Answers to my written Parliamentary Questions on carbon capture

Department for Energy Security and Net Zero provided the following answer to your written parliamentary question (180628):

Question:
To ask the Secretary of State for Energy Security and Net Zero, with reference to the Written Statement of 30 March 2023, HCWS690 on Powering up Britain, how the carbon capture and storage outlined in that Statement will be funded. (180628)

Tabled on: 14 April 2023

Answer:
Graham Stuart:

The £20bn announced will come from levy and exchequer sources. The Government expects it to encourage billions of pounds of additional private capital as private partners also commit to the programme, creating jobs and bringing investment to the UK's industrial heartlands.

The answer was submitted on 24 Apr 2023 at 16:27.

Government and business management

When I was first appointed a Minister I had to resign that day from Chairman of a substantial quoted industrial group of companies. The contrast between managing the one and other was extreme.

As company chairman I was conscious that I had the power to hire and fire, to reward and to promote anyone in the organisation. I was careful in anything I said to distinguish between statements of policy and company values on the one hand, and the many comments, questions and suggestions I needed to make to explore options, mentor senior managers and encourage others to take decisions. There was plenty of power to get change, with a team willing to implement when I did make decisions. The danger was someone would take an offhand or provisional remark and see it as law for the company.

As a new Minister who had the good fortune to take on a role I understood and had experience in I discovered my decisions and statements of policy and values were often in the early days taken as some kind of invitation to a debate or seminar. I always tried to be courteous to my officials. I recognised that I had no power to sack or promote most of them and anyway

as in business I thought please and thank you are undervalued ways of getting things done. I saw that now I was in office I also needed to be in power. I needed to get the machine to see I wanted change in how we did things and change would produce better results.

Some thought they could get away with simply ignoring an instruction. I needed to follow up and require data to see implementation. Other times they would tell me what I wanted to do was not government policy. I would explain that I was making it government policy. As a junior Minister I had of course always checked through informal discussions with the Secretary of State that he was happy for me to do that or that I had the delegated power. Sometimes officials would then seek to force me to take a policy I thought was clearly within my power to consultation with other departments, probably hoping that in the write round I might be prevented.

The first thing I always did as a new Minister in a department was to exercise the one Ministerial freedom to choose my own Private Secretary from those available from civil service sources. In each case I found an excellent person who worked well with me and helped me get my proposals through the machinery of government. When I was concerned about the quality of an area of the work and the vulnerability of the first department I was in I took the matter privately to the Permanent Secretary. I explained the defects as I saw them, showed how if I was right and the faults caused problems there would be serious implications for him in his role as Accounting Officer for the Department as well as for me as Minister. He then made his own decision to change and strengthen personnel in the area concerned.

As a Minister I never felt short of staff or money to do what needed doing. It was always difficult to get government to close down old initiatives, discontinue out of date policies and free the resources for something else. There was a wish for new additional money and staff for everything. There was a reluctance to conduct running audits of effectiveness and value for money. There was an unwillingness to make named senior officials responsible for specified programmes or policy implementation in the way I was used to doing in business. Officials were changed far too often, undermining their ability to advise based on experience and the development of a wide range of contacts in their area of work.

Happy St George’s Day

England is so often the country not allowed to speak its name. It was the country the EU did not want on its maps. It is the country the European establishment and Opposition parties here at home wish to break up into regions.

It is also the country that did so much to pioneer democratic government, that opened up free trade, that has gone in the past to rescue Europe from

autocrats invading countries to fashion a European empire in their own image. Three times in the last 500 years we had to resist invasion of ourselves and others, from Spain, France then Germany. Three times we allied with the forces of national self determination and greater freedom, sacrificing lives and treasure for victory. Twice we fought as a United Kingdom.

England has offered the world the language of Shakespeare and the Industrial Revolution, great services and many innovations. We should celebrate today in the knowledge that world is freer and more prosperous for the exertions of our ancestors.

Stopping the small boats

I reproduce below the Home Secretary's letter to all MPs about the small boats legislation

ILLEGAL MIGRATION BILL

The Illegal Migration Bill will have its remaining Commons stages next Wednesday. The Bill will, with the other measures we are taking, deliver on our commitment to stop the boats. The Bill will send an unambiguous message as to our intent, that if you come to this country illegally you will not be able to stay, instead you will be detained and swiftly removed to your home country if safe, or another safe third country such as Rwanda.

Given the sensitivity and complexity of policy in this area, as reflected in our decision to introduce the Bill with various marker clauses, it was always our intention to draft iteratively with the benefit of ongoing legal, policy, and operational advice. Having completed further work and reflected on the debates in Committee, the Government has now tabled and supported amendments that we believe are necessary for the Bill to function as intended. I wanted to take this opportunity ahead of next Wednesday's debate to explain the key proposed changes.

Safe and legal routes for those needing protection

The UK has a proud history of providing protection for those who need it through safe and legal routes. Since 2015, we have offered a safe and legal route to the UK for close to half a million people from all over the world via our global routes and our country-specific routes. This includes around 50,000 who have come to the UK on routes open to people from any country in the world, 25,000 on our country-specific routes for Afghanistan and 20,000 from Syria, over 100,000 Hong Kongers, and close to 200,000 from Ukraine.

Clause 53 enables Parliament to set the number of individuals admitted to the UK each year via safe and legal routes with regard to the capacity of local

authorities and other local services to provide the necessary accommodation and support.

Having listened to the debate in Committee, I know many colleagues are keen for both greater clarity on our existing safe and legal routes and for quick progress toward the establishment of the regime envisaged by Clause 53.

The Government is therefore happy to support the amendments tabled by Tim Loughton MP which requires the Home Office to launch, within three months of Royal Assent, the consultation on the regulations to be made under clause 53(1) setting the maximum number of persons to be admitted each year using safe and legal routes. In addition, these amendments will require the Home Secretary to lay a report before Parliament within six months of Royal Assent setting out current and any proposed additional safe and legal routes for those in need of protection, to be implemented as soon as practicable and, in any event, by the end of 2024.

Unaccompanied children

Under the provisions of the Bill, the duty to make arrangements for removal does not apply to unaccompanied children who arrive illegally from safe countries until they reach adulthood, but there is a power to remove them. In line with current policy and existing legal powers, we have been clear that we only intend to exercise this power in very limited circumstances, principally for the purposes of family reunion or removal to a safe country of origin. I have tabled an amendment to make this clear by listing those circumstances on the face of the Bill. We need to be alert to the people smugglers changing their tactics to circumvent the Bill. Therefore, the amendments also provide a power, by regulations, to extend the circumstances in which it would be possible, on a case-by-case basis, to remove an unaccompanied child. Such regulations will be subject to the affirmative procedure so would need to be debated and approved by both Houses.

I recognise that at Committee stage there were particular concerns from colleagues about the application of the Bill’s detention powers to unaccompanied children. While the power to detain children already exists in legislation, this amendment therefore also provides that unaccompanied children may only be detained for purposes prescribed in regulations made by the Secretary of State subject to the negative procedure, such as for the purposes of removal to effect a family reunion (as is currently the case) or for the purposes of age assessment. It also allows the Secretary of State to make regulations specifying time limits to be placed on the detention of unaccompanied children for the purpose of removal if required.

Age assessments

Given that unaccompanied children will be treated differently to adults under the Bill, and the obvious safeguarding risks of adults purporting to be children being placed with children in the care system, it is important that we do not create an incentive for adults to make spurious claims that they are children so as to delay their removal. Between 2016 and September 2022, there were around 8000 asylum cases where age was disputed and an age

assessment was conducted, with around half assessed to be adults.

Our age assessment process seeks to mitigate against the risk that adults are accommodated alongside children and ensure that genuine children can swiftly access the appropriate support. Where there are reasons to doubt age, immigration officers make an initial decision to determine whether an individual is significantly over 18. The threshold is set deliberately high in recognition of the difficulty in assessing age based on appearance and demeanour. Where there remains any doubt they are referred for a comprehensive assessment, and until this assessment is completed they will be accommodated as a child with all the appropriate safeguards. The comprehensive assessment includes social worker led interviews, which must adhere to standards that have been set out by the court. The Nationality and Borders Act 2022 provides powers to use scientific methods to broaden the evidence base available to social workers and for the decision maker to take a refusal to consent to scientific methods as damaging to that person's credibility.

A new clause will introduce a regulation-making power which would, in certain circumstances, enable (contingent on a robust scientific justification) an automatic assumption of adulthood where an individual refuses to undergo scientific age assessment. For context, we understand that similar policies, are applied by some ECHR signatory countries including the Netherlands, Luxembourg and the Czech Republic.

Our amendment will also disapply the right of appeal for age assessments established in section 54 of the Nationality and Borders Act 2022 for those subject to the Bill's removal duty. Instead, those wishing to challenge a decision on age assessment will be able to judicially review the decision, but this challenge will be 'non-suspensive', which means it will be able to continue after the individual has been removed.

Restricting interim relief

One of the core aims of the Bill is to prevent late and repeated legal challenges to removal. The Bill does this by providing for two kinds of suspensive claims – factual suspensive claims and serious harm suspensive claims – and by making it clear that all other legal challenges to removal, including by way of judicial review, are non-suspensive. Given this approach, courts would be unable to grant interim relief temporarily blocking removal pending a judgment on the substantive judicial review.

As Sir William Cash, Danny Kruger and others indicated in Committee, this intention could be made clearer on the face of the Bill. We are therefore pleased to support the new clause tabled by Danny Kruger which makes it clear that interim relief, including injunctions, is not available and the only way of preventing removal is by making a "suspensive claim" as defined in the Bill itself.

We have also tabled an amendment regarding interim measures of the European Court of Human Rights including under Rule 39 of its Rules of Court. Interim measures blocked the Government from removing individuals to Rwanda last

summer. The Government is currently engaged in constructive dialogue with the Strasbourg Court on possible reforms to the process by which it considers requests for interim measures. The new clause will create a discretion for a Minister of the Crown to suspend the duty to remove a person where an interim measure has been indicated. That discretion must be exercised personally by a Minister of the Crown. This means the Minister may suspend removal in response to a Rule 39 interim measure but is not required to as a matter of UK law. The clause provides a broad discretion for the Minister to have regard to any factors when considering whether to disapply the duty. The clause provides a non-exhaustive list of considerations that the Minister may have regard to when considering the exercise of that discretion.

Clarifying the meaning of "serious and irreversible harm"

One of the suspensive claims provided for in the Bill is where a person claims that they would be at real risk of serious and irreversible harm were they to be removed to a specified third country. The Bill enables the Secretary of State, by regulations, to make provision about the meaning of "serious and irreversible harm". To limit the ability of individuals to delay removal with spurious claims we have tabled a new clause to augment this regulation-making power with substantive provision on the face of the Bill which sets out non-exhaustive and amendable lists of matters which would or would not constitute serious and irreversible harm. The amendments also make it clear that the serious and irreversible harm must be "imminent and foreseeable", which will bring the provision more closely into alignment with relevant Strasbourg practice.

Legal aid

It is important that those persons who received a removal notice under the Bill have access to appropriate legal services. A new clause provides for the provision of legal aid in relation to removal notices under the Bill. The new clause will bring certain civil legal services for recipients of removal notices under the Bill into the scope of legal aid, enabling them to access legal services in relation to the removal notice, without the application of the merits criteria. These provisions will help ensure appropriate access to justice is in place within the timeframes set by the Bill.

Foreign National Offenders

Under section 63 of the Nationality and Borders Act 2022, individuals with specific serious criminal convictions, terrorism offences and measures, or those who have been assessed as otherwise posing a national security risk to the UK, may not benefit from certain protections available to potential victims of modern slavery including receiving a recovery and reflection period. The public order disqualification currently applies to FNOs given a custodial sentence of 12 months or more.

The Bill includes a marker clause (clause 28(3) and (4)) to strengthen the application of the public order disqualification to FNOs. The amendments to clause 28 replace the marker clause so that there is a statutory presumption that the public order disqualification applies to FNOs sentenced to an

immediate custodial sentence of any length.

Ban on re-entry, settlement and citizenship

Under the provisions of the Bill, those who meet the conditions for the duty to make arrangements for removal are also subject to permanent bans on re-entry, settlement and citizenship. As part of these provisions, the Bill provides the Secretary of State with powers to waive each of the bans in certain limited circumstances. Our amendments tighten the operation of these provisions by narrowing the circumstances in which a waiver of the bans can be sought or provided for. We are also providing for these clauses to come into force on Royal Assent.

New powers in relation to electronic devices and identity documents

Alongside the core provisions in the Bill, it is important to ensure that we have the necessary powers to tackle illegal migration more broadly. Mobile phones and other electronic devices may contain a wealth of information which can directly or indirectly facilitate the confirmation of a person's identity and an understanding of their activities. This can assist in determining a person's immigration status or right to be in the UK, as well as in developing the intelligence picture on illegal migration and providing evidence which could be used in criminal prosecutions.

We have therefore brought forward amendments to confer new powers on immigration officers to search for, seize and retain electronic devices (such as mobile phones) from illegal migrants, which appear to contain information relevant to the discharge of their functions, including but not limited to a criminal investigation.

We are also amending section 8 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 to put beyond doubt that a person's credibility should be damaged where they make an asylum or human rights claim but refuse to disclose information, such as a passcode, that would enable access to their mobile phone or other electronic device; or fail to produce, destroy, alter or dispose of any identity document without reasonable explanation, or produce a document which is not a valid identity document as if it were.

With the exception of the new clause on legal aid (which would apply to England and Wales), the amendments addressed in this letter would apply UK wide.

Minister Jenrick and I look forward to debating these issues further as the Bill progresses.

Rt Hon Suella Braverman KC MP

The resignation of Dominic Raab

The Deputy Prime Minister resigned yesterday because a lawyer found against him on two of the eight allegations made. He had promised to resign if there was any finding against and kept his word.

He did not however go quietly or in apologetic mode. Instead he has invited us to have a more general debate about relations between senior civil servants and Ministers. He argues the bar for bullying has now been set so low Ministers will find it difficult to get things done or get the government's will implemented.

He claims that on one occasion when negotiating over Gibraltar he felt a senior official was not following government wishes. On another occasion in the Justice Ministry in a budget meeting he did not feel he was getting the facts he needed to make good decisions. How far should a Minister be able to go in what they say in such circumstances? Is accusing a senior official of poor work in private going too far?