling a particular issue before taking a final decision.
10. This document gives people the chance to look across the entire Draft Legislative Programme and take a view as to whether the balance of priorities is right or if there are important things that could be included or areas of the programme that are considered to be less important. As a draft programme, the Government fully expects it to develop and change over the course of the year – the content of individual bills may change and new bills may be added before the Queen’s Speech as new issues arise and as a result of this consultation.

² HC 81, page 24, para 3.

Consultations on individual bills

11. As well as this consultation on the draft programme, Government departments, as part of the normal process of policy development, hold more detailed consultations on many of the proposals set out here. Some of these consultations include publishing the Bill in draft to show what the clauses would look like.
12. The publication of the Draft Legislative Programme is a gateway to these consultations, making it easier for the public to comment on the whole range of topics proposed for legislation in 2008-09. **Chapter 3** sets out the status of any consultation related to the individual bills, and where appropriate signposts weblinks to current consultations or indicates when a consultation is expected to start and where it can be found. This is the place for members of the public to provide comments on the detail of those bills that interest them. If a consultation has already taken place and the Government has already decided what course of action it intends to take, this is also set out clearly in Chapter 3.
13. The Government wants to increase public participation in the legislative process. It hopes that bringing these consultations together in one place will enable people to find out about legislative proposals in areas they might not normally consider directly relevant to them. Last year interesting comments were made on the Draft Legislative Programme by people who were not experts on any particular subject, but were interested members of the public who had obviously taken the time to look through the whole draft programme and give their views.
14. The programme covers a wide range of issues of relevance to everyone. The Government hopes that people will comment on a number of bills across the programme.

Chapter 2

The draft programme

1. The draft programme published today proposes 18 bills and refers to a number of non legislative actions that the Government plans to introduce to address the key challenges facing the country today. Although there is legislation addressing a broad range of issues, the Government is particularly focussed on delivery in four key areas: economic stability; making the most of your potential; personalisation and improvement of public services and handing power back to people.
2. It is important that the Government retains some flexibility in order to respond to emerging priorities, and further bills may be added to the programme before the Queen's Speech later in the year or even once the next session of Parliament has begun. If a significant number of new priorities emerged, it might be necessary to defer one or more of the bills in this draft programme. Also, as is normal practice, there will be a Finance Bill to implement the proposals made in the next Budget.
3. Chapter Three includes details on each bill, including information, where it is already known, about which parts of the United Kingdom each bill would apply to. All bills would apply to England. Bills that make provisions in reserved areas (and excepted matters in Northern Ireland) will apply to the entire United Kingdom. In many cases, a bill may also apply in part to a devolved matter in Scotland, Wales and Northern Ireland. In other cases, the exact extent may not yet be known and discussions with the devolved administrations may still be continuing. The Government remains committed to respecting the devolution settlements.
4. The Government believes that people want public services that are responsive to their concerns, treat people fairly and are good value for money. The Government's legislative and non-legislative programmes will empower people to take control of their lives and their communities. They will give patients, parents, students, tenants and communities as a whole more rights to information, participation and redress, and more direct control over the services they use. They will help people and communities to take control of their lives and their neighbourhoods. They will improve the position of employers and learners as customers of the skills and apprenticeship system, unlocking the talents of our people and improving productivity.

Economic Stability

5. The United Kingdom enjoys continuous high employment and low inflation growth. A strong, stable economy is central to providing all people with the opportunities they want to live happy and healthy lives. Global economic challenges do however have an impact. The Government's first priority is helping families through these challenges and ensuring fairness in the UK economy:
- The 2007 Queen's Speech announced legislation to protect bank depositors and ensure confidence in the banking system. This will be delivered by the introduction of a **banking reform bill**³ later this year which would deliver more effective ways to prevent banks from experiencing severe difficulties and to deal with them, including through changes to insolvency law and improving protection for bank customers;
 - The bill would also enhance the **Financial Services Compensation Scheme** to increase the level of protection for depositors in the event of a bank failure and help speed up payouts to customers;
 - Across the world there is a lack of confidence in credit markets – most notably mortgage backed securities – prompted by the downturn starting in the US housing market. UK banks and building societies are reluctant to lend to each other, and as a result lending to customers is more expensive and more restricted. The **Special Liquidity Scheme** announced in April 2008 by the Bank of England that offers at least £50bn in lending is a further step towards tackling these problems;
 - The Government will make up to £200m available to purchase **unsold new homes**, either to rent to social tenants or to make them available to first time buyers on shared ownership terms. For the first time all first time buyers will be eligible for **shared ownership** schemes (subject only to an income limit) and a new shared equity scheme will be introduced for newly built properties, helping thousands of people (including nurses and health workers) to buy their first home;
 - The Government is revising the Memorandum of Understanding that sets out how the Bank of England, the Financial Services Authority (FSA) and Her Majesty's Treasury will coordinate their activities, and introduce new **mechanisms for coordination** to ensure better and more effective regulation of the financial system. This includes looking at whether lessons can be applied from emergency arrangements to coordinate response to other large-scale disruptive events;

³ All titles of bills are subject to change depending on their final content.

- In addition to domestic activity, the Government is also working with international partners, in particular through the Financial Stability Forum and the EU, to strengthen the resilience of the **global financial system**. This includes ensuring strengthened risk management by banks, through more stress testing and improved liquidity management, and also seeking to improve the functioning of securitisation markets and the role of credit ratings agencies in structured finance;
- Reflecting the Government's commitment to promote saving and financial inclusion amongst those on lower incomes, the **Saving Gateway bill** would establish a new national savings scheme for around 8 million people on low incomes. The scheme provides a financial incentive to save through "matching" (a Government contribution) for every pound saved into the accounts. There will also be financial inclusion benefits through bringing individuals into contact with financial institutions for the first time;
- The Government plans to bring forward a **business rates supplement bill** that would give upper tier local authorities the ability to levy a local supplement of up to 2 pence per pound of rateable value on the business rate for economic development – following consultation, and in some cases a ballot of businesses that would be affected;
- A **Community empowerment, housing and economic regeneration bill** would also implement key recommendations from the review of sub-national economic development and regeneration intended to strengthen economic performance in regions, cities and localities throughout England.

Environment

6. The Government believes our future prosperity depends on tackling climate change, developing alternative energy sources and protecting our land and water:
 - The Climate Change Bill, currently being considered by Parliament, will make Britain the first country in the world to have a legally binding long term framework to both cut carbon dioxide emissions and adapt to climate change. The independent Committee on Climate Change to be established by the Bill will give its advice on the level of the 2050 target and on the first three, five-year **carbon budgets**. The Government will then announce the first three carbon budgets alongside Budget 2009, and lay its policies and proposals for meeting them before Parliament as soon as is reasonably practicable after they have been set;

- The Government has committed to introducing the **Carbon Reduction Commitment (CRC)** – a new mandatory UK wide emissions trading scheme capturing energy use emissions from large non-energy intensive organisations such as supermarkets, hospitals and government departments. The CRC is expected to begin in January 2010 and the Government will consult on secondary legislation for the scheme in Autumn 2008;
- There will be a public consultation in the summer of this year on the options for increasing the use of **renewable energy** in the UK, in the context of the EU target for 20% of the EU's energy to come from renewable sources by 2020;
- The Government intends to publish a **draft Floods and water bill** for consultation during the next session of Parliament, following the Pitt Review into the 2007 floods and the Government's Water Strategy, Future Water, which launched a review of competition in the water industry and water charging and tariffs;
- The Government will also consult on the proposed definition of **zero-carbon standards** – to meet the Government's target for all new homes to be built to such standards from 2016; and the programme and timetable for zero-carbon non-domestic buildings from 2019;
- A **Marine and coastal access bill**, which has recently been published in draft, would take further steps to ensure the sustainable use of our coasts and seas enabling us to balance our demands on the marine environment with conservation. It would introduce a new planning system for the marine area, reduce burdens on business, and make it easier to protect the marine environment. The bill would also create, for the first time, a right of access to walk around the English coast, with benefits for recreation and tourism, particularly for small businesses;
- A **Heritage protection bill**, which has also been published in draft as two separate bills (heritage protection and cultural property (armed conflicts)), would create a more open, accountable and transparent heritage protection system by reforming the way that historic sites and buildings in England are registered, and streamline the current system by bringing together a number of separate consent regimes, such as Listed Building Consent and Scheduled Monument Consent. The bill would also make it an offence to attack designated cultural property.

Making the most of your potential

7. The Government thinks that equality and opportunity for all is vital if people are able to fulfil their potential and is committed to creating a fair society in which everyone can realise their talents and make the most of opportunities available to them.
9. Globalisation presents ever-greater opportunities for countries and companies with creativity and new ideas. The United Kingdom must be ready to take advantage of these opportunities and ensure that all people are in a position to benefit from the global economy.

Education and Skills

9. In the 21st Century prosperity and security will be driven by the ability to compete on a global basis. The United Kingdom's primary competitive advantage as a nation is human capital – the strength and hard work of the British people. Empowering every child and every adult to realise their full potential is the goal of the Government:
 - An **Education and skills bill** would improve schools and reform the skills and apprenticeship system in England. It would provide powers to ensure that **every school is a good school**, by including measures to ensure local authorities use their powers when necessary to intervene in seriously underperforming schools on a timely basis, in the drive to have no secondary schools with fewer than 30% of its pupils attaining 5 A*-C GCSEs including English and Maths. It would strengthen the powers that parents have to ensure that their children receive a high standard of personalised education and ensure parents' complaints are handled in a straightforward and open way;
 - The bill would deliver streamlined arrangements for 14-19 education and training, putting local authorities at the centre of ensuring joined up education and children's services. It would establish an **independent regulator of qualifications and tests**, and a development agency for curriculum, assessment and qualifications, continuing to push for higher standards across the system;
 - The bill would secure a demand-led skills system serving employers and learners, including creating an adult advancement and careers service within a new Skills Funding Agency;

The Government recognises that many adults who are in work or looking for work do not always get the time needed to go on a course or study in order to get the skills training they need to advance their careers.

In order to address this issue the Government intends to promote skills training for adults, and will also consult on including a right for employees to ask for time to train to develop relevant skills.

The Government would particularly welcome the views of employers and employees on these proposals and other ideas to ensure they are supported in this area.

- The bill would also strengthen **apprenticeships** through establishing a statutory basis for the apprenticeship programme, creating a national apprenticeship service, providing a statutory entitlement to apprenticeships for all suitably qualified young people and ensuring that schools provide comprehensive career information about apprenticeships;
- The bill would also legislate to strengthen the operation of **Children's Trusts** to champion and take responsibility for improving the lives of children across all five Every Child Matters outcomes, in particular to make arrangements for the identification of and support for children with additional needs;
- The Government has high ambitions for all children, which must be supported by **high quality teaching**. The Government will take steps to ensure that new performance management arrangements for teachers, alongside existing provisions in the case of under-performance, are utilised effectively. Pupils who are falling behind will receive targeted support to help them keep up, including, where appropriate, access to one-to-one tuition;

The Government wants to ensure that it supports parents as partners in their children's education.

If necessary the Government will legislate to do this but initially it plans to consult on some options including how to give parents better access to information – on their child's school and on their child's progress, behaviour and attendance. The Government will also consult on its plans that every child at secondary school will have a personal tutor who knows them well and is the main contact for parents.

The Government will shortly be seeking the views of parents on these proposals and other ideas to ensure they are supported in their children's education.

- The Government is determined to ensure that those in alternative education also get the best education and therefore will bring forward measures to reform **Pupil Referral Units** that will include considering different providers of these services. It will also strengthen local behaviour partnerships to improve behaviour and attendance. The Government will bring forward a White Paper in the summer setting out proposals in this area, including exploring different ways of delivering alternative education, such as schools which would have close links to business and provide a high quality vocational education;
- In January 2008, Sir Brian McMaster published his policy review, ***Supporting Excellence in the Arts: From Measurement to Judgement***. Work has now begun on the further study and implementation of Sir Brian's recommendations. In addition, a 'Find Your Talent' programme of 10 pilots will trial ways of offering young people a range of cultural experiences over five hours a week in and out of school. This will build on what is already included in the curriculum and will offer opportunities beyond the school day. This will inform plans for how a national roll out that would give these opportunities to every child in the country might be possible.

A Fairer Nation

10. The Government believes that the country is only strong if all people are treated fairly in the workplace so it proposes to introduce legislation to protect the rights of hard working families – and establish fair responsibilities for those rights:
 - In order to ensure that **agency workers** receive appropriate protections the Government will continue to pursue an agreement on the treatment of agency workers through an EU Directive incorporating the principle of equal treatment;
 - An **Equality bill** would meet the Government's commitment to bring together and simplify existing legislation on all forms of discrimination. But it would go much further than that, shifting from an approach reliant on individuals seeking remedies when they are discriminated against. There is still much work to be done to reduce inequalities and the bill would provide a number of ways to make progress, for example making public bodies more transparent;
 - The Government is committed to a radical reform package to extend and improve opportunities and incentives to work and upskill, and to encourage independence, choice, and control for disabled people. The Government remains committed to making progress towards the target on child poverty. The Government anticipates Welfare Reform proposals will be published in the summer which would require legislation. A package of measures is being considered to produce a **welfare reform bill** which delivers value for money for the taxpayer. This would place greater emphasis on measures to help those who face barriers to work or have been out of work for a long time to become more independent and better skilled. Also under consideration are measures to streamline the benefit system and promote financial inclusion;
 - As part of welfare reform the Government intends to require the unemployed not just to seek work but to train to improve their skills. All unemployed people would be required to have their skills assessed when they first claim benefits – and for those that refuse to undertake the training that is considered essential to finding employment we will consult on the prospect of having their benefit sanctioned;
 - The Government will publish a **housing reform green paper** towards the end of 2008 that sets out proposals to provide housing services and options which help and encourage people towards greater economic independence and social mobility – matching responsibility with opportunity so that they can realise their potential and best meet their own housing aspirations in the future – and to deliver greater fairness and make best use of resources;

- As a further measure to help working parents achieve a better work life balance, the Government asked Imelda Walsh to look at how the **right to request flexible working** can be extended to parents of older children. The Government will be consulting on how to implement the recommendations of the Walsh Review to extend flexible working.

Personalisation and Improvement of Public Services

Safety and Security

11. The Government thinks that safety and security is of fundamental importance to all as individuals, to families, communities, and as a nation and is committed to working to ensure that everyone is safe at home, when travelling and in public places. The Draft Legislative Programme includes a number of bills and other initiatives to achieve this:
 - A **policing and crime reduction bill** would bring forward proposals which will be set out in the Policing Green Paper to be published in June to secure further improvements to policing and crime reduction. The aim is to help the police deliver a service most suited to the needs of the citizen and communities, reclaiming public spaces through police reform and local accountability and measures to tackle anti-social behaviour and alcohol abuse;
 - By March, **Neighbourhood Policing** teams were rolled out in every police force across the country. The Government has announced plans to introduce a 'policing pledge' that will agree a set of minimum standards for policing and give people a greater say in, and influence over, how their streets are policed. The Policing Green Paper will seek to build upon these successes by setting out the next steps in Neighbourhood Policing to place the citizen and communities at the heart of the vision for policing. The bill would also strengthen police powers to recover **criminal assets** and to make cross-border arrests;
 - The Green Paper will also take forward the recommendations of the Flanagan review on **reducing bureaucracy** in the police service, in particular through removing the requirement to complete the lengthy stop and account form by the end of the year. The Government will also appoint an independent and high profile Bureaucracy Champion to focus on driving out unnecessary red tape and test future proposals for their impact on the front line, helping the police to spend more time out of the station and in communities;

- The forthcoming policing green paper will bring forward new proposals on a local accountability mechanism to provide a clear and powerful public voice in decision making through **directly elected representatives** to give local people more control over policing priorities and responsiveness;
- The bill would include more powers to reclaim public places and reduce **binge and underage drinking**. It would introduce tougher measures against irresponsible licensees by changing the offence of persistently selling alcohol to a person under 18 from three strikes to two strikes in three months, after which licensees would lose their licence. The maximum fine would be increased for anyone not obeying an instruction to stop drinking in a designated public place and it would be easier for police to disperse anti-social drinkers – both adults and children – from any location. The Government is encouraging closer and more effective parental involvement to extend our work on anti-social behaviour into a wider range of public spaces;
- A **transport security bill** would strengthen arrangements for airport security planning as well as implementing the UK's international obligations to combat terrorist activity at sea as the Government continues to enhance the UK's counter-terrorism capabilities. The bill would also provide a clear statutory authority for naval, police and customs officers to board and seize pirate ships;
- A **communications data bill** would help ensure that crucial capabilities in the use of communications data for counter-terrorism and investigation of crime continue to be available. These powers would be subject to strict safeguards to ensure the right balance between privacy and protecting the public;
- Alongside progress in reducing crime, the Government is committed to putting further measures in place to support victims of crime. A **law reform, victims and witnesses bill** would aim to protect the vulnerable and increase confidence in the criminal justice system, in particular for victims of gun and gang related crime and those who give evidence in an attempt to secure convictions. It would also reform the law on murder and prevent criminals profiting from books and other publications about their crimes;

The Government is committed to providing appropriate support, information and a voice in court for relatives in murder and manslaughter cases.

The Government is considering how the creation of Victim Advocates might help achieve this, by enabling relatives of the victim to have their chance to set out to the Court the impact of the crime – going beyond the existing system that allows them to make a written statement.

The Government would welcome views on this approach and any other ideas to enable relatives to have a voice in court.

- A **coroners and death certification bill** would modernise the Coroners Service and result in a better service for bereaved families with more effective investigations and inquests – so that families, who will have improved opportunities for involvement in the process, can be assured that the cause of death of their loved one has been properly established and that, where possible, lessons can be learned to prevent future deaths. It would also establish a body of medical examiners to scrutinise death certificates, to help prevent a repeat of cases like the Harold Shipman murders. The coroners' clauses, which form the majority of the bill, have already been consulted on extensively, and the death certification clauses will be added following a recent consultation on the policy proposals.

Migration

12. The Government believes migration bring benefits to our country – with migrants contributing to the economy and also enriching our nation. But the Government knows that migration also brings challenges to communities and is therefore determined that our system for managing migration should be both robust and fair. It will not accept abuse of our system and will increasingly focus more on the social impacts of migration as well as the economic benefits:
 - A **citizenship, immigration and borders bill** would be part of the biggest shake-up of Britain's border security and immigration system for over 35 years. The Government has introduced a **points system** for economic migrants and students which will allow only those with the skills we need to come to the UK, and we will continue to welcome those genuinely fleeing persecution. The Government has also introduced new rules to guard against abuse of marriage and new visa protections to guard against abuse of family visit routes.

There will be tougher action to attack the causes of illegal migration in the illegal economy with big fines for employers who employ **illegal migrants** and new systems to track people in and out of the country. There will be more and faster deportations of those who abuse our welcome and break the law. The Government will also ask new migrants to pay into a migration fund to help manage the transitional costs associated with migration;

- The Green Paper, *The Path to Citizenship: Next steps in reforming the immigration system* set out a new agenda of **earned citizenship** where the rights and responsibilities of becoming a British Citizen have to be earned. The bill would ensure that only those who share our values can earn the right to stay by clearly spelling out the rights and obligations of legal immigrants to the United Kingdom and the requirements that must be fulfilled to earn British citizenship. Requirements would include learning the English language, paying tax and becoming self sufficient and obeying the law. The Government also wants to encourage people to join in with the British way of life through playing an active part in the community;
- The Government will ensure further protection of our border by equipping the **new UK Border Agency** with stronger powers to protect our borders and help keep the United Kingdom safe. The new Agency brings together the work of immigration, UKvisas and customs operational work at the border. The Government is creating a triple ring of security for the borders; a wider visa regime with fingerprint checks for all visa applicants, electronic screening against no fly lists, tougher defences at the border and **compulsory ID cards for foreign (non European Economic Area (EEA)) nationals**. The bill would ensure border protection officials have the right powers at the right time, including powers to cancel visas at foreign airports, tougher, simpler powers of detention, powers to tackle organised crime and powers to take and check fingerprints for non EEA nationals at the British border. The bill would also change out of date customs law to support the delivery of the new border operating model and to strengthen the grip on cross-border smuggling in drugs, guns and cash;
- The bill would cut red tape and make enforcement of the law speedier and more effective by replacing all existing **immigration** law, creating a simplified, consistent and coherent legal framework for the whole system. There would be stronger enforcement powers, with a new simpler procedure for quick removal, banning people from return, cutting the number of opportunities for challenge which slows down expelling those with no right to be here. The bill would provide greater transparency, clarity and predictability

for staff, applicants, sponsors and the wider public. It would also ensure greater efficiency and more straightforward decision-making processes leading to quicker and easier to reach decisions.

Health

13. The National Health Service (NHS) is one of our most respected and important institutions. As we celebrate the 60th anniversary of its foundation, the Government is continuing to work to ensure the highest possible standards of care, and to give more power to individuals to shape the care they receive. Significant progress is being made to improve the performance of the NHS:
 - Subject to consultation following Lord Darzi's review of the National Health Service in England, which is due to report this summer, the Government will prepare an **NHS reform bill** to implement any proposals which require legislation, and ensure that the NHS stays true to its founding principles of care for all, free at the point of need. The review will determine measures that the Government will take to enable frontline staff, working in partnership with service users and local communities, to make clinically-led changes that deliver clinical benefit, improved patient care and tackle variations in performance;
 - As part of this an **NHS Constitution** would describe the rights and responsibilities of staff and patients to strengthen and sustain the NHS. It would clarify rights for patients, such as informed consent prior to treatment; and expectations on patients – attending appointments and respecting staff;

Many families in Britain worry about how they will pay for the care they need without losing all the assets they worked hard to earn over the course of a lifetime.

The Government has responded to this concern by recently launching a public consultation process on the future of the care and support system, to ensure that people can be confident of high quality and affordable care when they need it.

The Government welcomes views on this subject and more information and ways to contribute to this discussion can be found at www.careandsupport.direct.gov.uk. This will lead to a Green Paper identifying key issues and options for reform.

- The Government will also look at options to encourage greater responsiveness of primary care trusts to their local communities;
- The Government will look at the opportunities for patients, if they wish, to have more scope to organise their treatment and care around their own needs. The choices which patients and carers can make over the treatment they receive will be extended, for example to choose to receive care at home or to self care;
- The creation of a new **performance regime for health care** will provide new powers to suspend the Chair and Non-Executive Directors of NHS Trusts that fail to meet the requirements of public office;
- The NHS will be expected to maintain a high standard of cleanliness which will be monitored and performance managed at a local level. Specialist Healthcare Commission inspections of all acute trusts against the code of practice for the prevention and control of healthcare associated infections began in April, and with the completion of the deep clean programme, on-going activity will be monitored locally and included in Patient Environment Action Team inspections from next year;
- The Government will develop the new **vascular prevention programme** with the potential to prevent 9,500 heart attacks and strokes each year, 2,000 of which would have been fatal. It would prevent 4,000 people a year from developing diabetes and detect 25,000 cases of diabetes or kidney disease earlier. The programme should have a significant impact not only on death and disease, but also on health inequalities, given that vascular disease is the major cause of the mortality gap between the more deprived and the better-off;
- There will be a new Sport England strategy to deliver a world-leading **community sport** infrastructure. This will focus on three strands of work – ‘excel’ to allow everyone to develop their sporting talents and increase the pool of talented athletes; ‘sustain’ to reduce drop off rates and increase user satisfaction; and ‘grow’ to increase regular participation in sport. The Government is also investing at least £755m over the next three years to deliver a world class system for physical education (PE) and sport. The ambition is that by 2012, all 5-16 year olds will access two hours of quality PE and sport per week within school hours, and all 5-19 year olds will be offered three additional hours of sport out of school hours, in school or community settings.

Housing

14. The Government has set out its ambition for **three million new homes by 2020**. As part of this vision, the Government has a number of plans to increase the supply of housing:
- The Government plans to announce by the summer the successful locations of the **New Growth Points programme** and provisional allocations to local authorities for the £510m Housing and Planning Delivery Grant, to incentivise local authorities to deliver higher levels of housing and better planning, including an adequate supply of land for housing;
 - The Government will continue to identify and **release surplus public sector land for housing**: in the next year land will have been released to provide for an additional 20,000 homes;
 - The Government is currently consulting on proposed locations for up to ten new **Eco-towns**, providing up to 100,000 homes. A final list of potential locations will be published later this year;
 - A **community empowerment, housing and economic regeneration bill** would give a new social housing regulator the power to regulate local authority and social landlords so that the interests of all social housing tenants, regardless of their landlord, are placed at the heart of regulation;
 - A **national tenant voice** will be established to give tenants both a voice and expertise at national and regional level.

Handing power back to people

15. The Government believes it needs to be more flexible and responsive to the concerns and desires of its citizens. The state must be redefined as a partner and agent of the people – doing things with them and for them and not just to them. The legislative programme will include bills to empower people in key public services and in governance:
- A **constitutional renewal bill**, which has already been published in draft, sets out the next stage of constitutional reform following on from the proposals in the "Governance of Britain" Green Paper published in July 2007. Among other measures, the bill would remove the requirement to give notice of demonstrations in and around Parliament Square, change the role of the Attorney General in relation to the main prosecuting authorities and prosecutions themselves, strengthen Parliament's role in the security of treaties prior to ratification and place the Civil Service on a legal footing;

- A **community empowerment, housing and economic regeneration bill** would implement parts of an Empowerment White Paper, due to be published this summer. It would focus on transferring power from government to communities and citizens in England, helping to build vibrant and cohesive communities of empowered, self confident citizens who are active and in many different ways contributing to their local community. The bill would offer opportunities and remove barriers to involvement and participation so that government and citizens and communities can work together to seize opportunities and solve problems;

The Government wants to ensure local people are empowered in their community and can help shape the issues that councils discuss as well as own and run some services themselves.

To do this, the Government proposes enhancing the traditional role of petitioning in the political system to give improved rights for citizens to get clear information and prompt answers from local councils. For example to be able to influence decisions about priorities for local public spending; to spark a debate on local issues; to be able to compel the sale and transfer of derelict properties or a run down park.

The Government wants to hear views on these proposals.

- The Government will be building a longer-term vision for constitutional reform with a White Paper on the reform of the House of Lords;
- The Government will shortly publish a White Paper on reform of **party finance and expenditure**.

Chapter 3

Summaries of bills in the draft programme⁴



1. Banking reform bill

The purpose of the Bill is to: improve the resilience of the financial system and support financial stability by strengthening depositor protection and dealing with banks in difficulties.

The main elements of the Bill are:

- Enabling the Bank of England to lend in a more effective manner, including by allowing short-term non-disclosure of liquidity assistance by the Bank of England;
- Enabling the Financial Services Authority (FSA) to collect information from banks in difficulties and removing any impediments to them sharing it with the Financial Services Compensation Scheme (FSCS) to assist it carrying out its functions and the Bank of England or HM Treasury, where relevant to maintaining financial stability;
- The introduction of a 'special resolution regime' to allow the authorities (HM Treasury, Bank of England and FSA) to intervene when a bank gets into severe difficulties. This includes the introduction of an insolvency regime for banks;
- Strengthening the arrangements underpinning banknote issuance by commercial banks in Scotland and Northern Ireland;
- Improvements to the FSCS to facilitate faster pay out;

⁴ All titles of Bills are working titles and may be subject to change.

- Providing the Bank of England with a financial stability objective and amending the size and composition of the Bank's Court.

The main benefits of the Bill are:

- Ensuring that if financial stability in the UK is threatened, the authorities have a range of tools available to mitigate the risk, whilst protecting consumers, and minimising the impact on the economy overall;
- Improvements to the Bank of England's lending powers are designed to increase chances of successful resolution when a bank requires support from the Bank of England, thus protecting financial stability and the customers of the bank;
- The improvements to the FSCS will enable it to pay out bank depositors more quickly and efficiently in the event that a bank becomes insolvent;
- The Special Resolution Regime will enable the authorities to take decisive action, to resolve a failing bank in a more orderly manner than currently possible, allowing people to have continued access to banking functions or rapid and orderly depositor payment;
- Holders of banknotes issued by Scottish and Northern Ireland banks would be better protected if the issuing bank became insolvent.

Consultation

HM Treasury with the FSA and Bank of England published a discussion document in October 2007, and followed up with a public consultation on the detailed content of this proposed Bill. The consultation closed on 23 April 2008.

Before bringing forward legislation later in the Session, the Government will issue a further consultation, including the publication of draft clauses, before the Summer Recess.

See www.hm-treasury.gov.uk/documents/financial_services/financial_stability_framework.cfm for more details.

Territorial extent

The Bill would extend to the whole of the United Kingdom. The Government will work closely with the devolved administrations in relation to their responsibilities in this area.

Other action in this area

In addition to the proposals in the Bill, the Government is also undertaking the following activity:

- Working internationally to strengthen the global financial system's resilience, including through ensuring strengthened risk management by banks and improving the functioning of securitisation markets;
- Revising the Memorandum of Understanding, which sets out how the Bank of England, FSA and HM Treasury will coordinate their activities, and introducing new mechanisms for coordination at times of 'crisis';
- The FSA will also consult on rule changes, under its responsibilities in the Financial Services and Markets Act 2000, including in relation to enhancements to the FSCS.



2. Saving Gateway bill

The purpose of the Bill is to: provide a financial incentive to saving among the poorest in society.

The main elements of the Bill are:

- establishing a Saving Gateway accounts scheme, as announced in Budget 2008, and give HM Revenue and Customs the necessary powers to administer it, including to approve providers of the scheme and provide for penalties in cases of fraud and maladministration;
- permitting financial institutions to offer and operate Saving Gateway accounts and set out the duties of financial institutions in relation to the scheme;
- allow the Government to define who will be eligible to apply for accounts, and enable it to pay out matched funding to savers on account maturation.

The main benefits of the Bill are:

- offering a national cash saving scheme for those on lower incomes, providing a financial incentive to save through matching (a government contribution for every pound saved);
- the scheme will be open to individuals in receipt of qualifying benefits and tax credits namely: Working Tax Credits; Child Tax Credits paid at the maximum rate; Income Support; Jobseeker's Allowance; Incapacity Benefit and Employment and Support Allowance; and Severe Disablement Allowance – around 8 million individuals in the UK;
- the scheme will open in 2010, with the first matched payments paid out to savers from 2012;
- in pilots carried out between 2001 and 2007, over 22,000 people took part, achieving over £15 million in savings;

- the scheme aims to kick-start a saving habit among people on lower incomes, enabling them to plan for the future and cope with financial pressure, and to promote financial inclusion by encouraging people to engage with financial institutions such as banks, building societies and credit unions.

Consultation

The Government is currently consulting on how the scheme will operate. The consultation can be found at www.hm-treasury.gov.uk/budget/budget_08/documents/bud_bud08_saving.cfm
The closing date is 4 June.

Territorial extent

The Bill would extend to the whole of the United Kingdom. The Government will work closely with the devolved administrations in relation to their responsibilities in this area.

Other action in this area

Personal Accounts for pension saving due to be introduced in 2012 helping to promote saving for retirement.



3. Business rate supplements bill

The purpose of the Bill is to: give upper tier local authorities (County Councils, Unitary Authorities and, in London, the Greater London Authority) the power to levy a local supplement on the business rate and retain the proceeds for economic development.

The main elements of the Bill are:

- Creating a new power for upper tier local authorities to levy a local supplement on the business rate and to retain the proceeds for investment in that area;
- Providing safeguards for business, including: a requirement that proceeds should be spent on economic development; consultation and, in certain circumstances, a ballot of businesses that would be affected; a national upper limit to the levy of 2p per £1 of rateable value; an exemption for all properties with a rateable value of £50,000 or less;
- Flexibility for authorities to: decide the duration of the supplement; reduce liability for the supplement for properties above the £50,000 threshold; and to decide whether to offset Business Improvement Districts levies against liability for the supplement.

The main benefits of the Bill are:

- Promoting the long-term economic growth and productivity of those areas that levy a supplement, by permitting investment in projects (e.g. transport infrastructure) that support economic growth, and which would not otherwise proceed.

Consultation

Business rate supplements: a White Paper (October 2007) followed extensive public debate on this subject, and the measures in it will not be subject to further consultation before the Bill is introduced. However, the Government will be consulting on the detail of implementing the scheme through secondary legislation and guidance, for example arrangements for votes on supplements where required and defining "economic development". In the meantime any suggestions on detailed implementation of the policy set out in the White Paper should be sent to **contactus@communities.gov.uk**.

Territorial extent

The Bill would extend to England and Wales only. The Government will work closely with the Welsh Assembly Government in relation to their responsibilities in this area.

Other action in this area

In addition to the arrangements in the Bill the Government:

- plans to develop Multi-Area Agreements between local authorities and their partners to improve the economic development outcomes across a sub-region;
- is consulting on proposals to introduce a new statutory duty to assess local economic conditions and to give regional development agencies lead responsibility for regional planning (in response to the *Review of sub-national economic development and regeneration*).



4. Marine and coastal access bill

The purpose of the Bill is to: improve and simplify arrangements for managing marine development and protecting the marine environment and biodiversity, including a new planning system for the marine area, and provide greater recreational access to the English coast.

The main elements of the Bill are:

- Secure a long-distance route around the coast of England including beaches, cliffs, rocks and dunes, with public access for coastal walking and other recreational activities;
- Establish a Marine Management Organisation for the waters around England and the UK offshore area;
- Introduce a new marine planning system, with long-term objectives for the marine area around the UK, and subsequently the creation of more detailed local marine plans;
- Streamline the law on licensing marine development so that, as far as possible, only one licence is needed for each development;
- Provide powers to designate marine conservation zones and to protect those zones from damaging activities;
- Strengthen and modernise the licensing and management of marine, migratory, freshwater and shellfish fisheries, including creating new Inshore Fisheries and Conservation Authorities and introducing a scheme to manage live fish movement;
- Streamline and modernise enforcement powers for fisheries and nature conservation, providing a civil sanctions scheme for licensing and nature conservation offences and an administrative penalty scheme for domestic fisheries offences.

The main benefits of the Bill are:

- Greater recreational opportunities from increased public access to the English coast, with the economic benefits of recreation and tourism this will bring, particularly for small businesses;

- Greater confidence and economic benefits for marine developers through simplification of the legislative framework and faster planning decisions with greater transparency and less uncertainty, and a reduction in administrative burdens by reducing the number of bodies that business needs to deal with;
- Improved ability to take quick, tough action to protect marine species and habitats, strengthened fisheries and environmental management arrangements to allow more effective action to conserve ecosystems, and the tools we need to meet our international marine conservation obligations;
- More efficient use of marine resources, taking account of current usage and potential future demand, with better opportunities for all stakeholders to help shape the way in which our seas are managed;
- More effective delivery, regulation and enforcement in the marine area by bringing together functions in the Marine Management Organisation;
- Flexible, proportionate and targeted marine licensing provisions will ensure that activities with little or no adverse impact on the environment, marine heritage or other legitimate uses of the sea do not attract the regulatory burden of the full licensing process.

Consultation

A Marine Bill has been published in draft (3 April) for pre-legislative scrutiny. A joint Committee of the House of Commons and the House of Lords has been established to scrutinise the draft Bill. Details of how to contribute evidence to that Committee can be found at www.parliament.uk/bills/draftbills.cfm. The Environment, Food and Rural Affairs Select Committee will also undertake pre-legislative scrutiny of the coastal access part of the Bill. Details of how to contribute to their inquiry can be found at http://www.parliament.uk/parliamentary_committees/environment_food_and_rural_affairs/efra_draft_marine_bill.cfm. Comments on the draft Marine Bill can also be sent directly to the Department for Environment, Food and Rural Affairs by 26 June – details at www.defra.gov.uk/marine.

Territorial extent

Some parts of the Bill would extend to the whole of the United Kingdom. Other parts would extend only to some parts of the UK and its waters. The Government will work closely with the devolved administrations in relation to their responsibilities in this area.

Other action in this area

In addition to the proposals in the Bill, the Government is also undertaking the following activity:

- preparing to set the first three, five-year, Carbon budgets by 1 June 2009 (subject to the Climate Change Bill which is currently being considered by Parliament) and an action plan to meet them;
- consulting on secondary legislation on the proposed Carbon Reduction Commitment – an emissions trading scheme capturing energy use emissions from large non-energy intensive organisations;
- consulting in the summer on the options for increasing the use of renewable energy, in the context of the EU target for 20% of Europe's energy to come from renewable sources by 2020;
- responding to the Pitt Review into the 2007 floods;
- carrying out a review of competition in the water industry and charging and tariffs for water;
- publishing a draft water and flooding bill for consultation.



5. Heritage protection bill

The purpose of the Bill is to: create a more open, accountable and transparent heritage protection system and to safeguard the cultural property of the United Kingdom and other nations during armed conflict.

The main elements of the Bill are:

Reform of the heritage protection system in England and Wales, including:

- replacing the separate listing, scheduling and registering arrangements with a single system for national registration of terrestrial heritage assets;
- streamlining the associated consent processes, with a new heritage asset consent replacing listed building consent and scheduled monument consent, and merging conservation area consent with planning permission;
- transferring responsibility for registering land-based heritage assets in England from the Government to English Heritage;
- creating a new statutory framework enabling voluntary management arrangements for owners of complex historic sites;
- placing local authorities under a duty to maintain or have access to an Historic Environment Record;
- broadening the range of marine historic assets that can be protected, bringing greater flexibility to the marine heritage licensing system, and introducing a statutory duty on the Receiver of Wreck to pass on information on marine historic assets to heritage bodies;
- repealing the requirement for the Government to use parts of Osborne House for the benefit of members of the armed forces and civil service, giving English Heritage greater flexibility in managing the House and grounds;
- repealing the requirement for the Government to approve new statues in the Greater London area.

Enacting in UK law the obligations in the Hague Convention by introducing a legal regime to protect cultural property in the event of armed conflict:

- making it an offence to attack cultural property protected by the Convention and its Protocols;
- making it illegal to deal in cultural property illegally exported from an occupied territory and making provision for the forfeiture of illegally exported property and its return at the close of hostilities;
- introducing the distinctive Convention emblem (a blue shield) to identify protected property and making its misuse an offence.

The main benefits of the bill are:

- a more open, accountable and transparent heritage protection system, providing more opportunities for public involvement and community engagement in understanding, preserving and managing our heritage;
- informed stewardship of the historic environment at local level with publicly available records of the historic environment and a single online national Heritage Register;
- reduction of bureaucratic and administrative burdens for owners and local authorities by streamlining consent procedures and introducing voluntary management agreements to facilitate long-term management of complex heritage sites.
- enabling the Government to fulfil its commitment to ratify the Hague Convention and its Protocols;
- sending a strong signal to the international community that the UK takes seriously its obligations under international humanitarian law to respect and safeguard the cultural property of other nations during times of armed conflict.

Consultation

The Government published a White Paper, *Heritage Protection for the 21st Century*, in 2007. The Heritage Protection Bill and the Cultural Property (Armed Conflicts) Bill have been published separately in draft for pre-legislative scrutiny.

To comment on the draft Heritage Protection Bill by the closing date of 27 June 2008 please go to:

http://www.culture.gov.uk/Reference_library/Publications/archive_2008/pub_draftp.b.htm?contextId={E1CC8501-8793-4EF9-AD40-0BB73D05A11D}

The consultation on the Cultural Property (Armed Conflicts) Bill has now closed but for more information please go to:

http://www.culture.gov.uk/Reference_library/Publications/archive_2008/draft_cultprop_armedconflict_bill.htm

Territorial extent

The cultural property provisions (Hague Convention) would extend to the whole of the United Kingdom. The heritage protection provisions would extend to England and Wales only. The Government will work closely with the devolved administrations in relation to their responsibilities in this area.

Other action in this area

In addition to the proposals in the Bill, the Government will work with English Heritage to produce draft guidance on elements of the heritage protection system and historic environment services.



6. Education and skills bill

The purpose of the Bill is to: promote excellence in schools and help ensure that every school becomes a good school; ensure a customer-driven skills and apprenticeship system; and create a new regulator for qualifications and tests and a development agency for curriculum, assessment and qualifications.

The main elements of the Bill are:

- Promote excellence in schools and fair access to good schools through taking appropriate powers and making sure local authorities intervene when necessary to ensure that all schools achieve at least 30% 5 GCSEs at A* – C grade, including English and Maths; strengthening the powers that parents have to ensure that their children receive high standard, personalised education and ensuring parents' complaints are handled in a straightforward and open way; improving behaviour and attendance and reform of Pupil Referral Units and other alternative provision outside mainstream schools and strengthening of local partnerships;
- Transfer funding and responsibility for delivering 16-18 education and training to local authorities; and create a new non-departmental public body to perform certain functions on pre-19 education and skills (Young People's Learning Agency);
- Transfer responsibility for the education and training of young offenders in juvenile custody to local authorities;
- Strengthen the capacity of Children's Trusts to improve outcomes for children, young people and their families, in particular to make arrangements for early identification and support for children with additional needs;
- Strengthen qualifications regulation powers, and transfer those powers from the Qualifications and Curriculum Authority (QCA) to a new independent regulator for England, the Office of the Qualifications and Examinations Regulator (Ofqual); and establish a Qualifications and Curriculum Development Agency to continue QCA's remaining functions;

- Provide a statutory basis for the apprenticeship programme, creating a new National Apprenticeships Service, establishing the first statutory entitlement to apprenticeships for all suitably qualified young people, and ensuring that schools provide comprehensive career information about apprenticeships;
- Secure a demand-led adult skills system, driven by learners and employers; a new adult advancement and careers service will be housed within a new post-19 Skills Funding Agency;
- Strengthen workplace skills training, including by creating a right for employees to request from their employer time to undertake relevant training;
- Amend the rules about the effect of personal insolvency for those with student loans, ensuring consistency of treatment for those subject to an Individual Voluntary Arrangement and those subject to bankruptcy.

The main benefits of the Bill are:

- Support all children and young people in their learning by promoting excellence in schools to ensure every school becomes a good school;
- Promote better integrated local services focused on all Every Child Matters outcomes;
- Support raising the participation age to 18 (currently being considered by Parliament in this session's Education and Skills Bill) by establishing clear responsibilities for delivering entitlements to diplomas, apprenticeships and the Foundation Learning Tier;
- Strengthen confidence in the standards of qualifications and tests, including both current qualifications and tests and those being developed under various reform programmes, benefiting children and learners by ensuring their achievements are fully recognised;
- Improve provision for all learners by streamlining management of functions through a single strategic commissioner for all 0-19 functions and bringing together all post-19 functions;
- Ensure apprenticeships are more fit for purpose and better reflect the demands of employers by placing the Government's Apprenticeship Programme on a statutory basis, establishing the National Apprenticeship Service and introducing a statutory entitlement to apprenticeships for suitably qualified young people;
- Ensure that those in juvenile custody receive comparable education and related services to those in mainstream education, providing improved support for this vulnerable group of young people;

- Promote upskilling of those in work through a customer-driven system benefiting employers and employees and by establishing a right for employees to request time to train (subject to consultation and without placing undue burden on employers).

Consultation

- A document on the National Secondary Challenge will be published in the summer, and will include proposals to help create greater excellence in Schools;
- A White Paper on reform of Pupil Referral Units, including consideration of new school structures such as Studio Schools, will be published in the summer;
- The Government has launched a consultation on its proposals for the reform of responsibility and funding for post-16 education and skills training and the education of young offenders, *Raising Expectations: enabling the system to deliver*. You can comment on these proposals at <http://www.dcsf.gov.uk/consultations/conDetails.cfm?consultationId=1520>. This consultation closes on 9 June;
- The Government will shortly be consulting on the right to request time to train. Details of the consultation will be published at www.dius.gov.uk. In the meantime, any comments about these proposals can be made at www.commonleader.gov.uk/draftprogramme;
- A consultation on reform of the QCA, *Confidence in Standards: Regulating and developing qualifications and assessment*, closed on 10 March. The Government will publish its response to this consultation by mid-June;
- The Government's consultation on apprenticeships, *World Class Apprenticeships*, closed on 31 March, but draft clauses on apprenticeships will be published for consultation this summer;
- The Government does not plan a formal consultation on the proposed changes to student loans but will consult with stakeholders such as the credit and debt counselling industries. In the meantime, any comments about these proposals can also be made at www.commonleader.gov.uk/draftprogramme;
- The Government is consulting on statutory guidance on Children's Trusts (end 26 May). Views were also invited through a Written Ministerial Statement on 3 April, on whether further changes, including to the legislative framework, were needed. Options for further consultation are under consideration.

Territorial extent

Some parts of the Bill would extend to the whole of the United Kingdom. Other parts would extend to England only, England and Wales only, or England, Wales and Northern Ireland only. The Government will work closely with the devolved administrations in relation to their responsibilities in this area.

Other action in this area

- The Education and Skills Bill currently being considered by Parliament would raise the participation age to 18 by 2015 in England only;
- A Youth Crime Action Plan, to be published this summer, and a green paper on improving the services that sentenced young people receive will include further proposals to improve education for young offenders;
- Within current legislative powers, the Office of the Qualifications and Examinations Regulator was launched in April as the interim regulator, taking on the QCA's regulatory role. The Education and Skills Bill currently before Parliament contains provisions enabling the regulator to recognise organisations offering qualifications, not just individual qualifications (as at present). This is in line with proposals in the December consultation document.



7. Equality bill

The purpose of the Bill is to: make Britain a fairer place where people have the opportunity to succeed whatever their race, gender, disability, age, sexual orientation, religion or belief. Fairness and an absence of discrimination are the hallmarks of a modern, decent society, with a strong economy, which draws on the talents of all.

The main elements of the Bill are:

- Making Britain fairer through a single equality duty which will require public bodies to consider the diverse needs and requirements of their workforce, and the communities they serve, when developing employment policies and planning services;
- Making public bodies more transparent. If inequality remains hidden, it can't be measured and progress cannot be made;
- Improving enforcement;
- Allowing political parties to use all-women election shortlists until 2030;
- Making the law more accessible and easier to understand, by bringing together nine major pieces of legislation and around 100 other laws in a single Bill.

The main benefits of the Bill and related secondary legislation are:

- To promote fairness and equality of opportunity; tackle disadvantage and discrimination; and to modernise and strengthen the law to make it fit for the challenges that our society faces today and in the future.

Consultation

The Government consulted on these and related proposals in 2007 and will publish its response shortly. Further consultation is planned on specific issues to be dealt with in regulations.

Territorial extent

The Bill would extend to England and Wales, and to Scotland. The subject matter of equal opportunities is reserved to the UK, with certain exceptions. The Government is working closely with the devolved administrations in relation to their responsibilities in this area.

Other action in this area

The Bill is part of a package of Government measures to promote equal opportunities, including:

- for the first time, a Government target to close the gender pay gap, included in the Equalities public service agreement;
- improved data collection on equality, providing a better evidence base to support further progress;
- work to increase the number of black and minority ethnic women councillors;
- work collaboratively with business, trade unions and the Equality and Human Rights Commission on ways to improve equality in the private sector.



8. Welfare reform bill

The purpose of the Bill is to: further reform the welfare and benefit systems to improve support and incentives for people to move from benefits into work and to provide greater choice and control for disabled people. The Government remains committed to make progress towards the target on child poverty. The bill will be preceded by a green paper and full consultation which will look at options to modernise the benefit system, delivering value for money for the taxpayer while providing support for people at the time they need it most. The changes will also focus on promotion of personal responsibility and independence, making clearer the relationship between the support people can receive and the expectations of them to participate fully in society.

The main elements of the Bill are:

- Measures to better enable people to take advantage of the considerable help on offer to them and where appropriate, to undertake training that is considered essential to finding employment;
- A range of measures which strengthen the benefit contract between the individual and society – the individual's right to support in exchange for clear personal responsibility for improving their own circumstances
- A number of measures to strengthen the requirements of non-resident parents to contribute to their children's upbringing, as part of a package which champions personal responsibility in the welfare system.
- Measures to modernise and simplify the benefit system, ensuring that support provides help at the time and in the manner most needed.

The main benefits of the Bill are:

- Giving disabled people greater choice and control;
- Strengthening parental responsibility;
- Reducing welfare dependency;
- Greater requirements to undertake work, training or other activity in preparation for work;
- Increasing personal responsibility within the welfare system;
- Delivering value for money for the taxpayer.

Consultation

The Government plans to publish a Green Paper followed by a full consultation.

Territorial extent

Given that the benefits system is not devolved in Wales or Scotland, the Bill will cover England, Wales and Scotland. The Government will work with the Northern Ireland Executive on its responsibilities in this area. The exceptions are the measures to provide greater choice and control for disabled people, which will apply to England only, and a number of minor measures, which apply to England and Wales only.

Other action in this area

In addition to the proposals in the Bill, the Government is also undertaking the following:

- Introducing the Employment and Support Allowance from October 2008, which will focus on supporting people into work and will not automatically assume that because a person has a significant health condition or disability they are incapable of work;
- The Carers Review, with proposals which may require primary legislation;
- A review of Housing Benefit, conducted jointly with HM Treasury.



9. Policing and crime reduction bill

The purpose of the Bill is to: reduce bureaucracy and increase accountability in the Police Force and help reduce crime further.

The main elements of the Bill are:

- Implement reforms set out in the Policing Green Paper due to be published in May. These include:
 - providing a clear and powerful public voice in decision making through directly elected representatives;
 - reducing bureaucracy in the police service.
- Implement recommendations from Sir Clive Booth's report, *Determining Pay in the Police Service*;
- Improve the arrangements for recovery of assets obtained through criminal means;
- Improve the arrangements for judicial co-operation in relation to extradition;
- Repeal provisions in this area which are unused, unlikely to be commenced or no longer required.

The main benefits of the Bill are:

- New local flexibility to enable the police to focus service on the citizen;
- Quicker processing of asset recovery cases and a clear message that assets obtained through criminal acts will be seized and recovered – improving public confidence in the Criminal Justice System;

- Streamlined extradition processes;
- A new arrangement for agreeing police pay, with the opportunity for all parties to give evidence before recommendations are made to Ministers, considering morale and motivation, recruitment and retention, as well as affordability and the wider economic context;
- Reducing bureaucracy by repealing legislation that is no longer required.

Consultation

The Government plans to publish a Policing Green Paper for consultation in May. The Government will also consult on implementing the recommendations of Sir Clive Booth's review. Details of both consultations will be available at www.homeoffice.gov.uk. Other aspects of the Bill have either been consulted on already or no formal consultation is planned, but any comments can be made at www.commonleader.gov.uk/draftprogramme.

Territorial extent

Some parts of the Bill would extend to the whole of the United Kingdom. Other parts would extend to only some parts of the United Kingdom. The Government will work closely with the devolved administrations in relation to their responsibilities in this area.

Other action in this area

- New strategies on crime, drugs, anti-social behaviour, alcohol, police leadership, efficiency and productivity;
- Completion of Sir Ronnie Flanagan's Independent Review of Policing;
- New set of Public Service Agreements to drive performance and new framework for Assessment of Policing and Community Safety (APACS).



10. Transport security bill

The purpose of the Bill is to: establish new arrangements for airport security and implement the UK's international obligations to combat terrorist acts at sea.

The main elements of the Bill are:

Implementing the recommendations of the 2006 Independent Review of Airport Policing, including:

- requiring the majority of airports in the United Kingdom to agree a local airport security plan with their key stakeholders, based upon an agreed threat and risk analysis;
- allowing the policing element of this plan to be charged to the airport operator.

Ratifying in UK law the 2005 Protocols to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, by creating a number of new offences relating to committing acts of terrorism at sea, for example:

- using a ship to transport weapons of mass destruction or in any other manner that causes death or serious injury or damage;
- using a ship or fixed platform to discharge any explosive, radioactive material or Biological, Chemical or Nuclear weapon or any other hazardous substance to cause death or injury; or using any of those substances against a ship or fixed platform;
- sheltering a person who has committed an offence under the Protocols on board ship.

Permitting enforcement officers (e.g. members of the Royal Navy):

- to board and detain ships where there are reasonable grounds to suspect that the ship or a person on board the ship is involved in an offence under the Protocols;

- to search for and seize evidence and arrest persons suspected of relevant offences;
- to board ships that are suspected of being involved in acts of piracy.

The main benefits of the airport security provisions are:

- improved inter-agency co-operation in establishing airport security arrangements, with greater clarity of roles and responsibilities;
- a systematic, regular assessment of how threats to an airport are being mitigated;
- local stakeholders, including police, border agencies and other private sector parties, will become partners in the process of agreeing and delivering a security plan for their airport;
- greater confidence for all in airport security, both locally and nationally, as Airport Security Plans should enable more effective deployment of resources to mitigate threats to airports;
- a consistent funding process for dedicated, uniformed police activities at airports that treats all operators equally;
- police authorities will be reimbursed by airport operators for agreed policing costs, in turn benefiting local and national taxpayers.

The main benefits of the maritime security provisions are:

- enabling the UK to fulfil an international counter-terrorism obligation;
- helping to combat the illicit transfer of Weapons of Mass Destruction and other harmful materials, thus preventing proliferation;
- giving the Royal Navy explicit powers to tackle piracy.

Consultation

Airport security: The Department for Transport plans to launch a separate public consultation on its proposals in summer 2008. The consultation will be made available at www.dft.gov.uk/consultations. In the meantime, any comments about these proposals can also be made at www.commonleader.gov.uk/draftprogramme

Maritime security: No further consultation is planned as these proposals were consulted on prior to being adopted as part of the 2005 Protocols to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation.

Territorial extent

The Bill would extend to the whole of the United Kingdom. The Government will work closely with the devolved administrations in relation to their responsibilities in this area.

Other action in this area

In addition to the proposals in the Bill, the Government is also:

- publishing guidance to assist airport security stakeholders in the process of threat assessment and security planning;
- investigating the possibility of developing bespoke national performance standards for airport policing.



11. Communications data bill

The purpose of the Bill is to: allow communications data capabilities for the prevention and detection of crime and protection of national security to keep up with changing technology through providing for the collection and retention of such data, including data not required for the business purposes of communications service providers; and to ensure strict safeguards continue to strike the proper balance between privacy and protecting the public.

The main elements of the Bill are:

- Modify the procedures for acquiring communications data and allow this data to be retained;
- Transpose EU Directive 2006/24/EC on the retention of communications data into UK law.

The main benefits of the Bill are:

- Communications data plays a key role in counter-terrorism investigations, the prevention and detection of crime and protecting the public. The Bill would bring the legislative framework on access to communications data up to date with changes taking place in the telecommunications industry and the move to using Internet Protocol (IP) core networks;
- Unless the legislation is updated to reflect these changes, the ability of authorities to carry out their counter-terror, crime prevention and public safety duties and to counter these threats will be undermined.

Consultation

The Government plans to publish this Bill in draft for pre-legislative scrutiny later this year. The draft Bill will then be made available on **www.homeoffice.gov.uk**. In the meantime, any comments or questions about these proposals should be directed to **CommsData@homeoffice.gsi.gov.uk**.

Territorial extent

The Bill would extend to the whole of the United Kingdom. The Government will work closely with the devolved administrations in relation to their responsibilities in this area.



12. Law reform, victims and witnesses bill

The purpose of the Bill is: to deliver a more effective, transparent and responsive justice system for victims, witnesses and the wider public.

The main elements of the Bill are:

- Reform of some aspects of the criminal law on homicide. The detail of this depends on the outcome of the current review which is considering Law Commission recommendations for improvements to the partial defences of provocation and diminished responsibility, complicity in relation to murder, and infanticide;
- Increase provisions in courts for vulnerable and intimidated witnesses, including witnesses in cases involving guns and other offensive weapons, by amending and extending special measures such as live video links and screens around witness boxes;
- Prevent criminals from profiting from books and other publications about their crimes through the introduction of a civil recovery scheme;
- Strengthening data protection laws through the audit powers of the Information Commissioner;
- Subject to Government's consideration of the conclusions of the Sentencing Commission Working Group chaired by Lord Justice Gage, establish a structured sentencing framework and a Sentencing Commission to enable better alignment of the demands and resources for correctional services.

The main benefits of the Bill are:

- Increased public confidence in the criminal law and the fairness and effectiveness of the wider justice system;
- Giving vulnerable and intimidated witnesses, in particular in respect of gang violence, the best possible protection, right from the early stages of the criminal justice process;

- A structured, coherent and transparent sentencing framework that will allow the drivers of demand on prison and probation resources to be addressed and managed in a more consistent and predictable manner. A Sentencing Commission would monitor and assess all the drivers of prison population – including sentencing practice, release and recall practice, changes to existing processes and new policy, including legislation;
- Stronger protection of personal information from unlawful or accidental disclosure.

Consultation

The Sentencing Commission Working Group published its consultation paper '*A Structured Sentencing Framework and Sentencing Commission*' on 31 March. It is available at

www.judiciary.gov.uk/docs/consultation_ssfsc_310308.pdf.

If you would like to comment on these proposals, you can do so at **sentencing-consultation@justice.gsi.gov.uk** by the closing date of 2 June. The consultation takes forward one of the recommendations made by Lord Carter of Coles in his Review of Prisons (Ministry of Justice, December 2007).

In his Review (available at: **<http://www.justice.gov.uk/publications/securing-the-future.htm>**), Lord Carter recommended a further expansion of the prison estate to better align the supply of, and demand for, prison places. In responding to the Review, the Government has committed to increasing overall capacity to 96,000 by 2014. This will include up to 3 Titan prisons, about which the Government will shortly publish a consultation paper.

Territorial extent

The Territorial extent will vary for different parts of the Bill and the Government is committed to working with the devolved administrations in relation to their responsibilities in this area.

Other action in this area

In addition to the proposals in the Bill, the Government is also undertaking the following activity:

- The measures to strengthen the protection of vulnerable and intimidated witnesses are part of the Government's wider programme to tackle gun and gang related crime set out in the Home Office's

February 2008 Violent Crime Action Plan, www.homeoffice.gov.uk/documents/violent-crime-action-plan-180208;

- The Prime Minister has asked Dr Mark Walport (a Director of the Wellcome Trust) and Richard Thomas (the Information Commissioner) to conduct an independent review of the framework for the use of information in the private and public sector. The review has already consulted on the use and sharing of personal information in the public and private sectors (<http://www.justice.gov.uk/publications/data-sharing-review-consultation.htm>) and is expected to report shortly;
- As part of its review of the law on homicide, the Government has been consulting with key stakeholders, both inside and outside the criminal justice system, to seek their views on the Law Commission's recommendations in this area. Subject to the outcome of the review, draft clauses will be published for consultation in the summer;
- Criminal memoirs – The Government consulted on '*Making sure that crime doesn't pay*' in 2006/2007. A summary of responses and the Government's proposals for the way ahead will be published shortly;
- Victims Advocates – The Government is committed to providing appropriate support, information and a voice in court for relatives in murder and manslaughter cases. Ministers are currently considering options for developing work tested in five Victim Advocate pilot crown courts. The Crown Prosecution Service (CPS) is already taking forward elements of the scheme for which it is responsible. The CPS Victim Focus initiative ensures the CPS meets with family members and the prosecutors offer to read out and family impact statements in court.



13. Citizenship, immigration and borders bill

The purpose of the Bill is to: replace all existing immigration legislation with a simplified, clear and coherent legal framework to control our borders, manage migration and reform the path to citizenship.

The main elements of the Bill are:

- support the concept of earned citizenship – setting out the eligibility requirements for UK citizenship;
- support the establishment of the UK Border Agency;
- replace ten separate pieces of immigration law, of which some of the earlier provisions have already been partially superseded by subsequent Acts, with a single Act of Parliament;
- provide for sharper and more consistent immigration rules, which can continue to be quickly adjusted in response to changing circumstances.

The main benefits of the earned citizenship provisions are:

- give applicants and the wider public a clearer picture of the path to citizenship for migrants; and of the process by which citizenship can be earned;
- ensure that applicants' rights are matched with their responsibilities.

The main benefits of the immigration simplification provisions – a single piece of legislation to underpin the UK Border Agency's operations – will mean more:

- Transparency, clarity and predictability: for agency staff, applicants and sponsors, and the wider public;
- Efficiency and more straightforward decision-making processes: with a system friendly to all its users, and quicker and easier to reach decisions;

- Plain English, avoiding technical jargon wherever possible;
- Public confidence in a comprehensible system.

Consultation

The Government plans to publish some of the immigration provisions of this bill in draft for pre-legislative scrutiny later this year. The Government has already consulted on the citizenship proposals for this bill in its consultation *The path to citizenship: next steps in reforming the immigration system*. This consultation has now closed but for more details please see:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/pathtocitizenship/>.

Territorial extent

The Bill would extend, in the main, to the whole of the United Kingdom. The Government will work closely with the devolved administrations in relation to their responsibilities in this area.

Other action in this area

In addition to the proposals in the Bill, the Government is also:

- Phasing in the Points Based System for immigration from 2008, which will enable control of non-EU nationals' migration to the United Kingdom more effectively, tackle abuse and attract the most talented workers into the United Kingdom economy;
- Establishing the new UK Border Agency as a shadow agency of the Home Office, to protect our borders, control migration, prevent border tax fraud, smuggling and immigration crime, and implement quick and fair decisions. Frontline staff will be given both immigration and customs powers and staff in England and Wales will be equipped with police-like powers.



14. Coroners and death certification bill

The purpose of the Bill is: to deliver an improved system of death investigation for families so that they can be assured that the cause of death of their relative has been properly established and that, where possible, lessons can be learned to prevent future deaths.

The main elements of the Bill are:

- Create a new national coroner service, moving towards whole time coroners working to national minimum standards (funding responsibility will remain with local authorities);
- Create a new system of secondary certification of deaths that are not referred to the coroner, covering both burials and cremations;
- Establish a new group of medical examiners to scrutinise independently the causes of death given by doctors on death certificates;
- Introduce new powers of investigation for coroners, including improved procedures for post mortems and inquests;
- Establish a new Chief Coroner as head of the coroner service, improve arrangements for coroner appointments and training, and provide for independent inspection of coroners;
- Create new flexible boundaries between coroner areas to enable services to be delivered to families more effectively, and with powers for the Chief Coroner to reallocate work to prevent backlogs of work developing;
- Establish new and accessible rights of appeal for bereaved people against coroners' decisions;
- Introduce a Charter for the Bereaved outlining a full range of rights for bereaved people to be informed and consulted about case progress by coroners.

The main benefits of the Bill are:

- The needs of bereaved families will be placed at the heart of the coroner and death certification systems;
- Those who are suddenly or unexpectedly bereaved will in future be given opportunities to participate in coroners' investigations, including rights to information and access to a straightforward appeals system;
- All those who are bereaved will have reassurance that there is independent checking of the causes of death given on death certificates;
- There will be improved information for clinical governance and local public health monitoring, which will help to prevent future deaths;
- More full-time coroners who will be more immediately available – to bereaved families, and to the police and medical professionals – than in the current predominantly part-time system;
- Improved investigative powers for coroners will ensure they are better able to get information to establish the causes of a violent or unexpected death;
- An improved service for families through further steps to ensure that coroners are properly resourced.

Consultation

The coroners' section of the Bill has already been published in draft and subject to extensive consultation, including by the Justice Select Committee. The Government set out the key changes to these proposals, resulting from the consultation process, in March 2008. The Government will be publishing shortly its response to the consultation on death certification policy and new clauses will be added to the Bill to reflect the agreed approach. If you have any further comments about these proposals, you can make these at www.commonleader.gov.uk/draftprogramme

Territorial extent

The vast majority of the Bill applies to England and Wales only, but some minor measures – amendments to the Treasure Act 1996 – extend to Northern Ireland.

Other action in this area

In addition to the proposals in the Bill, the Government is also undertaking the following activity to provide a better and more sensitive service to families and to improve coroners' investigations and enquiries:

- Changing rule 43 of the Coroners Rules (coroners' powers to make recommendations to prevent future deaths) so that organisations which receive coroners' reports will have a duty to respond setting out the actions that will be taken (if any) to address the coroner's concerns and to prevent further deaths;
- Working with the Press Complaints Commission to establish how current codes of conduct for the media might be improved to ensure proper emphasis on the need for sensitive reporting of cases in the coroners' courts, to ensure that families do not face unnecessary intrusion into private grief;
- Encouraging the spread of coroners' court support services which provide advice and support to families when they attend inquests – we have already provided funding to kickstart services in several parts of the country;
- Working with local coroners to ensure that inquests into the deaths of service personnel on operations overseas are held promptly, in locations which are convenient to the families wherever possible;
- Working directly with coroners' lead local authorities to support and improve local service delivery, and to share best practice on a range of issues such as coroner appointments and managing resources.



15. National Health Service reform bill

The main purpose of the Bill is to: take forward those proposals arising from Lord Darzi's 'NHS Next Stage Review' of the NHS in England that would require legislation to enable their implementation.

The main elements of a Bill might be:

- in relation to publishing an NHS Constitution;
- to enable and encourage Primary Care Trusts to be more responsive to their local communities;
- to give greater scope for patients to shape the care they receive.

The main benefits of a Bill could be:

- to reinforce the core purpose and values of the NHS and to introduce measures to make the NHS as effective at preventing ill health and promoting wellbeing as it is at cure;
- to strengthen public involvement in Primary Care Trusts' commissioning arrangements;
- to allow the possibility for those patients, who wish to do so, to have greater control over the management of their care.

Consultation

There has already been extensive stakeholder engagement throughout England to develop the Next Stage Review in consultation with patients, clinicians and managers. Almost 100 consultation events have been held and the views of approximately 60,000 people – clinicians, patients and the wider public – have been captured through a variety of means – via e-mail or in meetings.

Once Lord Darzi's review is published in the summer, there will be consultation as necessary on any proposals that may require legislation.

Territorial extent

The NHS Next Stage Review is of the NHS in England, so the extent of a Bill would be expected to be England only.



16. Constitutional renewal bill

The purpose of the Bill is to: redistribute power away from the centralised state by improving civil liberties, strengthening Parliament and making the executive more accountable to the people it serves.

The main elements of the Bill include:

- Placing the Civil Service on a statutory footing, by enshrining in law its core values of impartiality, integrity, honesty and objectivity, making provision for the appointment of special advisers and establishing an Independent Commission for the Civil Service;
- Giving MPs the final say on all treaties by placing in statute a requirement that they be laid before Parliament for 21 days before ratification and specifying the legal effects of a negative vote by the Commons or Lords;
- Reforming the role of the Attorney General, who will no longer be able to give a direction to prosecutors in individual cases, save in certain exceptional circumstances when the Attorney General will need to report to Parliament. The Attorney General will be required to report to Parliament annually on the exercise of his/her functions in any event;
- Reducing the role of the Lord Chancellor in judicial appointments below the level of High Court and removing the Prime Minister from the process of appointing Supreme Court judges, and removing the requirement for the Lord Chief Justice to consult or obtain the agreement of the Lord Chancellor in exercising certain functions and providing compensating measures to enable the Lord Chancellor to discharge their duty to maintain the effectiveness of the overall justice system;
- Removing restrictions on protests around Parliament by repealing the requirement to give notice of demonstrations in the designated area and removing the offence of holding such a demonstration without the authorisation of the Metropolitan Police Commissioner.

The main benefits of the Bill are:

- Enshrine in legislation the core values of the Civil Service thus guarding against politicisation and ensuring that a future Government could not make changes to these core values without proper Parliamentary debate and scrutiny;
- Enhance public confidence in the role of the Attorney General by increasing the ability of Parliament to hold the Attorney to account and reinforcing the independence of the prosecuting authorities;
- Reduce the role of the Executive in the judicial appointments, and strengthen the independence of the Judiciary;
- Strengthen the role of Parliament by placing in statute Parliament's right to scrutinise treaties prior to ratification and ensure that a vote against ratification of a treaty should have legal effect;
- Uphold civil liberties by ensuring that people's right to protest is not subject to unnecessary restrictions.

Consultation

All of the proposals have been subject to a full and thorough consultation process and responses have been carefully analysed and taken into account in the draft constitutional renewal bill which was published on 25 March 2008. The Government has invited Parliament to undertake pre-legislative scrutiny of the draft bill and associated documents. A Joint Committee on the draft Constitutional Renewal Bill met on 6 May 2008 and information on the Joint Committee can be found at www.parliament.uk/parliamentary_committees/jcdcrb.cfm To comment on the draft bill, please write by 18 July to:

The Governance of Britain: Constitutional Renewal
Ministry of Justice
6.24 Selborne House
54-60 Victoria Street
London
SW1E 6QW

Email: **Governance@justice.gsi.gov.uk**

Territorial extent

All of the draft bill's provisions extend to England and Wales while certain provisions also extend to Scotland and Northern Ireland.

Other action in this area

In addition to the proposals in the bill, the Government is also undertaking the following activity:

- The Government believes that the ability to exercise the prerogative power to deploy the armed forces without requiring any formal Parliamentary agreement is an outdated state of affairs in a modern democracy. It has proposed that a detailed House of Commons resolution should set out the processes Parliament should follow in order to approve any commitment of Armed Forces into armed conflict;
- The Government is committed to ensuring that prerogative powers, where appropriate, are put on a statutory basis and made more closely subject to the mandate of Parliament. The Government is reviewing the remaining executive prerogative powers and will consider the outcome of that work and how best to proceed;
- The Government will consult on a Bill of Rights and Responsibilities, to give people in the UK a clear idea of what we can expect from public authorities and from each other, and a framework for giving effect to our common values;
- The Government has committed to consulting on moving the voting day for Parliamentary elections and local elections in England and Wales to the weekend to help address barriers to voting. Depending on the outcome of this process, Government would seek to legislate in this area.



17. Community empowerment, housing and economic regeneration bill

The purpose of the Bill is to: create greater opportunities for community and individual empowerment, reform local and regional governance arrangements to promote economic regeneration and continue the Government's programme of housing reform.

The main elements of the Bill are:

- Empowering communities and individuals by involving them in the design and delivery of local public services and other measures designed to promote local democracy and larger numbers of active citizens, possibly including giving individuals a right of response from their local authority to local petitions;
- Extending the powers of the new social housing regulator, to apply to local authority landlords (subject to the new regulator being established by the Housing and Regeneration Bill currently being considered by Parliament);
- Implementing recommendations from the review of sub-national economic development and regeneration to streamline regional governance, integrate Regional Economic and Spatial Strategies, Regional Development Agencies (RDAs) statutory planning bodies and enable RDAs to delegate their single pot funding to local authorities where appropriate;
- Strengthening the role of local authorities in promoting and delivering economic development, including, subject to consultation, implementing a proposed new statutory duty on local authorities to assess local economic conditions, and supporting greater collaboration between local authorities in this area, including, subject to consultation, the potential to develop statutory partnerships;
- Implementing recommendations from Lord Sharman's report to give the Audit Commission a power to appoint an auditor to certain local government entities, and to issue a public interest report about those entities if appropriate;
- Improving the operation of construction contracts.

The main benefits of the Bill are:

- Empowering citizens and communities and giving them new tools to become active citizens, involved in the design and delivery of local public services and improving their communities;
- Giving all social housing tenants, regardless of whether their landlord is a local authority or housing association, more choice, protection and influence over how their homes are managed. The new social housing regulator will reduce unnecessary regulation for good landlords and make sure the views and experiences of tenants are central to the way it operates;
- Enabling regional and local bodies to do more to promote economic development and regeneration by streamlining regional governance arrangements and introducing single Regional Strategies – whilst ensuring that local authorities and other partners help to shape priorities for the region, using evidence from a potential new economic assessment duty;
- Increasing transparency and public accountability, and reducing the risk to public money by allowing the Audit Commission to appoint auditors to certain local government entities, and to make public the findings of their audit;
- Improving cash flow through construction supply chains and, where appropriate, encouraging parties to resolve disputes by adjudication rather than by litigation.

Consultation

The Government is consulting with a wide range of people during preparation of its Empowerment White Paper. You can send comments on these proposals to unlockingtalent@communities.gsi.gov.uk. The Government has also published *Unlocking the talent of our communities* (5 March).

The Government is already consulting on the proposals around streamlining regional governance arrangements in England and enhancing the role of local authorities in promoting the economic development of their areas, and looking at enabling interested local authorities to establish statutory sub-regional partnerships *Prosperous Places: Taking forward the review of sub-national economic development and regeneration* can be found at <http://www.berr.gov.uk/files/file45468.pdf>. This consultation closes on 20 June and responses can be made online at <http://www.bmgresearch.co.uk/SNR-Consultation/KMS/news.aspx>.

Territorial extent

Most parts of the Bill would apply to England only. The provisions relating to audit and construction would apply to England and Wales and the Government is working closely with the Welsh Assembly Government.

Other action in this area

In addition to the proposals in the Bill, the Government is also planning a range of non-legislative measures.

- Set out guidance, based on the advice of the National Housing and Planning Advice Unit, on taking forward partial reviews of Regional Spatial Strategies so that by 2011, plans reflect the Government's target of 240 00 new homes per year;
- Establish the new Homes and Communities Agency, bringing together housing and regeneration funding and delivery expertise;
- Improve the design quality of new homes and communities through the skills and capacity programmes being provided by the Commission for Architecture and the Built Environment and Academy for Sustainable Communities.

As part of this programme the Government is currently consulting to 30 June on proposed locations for up to ten new Eco-towns, providing up to 100,000 homes. The next steps following consultation will be to:

- Publish a draft planning policy statement for eco-towns and a more detailed assessment of the locations (the Sustainability Appraisal) by the summer; and
- Publish a final list of potential locations later this year

In support of the other elements of the Bill, the Government will:

- Publish an Empowerment White Paper this summer;
- Publish Planning Policy Statement (PPS) 6 *Town Centre Policy*;
- Consult on reforming the system of building control;
- Publish a National Improvement and Efficiency Prospectus of good practice measures for local government; and
- Publish this year's Citizenship Survey Annual Report.



18. Geneva Conventions and United Nations personnel bill

The purpose of the Bill is to: fulfil the commitment to provide protection for the new humanitarian symbol (a red crystal) and to extend the legislative protection afforded to United Nations and Associated Personnel.

The main elements of the Bill are:

- Amendment of the definition of “UN worker” in the United Nations Personnel Act 1997 to cover the additional categories of operations provided for in the Optional Protocol to the Convention on the Safety of UN Personnel;
- Provision of the same protection under the criminal law for the new humanitarian symbol adopted at a Diplomatic Conference of States in December 2005 as is currently applicable to the Red Cross and Red Crescent.

The main benefits of the Bill are:

- Enabling UK accession to the Optional Protocol to the Convention on the Safety of UN Personnel, so extending the protection afforded to UN operations under the Convention to apply additionally to those delivering humanitarian, political or development assistance in peace building operations, as well as emergency humanitarian assistance;
- Fulfilling the United Kingdom’s commitment for the adoption of a new humanitarian emblem and the commitment to ratify the enabling Third Protocol to the Geneva Conventions signed by the UK on 8 January 2006.

Consultation

The Foreign and Commonwealth Office (www.fco.gov.uk) is consulting the British Red Cross. Any comments about these proposals can also be made at www.commonleader.gov.uk/draftprogramme.

Territorial extent

The Bill would extend to the whole of the United Kingdom. The Government will closely work with the devolved administrations in relation to their responsibilities in this area.

Other action in this area

The adoption of the two Protocols covered by the Bill was the culmination of negotiating efforts over a number of years. The UK continues to be engaged in humanitarian work more broadly throughout the world. The Prime Minister's Initiative on International Reform includes the building of international civilian capacity for early recovery. The extension of protection to apply to those delivering humanitarian, political or development assistance in peace building would support this initiative.

Chapter 4

Improving Legislation

1. As well as opening up the legislative process by publishing this Draft Legislative Programme, the Government has taken a number of other steps to improve the quality of legislation and increase the degree of scrutiny which bills undergo. Public bill committees can now take written and oral evidence on government bills. More use has been made of Grand Committees of the House of Lords for committee stages of bills, consideration of statutory instruments and short debates. This chapter sets out how the Government is also reducing regulatory burdens, simplifying legislation, consulting on bills in draft and assessing laws after they have been passed.
2. The Government wants to know whether people think it is doing enough to improve legislation and if not, what more could be done to make it easier to understand.

Reducing regulatory burdens

3. The Government is committed to reducing administrative burdens on the private and third sectors by 25% by 2010. It has identified annual reductions that will save private and third sector organisations £3.5 billion by 2010, with £800 million of savings already delivered. These reductions will free up the amount of time spent complying with regulations without removing the protections regulation provides, enabling more time to be spent running businesses.
4. The Government has also recently revised the process of producing Impact Assessments, which accompany all legislation (bills and regulations). These ensure that the need for legislation is fully justified and the impacts, costs and benefits are fully assessed. The option of doing nothing in that particular area must be fully considered and any action should be assessed against this, with the benefits of any action justifying the costs. This ensures that legislation is only brought forward if there is an overriding need to do so.
5. While the Government normally applies legislation to all businesses unless there is a compelling case otherwise, it also seeks to offer flexibility for small businesses. The Government recognises that some legislation can impose a disproportionate burden on smaller businesses

and that consideration could be given to devising practical exemptions when policy is developed. The Government has therefore announced that when making new legislation, it will include in the accompanying memorandum an explanation of the approach adopted towards small firms and it will examine whether small firms (of 20 employees or less and a turnover below £2.8million) can be exempted from new regulatory requirements or be subject to simpler enforcement, such as reduced paperwork or inspection requirements. And if this is not possible for legal or policy reasons the Government will work with small firms to design specific approaches for them, such as simplified guidance and forms. This new approach will apply from the 2008-09 Parliamentary session for all secondary legislation (regulations) and from 2009-10 for all primary legislation (bills).

Simplifying legislation

6. The Government is working to consolidate or simplify legislation in a number of areas:
 - The fifth Bill in the **Tax Law Rewrite Project** was published in draft in February 2008. The Rewrite Project aims to consolidate all tax law into a small number of Acts of Parliament to make it more accessible and easier to understand;
 - The **Employment Bill** currently going through Parliament would simplify the large body of employment law, making it easier to use for employers and employees;
 - The rolling programme of **Law Commission consolidation bills** will continue and a new Parliamentary procedure has been agreed to speed up the enactment of other non-controversial Law Commission bills so that measures with widespread agreement can be enacted quickly;
 - A **Statute Law (Repeals) Bill** was introduced to Parliament in February 2008. This would remove a number of pieces of obsolete legislation, dating back several centuries, from the statute book;
 - A **citizenship, immigration and borders bill** which would simplify and consolidate a number of laws dealing with immigration into a single Act, making it simpler for all those dealing with the immigration system;
 - An **equality bill** which would bring together and simplify nine existing major laws, and around 100 others, on all forms of discrimination, making the law more accessible and easier to understand.

Consulting on bills in draft

7. The Government fully endorses the value of **pre-legislative scrutiny** of draft bills as a means of improving the quality of bills subsequently introduced to Parliament. It is committed to publishing as many bills as possible in draft. Four bills currently going through Parliament have benefited from being published in draft for scrutiny during the 2006-07 parliamentary session: the Climate Change Bill, the Regulatory Enforcement and Sanctions Bill, the Local Transport Bill and the Human Fertilisation and Embryology Bill.
8. A total of nine bills either have been, or are due to be, published in draft during the 2007-08 session:
 - Cultural property (armed conflict) bill (*published in January 2008*) (to become part of a Heritage protection bill);
 - Constitutional renewal bill (*published in March 2008*);
 - Marine bill (*published in April 2008*);
 - Heritage protection bill (*published in April 2008*);
 - Marine navigation bill (*published in May 2008*);
 - Apprenticeship reform bill (to become part of an Education and skills bill);
 - Immigration bill;
 - Construction contracts bill (to become part of a community empowerment, housing and economic regeneration bill);
 - Communications data bill.
9. With one exception, all of these bills have been included in the programme for 2008-09, and are therefore outlined in detail in Chapter Three. The exception is the marine navigation bill which would improve the ability of harbour and lighthouse authorities to discharge their responsibilities for safety management in UK seas and ports, including pilotage, directions to shipping and dealing with wrecks. This bill will be brought forward as soon as the parliamentary time allows.
10. Publication in draft is not suitable for every bill. But for many it can be extremely valuable – where the subject matter is of particular interest to Parliament and where Committees can improve texts on the basis of expert evidence. In order to support this approach, draft bills are usually published with an accompanying narrative so that people can understand quickly what the bill does and how it fits alongside any non-legislative measures the Government is pursuing in that area.

11. Publication in draft in one parliamentary session does not guarantee introduction in the next session, as the Government will need to consider its priorities at the time. Publication in draft does however indicate the Government's intention to legislate in a particular area as soon as time allows.
12. The Government is currently considering proposals for bills to be published in draft during the 2008-09 session. The Leader of the House of Commons will set out the Government's proposals for a full list of draft bills in a written ministerial statement at the beginning of the next parliamentary session after the next Queen's Speech. The Government expects this list to develop over coming months, and as a result of this consultation. However four of the bills the Government is currently proposing to publish in draft in the next session are:
 - **bribery bill** – to reform the criminal law of bribery, to provide for a new, modern and consolidated scheme of bribery offences to cover bribery both in this country and by foreign public officials abroad, and to equip prosecutors and courts with the tools they need to tackle bribery of all kinds;
 - **floods and water bill** – to implement the recommendations of the Pitt Review into the 2007 floods and the Government's Water Strategy, *Future Water*, which launched a review of competition in the water industry and water charging and tariffs;
 - **civil law reform bill** – to implement reforms to the law relating to damages, limitation periods, claims against insurers by people other than the insured person, trusts in relation to the rules against perpetuities and excessive accumulations and the operation of the forfeiture rule in the law of succession.
 - **single civil and family courts bill** – to simplify the civil and family court system by unifying the over-lapping jurisdictions currently exercised by various different courts. This should make it easier to ensure that cases are dealt with by the most appropriate type of judge.

Evaluating Bills after they become law

13. Government and Parliament have a shared interest in strengthening **post-legislative scrutiny**. Following a Lords Constitution Committee report on Parliament and the Legislative Process in 2004, the Government asked the Law Commission to undertake a study of options for post-legislative scrutiny. The Law Commission reported in October 2006 and the Government published its plans for a new approach to post-legislative scrutiny in March 2008.

14. Under the new approach, three to five years after a law has been passed departments will – for most Acts – publish and submit to the relevant parliamentary select committee a document summarising how the Act has been implemented. This will include a short preliminary assessment of how the Act has worked in practice. The Commons select committee concerned, or other parliamentary bodies, will be able to assess whether a fuller review is necessary at that point. The Government hopes that this process will not only help to identify cases where things need to be put right, but also cases where things have gone well. This new approach should therefore have the effect of improving policy-making in the future.

Working with the devolved administrations

15. It is of crucial importance that the UK Government works together closely with the devolved administrations to ensure the law both respects the devolution settlements but also serves the best interests of all citizens of the United Kingdom. To this end, all government departments work closely with their devolved counterparts when making legislation.
16. The Government has worked with the Welsh Assembly Government and the National Assembly for Wales to devolve further powers to the Assembly. In the current Parliamentary session there are three Bills (the Education and Skills Bill, Local Transport Bill and Planning Bill) containing powers which will enable the National Assembly to pass Assembly Measures in these areas. Also the first Order in Council under the Government of Wales Act 2006 was made in April 2008, giving the Assembly powers on special educational provision for children, young people and adults with additional learning needs.
17. The Government has also been working very closely with the Northern Ireland Assembly since the restoration of devolution in May 2007. The Government will continue to work closely with the Scottish Executive and the Northern Ireland Executive to identify if areas of the UK legislative programme require the consent of the Scottish Parliament or the Northern Ireland Assembly. The Government also continues to take forward a programme of Scotland Act Orders to help facilitate legislation emerging from the Scottish Parliament, where necessary.

The language of legislation

18. The Government is committed wherever possible to using plain language in the legislative process to ensure that non-lawyers can better understand what is being proposed. Explanatory notes are already published alongside bills with the aim of helping the reader to understand what the bill does, how it does it and to provide helpful background. The notes also inform Parliament and others of the main impact on public expenditure or the public sector, on business, the third sector and the environment. and include an equality impact assessment of the proposals.
19. In the current session, the Government is working with Parliament to pilot two measures aimed at providing clearer information to the public and Parliament about its bills.
20. Firstly, for the marine bill, which was published in draft in April 2008, a new format was adopted for the explanatory notes, with the notes printed as part of the same document, on the page facing the clauses they relate to, making them much easier to refer to. The Government is committed to extending this approach, when practicable, to further draft bills, and is also looking at how this approach could be extended to bills going through Parliament.
21. Secondly, with selected bills during their Committee Stage in the House of Commons, the Government is providing a plain language explanation alongside any Government amendments it is tabling to explain what the amendment would do. The purpose of an amendment is sometimes not obvious from the amendment itself, for example if it is simply inserting or removing a few words from a clause. Members have found this helpful.
22. From the current session, all Government bills are now being drafted in gender neutral form. This principally involves avoiding the use of only the male personal pronoun – he, him, his – where a reference to male or female individuals is intended. A corresponding change will be made for secondary legislation from October 2008.

Chapter 5

Consultation on the Draft Legislative Programme

How people can contribute

1. The Government believes that it is in the interests of good government and informed and rigorous public debate for it to set out its legislative priorities for consultation. Closer engagement between Government, Parliament and the public will inform the Government's thinking as it finalises its legislative programme and will subsequently inform the consideration of individual bills that are scrutinised by Parliament.
2. The Government therefore welcomes comments on its proposals and this year has increased the number of ways people can comment on the draft legislative programme.
3. At the end of this chapter is a form for people to comment on the draft legislative programme as a whole, and also on specific policy issues and individual bills. Comments can be sent by post or responses can be made online at **www.commonleader.gov.uk/draftprogramme**. Please note that the **deadline for responses is 6 August 2008**.
4. The website will have an easy to read form of this green paper and access to a You Tube site which during the consultation period will feature videos of the Prime Minister, the Leader of the House of Commons and other Ministers talking about the Draft Legislative Programme.
5. During the consultation period the Leader of the House of Commons and other Cabinet Ministers will be taking part in **interactive online question and answer sessions (webchats)**. Details of these will also be published on the website.
6. A **summary leaflet** setting out the themes and bills of the draft legislative programme and telling people how to find out more and how to submit their comments is also available on the website, or in paper copy on request. Copies of the leaflet will also be available in public libraries.
7. There are two ways to give the Government people's views. Firstly we are keen to have people's thoughts on the overall programme of Bills, which are their priorities and what other areas people consider important. Secondly, there will be specific consultations on each Bill –

chapter 3 lists those bills where consultation is on-going so that views are fed directly to the relevant department. The details of the consultations on specific bills set out in **Chapter 3** show how the Government has already consulted, is currently consulting or has plans to consult on particular policy proposals. The Draft Legislative Programme does not cut across these other, more detailed consultations. Publishing the Draft Legislative Programme as a whole is intended to supplement the consideration of individual policy proposals by setting them within the wider context of the Government's legislative priorities.

8. Last year, the new Regional Ministers took part in events in their region to highlight the publication of the Draft Legislative Programme. The Territorial Secretaries of State also invited comments on the programme from people in Scotland, Wales and Northern Ireland. The Regional Ministers will be taking part in events in their region again this year; details of these events will be published at www.commonleader.gov.uk/regionalactivity. The Secretaries of State for Scotland, Wales and Northern Ireland will also take forward activity which will also be detailed on the website.
9. Details of the individual bills in **Chapter 3** includes weblinks to ongoing policy consultations – current as of 14 May 2008. As new consultations are launched on other bills, these will be added to the list on the Leader of the House of Commons' website at www.commonleader.gov.uk/draftprogramme.
10. Comments about individual bill proposals will be passed to the relevant department and where that department has a live consultation they will take the comments into account as part of that consultation and, where appropriate, reflect them in their departmental consultation response. Comments on individual bill proposals will not be included in the summary of consultation responses for the draft legislative programme as a whole.

Consultation with Parliament

11. The approach this year builds on the helpful recommendations from the Select Committee on Modernisation of the House of Commons' report, *Scrutiny of the Draft Legislative Programme*⁵.
12. All members of both Houses of Parliament will receive a copy of this green paper and the summary leaflet. Last year the Draft Legislative Programme was debated in both Houses just before the summer

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recess. This year, a **day will also be offered in each House** to debate the Draft Legislative Programme, well in advance of the summer recess.

13. The Leader of the House of Commons has invited the House of Commons **Liaison Committee** (consisting of the Chairs of all select committees) to take evidence on the draft legislative programme. The Government recognises that elements of the programme may also be of interest to **departmental select committees**, although the Government recognises that it is for the select committees to decide their own priorities.

How the Government will respond to this consultation

14. **Unless respondents indicate that they do not wish their comments to be made public**, comments made as part of this consultation may be published on the website of the Leader of the House of Commons and will be included in the summary of consultation responses that the Government will publish in the autumn. Individuals will be able to indicate whether or not you want your name associated with your comments.
15. Responses to this consultation will be used to produce the legislative programme for 2008-09 as set out in the Queen's Speech towards the end of this year. It is important to remember that although Government wants to take forward as many of its priorities as possible, but it must be mindful that if the legislative programme is too crowded Parliament will not be able to fulfil its democratic role of subjecting all proposals to thorough scrutiny. Parliamentary time is limited so the Government must make best use of it. That involves some difficult decisions about which Bills the Government can bring forward each year and which proposals may have to wait for future years.

Making your voice heard

The Government wants to hear your views on the Draft Legislative Programme so that it can take full account of them in formulating the Queen's Speech. To structure this process we have set out the following questions we would like you to answer.

Please send responses to:
The Draft Legislative Programme Consultation
Freepost SCE 7543
Hayes, Middlesex
UB3 1BR

Or complete the online form at www.commonleader.gov.uk/yourvoice

To be taken into account, all responses must be received by **6 August 2008**.

Q1. Overall, would you say the themes, bills and other action outlined in the Draft Legislative Programme match your own priorities for what you think the Government should be doing:

- Very closely
- Reasonably closely
- Not very closely
- Not at all

Q2. Are the themes of the Draft Legislative Programme the right priorities for the Government to introduce new legislation for the greater good? (See Chapter 2 for details of the themes)

If yes, why are these things important to you?

If not, why not? What do you think the priorities should be?

Q3. Are the individual bill proposals and other action outlined in the Draft Legislative Programme the right issues on which the Government should focus its efforts?

Are they relevant to:

- You?
- Your family?
- Your community?
- Your business?

Which bills are most important to you – and why?

(See Chapters 2 and 3 for details of the individual bill proposals and other action)

Q4. Are there important issues which are *not* covered by the Draft Legislative Programme that you would like to see included? If so what are they?

Q5. Are there proposals included in the Draft Legislative Programme which you think are unnecessary?

If so what are they and why are they unnecessary?

Q6. The Green Paper sets out a number of areas in Chapter 2 where the Government is aware of a particular issue that it wishes to respond to, but has not yet come to a firm view on what action it proposes. The Government is keen to hear your views on these issues:

What do you think of the proposal to give employees the right to request for time to train?

On the issue of supporting parents as partners in their children's education, do you think the proposed measures will help parents in this role? What other measures, within the public spending limits, should the Government consider?

On the issue of providing information, support and a voice in court for families of victims of murder and manslaughter – do you think the introduction of Victim Advocates will help? What other measures, should the Government consider?

Responding to the concern of many people about how they will pay for the care they need in their older years, what steps do you think the Government should be taking?

On the issue of ensuring local people are empowered in their local communities, do you think the proposed areas the Government is intending to take action are the right ones – if not what else should the Government be considering.



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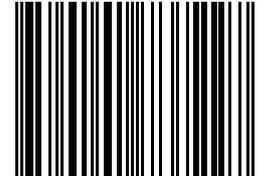
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