

The First Hundred Days



How the Government can implement the pledges in its 2019 election manifesto

A briefing paper

Foreword by Hon John Howard OM AC



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Foreword

By Hon John Howard OM AC

The Conservative triumph last Thursday was due overwhelmingly to the leadership skills of Boris Johnson. He brought clarity and precision to the campaign. He connected to wide sections of the British public. Johnson gave people hope.

In many ways, this was the election of the forgotten people, as the great Robert Menzies – the founder of the Liberal Party of Australia – might have put it. It was won by the hard-working and ambitious working-class people who simply aspire to a better future for themselves and their children, but who too often feel left behind in a fast-changing world.

They have spoken with a resounding voice. A risky economic revolution has been rejected. The UK's continued support for NATO and the Five Eyes intelligence partnership is safely assured. The public, it seems, realised that the current Labour Party, with its radical socialist agenda, is a very different beast to the one led by Tony Blair, with whom I had a positive working relationship as Australia's Prime Minister from 1996 to 2007.

But how to deliver what the forgotten people want? After my big win in 1996, I was in a similar position to that of Boris Johnson in 2019. Respectfully, I would make a number of observations. Firstly, seize the moment. The First Hundred Days are crucial in setting a direction for the new Government and there are a range of key policy areas where quick wins are possible, this excellent new paper by Policy Exchange sets out.

As a Prime Minister, you never have more political capital than directly following an election victory. Previous leaders, UK, Australian and elsewhere, have regretted not moving more swiftly to reform public services and reshape the inner workings of government. It is also worth remembering that governing is about responding to unexpected events. If there is time to act now, don't assume it will stay that way. For example, I did not know, on becoming Prime Minister of Australia in 1996, that so much of my prime ministership would be about responding to 9/11 and what followed.

Second, be true to your manifesto. The pithy Tory slogan of this election campaign was "Get Brexit done". It worked. Plainly, people who had not previously voted Conservative, in areas that were traditional Labour strongholds, such as the Blyth Valley, were won over and came out for the Tories. This is a remarkable phenomenon and suggests that a fundamental re-alignment of British politics is could be under way, heavily influenced by how people voted in the EU referendum.

For now, it's not rocket science. Those ordinary, forgotten people want public services that work well for them – schools, local transport, hospitals, and police – and they want to see tangible improvement in their everyday lives. If they do, their support will stick, even if vested interests wail in protest. All over the world, sadly, the centre-right experience is

that wherever there is a need for public reform, there will be left-aligned “blobs” to overcome. They make a lot of noise, but they don’t speak for most.

The Conservatives should also prepare themselves for howls of anguish from some on the Left that they have become the new party of the working-class. This is not new. When the original One Nation Conservative, Benjamin Disraeli, allied his party to a greater cross-section of the British community, it wasn’t long before John Stuart Mill was dismissing the Conservative Party as the “stupid party”. But there is nothing stupid about working-class, urban support for Conservatism. In fact, as a great 1960s academic study, *Angels in Marble*, showed, it was always based on two entirely rational beliefs. First, that working-class supporters could rely on the Conservatives for efficient government and expect a fair share of the rewards of it. Second, that they relied on the Conservatives to be the guardian of all things British. Patriotism matters.

There are good lessons here. Boris Johnson was right to focus in his first few months in No 10 Downing Street on “levelling up” the whole of Britain. As a former Mayor of London, he wants to unleash the potential of the less prosperous parts of the country. Efficient government will certainly be needed here: stepping forward with the right investment in transport and other infrastructure where needed, but – as Policy Exchange argues – stepping back with devolution so that decisions are not always not imposed from the top by central government.

The Prime Minister hardly needs me to tell him this, but I sense – as an old friend of the United Kingdom – that the country could do with a healthy dose of optimism right now. A Government that is willing to put the Great back into Great Britain won’t just win public support domestically but will attract international plaudits as well. In the post-Brexit era, Britain must be made as competitive as possible and agree trade deals not just with the EU but with the world’s most dynamic economic region as well, the Asia-Pacific. In the next 100 days, Britain should apply to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, where it will find close friends and allies such as Australia, New Zealand and Japan, willing to make fast progress on trade.

Above all, for Britain and for its standing in the world, the Government should move quickly to end the Brexit gridlock, which it should be able to do by the end of January. Staying true to this manifesto promise will restore a lot of trust in politics at a time when there is increasing doubt that what is promised, and voted for, can actually be delivered.

But drawing a line under the EU referendum – even if there are complex trade negotiations ahead – is the first step here to rebuilding public trust. The Prime Minister will no doubt move quickly to get his Brexit deal approved by MPs and rightly so. Thankfully, the voters have chosen to ensure that his opponents are now outnumbered. In his endeavour, Boris Johnson will carry with him the goodwill of Britain’s many friends around the world.

Hon John Howard OM AC was Australia’s Prime Minister from 1996 to 2007

The Union

The Conservative Party's manifesto pledges	Policy Exchange's priorities
"The UK Shared Prosperity Fund will be used to bind together the whole of the United Kingdom, tackling inequality and deprivation in each of our four nations."	<i>Modernising the United Kingdom:</i> unleash the power of the Union to stimulate local areas through an audacious programme of infrastructure investment, further devolution of powers and celebrating shared values and culture.
"Strengthening the Union... We want to ensure that the UK Government and its institutions are working effectively to realise the benefits of four nations working together as one."	
"The largest cultural capital programme in a century, of £250 million. This will support local libraries and regional museums."	
"Our ambition is for full devolution across England... We will publish an English Devolution White Paper setting out our plans next year."	

Strengthening the Union will be a key task for the new government. The configuration of the Brexit Withdrawal Agreement along with a rising tide of nationalism in Scotland and Northern Ireland means that the Union – driven in part by deep-rooted differences in outcomes between the nations in health, education and prosperity – will be put under considerable strain over the coming months and years. Given the scale and immediacy of the challenge, it is essential that the Government hits the ground running on this issue, pursuing a Grand Strategy to modernise and invest in the United Kingdom – in line with Policy Exchange's 2019 report, *Modernising the United Kingdom*. This has to be a long-term strategy, but there are a number of important things that can be achieved in the first 100 days.

Firstly, the new Government should confirm the date of its first Budget. This is relevant to the Union because local authorities in devolved countries cannot set their budgets until devolved governments have set their budgets. Devolved governments cannot set their budget until the UK Government has first done so.

Secondly, the Government should publish and then respond to the

Dunlop Review into UK Government Union capability. The review focuses on how institutional arrangements can strengthen the Union. The Government's response should consider how to establish and institute shared competence and freedom for the Union to spend in the devolved nations. It should also consider how, during the implementation period of the Brexit Withdrawal Agreement, EU law can be replaced with common UK-wide frameworks in a way that maintains the UK internal market and maximises cooperation between devolved and UK authorities, at the same time as providing regions across the UK a voice in these common frameworks.

Thirdly, the Government should bring forward the National Infrastructure Strategy. This should be designed in a way that improves UK economic cohesion, including through cross-border infrastructure improvements.

Finally, the Government should publish its English Devolution White Paper. This should review the ways in which the Government practically works with and empowers authorities in city-regions. It should also clarify the democratic and accountability criteria that non-metropolitan areas must meet to achieve devolution.

Brexit, Trade and the Budget

The Conservative Party's manifesto pledges	Policy Exchange priorities
<p>“Just as we led the way in opening up trade in manufactured goods in the last two centuries, we should open up trade in services, in which the majority of us work and where most new jobs will be created.”</p>	<p>The UK should adopt negotiating positions that prioritise mutual recognition of professional qualifications, free flows of data, and effective mechanisms for bilateral redress.</p>
<p>“A Conservative Government will give the public services the resources they need, supporting our hospitals, our schools and our police.”</p>	<p>There is room for increased spending. It is essential that the government calibrates any capital investment with the current spending needed to support it, to ensure effectiveness.</p>
<p>“Tailor our trade deals to the needs of British firms and the British economy” and have “80 per cent of UK trade covered by free trade agreements within the next three years, starting with the USA, Australia, New Zealand and Japan.”</p>	<p>What matters in trade is lowering barriers into your own economy: directly cutting costs for consumers and... increasing the competitive pressure that drives up domestic productivity.</p>
<p>“We will start putting our deal through Parliament before Christmas and we will leave the European Union in January.”</p>	<p>The UK must leave the Single Market and Customs Union and offer the other 27 EU nations a deal to carry on trading under existing tariff-free arrangements.</p>

The Conservative Manifesto pledged to “tailor our trade deals to the needs of British firms and the British economy” and to have “80 per cent of UK trade covered by free trade agreements within the next three years,

starting with the USA, Australia, New Zealand and Japan.”

In line with the recommendations of the Policy Exchange report [Global Champion](#), the Government should commit in its first 100 days to maximum openness in trade policy as we leave the EU, by starting to pursue unilateral free trade through eliminating tariffs and reducing non-tariff barriers, and pursuing a pragmatic combination of high quality plurilateral and bilateral free trade agreements.

Trade

The UK should take a pragmatic attitude to securing trade agreements, modelling itself after countries such as Singapore and New Zealand and opening negotiations to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership. The EU approach, in which every agreement must be fully comprehensive, results in slow and often unsuccessful negotiations: instead, the UK should go as far and fast as its partners are willing to in order to secure agreements that are mutually beneficial.

The Government has explicitly placed trade in services as a key post-Brexit trade negotiation priority. The 2019 Conservative Manifesto states: “Just as we led the way in opening up trade in manufactured goods in the last two centuries, we should open up trade in services, in which the majority of us work and where most new jobs will be created.”

In its approach to future trade negotiations, the UK should develop specific objectives relating to liberalisation of trade in services. These should include an emphasis on negotiating agreements on mutual recognition of professional qualifications, free flows of data and developing effective bilateral redress mechanisms. In the first 100 days, the Government should also set the UK diplomatic posts the task of working with their host governments on identifying barriers to trade in services and working together on solutions.

Spending

The Government is committed to an increased programme of public spending. The Conservative Manifesto stated: “A Conservative Government will give the public services the resources they need, supporting our hospitals, our schools and our police.”

There is scope for additional public expenditure on priority public spending programmes and capital investment and public investment in infrastructure, notably focused on the Midlands and the North. The challenge for a programme of increased public spending is that it should deliver practical results. A critical feature of a successful increase in spending will be the calibration of investment spending with current spending to support it. The sequencing of spending to ensure that capital spending on schools and hospitals is matched with current spending to service increased public investment is necessary if it is to achieve its objective. The Government should announce a full comprehensive review of spending that identifies the priorities for public spending and the manner in which

planned investment is supported by planned current expenditure.

Monetary and fiscal policy

In the context of the appointment of the new Governor of the Bank of England, the inflation target should be reviewed and the framework for setting monetary policy reconsidered as part of a wider review of macro-economic policy, including the role of fiscal policy in demand management. The Government should also consider the effectiveness and consequences of implementing and combining fiscal and monetary policy tools to combat the impact of an economic downturn, as well as the effects of Quantitative Easing. At the heart of this review – ordered in the first 100 days – should be an assessment of the role that active fiscal policy should play in managing the economic cycle given the contemporary constraints on monetary policy as a source of economic stimulus.

The future of work

The Government has promised “not to raise the rates of income tax, National Insurance or VAT.” It has also pledged to “raise the National Insurance threshold to £9,500 next year” and an ultimate ambition to ensure “that the first £12,500 you earn is completely free of tax”.

While this is a good start, the Government should go further. It should allow people to keep more of their money and incentivise staying in work at all career stages by, firstly, ending the withdrawal of child benefit once a household income between £50,000 and £60,000 per year is reached, and secondly, end the withdrawal of personal allowances after £100,000. This could be done gradually, and would ensure that there are no “pinch points” on the pay scale where a pay rise could end up costing more in tax.

The Government should promote a capital-owning democracy so that everyone has a personal stake in economic growth by introducing measures that make it easier to save, invest and own capital such as incentivising take-up of Employee Share Ownership Schemes. It should also explore an ‘Unexpected Income ISA’ to incentivise people to save a greater proportion of an unexpected lump sum like a bonus or a redundancy payment by allowing the rolling over of any unused portions of an existing ISA allowance, or bringing forward future allowance.

Energy And The Environment

The Conservative Party’s manifesto pledges	Policy Exchange priorities
“We will free our farmers from the bureaucratic Common Agricultural Policy and move to a system based on ‘public money for public goods’”	<i>Farming Tomorrow</i> : replace the CAP payments with subsidies for environmental goods, in line with the emerging ELM system
“Our first Budget will prioritise the environment: investing ... electric vehicle infrastructure including a national plug-in network and Gigafactory.”	<i>Modernising the UK</i> : announce, in the first Budget, significant seed funding for three new British Gigafactories. We should also announce a more ambitious switch off date for fossil-fuelled vehicles
“We will support gas for hydrogen production and nuclear energy, including fusion, as important parts of the energy system”	We should encourage industrial clusters which stand the best chance for innovation.

The Conservative manifesto promised that “our first Budget will prioritise the environment”. It should do so in a way that galvanises industry to invest in technologies that will propel us to net zero emissions by 2050. Markets have a central role to play in solving climate change and ecological decline, but they require very clear signals from government. This Budget is an early and decisive opportunity to do so.

The timing is especially important, given Glasgow’s hosting of the COP26 climate conference in November 2020, when the UK will need moral authority and practical policy examples to inspire decisive action from the talks.

At this Budget, the Chancellor should:

- Immediately eliminate VAT on critical clean energy technologies such as batteries and solar panels.
- **Announce a Comprehensive Fiscal Review with the aim of aligning all fiscal policies with the Net Zero agenda.** The outcome of the review should be a set of Net Zero principles that apply to all tax and spend policies. This should include a broader

review of VAT, taking advantage of post-Brexit freedoms to ensure all emissions reduction technologies are consistently zero-rated and polluting technologies are standard rated. The review should also consider plans for an economy-wide carbon tax, with border adjustments and dividends (as recommended by Policy Exchange¹), in case current plans for an EU ETS-linked UK ETS do not prove practicable. Finally, it should review subsidies and investments by government that perpetuate fossil fuel use in the UK and abroad.

- **Make good on the Conservative manifesto’s commitments to nuclear, hydrogen and carbon capture, including but not limited to the £800 million promised for a CCS industrial cluster.** Policy Exchange has highlighted the utility of small modular reactors and the importance of concurrent development across different generations of nuclear technologies.² Our work on hydrogen recommended industrial clusters as a way to achieve economies of scale for hydrogen and CCS, creating the environment needed for innovation and wider roll-out.³ Humberside is a good candidate.
- **Be bold and ambitious on electric vehicles.** The Budget should announce a new, more ambitious date for banning fossil-fuelled vehicles, following DFT’s review of the 2040 date. It should announce significant seed funding for three new British battery gigafactories, with the first to open in 2022, so that private sector partners can have confidence to invest. Finally, a new body should be announced and properly funded to co-ordinate EV roll-out, working across departments, regulators, agencies and devolved administrations.⁴
- **Commit to matching projected CAP spending within the emerging ELM payments system,** so that land managers switching their business models can have confidence in making the change.⁵ Establish an Office for Natural Statistics and commission it to conduct the UK’s first natural capital baseline census.
- **Create a Net Zero Skills Fund, which would support further education colleges developing a workforce ready for the transition to Net Zero.** This will give investors the confidence to invest in technologies and techniques, from heat pump maintenance to forest management, knowing that workers will be available to put them into action.⁶

Budgetary implications

The greenest Budget ever will include significant expenditure. It should be in line with preliminary findings from the Treasury’s review of the costs of Net Zero. We encourage HM Treasury to adopt a principle of early investment in no-regrets technologies (such as electric vehicles) where early investment can lower longer-term costs, as well as high-end innovative technology (such as small modular reactors or carbon capture, usage and storage) where the UK’s research and industrial base might deliver a comparative advantage.

1. Burke et al., The Future of Carbon Pricing, Policy Exchange, 2018
2. Rooney, Matthew, Small Modular Reactors, Policy Exchange, 2018
3. J Burke and M. Rooney, Fuelling the Future, Policy Exchange, 2018
4. As argued in (inter al.) Airey et al., Modernising the United Kingdom, Policy Exchange, 2019
5. Lightfoot et al., Farming Tomorrow, Policy Exchange, 2017
6. As argued by Policy Exchange in Airey et al., Modernising the UK, Policy Exchange, 2019

ARPA

The Conservative Party pledges	Policy Exchange priorities
<p>“Some of this new [science] spending will go to a new agency for high-risk, high-payoff research, at arm’s length from government” (Manifesto)</p> <p>“We will invest £800 million over five years for a new research institution in the style of the US ARPA”.⁷</p>	<p>The science budget needs to be given greater priority within public spending. The US (Defence) Advanced Research Projects Agency (DARPA/ARPA) could provide inspiration for a new form of technology policy.</p>

In Policy Exchange’s Report *Modernising the UK* (2019)⁸ we argued that “the science budget needs to be given greater priority within public spending – together with higher priority given to the application and diffusion of technology.” We suggested that the US (Defence) Advanced Research Projects Agency (DARPA/ARPA) could provide inspiration for a “new form of technology policy”.

ARPA’s budget will constitute approximately 2% of the UK’s public sector research spend. To be effective, therefore, ARPA will need to work in such a way that it interfaces effectively with the broader research base, catalysing, leading and stimulating a critical mass of research in critical areas to enable the disruptive breakthroughs that are desired. To do so effectively, ARPA must:

- Have a clear mission to pursue high-risk projects, recognising that many may not pay off.
- Operate with a minimum of bureaucracy.
- Have sufficient independence to be free to fund the best science wherever it is found – yet be suitably accountable to ministers and Parliament.

ARPA’s unique organizational infrastructure and management style has been identified as an essential element of its success⁹. ARPA chose not to conduct research itself, but rather employed specialist programme managers with exceptional freedom to fund the best science and scientists

8. <https://policyexchange.org.uk/wp-content/uploads/2019/08/Modernising-the-UK.pdf>

9. Cloning ARPA Effectively (2009), Erica R. H. Fuchs

7. <https://vote.conservatives.com/our-commitments/investing-in-research-and-development>

as they saw fit to identify it. This ability to function “free from inhibitions and agonising about what governments can and cannot do” was a key feature of its success¹⁰ and should be preserved in any British model.

Although ARPA should tackle the greatest issues facing our society, such as climate change, AI and the ageing population, rather than purely theoretical issues, but it should do so with an explicit mandate to target technological breakthroughs on a 10-20 year time horizon rather than near-to-market research. We also recommend that ARPA should go beyond the proposed remit of artificial intelligence and data to include other areas of scientific endeavour, including biotechnology, advanced engineering and energy technologies.

The Government should take immediate steps to establish a British ARPA including:

- Introduce an ARPA Bill to create the new research institution, as either an Non-Departmental Public Body or independent charity, and define its mission and core objectives.
- Establish ARPA in shadow form within UKRI, appointing a director and key staff to begin spending from 1 April 2020.
- Set out the initial missions that ARPA should focus on and recruit the initial programme managers.

Budgetary implications

The Government has indicated that ARPA would spend £800m. We recommend that spending should begin as soon as possible, in 2020-21, and ramp up to an annual spend of £300m a year by 2022-23, with a total spend across the four years set out in the Manifesto Costing Document as follows:

2020-21:	£50m
2021-22:	£150m
2022-23:	£300m
2023-24:	£300m

10. The Road to 2.4% (2009), David Willetts

Space

Conservative pledges	Policy Exchange Priorities
<p>Prime Minister Johnson’s opening speech on the steps of Downing Street: <i>“Let’s get going now on our own Position, Navigation and Timing satellite and Earth Observation systems: UK assets orbiting in space, with all the long term strategic & commercial benefits for this country.”</i></p>	<p><i>Space: What do we want from the next Prime Minister?</i> We recommend that the Government should formally approve the UK GNSS programme at the earliest opportunity, build a powerful National Space Council Secretariat led by a National Space Adviser reporting to the PM, and finally launch a root-and-branch review of the UK’s entire space enterprise across civil and defence.</p>

The Government should formally approve the UK Global Navigation Satellite System (GNSS) programme. An official and definitive top-level announcement should be made at the earliest opportunity – even before all technical details are in place – in order to give certainty to industry and build momentum behind a new national ambition in this domain. Establish a specialist joint delivery unit for the GNSS programme, reporting directly to the National Space Council, which could subsequently evolve into a full-fledged *Space Acquisition & Procurement* capability to serve cross-government space systems & services requirements.

The UK should build a powerful National Space Council machinery – a permanent Space Secretariat – to serve as the central “brain” and authority for all UK space activities and policy. The head of this secretariat should also function as the National Space Adviser to the Prime Minister and provide the focal point for cross-government coordination, spanning both the civil and defence areas, as well as for industry engagement.

Launch a root-and-branch Review of the UK’s entire space enterprise and capabilities across the civil and defence sectors, as a *crucial first step* in developing the long term UK National Space Strategy. The Review process should be managed by the National Space Council and should include a distinct focus on the UK’s space industrial base. The Review should also

address as a matter of priority the institutional arrangements for space policy- and decision-making across government, including: ministerial representation for the space portfolio; the role of the UK Space Agency; and the final institutional parameters of the *Space Acquisition & Procurement* capability indicated above. The Review process should lead on to the National Space Strategy process (which will likely fall outside the first 100 days of the new government).

This Government should establish an initial version of a National Space Programme (NSP), separate from UK's ESA involvement, in order to support the industry in the short term and attract further investment. However, the final purpose, outline, and long-term funding commitments associated with the NSP should await the outcome of the National Space Strategy process. The final form of the NSP must reflect a new approach in UK space policy where industrial interests are subordinated to national-strategic interests as determined by the National Space Council, not the other way around.

Launch a UK-led international space alliance on space sustainability and announce a Global Summit on Space Debris in London for later in 2020. The government should seize the initiative and take a global leadership role on this particular issue, as one of the few countries in the world which can move the dial in international affairs.

Create powerful space innovation hubs to turbocharge regional space industries. This should build on the Satellite Application Catapult's national network of existing but heavily under-developed Centres of Excellence (in Scotland, the North East, East Midlands, South West and South Coast).

Increase funding for the Space for Smarter Government Programme (SSGP) to boost local authorities' uptake of space-enabled solutions, with all the benefits for local economies and public service quality and operational efficiency.

Establish a UK Space Business Fund (SBF) to support FDI in national and regional space sector areas, as well as home-grown companies and make the UK the world's leading destination for space investments.

Fund a target-driven Space Skills Initiative bringing together government, academia and business. It must have a clear focus on growing the skills, knowledge and expertise necessary for a thriving national space technology innovation programme.

Housing

The Conservative Party's manifesto pledges	Policy Exchange priorities
<p>“Beautiful, high-quality homes. We will ask every community to decide on its own design standards for new development, allowing residents a greater say on the style and design of development in their area.”</p>	<p><i>Building Beautiful:</i> increasing building rates by incentivising new development of a design and style the public support.</p>
<p>“Enabling councils to use developers’ contributions via the planning process to discount homes in perpetuity by a third... Councils could use this to prioritise key workers in their area, like police, nurses and teachers.”</p>	<p><i>Revitalising Key Worker Housing:</i> supporting vital public sector workers with affordable homes.</p>

The final report of the *Building Better, Building Beautiful* Commission should be published in the new government’s first 100 days. This is an area of cross-party consensus. In its response to the Commission’s report, the Government should do two things in particular. Firstly, it should aim to engender an industry of ‘place makers’ rather than just housebuilders. Developers should be incentivised to take a long-term financial interest in what they build, adopting a ‘stewardship’ role where their development’s residential value is dependent on its long-term beauty and sustainability. Secondly and relatedly, the Government should progress with its ambition to overhaul the planning system. This overhaul should focus on how planning policy can incentivise more beautiful development at the same time as: 1) reducing the risk and cost inherent in the planning process, 2) enabling more residential and commercial space to be allocated where it is required; and, 3) rebalancing power away from the ‘noisy minority’ and towards the wider public.

The Government should revitalise Key Worker Housing. It should produce a strategy for securing the support of local planning authorities and lenders, both of which are essential to delivering the discounted homes pledge. To help Key Workers who are not in a position to buy a home, the Government should also announce that the next Affordable Homes programme will allocate more capital grant funding to schemes that provide a significant proportion of sub-market rental homes reserved

for local Key Workers.

A more effective London Plan is required. Before the election, independent inspectors said the Mayor of London's strategy for future development in the capital (the *London Plan*) needed major changes, not least a commitment to reviewing where Green Belt land can be released for development. If the Mayor does not accept the inspectors' recommendations, the Government has six weeks to decide whether to force through the changes by legal means. We believe it should do so with confidence. Soon after an election victory, now is the right time politically to address the urgent need to release more low-quality Green Belt land in places of high demand. As Policy Exchange argued in its *Tomorrow's Places* report, this should be done in coordination with places around London as well as the capital itself. The objective should be building beautiful new developments on the edge of London.

The Government should reject the Mayor of London's call for new powers to implement rent controls in the capital. Such a policy would have significant negative long-term implications for the health of London's housing market. Economists from the left and right agree that rent controls result in worse quality housing and increased housing shortages. London's private rental sector already struggles on these measures and the Mayor's proposals will only make it worse. Furthermore, the abolition of Section 21 of the Housing Act 1988 will already bring about significant change to landlord behaviour and the wider rental market. The implications of this policy ought to be assessed before bringing further fundamental change to London's rental market.

Health And Social Care

The Conservative Party's manifesto pledges	Policy Exchange priorities
<p>“We need a long-term solution for social care” (1) £1 billion of extra funding every year, (2) “urgently seeking a cross-party consensus”, (3) “a guarantee that no one needing care has to sell their home to pay for it”.</p>	<p><i>21st Century Social Care</i>: we should ensure that social care is provided free at the point of use, like the NHS.</p>
<p>“£1 billion of extra funding every year”</p>	<p>Policy Exchange recommends a more generous funding settlement for social care, given its salience and urgency.</p>
<p>“Urgently seeking a cross-party consensus” on social care</p>	<p>A Government negotiating team, with representation from HMT, DHSC, and MHCLG, to bring forward talks for cross-party consensus, should be established.</p>
<p>“a guarantee that no one needing care has to sell their home to pay for it”</p>	<p>Our recommendation of social care that is free at the point of use would ensure that no one ever had to sell their home to pay for social care.</p>

The Conservative manifesto doubled down on existing Government health policy, particularly plans to lock-in the NHS Long Term Plan funding settlement in legislation. Alongside this, high-profile commitments were made on recruiting and retaining more staff, increases in GP appointments and new capital investment, through new hospital builds, upgrades and seed funding for new developments.

On social care, the party pledged five years of £1 billion-a-year funding increases, a pledge that no-one should have to sell their home to pay for care and a commitment to cross-party talks to develop a long-term solution.

The party presented a broad outline for a new public health strategy

to support the alleviation of demand on health services and to empower people with lifestyle conditions such as obesity to live healthier lives as well as tackling childhood obesity, heart diseases and diabetes.

Policy Exchange's social care report *21st Century Social Care* sets out a solution to long-term social care funding reform that the Government should re-examine in the light of the election. This would see social care provided like the NHS free at the point of use for those who need it. This would stop people having to sell their home to pay for care, enable greater integration between health and social care, be affordable (at 0.5% of gross national income) and complete the welfare state.

Policy Exchange's new NHS work programme will explore the accountability of the NHS system and what is needed on the next stage of health service reform to ensure the new investment delivers for patients and staff. Our work programme on public health and prevention will look at how new technology and interventions can enable a more targeted approach to public health policy that balances the role of state with that of the individual, addresses health inequalities and supports improved health and wellbeing.

In the first 100 days the Government should deliver a triple lock on social care. This triple lock should include:

- A clear Government political negotiating team and mandate, set up to have the best chance of building cross-party consensus – we suggest political representation from number 10, HMT, DHSC and MHCLG as a quorum for such talks.
- A clear timetable for talks to deliver – we suggest such talks should conclude by the autumn of 2020 at the latest.
- A commitment that if a solution is not forthcoming by the autumn party conference, that the Government will consult the public on options for social care reform that ensure no one has to sell their home to pay for care.

On the NHS the Government should bring forward a Health Bill that delivers improved democratic accountability alongside the plans of the NHS to improve its operational effectiveness to deliver the Long-Term Plan commitments.

In public health, the Government should respond to the prevention green paper and set out a timetable for delivering agreed commitments within it, potentially through a white paper if necessary.

Academic Freedom And Free Speech

The Conservative Party's manifesto pledges	Policy Exchange priorities
<p>"We will also strengthen academic freedom and free speech in universities"</p>	<p>In <i>Academic Freedom</i> in the UK, we propose a framework for policy development, by which universities, civil society, the UK Government and Parliament may strengthen academic freedom and free speech.</p>

The Conservative Manifesto stated: "We will also strengthen academic freedom and free speech in universities." Policy Exchange's report, *Academic Freedom in the UK* (2019)¹¹ found there is evidence of a significant chilling effect on university campuses. Only four in 10 Leave-supporting students said they would feel comfortable sharing their views on campus, while more students than not believed that Jordan Peterson and Germaine Greer should not have been allowed to obtain a fellowship or speak. These findings were confirmed by a study by the Policy Institute at King's College London¹², which found that approximately a third of Conservative and more than half of Brexit Party students felt unable to share their views, and 26% of students believed it was acceptable to use violence against certain forms of speech.

Despite the cause for concern, our study also shows a significant proportion of students are consistently supportive of academic freedom and free speech. The views of many are being suppressed by a highly active and vocal minority that has been willing on occasions to use violent and intimidatory tactics to shut down others¹³. There is also evidence that similar constraints on academic freedom apply at the faculty level, with a number of events being cancelled for security reasons¹⁴, campaigns to sack or disinvite academics¹⁵ and anecdotal accounts of junior faculty avoiding certain research topics or conclusions for fear of negatively impacting their career. A forthcoming piece of research by Policy Exchange will probe and quantify the extent of this problem.

13. For example: <https://www.independent.co.uk/student/news/king-s-college-london-launches-urgent-investigation-after-pro-israel-event-attacked-by-pro-palestine-a6825116.html>

14. For example: <https://www.thetimes.co.uk/article/trans-rights-activists-halt-gender-debate-at-essex-university-9f9sh5r3q>

15. Including, among others, Nigel Biggar, Noah Carle, Jordan Peterson and Kathleen Stock.

11. <https://policyexchange.org.uk/wp-content/uploads/2019/11/Academic-freedom-in-the-UK.pdf>

12. <https://www.kcl.ac.uk/policy-institute/assets/freedom-of-expression-in-uk-universities.pdf>

A policy to protect academic freedom should be pursued both through non-legislative measures, by making better use of the existing powers of the Office for Students (OfS), and through a new Act that would strengthen the protections for academic freedom and free speech on campus.

In the first 100 days the Government should:

- Introduce an Academic Freedom and Free Speech on Campus Bill that would:
 - Establish beyond doubt in law that the rights of free speech and academic freedom are unfettered by whether or not some individuals may find the ideas and opinions expressed unwelcome, disagreeable, or even deeply offensive¹⁶.
 - Extend the existing statutory duty to ensure freedom of speech and academic freedom to include Student Unions, and give the OfS the power to fine them in case of breach.
 - Establish that breach of an individual's right to free speech or academic freedom constitutes a statutory tort.
 - Create the statutory role of National Academic Freedom Champion within the Office for Students, with the power to investigate allegations of academic freedom or free speech violations and lead on the imposition of sanctions where appropriate.
- Issue guidance to the Office for Students requesting it to:
 - Consider how its conditions of registration can be amended to ensure universities are fully complying with their legal requirements to protect free speech and academic freedom.
 - Impose an obligation on universities to have a senior person responsible for protecting academic freedom, and to have an Academic Freedom Code of Practice.
 - Clarify that the protections for academic freedom apply to all of an academic's work and activities, not merely peer reviewed papers.

16. The wording used in the 'Chicago Principles' on academic freedom. <https://provost.uchicago.edu/sites/default/files/documents/reports/FOECommitteeReport.pdf>

Police

The Conservative Party's manifesto pledges	Policy Exchange priorities
"Start recruiting 20,000 new police officers"	<i>Rekindling British Policing:</i> Allocate additional police between regional and national forces, using 2-4,000 to bolster the National Crime Agency and the remaining to re-establish neighbourhood policing. Provide additional incentives to boost applications and retention.
"We will strengthen the National Crime Agency so it can tackle the threats we face, from fraud, county lines gangs and child sexual abuse to illicit finance, modern slavery and people-trafficking."	

The Conservative Manifesto

The Prime Minister has placed the recruitment and deployment of 20,000 new police officers at the heart of Conservative policy on crime. Further measures intended to cut crime were highlighted in the manifesto, including equipping more officers with tasers and body cameras, increasing the use of new technologies to combat crime and increasing the use of stop and search on those convicted of knife crime. Both Police and Crime Commissioners and the National Crime Agency (NCA) are to be strengthened, while measures will be taken to counter the increase in cyber crime.¹⁷

Evidence from Policy Exchange

In the report, *Rekindling British Policing*, Policy Exchange suggested a range of ideas to ensure that the 20,000 new police officers are effectively and efficiently deployed.¹⁸ The Home Secretary should use the National Policing Board to set both national and regional plans for how these police officers can be used to reduce crime, with a particular focus on a 'whole system' approach, which bolsters the numbers of both regional and national police forces.

Restoring neighbourhood policing, which would require around 80% of the uplift in officer numbers (16-18,000 officers), will be a key element of regional strategies to reduce crime. Nationally, the remaining 2-4,000 police should be allocated to the NCA, who have been unable to turn their

17. The Conservative 2019 Manifesto

18. Policy Exchange, *Rekindling British Policing*, 13 August 2019

significant intelligence into reductions in serious and organised crime, due to a lack of resources.

Aside from the national advertising campaign, to ensure that these ambitious recruitment targets can be met amid high national employment levels and a recent decline in applications, it will be necessary to create a standardised application process and provide additional incentives to applicants, including housing allowances in areas such as London and the South-East. Tackling crime in the future will also be heavily dependent on the police forces use of technology. The Home Office should establish a Police Technology Innovation Hub in collaboration with the private sector, to keep up with the ever more pervasive role of technology in society, as well as to develop new innovative solutions to fighting crime.

The recruitment of 20,000 new police officers will occur over 3 years.¹⁹ The Home Office target for the first year is 6,000 new police officers, with the remaining 14,000 to be recruited over the subsequent two years. In the first 100 days, it will be critical that the Government meets the target established in October 2019, of having delivered the first 2,000 officers by March 2020.²⁰ The Government should abolish the requirement that all new police officers must be graduates, ending the fetishisation of academic ability and recognising that the police force is best served by individuals with a broad diversity of skills and talents.

Furthermore, this is an important opportunity for the Government to lay the groundwork that will allow them to achieve these targets and effectively fight crime in the future. The National Policing Board should therefore conduct a national review into the obstacles facing the police force in terms of recruitment and retention. Conducting this review in the first 100 days will allow the Government to act on these recommendations in time to meet the recruitment objectives over the course of the three-year period. Furthermore, the Government should embark on establishing a Police Technology Innovation Hub in this period, so that new officers have the tools required to effectively fight 21st century crime.

Of the £1 billion increase in police funding for 2019 to 2020, £750 million is being provided by the Treasury for the recruitment (including training and kit) of the first 6,000 police officers by the end of 2020 to 2021.²¹ Additional funding will be required for the national review into recruitment, as well as a combination of public and private sector funding for the Police Technology Innovation hub.

Police officers need to live near the place they work. It is important they understand and reflect the diverse communities they serve. More should therefore be done to support officers who are struggling with housing costs and having to live and commute from ever further away. To this end, the Government should revitalise Key Worker Housing and increase the stock of affordable homes reserved for police officers.

19. GOV.UK, Home Office announces first wave of 20,000 police officer uplift, 9 October 2019

20. The Guardian, Third of promised police funds to be kept back for recruitment, 4 November 2019

21. GOV.UK, Home Office announces first wave of 20,000 police officer uplift, 9 October 2019

The Fixed-Term Parliaments Act 2011

The Conservative Party's manifesto pledges	Policy Exchange priorities
"We will get rid of the Fixed-term Parliaments Act."	Replace the Fixed-term Parliaments Act with a bill that grants the Prime Minister ultimate responsibility (subject to the Sovereign's role) to decide on the dissolution of Parliament and the holding of a general election, and ensures that it is outside the jurisdiction of the courts "to impeach or call into question" the PM's discharge of that responsibility.
"We will set up a Constitution, Democracy & Rights Commission."	

The Conservative Party manifesto promises to “get rid of the Fixed-term Parliaments Act – it has led to paralysis at a time when the country needed decisive action”. This analysis is correct. Policy Exchange has drawn attention to the perverse dynamics to which the Act has contributed – and has proposed its repeal. The prevention of paralysis in the nation’s affairs requires the responsibility for avoiding such a paralysis, and for remedying it if it occurs, to rest with the Prime Minister alone (subject to the views of the Sovereign as the ultimate arbiter of fair play in the UK constitution). The House of Commons as a body has proved that it is incapable of carrying that responsibility, partly at least because it is clear it cannot, collectively, be held accountable for any failure to discharge it.

Fulfilment of this promise need not wait on the proposed Constitution, Rights & Democracy Commission, and should not. Its implementation should be part of the baseline for the Commission’s work. If further changes are needed as part of a larger package, they can be implemented in due course. In the meantime, the Government’s priorities in its first 100 days should include the relatively straight-forward Bill needed to restore the balance of the constitution and the workability of its fundamental concept, “the confidence principle”. The Bill will also need to overturn the judicial aberration in the Miller (No. 2) case (“the prorogation case”), which puts those things at risk. It is important to legislate now while the problem of political paralysis remains fresh in the mind.

In practice a promise to “get rid” of the 2011 Act can be only shorthand for something more detailed. The intention is to restore the position to what it was before 2011. However, just repealing the Act does not have that effect. It will not revive the previous law (ss. 15 and 16 of the Interpretation Act 1978). The new Bill will have to say what will replace the 2011 Act. While the Bill might simply say expressly that the law in future is to be the same as it was before the 2011 Act, as if that Act had never been passed, this would not be sufficient to avoid future paralysis.

The previous law took for granted the otherwise settled legal position that the exercise of the prerogative of dissolution was non-justiciable and was a matter purely between the Prime Minister and the Sovereign. The Prime Minister was accountable ultimately to the electorate for decisions on those matters. After the prorogation case, there must be a very real risk that restoring the prerogative power to dissolve Parliament on the advice of the Prime Minister would result in political litigation in relation to election decisions. Prorogation was an almost invariable preliminary to a dissolution and the general thrust of the Supreme Court’s judgment was to arrogate the role of the Sovereign, as the appropriate regulator of how constitutional prerogatives should be exercised, to the courts.

It is essential that the role of the Sovereign is restored, as a more effective incentive to self-restraint on politicians than the resort of the opposition to litigation. It is clear that no opposition would feel the need to exercise any self-restraint in resorting to litigation whenever there was a chance of procuring some judicial dicta that might do political damage their political opponents.

So the Bill will need both to make clear that the Prime Minister is to have ultimate responsibility (subject to the Sovereign’s role) to decide on the dissolution of Parliament and the holding of a general election and to ensure that it is outside the jurisdiction of the courts “to impeach or call into question” the PM’s discharge of that responsibility.

It is important that any exclusion of the court’s jurisdiction should not be capable of being circumvented by indirect intervention by the courts in other processes of government. So, the exclusion will need to extend to other related constitutional prerogatives for which only political accountability is appropriate – that is, to prorogation, to the appointment, resignation and dismissal of the Prime Minister and other Ministers, and to government formation more generally. Also, in the light of the prorogation case, any Bill will need also to rule out indirect challenges made either by reference to advice to dissolve or to the exercise of any of the other related constitutional prerogatives, or by reference to any other preliminary or other steps taken in any such connection.

Further questions about whether anything new should be done to secure the supposed benefits of the 2011 Act (which included ensuring governments have more time to implement their programme before they turn to election preparations and that the system encourages stable and effective government even where there is a “hung” Parliament) should be left to the proposed Commission.

Constitution, Democracy, and Rights

Conservative Pledges	Policy Exchange Priorities
<p>“After Brexit we also need to look at the broader aspects of our constitution: the relationship between the Government, Parliament and the courts; the functioning of the Royal Prerogative; the role of the House of Lords; and access to justice for ordinary people. The ability of our security services to defend us against terrorism and organised crime is critical. We will update the Human Rights Act and administrative law to ensure that there is a proper balance between the rights of individuals, our vital national security and effective government”</p>	<p>The Judicial Power Project, launched in 2015, has been providing comprehensive examination of the role of courts in policy. We argue that the Human Rights Act has been misinterpreted, and Parliament should not shy away from amending it. Within 100 days, the membership of the Commission on Constitution, Democracy, and Rights should be announced.</p>

The Conservative Party manifesto recognises a responsibility to examine how our constitution is working and to act to maintain – or restore – trust in parliamentary democracy, saying:

“After Brexit we also need to look at the broader aspects of our constitution: the relationship between the Government, Parliament and the courts; the functioning of the Royal Prerogative; the role of the House of Lords; and access to justice for ordinary people. The ability of our security services to defend us against terrorism and organised crime is critical. We will update the Human Rights Act and administrative law to ensure that there is a proper balance between the rights of individuals, our vital national security and effective government. We will ensure that judicial review is available to protect the rights of the individuals against an overbearing state, while ensuring that it is not abused to conduct politics by another means or to create needless delays. In our first year we will set up a Constitution, Democracy & Rights Commission that will examine these issues in depth, and come up with proposals to restore trust in our institutions and in how our democracy operates.”

This paragraph makes out an important and welcome commitment. It chimes with the consistent argument of Policy Exchange's Judicial Power Project that the expansion of judicial power puts the balance of the constitution in doubt and that litigation in some cases has wrongly become politics by another means. The Supreme Court's prorogation judgment was a recent, startling example of judicial lawmaking, which compromises the integrity of the political constitution. It should be reversed, for future cases, by legislation. The Human Rights Act confers responsibilities on UK courts which they lack the democratic legitimacy and the institutional competence to discharge effectively, and the Act has been misinterpreted in important ways, wrongly expanding its reach and enabling courts to second-guess and quash government policy and to denounce legislation.

Parliament is responsible for the state of the law and should consider changing the law in response to the extension and expansion of judicial power and in this way uphold the rule of law, good government, and parliamentary democracy. Policy Exchange's work makes clear that it is perfectly proper for the Government to invite Parliament to respond legislatively to judicial misinterpretation of statute or to any improper expansion of the law of judicial review or other judicial law making. There is also no legal or constitutional reason preventing Parliament from reviewing and amending the Human Rights Act. In principle, it could simply repeal it. Legislation to change the law does not undermine the independence of the courts, which is a pillar of the constitution.

In its first 100 days, the Government should finalise the terms of reference of the Constitution, Democracy & Rights Commission and announce its membership. The Government should avoid the example of the Commission on a Bill of Rights, set up by the Coalition Government in 2011, many members of which were enthusiasts for an expansive judicial role. The members of the Constitution, Democracy & Rights Commission should include lawyers and non-lawyers, with expertise in constitutional law and practice, but should be united by a shared appreciation of the UK's traditional constitution. The Commission's brief should be to propose reforms that may serve to restore the balance of the constitution and to make the intellectual case for them.

The Commission will have important work to do but the Government should not wait on the conclusion of its deliberations before acting to repeal the Fixed-term Parliaments Act and to amend the Human Rights Act to protect UK forces. The Government should stand ready to propose legislation in response to judgments that misapply the law or apply statutes in ways that depart from the original intentions of Parliament. The Government should move quickly to propose legislation to restore the ministerial veto in the Freedom of Information Act 2000, overruling the Supreme Court's 2015 decision (concerning the Prince of Wales's letters to ministers) which put that veto in doubt.

Updating the law of treason

Conservative Pledges	Policy Exchange Priorities
<p>“Examine the legal framework for all security forces operating at home and abroad. Security forces are often hampered by outdated laws that constrain action and were written before modern technologies were invented” (Prime Ministerial Speech, 1st December)</p>	<p>Aiding the Enemy (2018): Policy Exchange made the case for restoring the Law of Treason. There is no secure ground on which to try people for treason, including UK citizens who fight for hostile non-state actors. A new Treason Act would change this.</p>

On 1 December, the Prime Minister announced that the Government, if returned to office by the British people, would “undertake the deepest review of Britain’s security, defence, and foreign policy since the end of the Cold War”. Part of the remit of the review will be to:

“Examine the legal framework for all security forces operating at home and abroad. Security forces are often hampered by outdated laws that constrain action and were written before modern technologies were invented. Terrorist groups here and abroad exploit legal loopholes. British laws on, and monitoring of, foreign takeovers of advanced technology companies are obsolete. Our treason laws also must be updated to deal with transnational terrorist groups.”

The need to update the UK’s treason laws was made clear in Policy Exchange’s report, *Aiding the Enemy: How and why to restore the law of treason*. The report brought to public attention the problem that the ancient law of treason had become unworkable. The Treason Act 1351 has been overtaken by changes in modern social and political conditions and is no longer a secure ground on which to mount prosecutions. Yet betrayal of our country by aiding its enemies remains a very serious wrong, which the law should recognise and punish severely. The report has been discussed with approval in both Houses of Parliament and welcomed by the then Home Secretary, Sajid Javid. The law of treason should be updated to apply to UK citizens, and others who are permitted to live in the UK, who choose to aid non-state groups that are fighting UK forces or intend to attack the UK. The law of espionage fails to recognise the problem of UK citizens and others aiding hostile states and terrorism law fails to recognise the wrongfulness of aiding groups that intend to attack the country. Those who choose to aid this country’s enemies should be

liable to conviction for treason and in most cases should be sentenced to life imprisonment.

In its first 100 days, the Government should set in motion the review of Britain's security, defence and foreign policy. However, it should not wait on the conclusion of that review to introduce legislation to the Houses of Parliament to update the law of treason. The Government should include a Bill to this effect in the Queen's Speech on 19 December.

Policy Exchange's July 2018 report explains how the law of treason should be reformed and set out a draft statute that Parliament might consider. The draft addresses the questions that need to be answered before the law of treason can responsibly be updated and takes into account recent legal changes in Australia, as well as the law in Canada and New Zealand. The report's draft formed the basis of amendments to the Counter-Terrorism and Border Security Bill, which were considered briefly in the House of Lords. The Government should take up this draft legislation and propose a more detailed Bill, which should apply not only to those who aid transnational terrorist groups but also to those who aid hostile states and thus knowingly compromise UK security.

Reform of the law of treason is important. It will inevitably be controversial, but this should not deter the Government from acting responsibly to improve the UK's legal framework, to vindicate the duties we each have to one another, and to secure the defence of the realm. However, the Government should make sufficient time for its legislative proposals to be carefully considered and debated. Therefore, while the Government should publish a draft Bill within its first 100 days, it should not aim to secure the passage of that Bill through both Houses in this timeframe.

Protecting UK forces from lawfare

Conservative Manifesto Pledges	Policy Exchange Priorities
“continue to seek better ways of dealing with legacy issues that provide better outcomes for victims and survivors and do more to give veterans the protections they deserve”	<i>Protecting those who serve:</i> The Human Rights Act should be amended, so that its impact is limited to acts that have taken place after it came into force (October 2000), and to acts that occurred within the United Kingdom (with some limited exceptions)

The Conservative Party manifesto includes commitments to “continue to seek better ways of dealing with legacy issues that provide better outcomes for victims and survivors and do more to give veterans the protections they deserve” and to “introduce new legislation to tackle the vexatious legal claims that undermine our Armed Forces and further incorporate the Armed Forces Covenant into law.” On 11 November, the Defence Secretary announced that if the Government returned with a majority it would introduce legislation to amend the Human Rights Act 1998 to prevent its retrospective application to the Northern Ireland Troubles.

Policy Exchange has published extensively on the problem of lawfare against UK forces, including especially the plight of personnel, serving or retired, who are subject to unfair legal processes. In his remarks on the Today Programme on 11 November, the Defence Secretary relied on evidence that Professor Richard Ekins, Head of Policy Exchange’s Judicial Power Project, had submitted to the Defence Committee, explaining how and why the Human Rights Act should be amended. In a report published in June this year, endorsed by Boris Johnson MP before his appointment as Prime Minister, Policy Exchange set out a number of recommendations to protect UK forces, including legislative proposals that would help restore the primacy of the law of armed conflict and protect UK forces, especially those who served in Northern Ireland, from unfair treatment.

In its first 100 days, the Government should introduce a Bill to amend

the Human Rights Act, limiting its application, first, to acts taking place after the Act came into force on 2 October 2000 and, second, to acts taking place within the United Kingdom (or in very limited circumstances outside the United Kingdom). This legislation would be denounced by some human rights lawyers as a transgression of fundamental rights; in reality, it would simply restore the law as understood by our leading judges, including the late Lord Bingham, until recent years.

The Government should also introduce legislation to provide particular protection to UK forces who served in Northern Ireland. This legislation should prohibit investigations or prosecutions of past incidents that have already been investigated unless and until the investigating and prosecuting authorities can persuade a court that compelling new evidence has arisen and that further investigation or prosecution would be in the interests of justice. It should require the consent of the Attorney-General of England and Wales before prosecutions are brought against serving or retired UK forces. Legislation should also forbid investigations or prosecutions in cases alleging unreasonable use of force in defence of another or in performance of an arrest unless and until the Attorney-General for Northern Ireland certifies that in his opinion there was no honest belief that the force used was necessary.

This legislation would have next to no budgetary implications. It would provide assurances to UK forces against unfair legal pursuit, while still preserving, rightly, the option of prosecution in cases when genuinely fresh evidence comes to light. It is not technically complex and should be announced in the Queen's Speech on 19 December and enacted soon thereafter.

Amending the territorial reach of the Human Rights Act will help restore the primacy of the law of armed conflict in relation to future operations abroad. The Government should also derogate from the European Convention on Human Rights when undertaking such operations and should introduce legislation imposing a legal duty on the Government to derogate in this way.

The Government should act to resist the judicialisation of war by using existing ministerial powers to restore Crown immunity in relation to the law of tort, preventing negligence suits against the Ministry of Defence in relation to deaths on operations. The Government should also commit to full compensation for the families of personnel killed on operations.



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