

WEDNESDAY 4 JUNE 2008

Present

Bledisloe, V
Goodlad, L (Chairman)
Lyell of Markyate, L
Morris of Aberavon, L
Norton of Louth, L
O’Cathain, B
Peston, L
Quin, B
Rodgers of Quarry Bank, L
Rowlands, L
Woolf L

Witness: **Rt Hon Baroness Ashton of Upholland**, a Member of the House of Lords, examined.

Q1 Chairman: May I welcome you most warmly to our meeting and thank you very much indeed for joining us. I know that it is your intention to make an opening statement after which we might have a discussion.

Baroness Ashton of Upholland: Thank you very much for allowing me to come to the meeting. My purpose is very straight forward. I consider it very important, in the course of our deliberations on any piece of legislation but perhaps especially on this, that where there is an obvious feeling within the House that we need to explore again a particular aspect of the policy that we should do so properly. Of course, on many of the issues, I have been meeting with different groups of Peers and individuals who have particular concerns and there was a very important amendment put down by the Lord Chairman and other members of this Committee around the subject of the opt-ins on Justice and Home Affairs. Although, as the Lord Chairman knows, I had difficulty with the original amendment, and I was grateful to him and Viscount Bledisloe for coming to see me to talk about it, nonetheless I felt it right to

begin to think through how we might respond to that properly. The piece of paper I have given you and the reason why I have shared it with you today rather yesterday when I had it ready was I wanted to share it with Lord Grenfell because it is to his Committee that this specifically refers. Had he felt this was absolutely not appropriate then I would not have wasted this Committee's time but instead he does think there is merit in it. I am waiting for the formal response from the Committee but the informal response is they want to discuss it in more detail. Initially there are some positive responses to it and that takes nothing away from any other amendment that anyone else wishes to put down. On that basis I thought I ought to come to this Committee and explore with you the thoughts that I had in consultation with the Secretaries of State for Home Affairs, Justice and the Attorney General who are fully conversant with what is being proposed. There were two issues that, looking back on the Committee stage and in discussion with a number of different Members of the House, were particularly relevant and important. The first was the appropriate scrutiny now that we are moving into a post-Lisbon Treaty era where the relationship on Justice and Home Affairs might, and I use the word advisedly, be different. The second was the role of parliament, and the two Houses of Parliament specifically, in that process to ensure that the government got the best information and parliament felt that the most appropriate scrutiny had taken place. Other Members of the House may have stronger views than that but that is what I took away from it and that is the basis upon which I started to do the work that has been done. What I have put forward is a series of propositions that would form a *modus operandi*, a code of practice, some clear distinct way that the government would operate and the Committee in return would respond that would be put down and be binding, especially of course, from the House of Lords' perspective, on the government. That is what I have sought to do. It has elements in it that try and address the different points I have raised about the role of both. If I might briefly go through it that might be helpful. I said at Committee, and it is something I

feel very strongly not least because I was a Justice minister and dealt with opt-ins and our strategic approach to Justice and Home Affairs for over three years, that I made much of the Committee wanting to make sure that the context in which individual opt-in decisions would be taken was understood. The first part of that is to put forward an annual report to both Houses that says this is the government's proposed approach on Justice and Home Affairs. That, of course, would have been part of any elected government's proposals to the nation and will also form part of a longer term strategy. On an annual basis, that would be an important report and would be debated in both houses. Its purpose would be to inform the government of parliament's view and also to inform the Committee of both Houses of parliament's view as well, which again informs what they would be doing in the future. The second then is as we move into the greater detail and the dossiers or the proposals become clearer in Brussels, the government should then produce a report of which dossiers it thought were likely to be coming forward in the next few months. That would be a regular recurring report where possible to give the government's view of whether it was likely to want to opt in or opt-out. Sometimes, as members of the Committee will appreciate, particularly when going back into areas we have been part of for a long time, it may be quite clear the government would wish to remain part of something, or equally where we have never been part of something that we would want to say that specifically too. That again would be to inform both parliament and the Committee. We already have a strong commitment from government that we would produce an explanatory memorandum within two weeks, which I think the government, certainly for JHA, has abided by. We want to strengthen that by saying as quickly as possible but certainly within two weeks which is stronger language than you have here. The two weeks is an absolute maximum but preferably quickly, and much more quickly than that. We then looked very carefully at the core of this which is how to make sure that the Committee have time to deliberate on the issue before the government has reached any final conclusions

and to be able to give its view initially to the government - I will come on to parliament in a second - in a way that did not prevent the government doing what we always have to do which is to get clearance across the whole of government for our proposals, consult with devolved administrations, which is important, and also, as I have experienced many times, consult key stakeholders outside, for example the City of London on Rome 1. On Divorce, which I dealt with where we did not opt-in, I consulted the senior judiciary and the Family Division as you would expect. Those take time but we had to make sure that could happen. To enable the government, having reached the view, and the Committee having reached the view, to have time to discuss that finally before the 13 weeks was up, we hit upon an eight week timetable and to say for eight weeks the government would not make a decision. It would consult and that information would be fed into the Committee in any event and form part of its deliberations but it would not make a decision. That would leave the government only five weeks, at the end of that process, to do the final work that would need to be done. During that time a process will be undertaken that will enable the Committee to call a vote and a debate in parliament. I recognise that this, at the moment, would have to be an amending resolution?. We are looking at how to make that effective, in other words that it is not just a debate the Committee wish to have but there would be a vote in the House of Lords. That is under way at the moment and people are beavering away working on whether it is an amendment to the resolution or whether it is some other process that would have to be in place but it will be done. Without in any way suggesting that Lord Grenfell agrees with any of this, one of the discussions I had with him yesterday was to say to him in recess times would eight weeks be appropriate. We looked at the last possible date the Commission might produce something and did the eight week forward plan and he believes that would be doable from the Committee's point of view. Of course parliament is not sitting and I appreciate that but we can come on to how we deal with it afterwards. We have also committed that we will

start to do an annual review, as it were, another report back to parliament of the decisions that have been taken so parliament has the benefit of the forward look and the backward look. The backward look would come out before the next forward look so there is a continuing process of looking at what the government has actually done within that broader context. Of course, all of this process, I am more than happy to say, we should review in any event after two to three years. The final piece of information is I have also been looking at the big issue about how much work is involved in this because one of the factors at play is making sure that the proposals we put forward are practical. The anticipation at the moment, because of the work that is going on - and I got the figures just as I came in - is that when you look at all of the existing measures which we will be coming out of and going back in one by one, plus continuing work, we will be working with somewhere between a minimum of 50 and a maximum 90 opt-ins a year over the next few years of the Treaty. Again, I am trying to make this a practical proposition where the Committee can deal with the routine of it, because some of it will be routine technical questions, but it will actually be able to choose for itself without government interference the ones that it wishes to scrutinise in more detail, the ones it wishes to take before parliament.

Q2 Viscount Bledisloe: Can I get this totally clear? I think you have gone the whole way, or nearly the whole way, to satisfy all my worries. Where the Committee says they do not like the opt-in, let us say the government is proposing to opt-in, it is only when the government is proposing to do something other than the present state of affairs that the matter would arise. If the government is proposing to opt-in and the Committee says no and they discuss it and the Committee sticks to its no, there has to be a vote and that is binding on the government?

Baroness Ashton of Upholland: It would not be binding on the government in the sense that the government's position would be that in the end a government takes a decision whether to

opt-in or not. My view is that a government faced with a decision not to opt-in would, in a sense, find it extremely difficult to make an alternative decision to that. There is an issue of what would happen, and this is what we have to think through with both Committees because this is all coming from your Lordships deliberations. The Committee down the other end will have views about this as well and they are being talked through now so forgive me for not being able to give definitive answers. There is a position possible where one House Committee takes one view and the other another and, therefore, we have to think through, not least because we have an elected House and a non-elected House. You understand only too well the question marks about supremacy. As Leader of the House, if I put another hat on, I do not want to get into which one has supremacy not least because of the value of the committee work in your Lordships' House. I would say it is very, very highly regarded not just by the government but elsewhere. We need to think that through. The technical answer is the government would remain in control of it. The reality is if parliament said you are not doing this, that would be it. If both houses of parliament said we do not wish you to opt-in to this, the government would be in an extremely difficult position. The reality is what I am saying, but in technical terms, and I am not trying to mislead the Committee for a second, the government would retain control. You said it would only be if we did something different to the status quo but I think that one of the changes about this Treaty that Members of the House have been most alive to is the jurisdiction of the European Court of Justice and the considerations around qualified majority voting and so on. I do not think it would necessarily be where we change from the status quo. The Committee may find in some areas that it wants to look more carefully because it is conscious of future changes and it is right and proper that it should do so.

Q3 Viscount Bledisloe: The code of practice would say that the government has to ensure that there is a vote but is not legally bound by it.

Baroness Ashton of Upholland: I was going to leave out on the code of practice that the government is not legally bound by it. I was going to put into the code of practice that within the timescale the usual channels would have to find time for a vote. We are already doing all of that work should this find favour.

Q4 Chairman: The government would find time.

Baroness Ashton of Upholland: Yes, it would be government time. Interestingly I have been discussing with my own Chief Whip two possibilities: one is that the Committee would say we want a debate with a vote. There may be occasions when the Committee says we just think the House should debate this; we are comfortable but we think it is an important area. Then the question would be a usual channels discussion about the Floor or the Moses Room but it would have to be a debate. That would be the only area where the business management side of it might suggest it would be off the Floor but only if it were clear that this was a debate where nobody was interested in voting but very interested in highlighting the issues. I think that will happen and, I have to be honest, I hope that does happen because the more parliament debates and discusses these issues the better off we are.

Q5 Lord Morris of Aberavon: The Leader of the House has come a very long way to meet the point we have made short of amending the Bill and I fully understand that. My feeling is that we should want to exclude the minnows of being concerned with opting in or out and concentrate on the important issues. That is why I welcome very much the role of committees in scrutiny because they are the trigger mechanisms for selecting those matters which are important. To be doubly sure of what we are doing, and parts of the matters have been raised already, in the fourth paragraph which is highlighted, Lord Chairman has raised the matter, the last sentence, *“The Committees, as with all proposals, can call a Minister to give evidence, debate the issue”* - and I would add *“in government time - “in the House and call a*

vote if they wish.” To flesh that out a little further, the last sentence, and I very much welcome the Code of Practice: *“This package of measures will be reflected in a Code of Practice setting out the government’s commitment to effective scrutiny and obtain parliamentary approval by way of affirmative resolution where it is called for by the European Committee of this House.”* It goes a little bit further than scrutiny. I think one has to have mentioned the issue of approval. We understand what you said earlier about the real politic of the issue. I understand no government would be so foolish as to go where there is a strong view in both Houses but I think I would like to get that spelt out.

Baroness Ashton of Upholland: On the first one, the wording is up for grabs in any event. *“In government time”* is not a problem. This wording is very loose at the minute deliberately and I am sure there are other phrases you would like to see. In terms of affirmative resolution, that is not the proposal before you. The reason for that is because, as you quite rightly say, that is about parliamentary approval. That moves me away from what I was trying to explain to Viscount Bledisloe that the government in the end has to take responsibility for the opt-in process. To put it into parliamentary approval says, what I was trying to avoid saying, that if the House of Lords says no and the House of Commons says yes the government cannot opt-in and I do not think we should be in that position. The reality, as I have already indicated, is I believe governments have to listen to parliament. I do not think we could move it so far into a new world where the Committee can get the House to decide that the government cannot opt-in on the basis of one House or another House. That gets me into this whole debate about what happens if there is deadlock in the two Houses, how do we do this in 13 weeks bearing in mind if you have deadlock after eight weeks what do you then do in terms of the government having the ability to decide. In the end the government will stand or fall. I believe Justice and Home Affairs issues, government policies, are perhaps fundamental to the way in which governments are treated by the electorate and, in the end, we

have to make that decision ourselves. That is my difficulty with that. If it were easy to do, I know I would win your hearts and minds immediately and I would do it but I know the reality is that is not what I am proposing. I cannot quite go that far.

Q6 Lord Morris of Aberavon: Although there are going to be changes about treaties and going to war, or whatever, for governments to act even in the face, unreal as it is, of parliamentary disapproval all I wanted to put in the Code of Practice was there would be at least an expectation of parliamentary approval. If you do not get it of course the government would be still be able to do whatever it wants. It is bit more than scrutiny. You have not come quite the way of approval which I think is necessary or at least the consideration of approval.

Baroness Ashton of Upholland: I am very happy to look at the wording. I am not trying to wriggle any government out of not listening to parliament. I am very conscious that I equally do not want to mislead you or the House in the word “approval” implying the government would never ignore it. What you are saying, quite reasonably, is if you have deadlock in both Houses then governments have to make a decision and time runs out. Can I think about how we can make it sound stronger? I do not want to mislead the Committee about what I am saying. I think the Committee understands how far I have gone and the bit I cannot go to about saying something stronger but that does not take me to the place that I hope I made clear I cannot go.

Q7 Baroness O’Cathain: You did actually say between 50 and 90 opt-ins per annum over the next five years and that they would be subject to scrutiny. Who is going to do it? Is it going to be a statutory instrument-type of committee or what?

Baroness Ashton of Upholland: It would be the Scrutiny Committee. I have been looking back on the figures without giving you the breakdown. At the present time there are roughly

30 to 40 proposals a year and the Scrutiny Committee of the both houses look at those. They are very expert, as you would imagine, at working out what is straightforward and what is not. They all go to the Committee for them to look at and it forms the bulk of a lot of the work that appears before them. They will then filter those that they think are of greatest relevance. Often they will have officials from Brussels who come and tell the Committee what is happening and that is not unusual. They will also talk to stakeholders and others so they get a clear view, and Ministers will almost invariably appear on those that are difficult. That is sometimes, I might add, where the government is obviously moving in the direction of not opting-in. I have certainly appeared before the Committee on the three opt-outs and not opting-in that I did. Because we are coming out of everything in order to go in bit by bit, there will be a flurry of activity. We are trying to look at how that might even up in the next few years. We think 50 to 90 is the absolute parameter because there will also be the ongoing work and those are the figures I have. They are based on what we estimate, therefore, I am hoping that they are not wildly out and we suddenly get 110.

Q8 Chairman: The 50 to 90, does that include where the government has decided not to opt-in?

Baroness Ashton of Upholland: Yes, those are the proposals. Those will be the decisions that have to go but the Committee scrutinises all of them. The point about this process, and indeed the process already, is when we give the expansion memorandum we may not have decided by then. The example I have been using, if I might, is Rome I, which was about contract law and had a specific and potentially very difficult effect on the City of London. When I first received it I did not give the Committee any information because my initial advice was to opt-in. Having looked at it we did not opt-in with very good reason, therefore the decision was taken after I had consulted with the City of London, the Treasury and consumer stakeholders. When the Committee received it they could not have known what the

final outcome would be. I give you those figures as those that will be received. Some, as I think the Chairman is alluding to, will be very obvious we are not going to do because they will be issues we are not involved in. However, I do not want to undermine the Committee. If they choose to spend as much time on each of them, that is for them and not for me.

Q9 Lord Rowlands: One of the most revealing things is this question of all these opt-ins that have been occurring. I was out of the House from 2001 to 2004 so I missed that period but I cannot remember an opt-in passing by, as it were, and there were 56. Can you give us something of the flavour of what those 56 were? How many of them were routine and technical? On that basis I believe we need a filter system of the kind that is proposed. I had an image that every opt-in was a serious one but you are saying there is going to be a variety of these which are just routine, technical and consequential to whatever happened before. Can you give us a flavour of the 56 for example?

Baroness Ashton of Upholland: I will try. What might be helpful is if I gave the Committee a list of all of them. Can I say, before I go into that that one of the important factors that came out in debate and in discussion with Members of the House has been exactly as you put it: things have passed us by. That is what led me to think that an annual report both ends of the spectrum means that all Members of the House will have access to the information. I am not saying the Committee do not provide it because of course they do. A government report set out specifically to explain to people what we are planning and what we have done would address the problem that you have described where people do not really know. The opt-ins can be all different kinds. They can be to decide not to opt-in on a whole range of measures that we are not part of to do with border control. They will be straight forward in that we are not part of the Schengen building measures, although we are part of the information agreements were it suits us to be part.

Q10 Lord Rowlands: Quite a few of this 56 could be not to opt-in.

Baroness Ashton of Upholland: They are opt-ins but we chose not to. In others we will wish to be part of it so there will be agreements on the return of asylum seekers, agreements on civil justice matters, agreements on supporting proposals to get repayments for people who have bought faulty goods across Europe, agreements to have an easier court system where you can get money you are owed from different parts of the European Union, or there will be the ones I did not opt-in to such as contract law in Rome I, divorce law and maintenance because we were busy doing another maintenance agreement in The Hague. There will be a whole variety. Of those, as you rightly indicate, some will be routine. The Committee will say this is absolutely part of the government's plan not to do anything different with our borders so those would not be for us. There will be others where it is equally clear this is something of great benefit to our citizens. There will be some where the government needs to explain in great detail, as I certainly did on the ones I did not opt into, why, when it looks on the face of it a sensible measure, the government has not gone down that route. That is why we go to the Committee and explain that both in writing and by appearances and so on. Those are the three varieties.

Q11 Lord Rowlands: Like other members of the Committee, it is this curious wording in bullet 4. I do not know what procedure by which Committees ever can call a vote. What I think we are after is where the Committee, having filtered out these others, identifies matters of serious concern which could affect the sovereignty of the House. You are transferring sovereignty to the European Commission, et cetera, and it flags that up that this is a serious issue and that parliament should at least have a right to vote on the basis of the Committee's identification of the seriousness of the issue. I cannot see why we cannot find a form of words that would establish parliament's right to have a vote but I cannot see how a

Committee can do that. A government has to accept that process is intrinsic to the whole code of practice.

Baroness Ashton of Upholland: You are absolutely right. Greater minds than I are currently working on what that procedure will look like. By the time we come to discuss this on the Floor I hope to be able to have the form of words. The principle is that we will find a procedure that guarantees that if the Committee goes to parliament and says the Committee's recommendation is a vote then that procedure will be followed. It will either be that the Committee puts down a resolution and an amendment to the resolution and the vote is on the amendment or it will be another procedure. We have the clerks looking at that right now to see what would make most sense and also discuss it with the Commons. The Commons will do it differently because their standing orders are different but I hesitate to get into the world of Commons procedure.

Q12 Chairman: Could you say what timescale you envisage for the final formulation of the government's proposals encompassing what Lord Rowlands just suggested? We start the report stage today and this is likely to be reached on Monday. How soon do you think the Committee could have sight of your final proposals?

Baroness Ashton of Upholland: My plan is to have the final proposals ready before we debate them on the Floor so that any amendments that individuals or Committees wish to put down is in the full knowledge of what I have got available. I do not want to spring anything. At the moment the scheduling for the report stage means we may not reach it until Wednesday. It depends how fast we are today but I have a suspicion we might not be. There are a couple of amendments which I think might take a bit longer. I am trying to work with that timetable because there is no value to me or to the Committee if you are not fully conversant with what it is I am proposing, hence the work that is going on to try and get what the process would physically be and how best to get that established. There are things we can

do. We can lay the whole in front of parliament and we can have a different amending procedure and so on. This is an area of work where I am not able to do this. My initial plan was to see whether there was something in this without committing anyone and whether it was worth me exploring further and tightening and looking at again in the sense it is worth me continuing to pursue this line of inquiry for the time being.

Q13 Lord Lyell of Markyate: You have been very candid with us. I am not a euro-sceptic but am I right in understanding that if the Lords were to vote against an opt-in and the Commons were to vote in favour of the opt-in, or not to vote against it, the Lords could not actually require the government to think again in the way that it could if it held up a statutory instrument or something like that? Although most of them will go through after good and sensible discussion, sometimes on the nod, sometimes after careful thought, we are actually dealing with the opportunity to hand over what has so far been publicised as retained by the red lines, consequently there can be some very, very serious issues with long-term affects, but the Lords cannot stop it even for the period that it could stop something else.

Baroness Ashton of Upholland: That is absolutely correct. Let me put that in its context. The government's, any government's, responsibility is to do what is right and proper in the interests of the country. Actually in European matters I do not believe in the end that governments in this country operate in fundamentally different ways on Justice and Home Affairs issues. The protection of our borders is a central plank of all political parties. The desire to co-operate on matters to do with serious and organised crime, with the protection of vulnerable citizens, and so on, is also fundamental. I think in reality that is what governments are also elected to do. The first role of any government is to protect its citizens. We might argue a bit about the House but actually the fundamentals are there and that is what elections and governments are about. The proposition I put to you is that that is the government's responsibility. If the House of Lords and the House of Commons felt very strongly that the

government had got it wrong, I believe governments have to take note of that, and indeed they always do and always have, but this does not give the power to the House of Lords to stop, not least because we have a 13 week window. The consequences of not opting in on time if one is going in, or being clear one is not in, are enormous and I would not want the Committee for a second to underestimate that. This is not a movable feast. If you not in, you are not in for the entire negotiation and the consequences for that can be very, very severe.

Q14 Lord Lyell of Markyate: You gave certain examples. We do have a different common law system and we do have a different system of criminal justice. They are very important to us and they could be effectively swept away if we were to make too many opt-ins.

Baroness Ashton of Upholland: We have been a huge defender of the common law system. In fact, we set up, with the three other countries in the European Union, what we describe as the common law club, Cyprus, Malta and Ireland, in order that we can have discussions about the common law aspects. I have spent a lot of time with the Commission in making sure that the common law is a part of what they consider when they are looking at proposals. We have had the benefit of a huge range of judicial expertise built into the Lord North Committee that has considered for us, from the legal perspective, every aspect of what we do and I think any other government would do that too. I think we probably inherited some of these procedures, to be frank with you, so I agree with you about that. I agree about the criminal justice aspects and that is why the consultations with judiciary and the legal professions are incredibly important to us as well. Because it is a multi-faceted approach, those involved in the particular aspects of the opt-in, which may be consumer groups in civil law, parliament and so on, that is why it is the responsibility of government to actually say we have considered this properly. Parliament is fundamental to that. What I am saying is I cannot move it to being

“parliament can prevent”. What I am saying is the vote is important and the decision of the vote is something governments would take extremely seriously.

Q15 Viscount Bledisloe: Going back to the Lord Chairman’s question on timetabling, will the government accept that if it cannot get this out by Monday or Wednesday, or whenever the relevant report stage comes up, that this is a matter that can be brought up on Third Reading without any objections?

Baroness Ashton of Upholland: I have already considered that. My hope is to do it so we have it in the right place at the right time. As you know, by agreement on the Third Reading, if we are not ready and noble Lords want to bring forward an amendment again because they think the government’s move in the direction has not quite got there, and I have not got the answers then of course.

Q16 Lord Norton of Louth: I wish to pursue a point made in terms of possibly the code being laid before the House for approval and to urge you to pursue that from the point of view of ensuring that the mechanism itself is embedded. It is important for the government to say we agree to this but at a later stage they will withdraw the code or they are not going to come to the House so there is mechanism embedding itself, getting the approval of House for the code, and also perhaps embedding in a declaratory motion of that nature that any future change to the code would come before parliament so the actual process is therefore on the record and there is an element of embedding it. That would then give parliament the reassurance that this would be a continuing process and not simply something in the gift of government.

Baroness Ashton of Upholland: I am perfectly happy about that and I am open to suggestions as to how to do that. It is clear to me that the EU Committee must have primacy above all committees in its views of how to make this work, which I am sure the Constitution

Committee would agree with. I need to make sure it is a mechanism that is sensible, straight forward and workable which this would encapsulate, and that the wording does not give any hostages or wriggle room. I think that is where people would be more worried. As to how we do that, I have asked for advice. Obviously, in terms of the report stage, I would want to read all this into the record but that of itself is important. I quite understand that might not be enough. I would like to be able to say here is what we are going to do and this is how we are going to embed it. I am very happy to do that. I am very happy for suggestions from people as to what would make more sense.

Q17 Lord Woolf: Speaking for myself I think there is a lot to be said for what you are proposing. You have emphasised that you do consult, as I know you do, with others not only within the House. I was a little bit concerned, and I also have in mind the judiciary, there is always a difficulty to know if they have been consulted and also, if they have concerns, what those concerns are. The judiciary is rather a nebulous body. Is there any way within this protocol that we could have something which requires the government to indicate they have consulted and who they have consulted and at least, if there is opposition, what the opposition is?

Baroness Ashton of Upholland: The reason I have not put that in is because the Committee already have a very well worked through process where it demands of the government in its explanations who the government proposes to consult and the information on what the consultees have said; indeed, the Committee itself consults people. It does not need to form part of this and is not that I disagree with you. It is rather like the principle of whether we need to amend the Bill. This process, as far as I think the government is able to meet the needs that people have, just does not need an amendment. It is not that I shy away from it. The Lord Chairman quite rightly took me to task on whether I was willing to amend a Bill. Those noble Lords who have worked with me know I am always amending Bills. This

process requires a procedure and does not need an amendment to the Bill in that sense. I am happy to pick your point up but it does not need to be in here because it is already in what the Committee does.

Q18 Lord Woolf: It would not do any harm.

Baroness Ashton of Upholland: Can I think about it? I do not want to start adding in. This is meant to be parliament, committee then government. The minute I add in external people I have to start consulting the judiciary as to whether I have the words right and we will never get it ready. Leave that with me.

Q19 Chairman: Thank you very much for joining us. This is what is described in the jargon as an iterative process. I think time is clearly of the essence. We cannot rely on our noble colleagues having sufficient gift of sustained utterance to keep the whole thing going until next Wednesday. The sooner your advisers can come up with a credible mechanism for a committee to trigger a vote then I think the easier it will be for this Committee to reach an agreement. Thank you very much for being with us.

Baroness Ashton of Upholland: I will try to do that as quickly as possible. Thank you for your time.