

2013 Queen's Speech – what could be in it?

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Summary

- The Queen's Speech on 8 May will outline the Government's legislative programme for the 2013/14 Parliamentary session.
- This briefing gathers together intelligence on the measures that might be subject to Bills and draft legislation in the next session.
- In relation to local government, there is possible legislation on social care, anti-social behaviour, consumer rights, local audit arrangements and the rules on local authority publicity.
- This briefing will be of interest to all executive members, cabinet portfolio members and senior officers.

Briefing in Full

On Wednesday 8 May Her Majesty The Queen will formally open a new session of Parliament outlining the Government's legislative programme. This briefing collates together some of the firm legislative commitments made by the Government together with the press speculation on other possible legislation which might be introduced in the next session. It does not provide a firm list of legislative intentions nor a definitive listing of possible Bills.

It is important to point out that the actual speech itself may not mention each and every Bill to be taken forward in the next session; though all Bills will be announced on the day by the Government. And the speech is drafted in such a way that enables the Government to introduce additional measures during the course of the parliamentary session.

Bills continuing from 2012-13 Session

Public Bills introduced in current session which have already been the subject of carry-over motions allowing them to proceed in the next:

POLICY BRIEFING

- [Children and Families Bill](#) – providing for a range of legislative change including to the operation of the family justice system, childcare, adoption and children in care and providing for a single system for special educational needs.
- [Energy Bill](#) - encouraging low carbon electricity generation, ensuring security of supply and providing consumer redress.
- [Financial Services \(Banking Reform\) Bill](#) – implementing the recommendations of the Independent Commission on Banking.
- [Marriage \(Same Sex Couples\) Bill](#) – enabling same sex couples to get married, either in a civil ceremony or provided that the religious organisation is in agreement, in religious premises.
- [Finance \(No.2\) Bill](#) – giving legal effect to certain measures in the recent Budget statement.

Draft Bills which are or have been subject to pre-legislative scrutiny

The fact that a Bill has been subjected to pre-legislative scrutiny does not automatically mean it will be introduced in the next session or even taken forward at all. Though these draft Bills are a useful starting point to consider what legislation might be taken forward in the next session.

The draft bills which are or have been subjected to pre-legislative scrutiny but which have yet to be formally introduced in the current session:

- [Anti-Social Behaviour Draft Bill](#) - providing measures to focus the response to anti-social behaviour on the needs of victims including the right to require agencies to deal with persistent anti-social behaviour and giving victims a say in the punishment of offenders out of court.
- [Care and Support Draft Bill](#) – providing for a single legal framework including duties expected of local authorities on the assessment of need, funding and the provision of services together with the rights to be expected by service users and their carers.
- [Communications Data Draft Bill](#) - updates the framework for ensuring the availability of communications data and the regulatory regime governing how public authorities obtain this data.
- [Gambling \(Licensing & Advertising\) Draft Bill](#) - which is currently undergoing [pre-legislative scrutiny](#) will require all gambling operators, including those based

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overseas, who wish to sell or advertise into the UK market to have a Gambling Commission licence.

- [Local Audit Draft Bill](#) - providing for a new local audit framework where local public bodies will be able to appoint their own auditors from the open market. It will also abolish the Audit Commission.
- [Northern Ireland \(Miscellaneous Provisions\) Draft Bill](#) - contains provision to increase the transparency of political donations, to prohibit Assembly Members from simultaneously sitting as Members of the House of Commons and other matters relating to the governance of Northern Ireland.
- [Pensions Draft Bill](#) - introduces a single-tier pension which will, for future pensioners, replace the current two-component State Pension (basic State Pension and additional State Pension).
- [Voting Eligibility \(Prisoners\) Draft Bill](#) - responds to a ruling from the European Court of Human Rights on the UK's blanket ban on prisoner voting, the draft Bill provides three options which will be considered in pre-legislative scrutiny through a joint committee which is due to report by the end of October.
- [Water Draft Bill](#) – providing measures to strengthen the sector's ability to respond to the challenges of a growing population and less certain water supplies, while improving the deal it offers to its customers.

These draft Bills have only recently been published so they are unlikely to feature in the speech, though depending on their progress, this does not mean they could not be formally introduced later in the session:

- [Inheritance and Trustees' Powers Draft Bill](#) – which will give effect to recommendations of the Law Commission's report on intestacy and family provision claims on death.
- [Wild Animals in Circuses Draft Bill](#) – which will ban wild animals in travelling circuses and has just begun pre-legislative scrutiny.
- [Dangerous Dogs \(Amendment\) Draft Bill](#) - extending police investigatory and prosecution powers to cover dog attacks which take place on private property and introduce measures which tackle anti- social behaviour involving dogs.

Possible new legislation

The Government has made a number of announcements on its intention to bring forward primary legislation. As is the convention they do not specify when this might happen. So what is set out below should be considered as a long-list from which a legislation programme may be drawn including draft legislation. We have presented these measures by department for convenience. This holds no significance.

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Business, Innovation & Skills

- **Consumer rights** - the Coalition's [mid-term review](#) said that the Government will introduce a [Consumer Bill of Rights](#) to give consumers clearer rights in law and to give effect to the [EU Consumer Rights Directive](#), which must be implemented in the UK by December 2013, making this very likely to be included in the next session.
- **Insolvency** – the Government has announced changes to [insolvency law](#) to encourage more banks to offer accounts to un-discharged bankrupts.
- **Recruitment sector** – the Government has recently [consulted](#) on replacing the existing legislation governing the sector with new, streamlined legislation which is easier for business and individuals to understand.

Cabinet Office

- **A statutory lobbying register** – a long standing commitment, following [consultation](#) last July, it was expected there would be a White Paper and a draft Bill during the current session of Parliament. Recently [Nick Clegg](#) told Parliament that legislation would published "*in due course*", but other [indications](#) are this measure may not feature.
- **Co-operatives** - David Cameron [announced](#) in January 2012 a new bill to consolidate and simplify the current legislation. While no date was given for this the [Law Commission business plan](#) indicates that at least draft legislation may be possible sometime in the next session.
- **Parliamentary Privilege** - A [joint committee](#) from both Houses is set to report on a [Government Green paper](#) and draft clauses to clarify the extent to which MPs can use parliamentary privilege to defend themselves and prevent its misuse by MPs accused of serious wrongdoing.
- **Power to Recall MPs** - [Pre-legislative scrutiny](#) has already been undertaken in the previous Parliamentary session on [draft legislation](#) which would allow voters to force a by-election where an MP is found to have engaged in serious wrongdoing. The Coalition's [mid-term review](#) confirmed its intention to bring forward legislation; though recent [comments](#) from Nick Clegg stopped short of a guarantee that it happen in the next session.
- **Public Service Choice** - Last July's [Open Public Services update](#) launched a call for evidence on a legislative proposal to provide a 'right to choose'. While, a recently published Government commissioned [independent review](#) has provided

more specific proposals; a response is awaited, with a firm legislative proposal seeming to be some way off.

Communities and Local Government

- **Anti-Social Behaviour of tenants** - to make it easier to [evict tenants](#) (social or private) if they have been involved in criminal behaviour away from their homes, at a scene of a riot. If taken forward this is likely to be within a Home Office Bill.
- **Community Events** - possible reintroduce legislation, following an unsuccessful private members bill, to allow the public to hold councils to account for cancellation or banning of events on health and safety grounds. This may be reintroduced as a 'hand out' bill for a private member bill.
- **Council Publicity** - The Government has [announced](#) its intention to legislate and is consulting on how best to frame the legislation to stop politically contentious advertising campaigns, municipal newspapers and the hiring of lobbyists by councils.
- **Local economic growth** - enabling local authorities to create combined authorities and ensuring that the existing legislation is fit for purpose for local authorities to promote economic growth, as promised in the [response](#) to Lord Heseltine's report on growth.

Culture, Media & Sport

- **Broadcasting and communications** – the DCMS [business plan](#) commits to publishing a draft bill for pre-legislative scrutiny by next January (2014) for implementing the forthcoming White Paper on reforming Ofcom and deregulating the broadcasting and communications sectors.

Environment, Food and Rural Affairs

- **Flood Insurance** – Ministers have told [Parliament](#) that some form of primary legislation may be required to implement whatever solution they come up with to replace the current agreement with the insurance sector, which ends in June and guides the provision of flood insurance, making sure it is affordable. This includes adding clauses to the Water Bill (see before).
- **Local authority waste enforcement** - the [DEFRA business plan](#) commits them to remove “disproportionate” powers against householders through legislative change ensuring that only those whose actions cause a nuisance for their neighbours are penalised, as soon as parliamentary time allows, and by October 2014.

Foreign Affairs

- **Deployment of armed forces** - the Government has recently [confirmed](#) that it is still exploring options for formalising the convention that except in the event of an emergency, the House of Commons should have the opportunity to debate the deployment of armed forces.
- **Protection of cultural property** – the Government, during the current session, has confirmed its commitment to ratifying of the [1954 Hague Convention on the Protection of Cultural Property](#) in the event of armed conflict.

Home Affairs

- **UK Border Agency** – the Government has [announced](#) its intention to bring forward legislation in the next session to facilitate splitting the Agency into two separate entities – a visa service and a law enforcement body.
- **College of Policing** - putting the college, which became operational last December, on a statutory basis.
- **Firearm controls** – creating a new offence of possessing a firearm with intent to supply, with a maximum penalty of life, and increasing the maximum sentence for importation of illegal firearm to life.
- **Forced Marriage** – in a move that has [David Cameron's](#) personal support the Home Office plan to make forcing someone to marry a [criminal offence](#).
- **Immigration, Welfare and Public Services** – David Cameron has recently [announced](#) a range of measures to curb immigrants' access to benefits, free health care and housing. It is unclear to what extent all these measures will require primary legislation.
- **Independent Police Complaints Commission** - extending the remit and the IPCC's powers so for example that it is able investigate private sector companies working for the police and other matters.
- **Minimum unit price for alcohol** - though not formally confirmed, it was recently been widely reported in the [press](#) that the Government has dropped these plans. A Government [statement](#) in response was ambiguous whether legislation will be taken forward.

International Aid

- **International Aid** - there has been a long-standing commitment to enshrine in law the commitment to spend 0.7% of national income on international aid. But

POLICY BRIEFING

given the lack of support on the backbenches it is unlikely to be brought forward, especially given that the Government is behaving as if the law was already in place.

Justice

- **Freedom of Information Act 2000** – the [Government has said](#) it will make changes to improve the operation of the Act including giving the Information Commissioner more time to prosecute alleged offences and introducing a dedicated exemption for pre-publication research.
- **Streamlining Magistrate court proceedings** - last July's [Crime White Paper](#) said that the Government would look to allow a lay magistrate to deal with certain uncontested, low-level cases on their own.

It also held out the prospect of the introduction of a monetary threshold for offences of theft and handling stolen goods below which magistrates would not have the power to commit the case for trial at the Crown Court.

- **Use of Video in criminal proceedings** - the Government is also [considering](#) legislative reform relating to the use of video in criminal proceedings.

Transport

- **Drink and drug driving** - the Government is [consulting](#) on potential changes to the testing procedures.
- **High Speed 2** – the Government has [announced](#) its intention to introduce a paving bill enabling them to incur expenditure on preparatory works in advance of formal parliamentary approval for the project.

Treasury

- **Building societies** – The Government has [consulted](#) the building societies sector on potential measures to update building societies legislation and is currently considering whether it is appropriate to proceed with these, and if so what would be the appropriate legislative vehicle for it to do so.

Wales

- **National Assembly for Wales** – following a consultation last year the Government has recently confirmed its intention to legislate for changes to [electoral arrangements for the National assembly for Wales](#) including permanently moving from four to five-year fixed terms and prohibiting Assembly Members from simultaneously sitting as Members of the House of Commons.

Work and Pensions

- **Employers' Liability** - improving support for people who need to trace [Employers' Liability Insurance policies](#) in order to obtain compensation for an accident or industrial disease and to introduce a scheme for making payments to people diagnosed with diffuse mesothelioma, as a result of their negligent exposure to asbestos at work.

Press Speculation

There has been some specific speculation in the press in the recent weeks about other possible legislative measures which might be introduced in the next session:

- **Cigarette packaging/smoking in cars** - [The Guardian](#) report that the Government is to legislate for plain cigarette packaging; though the [trade press](#) claim they have been assured that no decision has been taken. The paper also report that the same legislation is also expected to ban smoking in cars carrying anyone aged under-16 years.
- **Civil Service appointments** - [The Times](#) report that Ministers "*are seriously considering legislation*" that would give Ministers a direct say over the appointment of permanent secretaries.
- **Deportation** - In an article in the [Mail on Sunday](#), the Home Secretary, Theresa May, said that she was "*determined*" to introduce legislation that, except in "*extraordinary circumstances*" would deport foreign nationals who commit serious crimes.
- **EU Referendum** - [The Spectator](#), and various Sunday newspapers, report that a hundred Conservative backbenchers have written to the Prime Minister "*demanding*" legislation guaranteeing a referendum on the European Union in the next Parliament. Separately the Spectator [report](#) that David Cameron told a recent parliamentary party meeting that he would consider the idea, in the knowledge that his backbenchers might force his hand with a Private Members Bill.

Comment

This will be the Coalition Government's third Queen's Speech and it is beginning to show. Much of the 2010 Coalition Agreement has found its way into the statute and its 'mid-term review' did nothing to replenish the well of legislative requirements which is running dry.

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We are also seeing legislative plans set early in the Coalition's life running into difficulties. Party political funding reform is now off the agenda. Reforms to political lobbying and the introduction of a power to recall MPs have run into the ground. Now the legislative timetable for High Speed 2 has been pushed back so we can only look forward to a paving bill to authorise further expenditure rather than the project's construction.

This is just inevitable at this point of the political cycle as initial opportunism gives way to reality. But we are also seeing the Government avoiding the legislative tool, reflecting the philosophy of both governing parties and the realities of coalition government; with a slim majority in the Commons and lack of one in the House of Lords, why pick a fight when there are other ways (such as statutory guidance or voluntary codes of practice) of achieving (almost) the same ends?

The increasing trend of publishing draft legislation for pre-legislative scrutiny, which started under the last administration and is now well established, is set to continue with new draft Bills published in recent weeks, including on dangerous dogs, and ones to come including on Communications and Broadcasting. Introducing draft legislation helps to keep restless backbenchers at bay, when popular measures among their ranks are not quite ready to be formally introduced, for instance, the ban on wild animals in circuses. Will this extend to a draft EU Referendum Bill?

Measures which local government can most probably expect are a new legal framework for social care, legislation bringing down the curtain on the Audit Commission and replacing it with a local audit framework and new community rights for tackling anti-social behaviour. These will be familiar to practitioners as they have all been subject to pre-legislative scrutiny in draft form.

We are likely to see a 'Consumer Bill of Rights' given that the new EU directive needs to be implemented by December this year. And in recent days, Eric Pickles has told the [Society of Editors](#) that he "will" introduce legislation in the next session giving him powers to direct local authorities to stop "politically contentious" advertising campaigns, municipal newspapers and the hiring of lobbyists by councils. But will he find a willing MP to take forward, again, his hand-out bill on holding councils to account for refusing permission for local events on health and safety grounds?

What might catch the national eye, though, will be measures on cigarette packaging and smoking in cars, if as the press speculates they are indeed taken forward. And we await the outcome of the reported cabinet battles on the introduction of a minimum unit price for alcohol - either way commentators will interpret it as a politically significant decision.

We can expect an immigration bill breaking up the UK Border Agency separating out responsibilities for visas and those for enforcement. While the same Bill could be used to it make easier to deport foreign nationals who commit serious crime and to further David Cameron's aim to make it more difficult for immigrants to access

POLICY BRIEFING

welfare benefits, housing and free hospital care. All of which will be popular on the backbenches and difficult to oppose, given public opinion.

What will be contentious, as it was when scrutinised in draft, will be legislation requiring internet providers to make customer activity available to the police and security and intelligence agencies. Talk is that the Liberal Democrats, and Nick Clegg, are opposed to it being taken forward. We shall have to wait and see.

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