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19 January 2022**

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**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES  
(HANSARD)**

**Wednesday 19 January 2022**

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# House of Commons

*Wednesday 19 January 2022*

*The House met at half-past Eleven o'clock*

## PRAYERS

[Mr SPEAKER in the Chair]

## Oral Answers to Questions

### COP26

*The President of COP26 was asked—*

#### Paris Agreement Temperature Goal

1. **Colum Eastwood** (Foyle) (SDLP): What progress he made at COP26 on ensuring the Paris Agreement temperature goal of limiting global warming to 1.5 degrees Celsius remains achievable [905158]

**The COP26 President (Alok Sharma):** The Glasgow climate pact agreed by almost 200 countries is a historic agreement that advances climate action. It was the result of two years of marathon work and a two-week sprint of negotiations, following which the world can creditably say that we have kept within reach the goal of limiting global warming to 1.5° above pre-industrial levels. But to keep 1.5 alive, commitments must be translated into action.

**Colum Eastwood:** The Minister will be well aware that Northern Ireland has a huge farming and agriculture sector. What funding will his Government give to that sector to allow us to get to net zero much more quickly?

**Alok Sharma:** As the hon. Gentleman will know, the Department for Environment, Food and Rural Affairs is doing an enormous amount to tackle the issues in respect of net zero. On the COP itself and the joint work we are doing around the world, we have put in place a number of mechanisms that we will continue this year, particularly when it comes to sustainable development.

**Alberto Costa** (South Leicestershire) (Con): Given that the Centre for International Environmental Law states that plastic pollution and global warming are linked, does the Minister agree that we need to do far more to tackle the scourge of microplastic and microfibre pollution in our marine environment?

**Alok Sharma:** My hon. Friend raises an important point. He knows that in some of these policy areas we are leading the world, and he will also know that we have been leading the effort to get countries to make the 30by30 commitment to protect our oceans and, of course, our lands.

**Darren Jones** (Bristol North West) (Lab): The COP President has not set out which countries are his priority for enhanced nationally determined contributions in the run-up to COP27; will he do so?

**Alok Sharma:** As the Chair of the Business, Energy and Industrial Strategy Committee knows, all countries have committed to come back to their 2030 emissions-reduction targets by 2022, if necessary. Of course, the G20 is responsible for 80% of global emissions and will have to lead the way.

**Philip Dunne** (Ludlow) (Con): Important steps were made at COP26 but some were left incomplete. In my right hon. Friend's remaining time as COP President, until November, on what particular item will he seek to make the most progress?

**Alok Sharma:** My right hon. Friend is right: a whole range of commitments were made, some of which will continue beyond the end of 2022. As I said, a key commitment was for countries to revisit their emissions-reduction targets by the end of 2022. We will work with the COP27 presidency from Egypt to ensure that countries deliver.

**Edward Miliband** (Doncaster North) (Lab): Two months on from the COP, there is a worrying lack of momentum in this pivotal year, and it could get worse if we learn the wrong lessons from the energy crisis. Does the COP President agree that the lesson is not that, as some in his party would say, we are moving too fast on green energy, but the opposite: we are moving too slowly and our dependence on fossil fuels leaves us vulnerable? The only way, therefore, to keep 1.5 alive and provide energy security is to go further and faster on the climate transition.

**Alok Sharma:** The right hon. Gentleman will know that the UK wants to have a managed transition to net zero, including in our energy mix. He will also know that under this Government we have led the world in offshore wind and that this Government are delivering investment in nuclear to ensure that we increase our baseload.

**Edward Miliband:** Consumers looking at their energy bills will ask, "If it is going so well, why are our bills rocketing and why are we so vulnerable?" We can keep 1.5 alive only if we have an energy policy that is fair at home and abroad. Many of the fossil fuel companies have made billions as a result of soaring prices, yet the Government say we should not tax them further because they are struggling. Is not the truth that we are only ever going to meet the Paris agreement if we stand up to vested interests, including the oil and gas companies, and that the fair and right approach is a windfall tax to help with the real struggles faced by the British people?

**Alok Sharma:** We want to see more private sector investment in offshore wind and, indeed, in renewables and the increasing of our green baseload. The right hon. Gentleman will have seen that in the net zero strategy we have set out a plan for an extra £90 billion of investment from the private sector. That is flowing in because of the actions of this Government.

**Deidre Brock** (Edinburgh North and Leith) (SNP): Our young people have led the fight for tougher climate change pledges, so the world at least does not breach 1.5° of warming. To support their activism, Scotland recently hosted the UN Climate Change Conference of Youth ahead of COP26, has unveiled almost £1 million for a programme for young people in the climate conference and legacy activities, and has signed up to the UNICEF declaration on children, youth and climate change, along with countries such as Norway, the Netherlands and Peru. The UK Government have not signed up to that declaration. Will they, and when?

**Alok Sharma:** I certainly agree with the hon. Lady that we absolutely need to ensure that the voices of young people are heard loud and clear—and indeed they were at COP26, both in terms of civil society and youth groups. For the first time ever, leading into that COP, we set up a civil society youth advisory group that helped us plan for the conference and identify the issues to take forward. We will continue to engage with young people in civil society during our presidency year.

#### **COP26 Commitments: Government Procurement**

**2. James Daly** (Bury North) (Con): Whether he has had discussions with Cabinet colleagues on the potential contribution of Government procurement to delivering on COP26 commitments. [905159]

**The COP26 President (Alok Sharma):** As my hon. Friend knows, the Government put in place a new procurement policy that underlines the UK's global leadership in tackling climate change. Prospective suppliers bidding for contracts above £5 million a year must now have committed to the Government's target of net zero by 2050 and have published a carbon reduction plan.

**James Daly:** In line with the COP26 goal of adapting to protect communities and natural habitats, what conversations has my right hon. Friend had with colleagues to ensure Government procurement of biodegradable face masks?

**Alok Sharma:** My hon. Friend raises a very important point. The Department of Health and Social Care is indeed actively exploring the use of reusable face masks, reusable eye protection and reusable transparent masks. I will ensure that the relevant Minister from the Department writes to him with more details.

**Caroline Lucas** (Brighton, Pavilion) (Green): As the COP26 President knows, the Glasgow climate pact reaffirmed the ambition to limit global heating to 1.5°. He also knows that the International Energy Agency has made it really clear that if we are to meet that target there can be no new oil, gas or coal projects. So will he make the case to the Secretary of State and the Prime Minister that the 40 new fossil fuel projects in the pipeline for approval in the UK are plainly incompatible with the terms of the agreement that he presided over?

**Alok Sharma:** I wish that sometimes the hon. Lady would praise the work that the Government are doing in terms of pushing forward on renewables. The Department for Business, Energy and Industrial Strategy has set out

a consultation on a climate compatibility checkpoint when it comes to future licences, and she should write in and set out her views.

#### **Transition to Net Zero: North Sea Oil and Gas Industry**

**3. Dame Andrea Leadsom** (South Northamptonshire) (Con): What assessment he has made of the potential role of the North Sea oil and gas industry in the transition to net zero in line with objectives agreed at COP26. [905160]

**The Minister for Energy, Clean Growth and Climate Change (Greg Hands):** Through the North Sea transition deal, the oil and gas industry has committed to early targets for offshore production emissions reductions, with 10% reductions by 2025, 25% by 2027 and 50% by 2030, setting out the path to achieve a net zero basin by 2050.

**Dame Andrea Leadsom:** I certainly will praise my right hon. and hon. Friends for their amazing work on renewable energy, and on the transition to net zero, but does my right hon. Friend agree that, although the net zero challenge is the greatest challenge of our generation, to keep energy bills down and to keep our energy security we must make best use of our oil and gas resources?

**Greg Hands:** My right hon. Friend makes a very strong case. Obviously the answer lies with renewables, but it also makes no sense for us to increase imports of volatile-price fossil fuels, which come to us with higher embedded emissions. That is why we have the North Sea transition deal—not to close down the industry, but to work with the sector to make the transition to the net zero future that we all signed up to.

**Olivia Blake** (Sheffield, Hallam) (Lab): In a recent written question, No. 98384, the Government were asked if they would explain how individual policies in the net zero strategy, including on North sea oil and gas, would reduce emissions. In a reply dated 14 January 2022, the Minister said that he would publish the information when

“decisions on the design of the associated individual policy intervention are sufficiently advanced”.

How is it possible that the Government published a net zero strategy without an understanding of what the individual policies will mean, and how can we therefore believe their promise that we are on course to meet crucial targets for 2030 and 2035?

**Greg Hands:** Of course the Government are fully aware of these issues; there is no change in the Government's position. We published the net zero strategy and we are seeing it come through. We are delivering on all of the aspects. My right hon. Friend the COP President just mentioned the climate change compatibility checkpoint. We are delivering on all of these things with haste.

**David Duguid** (Banff and Buchan) (Con): I welcome my right hon. Friend's response and the Government's ongoing commitment to support the UK oil and gas sector in their role to drive forward the energy transition to net zero. Will my right hon. Friend join me in

welcoming yesterday's High Court ruling to throw out claims by certain environmental activists that UK Government support for the industry was unlawful?

**Greg Hands:** I thank my hon. Friend for his question. We welcome yesterday's judgment. I, probably like he, wonder whether the SNP and the Scottish Green Government in Edinburgh would share our welcome. There will be an ongoing need for oil and gas as we reduce demand amid the transition to lower carbon energy, which, in the end, is the solution. I know from my visit to his constituency just last month how important renewables are for delivery in his constituency of Banff and Buchan.

#### **COP26 Commitments: Carbon Capture and Sequestration**

4. **Alan Brown** (Kilmarnock and Loudoun) (SNP): What assessment he has made of the potential role of carbon capture and sequestration in delivering the UK's COP26 commitments to reduce emissions. [905161]

**The Minister for Energy, Clean Growth and Climate Change (Greg Hands):** The UK can become a world leader in technology to capture and store harmful emissions away from the atmosphere. In the net zero strategy, the UK Government announced their ambition to capture and store 20 to 30 megatonnes of CO<sub>2</sub> per annum by 2030, with 10 megatonnes to be delivered by track-2 clusters.

**Alan Brown:** The Scottish carbon cluster site would address Scotland's two biggest greenhouse gas emitters. It would unlock 30% of the UK's carbon dioxide storage capability and combine hydrogen production, direct air capture and a shipping terminal to serve the rest of the UK in terms of carbon dioxide storage. Why then was the Scottish cluster relegated to reserve status and what representation has the right hon. Gentleman had from the "lightweight" Scottish Tory leader about this disgraceful decision?

**Greg Hands:** As ever, I thank the hon. Gentleman for his question. As he knows, Acorn is the first reserve, which means that it met the eligibility criteria and performed well in the evaluation criteria. As for the Scottish Conservatives, I speak to my hon. Friend the Member for Moray (Douglas Ross), the leader of the Scottish Conservatives, frequently. I also speak to the local MP, my hon. Friend the Member for Banff and Buchan (David Duguid), and others. The Scottish cluster, Acorn, has a good future. I have also recently met with Storegga, INEOS and Shell to discuss specific aspects in relation to the cluster, which moves ahead.

#### **Zero Emission Vehicles**

5. **Mrs Sheryll Murray** (South East Cornwall) (Con): What progress he made at COP26 on supporting the transition to zero emission vehicles. [905163]

11. **Stephen Metcalfe** (South Basildon and East Thurrock) (Con): What progress he made at COP26 on supporting the transition to zero emission vehicles. [905170]

**The Secretary of State for International Trade (Anne-Marie Trevelyan):** At COP26, the UK launched a joint statement with more than 100 signatories, committing to work towards all new car sales being zero emission by 2040 globally, and by 2035 in leading markets. Thirty-two per cent. of the global car market is now covered by manufacturer commitments to phase out polluter vehicles.

**Mrs Murray:** Cornwall is keen to take the lead in the emergency green economy, in particular looking at local lithium to store electricity. Can my right hon. Friend update the House on what action the Government are taking to utilise this important asset and what benefits she sees for the people of Cornwall.

**Anne-Marie Trevelyan:** My hon. Friend the Minister for industry visited innovative UK companies Cornish Lithium and British Lithium just last week to see their exciting progress towards producing lithium in the UK. These are great examples of UK enterprise benefiting from Government funding to support jobs and growth in Cornwall and providing a critical mineral to support our green industrial revolution. We are looking forward to working further with industry as we develop our critical mineral strategy later this year.

**Stephen Metcalfe:** The UK COP presidency has established the Zero Emission Vehicles Transition Council. That will bring together the Governments of the world's largest car markets to work towards accelerating this transition. Can my right hon. Friend tell the House what role the council will play in the UK's presidency year, ahead of COP27?

**Anne-Marie Trevelyan:** The UK will continue to work through the Zero Emission Vehicles Transition Council for an accelerated and equitable global transition to zero emission vehicles as well as delivery of its 2022 action plan, which includes collaboration on regulations, heavy goods vehicles, infrastructure and support to developing countries. The ZEVTC will be one of the leading initiatives for international collaboration under the Glasgow breakthrough on road transport.

**Wera Hobhouse** (Bath) (LD): The most pressing issue for a successful roll-out of electric vehicles is grid capacity. The National Grid is a private company. Who will pay for this huge investment in the National Grid?

**Anne-Marie Trevelyan:** The ongoing work that the net zero strategy has set forward, which my right hon. Friend the Minister for Energy, Clean Growth and Climate Change continues to work on, will help build the new grids that we need, as we know that we are going to be requiring up to four times as much electricity. Also, our use of electricity will be through a much more distributed grid system. That will be ongoing work in the months and years ahead.

**Peter Grant** (Glenrothes) (SNP): What does the Minister think is more likely to encourage greater use of electric vehicles: the Scottish Government's grant scheme, with up to £28,000 for the purchase of a new vehicle, or her Government's decision to cut the equivalent grant in England to just £2,500?



**Anne-Marie Trevelyan:** The Government are leading the way in supporting the transition that our vehicle manufacturers are making towards zero emission vehicles and through the work that the COP President set out, ensuring that all countries across the world will be part of the zero emissions revolution.

### Coal Use Reduction

**6. Dr Neil Hudson** (Penrith and The Border) (Con): What progress he made at COP26 on reducing the use of coal. [905164]

**The COP26 President (Alok Sharma):** In the Glasgow climate pact, all parties agreed to phase down the use of coal, the first ever specific mention of coal in the UN climate decision text. The global coal to clean power transition statement gained 77 signatures from countries, sub-nationals and organisations, and the Powering Past Coal Alliance grew to 165 members

**Dr Hudson:** I congratulate the COP President on his achievements at COP26. I welcome our move away from the use of coal, and that should include any new exploration for both thermal and metallurgical coal. With that in mind, does he agree that the UK can be a beacon to the rest of the world and we can show a progressive environmental example by not going ahead with the proposed coalmine in west Cumbria?

**Alok Sharma:** As my hon. Friend is aware, an independent inspector has overseen a public inquiry into the scheme and a report is now being prepared with recommendations for Ministers to consider. He will understand that it is not appropriate for me to comment at this stage. However, more generally, the UK has shown leadership on coal, not least through the significant reduction over the past decade in coal use to generate our electricity.

**Tim Farron** (Westmorland and Lonsdale) (LD): It would be entirely appropriate for the COP President to comment on that and to intervene—it is a political decision whether to go ahead with a new coalmine in Cumbria. Should he not cancel it now and instead invest in wind, hydro, marine and tidal energy that can be championed by Cumbrian businesses such as Gilkes, investing in green jobs rather than dirty, old-fashioned ones?

**Alok Sharma:** I thought that the hon. Gentleman liked independent processes and that is what is running now.

### Topical Questions

**T1. [905150] Richard Burgon** (Leeds East) (Lab): If he will make a statement on his departmental responsibilities.

**The COP26 President (Alok Sharma):** I have just concluded constructive visits to Egypt and the United Arab Emirates, the respective holders of COP27 and COP28. I met a range of Government Ministers and businesses, and we agreed that we would work closely to ensure the lasting impact of climate negotiations and other climate commitments made in Glasgow.

**Richard Burgon:** Just days after the Glasgow COP ended, Tory Ministers were wining and dining with senior fossil fuel executives, including from Shell and BP, apparently to urge them to keep on drilling for oil and gas in the North sea. As COP President, does he not agree that, instead of being in the pockets of fossil fuel giants, Ministers should be following the United Nations' call for an end to all new fossil fuel projects—*[Interruption.]*

**Mr Speaker:** Order. Topicals are meant to be short and quick. You cannot have a full statement—other people have got to get in.

**Alok Sharma:** The hon. Gentleman is definitely making my job harder by the amount of hot air he is emitting—I wonder whether he will offset those emissions. Let me be clear that we have a commitment to have a managed transition in our energy mix, and that is what we are doing.

**T3. [905152] Caroline Ansell** (Eastbourne) (Con): Will COP26's Clydebank declaration for green shipping corridors set the course for more zero emission shipping routes? That is particularly significant for air quality for my constituents in Eastbourne and Willingdon, who live alongside the busiest shipping lane in the world.

**Alok Sharma:** It certainly will. The declaration aims to support the establishment of at least six green corridors by the middle of this decade while aiming to scale up activity in the following years. We definitely want to see more such green corridors in operation.

**T2. [905151] Dame Angela Eagle** (Wallasey) (Lab): Surely a just transition means not leaving millions to cope with soaring energy prices as inflation hits its highest level for 30 years. Why will the Government not heed Labour's suggestion to protect them by introducing a one-off windfall tax on North sea oil and gas producers who have profited from the surging prices?

**The Minister for Energy, Clean Growth and Climate Change (Greg Hands):** I am surprised that the hon. Member is pursuing that line of inquiry. Labour's motion here in this Chamber last Tuesday totally unravelled and was rejected comprehensively. The Government are taking action—we are supporting vulnerable households through winter fuel payments, cold weather payments, the household support fund and so on—but the Labour proposal unravelled tragically last week, Mr Speaker, as you saw.

**T4. [905153] Chris Grayling** (Epsom and Ewell) (Con): My right hon. Friend is well aware of my concern about deforestation in the Amazon. As he deals with the Brazilian Government over the coming months, will he put pressure on them to make sure that they not only keep their commitments made at COP26, but stop the illegal deforestation that is taking place now?

**Alok Sharma:** My right hon. Friend raises a really important point, and of course I will continue to work very closely with Brazil on the commitments that have been made to make sure they are implemented. I will be

speaking to Minister Leite, the Environment Minister, in the coming weeks to reaffirm those commitments and our view that they should be followed through.

T5. [905154] **Bambos Charalambous** (Enfield, Southgate) (Lab): With millions of species at risk of extinction and deforestation accelerating across the globe, it is imperative that we limit global warming to 1.5 degrees to halt this catastrophic decline, so will the Minister now accept Labour's call for a net zero and nature test to align public spending and infrastructure decisions with our climate and nature commitments?

**Alok Sharma:** If the hon. Member was at COP 26 or was following what was going on, he will have seen the huge commitment to protecting nature. Of course, we also want to ensure that CBD15 is a success.

T6. [905156] **James Sunderland** (Bracknell) (Con): How does the COP President reconcile his narrative of the global leadership required for COP26 and net zero with the acute reality that we still need to extract hydrocarbons, not least to keep energy costs down?

**Alok Sharma:** Of course, as I said earlier, we want to see an orderly transition to net zero in our energy mix, which includes oil and gas, but the answer to delivering net zero, keeping bills under control and ensuring security of supply is to continue to build out our world-leading offshore wind sector and invest in nuclear and hydrogen, as this Government are doing.

T7. [905157] **Anna McMorris** (Cardiff North) (Lab): The Government have just upped the risk of climate-triggered wars in the coming decades from medium to high. Our planet is on fire, but this Government are too busy fighting fires in Downing Street instead of showing leadership, and slashing aid for climate-vulnerable communities, locking them into fossil fuel. How long will it be before they stop being embroiled in their own scandals and realise that we are embroiled in a climate scandal?

**Alok Sharma:** The Prime Minister has absolutely been leading on this agenda for years—[*Interruption.*] He has been leading for years. I would just say that it was a Conservative Government who put in place net zero by 2050, and Members should just look at the commitments we have made under the current Prime Minister, with our nationally determined contribution and our carbon budget 6. We are leading the world when it comes to going green.

**Jacob Young** (Redcar) (Con): The Minister will know that Teesside is the hydrogen capital of the UK, where we already produce more than 50% of our commercially viable hydrogen, so will he consider throwing his weight behind Redcar and Cleveland's bid to become home to the UK's first hydrogen village by 2025?

**Greg Hands:** I thank my hon. Friend for that question. He knows that we are co-operating very closely internationally and domestically on hydrogen. On Redcar's bid, he is a passionate advocate for all things related to Redcar, and his message has been heard loud and clear by the Government.

**Martin Docherty-Hughes** (West Dunbartonshire) (SNP): Two years ago, Together Energy was providing 350 jobs in my constituency, leading on innovation for small and medium-sized utility companies. Yesterday, it went bust. While his Prime Minister and his Chancellor are missing in action doing other stuff, can the Minister tell me what his Government and Ofgem are doing to support small and medium-sized utility companies deliver zero emissions and deliver jobs in my constituency?

**Alok Sharma:** I am not going to take any lectures from the hon. Gentleman. He knows very well that the Government are working very closely with the sector. He knows that we have put in place a price cap, and he knows that, when it comes to jobs, this Government are investing, and we want to see 2 million green jobs created over the coming decades.

**Mr Speaker:** I call Fleur Anderson—[*Interruption.*]

**Hon. Members:** Hear, hear!

**Mr Speaker:** Order. [*Interruption.*] I certainly do not expect any more. For the moment, we have one more question before Prime Minister's questions.

**Fleur Anderson** (Putney) (Lab): If the Government had not scrapped the green homes grant last year, they would have saved thousands of households money. When will the Government reform and bring back the green homes grant?

**Alok Sharma:** We are supporting the green transition across all sectors through the work we are doing. I am sure that the Minister for Energy, Clean Growth and Climate Change would be delighted to speak to the hon. Lady about the issue she raises.

## PRIME MINISTER

*The Prime Minister was asked—*

### Engagements

**Mr Speaker:** The British Sign Language interpretation of proceedings is available to watch on [parliamentlive.tv](https://parliamentlive.tv).

Q1. [905135] **Wendy Chamberlain** (North East Fife) (LD): If he will list his official engagements for Wednesday 19 January.

**The Prime Minister (Boris Johnson):** I will shortly update the House on this country's fantastic progress in tackling covid-19, including through our booster programme, which is enabling us to ease plan B measures and restore the ancient liberties of this country.

I know that the whole House will be delighted that Her Majesty the Queen has given permission for a special medal to be awarded to all those who were deployed to Kabul. Operation Pitting saw our servicemen and women deliver the largest British evacuation since the second world war. The whole country can be immensely proud of their service.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall have further such meetings later today.

**Wendy Chamberlain:** Last year, we were told by the Prime Minister that there were no Downing Street parties. Then it turned out that there were parties, but we were assured that no rules were broken. Last week, we heard that rules may have been broken, but that he thought it was a work event. Yesterday, from the man who wrote the rules, we heard, “Well, nobody told me what those rules were.” Five weeks ago, the people of North Shropshire were clear, and the people of North East Fife are being clear to me now: no matter the excuse, there is no excuse for taking the British people for fools. Does the Prime Minister agree that it is now time for him to resign?

**The Prime Minister:** No, but as I said to the House last week, I apologise sincerely for any misjudgments that were made. The hon. Lady must contain her impatience and wait for the inquiry next week before drawing any of the conclusions she has just asserted.

**Q2. [905136] Mr John Baron (Basildon and Billericay) (Con):** The latest evidence and research show that the UK is the most attractive country in the world for young people across the G20. Amid intense soft power competition from other countries, including China, will the Prime Minister assure me and other members of the British Council all-party parliamentary group that the Government will meet the British Council’s funding requirements to ensure that it does not have to close any more offices overseas and that it can commit all its energy to retaining our top spot?

**The Prime Minister:** I entirely share my hon. Friend’s enthusiasm for the British Council, which is a wonderful institution that we all love. That is why, through the Foreign, Commonwealth and Development Office, we are providing £189 million of funding this year—a 27% increase on the previous financial year—in spite of all the difficulties this country is facing. We have also provided a loan facility of up to £145 million to support all the wonderful work the British Council does.

**Keir Starmer (Holborn and St Pancras) (Lab):** Can I start by warmly welcoming—[*Interruption.*] Can I start—[*Interruption.*]

**Mr Speaker:** Order. I expect people to listen to the Prime Minister. I certainly do not want the Leader of the Opposition to be shouted down. You might not like the day, but this is the day that we have got.

**Keir Starmer:** I am not bothered, Mr Speaker. I assumed it was directed at the Prime Minister. [*Laughter.*]

Can I start by warmly welcoming my hon. Friend the Member for Bury South (Christian Wakeford) to his new place in the House and to the parliamentary Labour party? Like so many people up and down the country, he has concluded that the Prime Minister and the Conservative party have shown themselves incapable of offering the leadership and Government this country deserves, whereas the Labour party stands ready to provide an alternative Government that the country can be proud of. The Labour party has changed and so has the Conservative party. He, and anyone else who wants to build a new Britain built on decency, security, prosperity and respect, is welcome in my Labour party.

Every week, the Prime Minister offers absurd and frankly unbelievable defences to the Downing Street parties, and each week it unravels. [*Interruption.*]

**Mr Speaker:** I have been elected to the Chair. I do not need to be told how to conduct the business. If somebody wants to do some direction, I will start directing them out of the Chamber.

**Keir Starmer:** The Conservative Members are very noisy. I am sure the Chief Whip has told them to bring their own boos! [*Laughter.*]

**Mr Speaker:** Order. Let us try to get on with questions. It is going to be a long day otherwise.

**Keir Starmer:** First, the Prime Minister said there were no parties. Then the video landed, blowing that defence out of the water. Next, he said he was sickened and furious when he found out about the parties, until it turned out that he himself was at the Downing Street garden party. Then, last week, he said he did not realise he was at a party and—surprise, surprise—no one believed him. So this week he has a new defence: “Nobody warned me that it was against the rules.” That is it—nobody told him! Since the Prime Minister wrote the rules, why on earth does he think his new defence is going to work for him?

**The Prime Minister:** The right hon. and learned Gentleman talks about the rules. Let me repeat what I said to the hon. Member for North East Fife (Wendy Chamberlain) across the aisle earlier on. Of course, we must wait for the outcome of the inquiry, but I renew what I have said. When it comes to his view—[*Interruption.*]

**Mr Speaker:** Order. Can we have a little less? I want to hear the Prime Minister like I wanted to hear the Leader of the Opposition. I want the same courtesy from both sides.

**The Prime Minister:** If we had listened to the right hon. and learned Gentleman about covid restrictions, which is the substance of his question, then we would have been in lockdown after July. This is the truth. If we had listened to the Labour Front Bench in the run-up to Christmas and new year, we would have stayed in restrictions, with huge damage to the economy. It is because of the judgments I have taken and we have taken in Downing Street that we now have the fastest-growing economy in the G7 and GDP is now back up above pre-pandemic levels.

As for Bury South—[*Interruption.*] As for Bury South, let me say to the right hon. and learned Gentleman that the Conservative party won Bury South for the first time in generations under this Prime Minister, with an agenda of uniting, levelling up and delivering for the people of Bury South, and we will win again in Bury South at the next election under this Prime Minister.

**Hon. Members:** More!

**Mr Speaker:** Order. Look, it is important that I hear, and I want to hear both sides. I do not want this continuous chant. If it continues, there will be fewer people on the Conservative Benches, and the same on the Labour side. I expect both sides to be heard with courtesy. [*Interruption.*]

**Keir Starmer:** Bury South is now a Labour seat, Prime Minister. [*Interruption.*]



**Mr Speaker:** Order. Did somebody want me to apologise? Somebody shouted, “Apologise”. I hope it was not aimed at me. We will also have less from that corner.

**Keir Starmer:** Thank you, Mr Speaker. Not only did the Prime Minister write the rules, but some of his staff say they did warn him about attending the party on 20 May 2020. I have heard the Prime Minister’s very carefully crafted response to that accusation; it almost sounds like a lawyer wrote it, so I will be equally careful with my question. When did the Prime Minister first become aware that any of his staff had concerns about the 20 May party?

**The Prime Minister:** I am grateful to the right hon. and learned Gentleman for repeating the question that he has already asked. We have answered that: it is for the inquiry to come forward with an explanation of what happened, and I am afraid that he simply must wait. He asks about my staff and what they were doing and what they have told me. I can tell him that they have taken decisions throughout this pandemic—that he has opposed—to open up in July, as I have said, to mount the fastest vaccine roll-out in Europe and to double the speed of the booster roll-out, with the result that we have the most open economy in Europe, and we have more people in employment and more employees on the payroll now than there were before the pandemic began. That is what my staff have been working on in Downing Street, and I am proud of them.

**Keir Starmer:** So apparently Sue Gray is going to tell the Prime Minister when he first became aware that his staff had concerns about 20 May. His account gets more extraordinary with each version of his defence. If the Prime Minister’s new defence were true, it requires him to suggest that his staff are not being truthful when they say they warned him about the party. It requires the Prime Minister to expect us to believe that, while every other person who was invited on 20 May to the party was told it was a social occasion, he alone was told it was a work meeting. It also requires the Prime Minister to ask us to accept that, as he waded through the empty bottles and platters of sandwiches, he did not realise it was a party. Does the Prime Minister realise how ridiculous that sounds?

**The Prime Minister:** I have said what I have said about the events in No. 10 and the right hon. and learned Gentleman will have to wait for the report. He asks for further clarification. I think lots of people are interested—I say this entirely in passing—in the exact legal justification from m’learned Leader of the Opposition for the picture of him drinking a bottle of beer. Perhaps he can tell the House about that in a minute. What I can tell the House is that, throughout the pandemic, people across Government have been working flat out to protect the British public with huge quantities of personal protective equipment, so we can now make 80% of it in this country, with the biggest and most generous furlough scheme virtually anywhere in the world, and with the fastest—and by the way, if we had listened to the Opposition, we would have stayed in the European Medicines Agency and we would never have been able to deliver the vaccine roll-out at the speed that we did.

**Keir Starmer:** If the Prime Minister thinks the only accusation that he faces is that he once had a beer with a takeaway, Operation Save Big Dog is in deeper trouble than I thought!

If a Prime Minister misleads Parliament, should they resign?

**The Prime Minister:** Let us be absolutely clear: the right hon. and learned Gentleman is continuing to ask a series of questions which he knows will be fully addressed by the inquiry. He is wasting this House’s time. He is wasting the people’s time. He continues to be completely irrelevant to the—[*Interruption.*] We have an inquiry, and I am not going to anticipate that inquiry any further. What I can tell him is that because of the judgments that were taken in Downing Street, because of the willingness of the British people to put trust, by the way, in those judgments and to come forward in huge numbers to get vaccinated, which people did—and I thank them for it from the bottom of my heart—and because they listened to our messages, we now have the fastest growing economy in the G7 and youth unemployment, which the hon. Member for Leeds West (Rachel Reeves) ought to care about, at a record low.

**Keir Starmer:** I know it is not going well, Prime Minister, but look on the bright side: at least the staff at No. 10 know how to pack a suitcase.

Last year, Her Majesty the Queen sat alone when she marked the passing of the man she had been married to for 73 years. She followed the rules of the country that she leads. On the eve of that funeral, a suitcase was filled with booze and wheeled into Downing Street. A DJ played, and staff partied late into the night. The Prime Minister has been forced to hand an apology to Her Majesty the Queen. Is he not ashamed that he did not hand in his resignation at the same time?

**The Prime Minister:** I understand why the right hon. and learned Gentleman continues to politicise—

**Mr Speaker:** We normally would not, and quite rightly, mention the royal family. We do not get into discussions on the royal family.

**The Prime Minister:** In that case, I must ask the right hon. and learned Gentleman to withdraw his question.

**Mr Speaker:** I have dealt with it. [*Interruption.*] Order. Prime Minister, we do not want to go through that again. I will make the decisions. The answer is that we are going back to Keir Starmer so that he can ask his final question.

**Keir Starmer:** Thank you, Mr Speaker.

While the Prime Minister wastes energy defending the indefensible, people’s energy bills are rocketing. Labour has a plan to deal with it: axe VAT for everyone, provide extra support for the hardest hit, and pay for it with a one-off tax on oil and gas companies—a serious plan for a serious problem. What are the Government offering? Nothing. They are too distracted by their own chaos to do their job. While Labour was setting out plans to heat homes, the Prime Minister was buying a fridge to keep the party wine chilled. While we were setting out plans to keep bills down, he was planning

parties. While we were setting out plans to save jobs in the steel industry, he was trying to save just one job: his own. Does not the country deserve so much better than this out-of-touch, out-of-control, out-of-ideas and soon to be out-of-office Prime Minister?

**The Prime Minister:** I will tell you what this Government have been doing to look after the people of this country throughout this pandemic and beyond. We have been cutting the cost of living and helping them with the living wage. We have been cutting taxes for people on low pay. We have been increasing payments for people suffering the costs of fuel—

**Mr Speaker:** Order. Can I just say to everyone here that our constituents want to hear the questions and the answers? The great British public—the members of this United Kingdom whom you are representing—need to hear. Please, let us hear the questions and answers.

**The Prime Minister:** We will continue to look after people throughout this pandemic and beyond, but we have also been cutting crime by 10% and putting 11,000 more police officers out on the streets. There was record home building last year—more homes than at any time in the last 30 years. We are building 40 new hospitals. Gigabit broadband has gone up from 9% coverage in our country to 65% already. As I said already—I think three or four times today—we have more employees on the payroll now than before the pandemic began, and youth unemployment is at a record low.

When the history of this pandemic comes to be written and the history of the Labour party comes to be written—believe me, it is history and will remain history—it will show that we delivered while they dithered, and that we vaccinated while they vacillated. The reason we have been able to lift restrictions faster than any other country in Europe, and we have the most open economy and the most open society in Europe, is thanks to the booster roll-out and thanks to the work of staff up and down Whitehall, across Government and throughout the NHS, and I am intensely proud of what this Government have done.

**Hon. Members:** More!

**Mr Speaker:** Order. You'll get more if you let the questions come. I call Mark Pawsey.

Q3. [905138] **Mark Pawsey** (Rugby) (Con): Following on from the excellent news on the economy and jobs, the Prime Minister will remember my question to him last June about the proposals for a gigafactory in Coventry. Last week, local councils granted outline planning permission to create 6,000 new skilled jobs and secure many thousands of others, to inject £2.5 billion into our local economy and to level up across our region. With fast-rising demand for greener and cleaner electric cars, may I ask him for his support to ensure the swift delivery of this vital project?

**The Prime Minister:** I thank my hon. Friend for campaigning for this wonderful project. We are supporting the electric vehicle industry. We made another £350 million available through the automotive transformation fund, on top of the commitment of half a billion

pounds we have already made in a 10-point plan. I know that the campaign for Coventry airport is an excellent one, and I look forward to seeing how it develops.

**Ian Blackford** (Ross, Skye and Lochaber) (SNP): This week was supposed to be Operation Save Big Dog, but it has quickly become Operation Dog's Dinner. Over the past two days, we have had more damaging revelations about Downing Street rule breaking, more evidence that Parliament has been misled, and an even longer list of ludicrous—absolutely ludicrous—excuses from the Prime Minister. First he claimed there were no parties, then that he was not present; then he admitted he was at them but he did not know it was a party, and the latest sorry excuse is really the most pathetic of them all: "Nobody told me." Nobody told the Prime Minister he was breaking his own rules—absolutely pathetic. *[Interruption.]* What a look—the Prime Minister laughing once again. He is laughing at the British public, taking the public for fools. Nobody believes him. Will the Prime Minister finally take responsibility and resign? Go, Prime Minister.

**The Prime Minister:** No, but I thank the right hon. Gentleman for his question again. I remind him that there is an inquiry, which is due to conclude. I believe he is wrong in what he asserts, but we have to wait and see what the inquiry says. The most important thing from the point of view of the UK Government is that we are coming out of the restrictions—I am delighted to see that that is happening in Scotland as well—which is largely thanks to the wonderful co-operation that we continue to see across the whole of the UK, although you would not think it to hear him.

**Ian Blackford:** Nobody is buying this act any more. There ought to be some respect and dignity from the Prime Minister. Let us remind ourselves: more than 150,000 of our citizens died and he is partying, he is laughing. It simply is not acceptable—the fake contrition, the endless excuses, the empty promises that it will be different if only we give him one last chance. This is a Prime Minister who arrogantly believes that he is above the rules; a Prime Minister who brazenly twists the truth; a Prime Minister who simply is not fit for office.

The Prime Minister's former chief adviser says that he lied to Parliament, breaking the ministerial code—a resignation offence, Prime Minister. Public trust is haemorrhaging. With every day that passes, this Tory Government lose even more credibility. When will the Tory MPs finally do the right thing? Show the Prime Minister the door.

**The Prime Minister:** I thank the right hon. Gentleman, but I must say that I disagree with him. When we look at the levels of trust that the British people—people in Scotland, Wales and Northern Ireland and across the whole country—have shown in the Government, the single biggest index of that trust has been their willingness to come forward voluntarily, unlike in many other countries in the world, to get vaccinated on a scale not seen anywhere else in Europe. That is because of our ability, and the NHS's ability, to persuade people that it is the right thing. It is a fantastic thing, and by the way, it is also a tribute to the United Kingdom, because that vaccine roll-out was a UK effort.

**Q8.** [905143] **Mark Menzies** (Fylde) (Con): When it comes to exporting, as you are well aware, Mr Speaker, Fylde punches well above its weight. The Prime Minister saw that when he visited BAE Systems' factory of the future in Lancashire last year. In addition, fantastic local businesses such as Helical Technology, Tangerine Holdings and Natures Aid are doing a great job of flying the flag for Lancashire globally. However, we also have many smaller businesses that are eager to get exporting into new markets. What steps is he taking to help Fylde businesses to make the most of Brexit and maximise their export potential?

**The Prime Minister:** I thank my hon. Friend for all he is doing to champion trade with Latin America. I have no doubt that small businesses such as Squire Hair are eager to get into those new markets, and we will do everything we can to help and support him in his efforts.

**Neale Hanvey** (Kirkcaldy and Cowdenbeath) (Alba): As the cost of living crisis deepens, this Government's priorities get ever more remote from my constituents. Only this week, I learned that a veteran in my constituency, James Scott, took his own life as a result of his struggle with mounting financial pressures. This is a Government who have been found to have acted unlawfully by the High Court over covid contracts and who are now preparing to write off £4.3 billion that had been allocated to those covid schemes. Why can the UK Government find billions of pounds for profiteers and fraudsters but not find the compassion to treat the people with dignity by lifting the benefits cap and reinstating the cut to universal credit?

**The Prime Minister:** First, I want to say how sorry I am for what the hon. Gentleman has had to say about James Scott. This Government do as much as we can to support veterans, and that is why we published the veterans action plan only the other day. We are also ensuring that we support people throughout this crisis. In my answer to the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), I mentioned many of the steps we are taking to protect people on low incomes, and we will continue to do more. The hon. Gentleman attacks the contracts for PPE, but actually I think it was an astonishing thing to be able, at great speed, to give this country 17 billion items of PPE. Thanks to the efforts of people across Whitehall, this country is now capable of producing 80% of our own PPE.

**Q9.** [905144] **Kate Griffiths** (Burton) (Con): Shortly before Christmas, my constituent Oliver Freckleton was found at home having been stabbed to death on the eve of his 20th birthday. Yesterday, his heartbroken parents held their son's funeral. Oliver leaves behind a partner and baby daughter, and two teenagers have been arrested for his murder. This tragic event leaves behind a devastated family and friends, and a very worried community. I am grateful for the work that Staffordshire police is undertaking to tackle violent crime in my constituency, and the recruiting of 149 additional police officers is welcome, but does the Prime Minister agree that a multi-stakeholder approach is vital to tackling crimes among our young people? What can the Government do to support not just the police but schools, colleges and local authorities in working to address this issue?

**The Prime Minister:** I am very sad to hear the news of the loss of my hon. Friend's constituent, Oliver. As is the case with so many victims of violent crime, the answer is not just policing, though that is vitally important and it is why we are investing so massively in 20,000 more police officers and supporting them with toughening the law. But it is also, as she rightly says, important to get all the institutions of the state to work together: schools, colleges, social services, the health service and mental health service as well.

**Q4.** [905139] **Jessica Morden** (Newport East) (Lab): Why is it so hard for this Prime Minister to admit that he made the rules, so he should know the rules and he should follow the rules? Everyone out there knows that it is as simple as that. If he had any shred of compassion for all those out there who have suffered through this, he would go.

**The Prime Minister:** I entirely understand people's feelings and I entirely support what the hon. Lady says about someone obeying the rules when they make the rules. She is completely right. On the other hand, I urge her to wait, as I have said to Opposition Members, until next week.

**Q10.** [905145] **Paul Howell** (Sedgefield) (Con): The Opposition have been told that there is going to be an inquiry, but they have wasted every single question on one issue while my constituents want us to get on with other things. In January 2021, the Government estimated that at least £800 million would be released from the dormant asset scheme extension. Does the Prime Minister agree that funding through a new community wealth fund would be a catalyst to level up the most left-behind communities and that the Dormant Assets Bill should include specific provision for a consultation on the scope, shape and nature of such a fund?

**The Prime Minister:** We will certainly be legislating to expand the dormant assets scheme to include new financial assets, which would unlock an estimated £880 million. We will be considering how to spend the English portion of that. The community wealth fund that my hon. Friend proposes is certainly an option and I thank him very much.

**Q5.** [905140] **Peter Grant** (Glenrothes) (SNP): My constituent Anne has told me that a friend saw the ambulance outside the house on the night Anne's husband died, but she was not allowed to go into the house to comfort her friend. Anne's husband went to his rest in an almost empty building while scores of his friends stood freezing outside. Anne went back to an empty house to grieve for the rest of the day alone. My constituent Susan was not allowed to go in the ambulance or even to follow the ambulance, blue light and all, after her husband had a heart attack. Other constituents had the heartbreaking realisation that they were not allowed to go into care homes to break the news in person to their relatives that someone in the family had died. In their words, not mine, the Prime Minister is a "charlatan", a "hypocrite" and a "liar". What will he now say to my constituents—

**Mr Speaker:** Order. I know that you are repeating what your constituents said, but I want more moderate and temperate language. Prime Minister, you might want to deal just with the general question, and certainly not the end of it.



**The Prime Minister:** Thank you, Mr Speaker. I want to repeat that I understand the feelings that the hon. Gentleman has relayed to me, as I said last week. I sympathise very deeply with the feelings and I understand why people feel as they do. I thank people very much for everything that they have done. I recognise the enormous sacrifice that people have made. I apologise for the misjudgments that may have been made in No. 10 by me and anybody else, but please can I ask him to wait for the inquiry to conclude?

Q11. [905146] **Andrew Lewer** (Northampton South) (Con): I recently attended a debate held by my hon. Friend the Member for West Aberdeenshire and Kincardine (Andrew Bowie) seeking a central London memorial for the Photographic Reconnaissance Unit. In it, I referenced my constituent, the Mosquito pilot Mr George Pritchard, who is 98 next week and is one of the last surviving members of the unit. Will the Prime Minister join my hon. Friend, me and Mr Pritchard in backing that fitting and needed memorial?

**The Prime Minister:** I will certainly do what I can to support it, although of course, as my hon. Friend knows, such memorials are a matter for local authorities. What the House and the Government can certainly do is ensure that memorials are not desecrated, as they have been across the country, and that we support legislation that penalises those who indulge in such desecration.

Q6. [905141] **Dame Diana Johnson** (Kingston upon Hull North) (Lab): When a Prime Minister is spending his time trying to convince the Great British public that he is actually stupid rather than dishonest, is it not time that he goes, now?

**The Prime Minister:** Mr Speaker, I think that was a question for you rather than me. Look, I have made my point. I think that the British public have responded to what the Government have had to say in the most eloquent way possible. They have beaten covid so far. They have helped to defeat covid so far with the steps that they have taken by getting vaccinated and implementing plan B, and I thank them.

**Mr Speaker:** Just for the Prime Minister and for the record, it is not Speaker's questions.

Q13. [905148] **Sir Robert Goodwill** (Scarborough and Whitby) (Con): Our armed forces have earned the respect and admiration of our nation, not least during the pandemic. On Remembrance Sunday we commemorate their sacrifices, but on Armed Forces Day, 25 June, we will celebrate all that is amazing about our Army, Navy and Air Force. In a normal year we see about 20,000 people at the event in Scarborough, but this year we will finally host National Armed Forces Day, which has been postponed twice. Will the Prime Minister pull out all the stops on land, sea and air to make this truly an event to remember?

**The Prime Minister:** I have no doubt that Armed Forces Day will be absolutely spectacular across the country, and that Scarborough will make a terrific and a notable contribution.

Q7. [905142] **Hywel Williams** (Arfon) (PC): Last April I asked the Prime Minister whether he agreed with the principle that politicians should not lie. He replied that he concurred

"with the basic principle that the hon. Gentleman has just enunciated."—[*Official Report*, 14 April 2021; Vol. 692, c. 317.]

Would he like to amend the record?

**The Prime Minister:** No.

**Simon Hoare** (North Dorset) (Con): The vast majority of people, and indeed the vast majority of politicians, across Northern Ireland believe that whatever the question, double-jobbing is not the answer. May I urge my right hon. Friend to listen to the majority and ensure that the Government amendment is not moved in the other place later today?

**The Prime Minister:** I am grateful to my hon. Friend. I am advised that the amendment in question will indeed be withdrawn.

Q12. [905147] **Liz Twist** (Blaydon) (Lab): My constituents are rightly angry about the Prime Minister's behaviour, but while Downing Street fights to save his political life, people across the north-east are worrying about rising food and energy bills, rising unemployment and rising levels of child poverty. He talks about levelling up, but my constituents are seeing opportunities cut. Does he agree that his Government have failed and it is time for him to go?

**The Prime Minister:** No, I really do not agree with the hon. Lady, and I do not think that she can have been following anything that has been said this afternoon. We have unemployment falling to near-record lows, and we have job vacancies at record highs. That is what Conservative Governments do: they create jobs and get the economy moving.

**Mr David Davis** (Haltemprice and Howden) (Con): Like many on the Government Benches, I have spent weeks and months defending the Prime Minister against often angry constituents. I have reminded them of his success in delivering Brexit and the vaccines, and many other things. But I expect my leaders to shoulder the responsibility for the actions they take. Yesterday the Prime Minister did the opposite of that, so I will remind him of a quotation that will be altogether too familiar to him. Leo Amery said to Neville Chamberlain:

"You have sat too long here for any good you have been doing... In the name of God, go."—[*Official Report*, 7 May 1940; Vol. 360, c. 1150.]—[*Interruption.*]

**Mr Speaker:** Order.

**The Prime Minister:** I must say to my right hon. Friend that I do not know what he is talking about. I do not know what quotation he is alluding to. What I can tell him, as I have told the House repeatedly throughout the pandemic, is that I take full responsibility for everything done in this Government, and throughout the pandemic.

Q14. [905149] **Stephen Kinnock** (Aberavon) (Lab): Does the Prime Minister agree with the Leader of the House that the leader of the Scottish Conservatives is "a lightweight"?



**The Prime Minister:** The Conservative approach to the Union is one that I think is right for our country. We want to keep it together. Conservatives in Scotland do an excellent job, which is why their stout defence of the Union was repaid at the last election. Labour is increasingly endangering our Union in Scotland.

**Mrs Flick Drummond** (Meon Valley) (Con): Last week many people welcomed the five-year moratorium on smart motorways. However, the M27 is due to be

opened as a smart motorway in a couple of months. What reassurance can my right hon. Friend give my constituents, and others in the rest of south Hampshire, that the M27 will be safe, to give them confidence to use it?

**The Prime Minister:** I can assure my hon. Friend that we are well aware of the risks associated with the smart motorway scheme. I know that my right hon. Friend the Secretary of State for Transport is looking at it right now.

## Covid-19 Update

12.39 pm

**The Prime Minister (Boris Johnson):** With permission, Mr Speaker, I will make a statement on our progress against omicron and the review of our plan B measures. *[Interruption.]*

**Mr Speaker:** Order. Can Members please leave quickly and quietly?

**The Prime Minister:** Within hours of learning from scientists in South Africa about the emergence of a new covid variant last November, this Government acted to introduce balanced and proportionate restrictions at our borders to slow the seeding of omicron in our country. As we learnt more about this highly transmissible new variant, we implemented the plan B measures that we had prepared precisely in case our situation deteriorated, encouraging people to change their behaviour to slow the spread of the virus and buying crucial time to get boosters into arms.

We made the big call to refocus our national health service, necessarily requiring the difficult postponement of many other appointments, so that we could double the speed of the booster programme. Thanks to the extraordinary efforts of our NHS and its volunteers, we delivered the fastest booster programme in Europe, reaching half our population before any other European country. There are more than 36 million boosters now in arms across the UK, including more than 90% of all over-60s in England.

Taking a balanced approach, we resisted calls from others to shut down our country all over again. Many nations across Europe have endured further winter lockdowns, and many have seen hospitality curfews and nightclubs closed, capacity limits at sports stadiums, the return of social distancing and, in some places, Christmas and new year as good as cancelled. But this Government took a different path. We kept England open and we supported those businesses that faced reduced demand because of the response to plan B measures. Although we must continue to remain cautious, the data are showing that, time and again, this Government got the toughest decisions right.

Today's latest Office for National Statistics data show clearly that infection levels are falling in England and, although there are some places where cases are likely to continue rising, including in primary schools, our scientists believe it is likely that the omicron wave has now peaked nationally. There remain, of course, significant pressures on the NHS across our country, especially in the north-east and north-west, but hospital admissions, which were doubling every nine days just two weeks ago, have now stabilised, with admissions in London even falling, and the number of people in intensive care not only remains low but is actually also falling.

This morning the Cabinet concluded that because of the extraordinary booster campaign, together with the way the public have responded to the plan B measures, we can return to plan A in England and allow plan B regulations to expire. As a result, from the start of Thursday next week, mandatory certification will end. Organisations can of course choose to use the NHS covid pass voluntarily, but we will end the compulsory use of covid status certification in England.

From now on, the Government are no longer asking people to work from home. People should now speak to their employer about arrangements for returning to the office. Having looked at the data carefully, the Cabinet concluded that once regulations lapse, the Government will no longer mandate the wearing of face masks anywhere. From tomorrow, we will no longer require face masks in classrooms, and the Department for Education will shortly remove national guidance on their use in communal areas.

In the country at large, we will continue to suggest the use of face coverings in enclosed or crowded spaces, particularly where people come into contact with people they do not normally meet, but we will trust the judgment of the British people and no longer criminalise anyone who chooses not to wear one. The Government will also ease restrictions further on visits to care homes, and my right hon. Friend the Secretary of State for Health and Social Care will set out plans in the coming days.

As we return to plan A, the House will know that some measures still remain, including those on self-isolation. In particular, it is still a legal requirement for those who have tested positive for covid to self-isolate. On Monday, we reduced the isolation period to five full days with two negative tests, and there will soon come a time when we can remove the legal requirement to self-isolate altogether—just as we do not place legal obligations on people to isolate if they have flu. As covid becomes endemic, we will need to replace legal requirements with advice and guidance urging people with the virus to be careful and considerate of others.

The self-isolation regulations expire on 24 March, at which point I very much expect not to renew them. Indeed, were the data to allow, I would like to seek a vote in this House to bring that date forward. In advance of that, we will set out our long-term strategy for living with covid-19, explaining how we hope and intend to protect our liberty and avoid restrictions in future by relying instead on medical advances, especially the vaccines which have already saved so many lives.

But to make that possible, we must all remain cautious during these last weeks of winter. When there are still over 16,000 people in hospital in England alone, the pandemic is not over—and make no mistake, omicron is not a mild disease for everyone, especially if you are not vaccinated. Just look at the numbers in intensive care in other countries where vaccination rates are far lower. Indeed, from our NHS data, we know that around 90% of people in intensive care are not boosted. So I urge Members across the House to do everything possible to encourage any remaining constituents who have not done so to get boosted now. For the next few weeks, I encourage everyone across the country to continue with the behaviours that we know help to keep everybody safe—washing hands, letting fresh air in, getting tested and self-isolating if positive, and, as I say, thinking about wearing a face covering in crowded and enclosed settings.

Omicron tested us, just as alpha and delta did before, but let us remember some of what we have achieved. We were the first nation in the world to administer a vaccine. We were the fastest in Europe to roll it out, because, outside the European Medicines Agency, this Government made the big call to pursue our own British procurement strategy rather than opting back into the EU scheme as some people urged. We created a world-beating testing

programme, the largest in Europe, and procured the most antivirals of any country in Europe too, because this Government made the big call to invest early in lateral flow tests and in cutting-edge drugs to protect the most vulnerable. We have delivered the fastest booster campaign in Europe, and we are the first to emerge from the omicron wave, because the Government made the big call to focus on our NHS and to refocus our activity by leading the Get Boosted Now campaign.

That is why we have retained the most open economy and society anywhere across the European continent, and the fastest-growing economy in the G7—because we made that tough decision to open up last summer when others said that we should not, and to keep things open in the winter when others wanted them shut. This week the World Health Organisation said that while the global situation remains challenging, the United Kingdom can start to see the

“light at the end of the tunnel”.

That is no accident of history. Confronted by the nation's biggest challenge since the second world war and the worst pandemic since 1918, any Government would get some things wrong, but this Government got the big things right. I commend the statement to the House.

12.49 pm

**Keir Starmer** (Holborn and St Pancras) (Lab): I thank the Prime Minister for advance sight of his statement. Throughout the pandemic, the British public have made enormous sacrifices to limit the spread of the virus through staying at home, social distancing and—unlike the Prime Minister—cancelling parties. I thank everybody who has followed the rules and I thank the NHS staff and volunteers who have rolled out the booster jab.

The Labour party does not want to see restrictions in place any longer than necessary. We will support the relaxation of plan B as long as the science says that it is safe, so will the Prime Minister share the scientific evidence behind his decision and reassure the public that he is acting to protect their health and not just his job?

The 438 deaths recorded yesterday are a solemn reminder that the pandemic is not over. We need to remain vigilant and learn the lessons from the Government's mistakes. With new variants highly likely, we must have a robust plan to live well with covid—so where is it? The Prime Minister is too distracted to do the job. And it is not just the Prime Minister who is letting us down. Where is the Health Secretary's plan to prepare for another wave of infections? Why is the Chancellor not working with British manufacturers to shore up our domestic supplies of tests? Where is the Foreign Secretary's plan to help vaccinate the world? They are all too busy plotting their leadership campaigns to keep the public safe.

While the Conservative party tears itself apart, jostling for position and looking inward, the Labour party is focused on the national interest, filling their void. We have a plan, though the Prime Minister does not. We would train and retain a reserve army of volunteer vaccinators. We would build a supply of test kits made in Britain to protect us from global shortages. We would raise statutory sick pay and make all workers eligible, keep schools open by improving ventilation, and break

the endless cycle of new variants by playing our part in vaccinating the world. We would produce a road map for decision making to ensure efficient action when it is demanded, stop the short-sighted sell-off of the UK's vaccine manufacturing centre, and never again allow our NHS and social care service to be so run down, underfunded, understaffed and overstretched as it has been over the last decade of a Tory Government. Labour has a plan to live well with covid and secure our lives, livelihoods and liberties. Where is his?

**The Prime Minister:** I would be happy to share the scientific advice on which we have taken the decision, of course. The right hon. and learned Gentleman can see it—it is there for everybody to consult. He asked about our testing abilities. We are conducting about 1.25 million tests a day and we have the biggest capability to do tests of any country in Europe. As I promised the House—I seem to remember that he attacked me at the time—we have a world-beating testing industry and a massive diagnostics facility that we never had before.

The right hon. and learned Gentleman attacks the Government over the distribution of vaccines to the rest of the world. We have already done 30 million and we will do 100 million by June, and 2.5 billion AstraZeneca vaccines have been distributed around the world at cost price thanks to the deal that the UK Government did with AstraZeneca. He talks about funding the NHS, but Labour voted against the funding that we will need to clear the covid backlogs and fund our NHS.

Throughout the pandemic, the right hon. and learned Gentleman has been absolutely shameless in veering from one position to the next, and he has been wrong about virtually every single important decision. He was wrong about keeping schools open—do you remember, Mr Speaker, that he consistently refused to say that they were safe because of what his paymasters in the union were telling him? He was wrong about going forward from lockdown on 19 July—do you remember, Mr Speaker, that he said it was reckless? He was totally wrong. Labour Front-Bench Members were wrong about going through Christmas and new year with plan B as we did—they said that we needed a road map back to lockdown. He did—that guy did! Oh, no—wait. Maybe it was actually the hon. Member for Ilford North (West Streeting)—that guy! They said that they wanted a road map back to lockdown. Above all, they tried to undermine the vaccine taskforce—they said that we should not be spending £675,000 of taxpayers' money on outreach to vaccine-hesitant groups. That is their idea of priority spending.

It has been absolutely miserable listening to those on the Opposition Front Bench because they have had nothing useful to say. They have flip-flopped opportunistically from one position to the other. Mr Speaker, did you get any idea from what the right hon. and learned Gentleman said just now whether or not he supports what we are doing? No. *[Interruption.]* So he does support it. Okay, he supports it this week, but what you can be certain of, Mr Speaker, is that if he thinks there is any political opportunity in opposing it next week, he will not hesitate to do so. He has been Captain Hindsight throughout and he has had absolutely nothing useful to say or to contribute.

**Mrs Theresa May** (Maidenhead) (Con): I refer the House to my entry the Register of Members' Financial Interests.

Many of my constituents work in the aviation sector. I welcome my right hon. Friend's announcement about plan B restrictions, but I note that he made no reference to the tests that are still required for people who come into England. If we are going to learn to live with covid, we need to facilitate travel, so will he take this opportunity to announce that when plan B restrictions are removed next week the Government will also make it clear that there will be no test requirements for anybody who enters England and is fully vaccinated?

**The Prime Minister:** We are certainly reviewing the testing arrangements for travel and my right hon. Friend the Secretary of State for Health and Social Care will make a statement on that in the next few days. It is important that everybody in the country understands that wherever they want to go in the world, getting their booster will be a pretty crucial thing to do.

**Ian Blackford** (Ross, Skye and Lochaber) (SNP): I thank the Prime Minister for advance sight of his statement.

We are all grateful that the data suggests we have turned a corner in the omicron wave and that the success of the vaccination programme in particular gives us cause to be hopeful in the months ahead, but although it is declining, the level of infection is still undoubtedly high and the NHS remains under pressure. That is why caution is the key, rather than the Prime Minister's strategy of throwing caution to the wind.

Baseline measures such as face coverings in indoor public places and working from home where possible—which Scotland still has in place throughout—are extremely important in the weeks ahead, as is the guidance on lateral flow tests. Will the Prime Minister guarantee—*[Interruption.]* Perhaps he can come off his phone, because this is important. Will the Prime Minister guarantee that lateral flow tests will remain free as they are required and put to bed the speculation that their provision free at the point of need will be removed?

Although the data gives us cause to be optimistic, the real problem for the Prime Minister is that no matter what the data has said today, he had no choice but to throw caution to the wind. The pathetic and unbelievable excuses—that he does not know his own rules—have left the Prime Minister weak. He is unable to lead on this issue or on any other. The public cannot trust a single word that the Prime Minister says: any shred of credibility has gone.

In a global pandemic that, as the World Health Organisation is cautioning, is nowhere near over, and during which new variants are likely to emerge, it is deeply concerning that we have at the helm a Prime Minister like this who is simply not fit to lead. Even though the figures thankfully give us cause to be hopeful, it is clear that the Prime Minister cannot carry on when his credibility has all gone.

**The Prime Minister:** I repeat the points that I made earlier to the right hon. Gentleman. The reason why we are in the state we are in is because of the immense co-operation there has been across the whole UK.

The right hon. Gentleman talks about testing; we will of course keep lateral flow tests free for as long as is necessary. Testing has been a fantastic example of Union collaboration. I have seen for myself tests from people in Sussex being assessed in Glasgow. I have seen the work of the UK armed services helping people across the whole UK to move people who needed treatment to wherever. It has been a fantastic example of Union collaboration and I hope the right hon. Gentleman bears that in mind.

**Mr Speaker:** I call the Chair of the Health and Social Care Committee.

**Jeremy Hunt** (South West Surrey) (Con): At the height of the first wave, the Government had the courage to pre-order 400 million doses of vaccines without even knowing whether they worked. That has laid the foundations for our having the best vaccine programme of any large country, so I welcome today's announcement. It will not surprise the Prime Minister, though, if I draw his attention to the fact that NHS doctors and nurses are absolutely shattered. He will have seen this week that one in six doctors say that they have had near misses or harmed patients because of exhaustion. If he does not want to accept the Select Committee's recommendations to address the workforce crisis, what will he do to give hope to our brilliant frontline staff?

**The Prime Minister:** My right hon. Friend has a great deal of expertise in this matter. I thank all frontline staff and others in the NHS for what they have been doing. He is right in what he says about how tired people are; they are exhausted, but they are also working heroically and doing an incredible job. It is because there are 17,000 covid cases that we need to remain cautious, despite what we heard from the Opposition Benches. We do need to remain cautious, and we do need to make sure that we continue to recruit for our amazing NHS. There are now 44,000 more healthcare professionals than there were in 2020, and that is as a result of the recruitment by this Government.

**Marsha De Cordova** (Battersea) (Lab): We know that the vaccine still remains one of the best defences against this virus, but over the past month we have seen a slowing in the booster vaccination rates. Will the Prime Minister update the House as to when he expects a completion date for the booster vaccination, and will he also set out a plan as to how he will encourage take-up of the vaccination among certain groups, particularly young people?

**The Prime Minister:** The hon. Lady makes an incredibly important point and I am grateful to her. There is a job of work for all of us to do in reaching out to certain groups. At the moment, it is not actually hesitancy but apathy that is the problem. Omicron is seen wrongly to be a mild disease, so people are not getting the vaccine in the way that they might. We need to break down that apathy in those groups, and we are doing everything that we can to do that. The numbers are rising the whole time, but we want them to rise faster.

**Dame Andrea Leadsom** (South Northamptonshire) (Con): Mr Speaker, you would think that, today of all days, those on the Opposition Benches could be delighted for our great United Kingdom, delighted that legal



restrictions could come to an end soon, delighted about the amazing vaccine roll-out, and delighted about the strength of our economy—all a superb team effort led by my right hon. Friend. However, can he reassure me that, in the work that looks beyond that, he will very carefully assess the impact of lockdown on people having babies, and in particular those who were separated from partners unable to take part in the birth experience with them, which is so vital for giving every baby the best start for life?

**The Prime Minister:** I thank my right hon. Friend for what she has just said. Her point about birth partners being able to attend is unbelievably important. I am glad that we were able to address it in spite of some difficulties. Her “best start for life” programme is unbelievably important. I know that my right hon. Friends the Secretaries of State for Education and for Health and Social Care are working with her to deliver it.

**Ed Davey** (Kingston and Surbiton) (LD): Yesterday, the Prime Minister had to accept that he was unaware of what his own covid rules actually allowed. With millions of British people now seeing that the Prime Minister cannot even grasp what his own basic rules are, he is no longer a credible person to set the rules for others during this public health crisis. Is it not time that he accepted that the House and the country can no longer trust him with the nation's health and that the best policy to beat covid now would be for him to resign?

**The Prime Minister:** Ni hao, as we say to the right hon. Gentleman. Renshi ni hen gao xing! I do not agree with him, Mr Speaker. I want to go on and deliver on the people's priorities. This Government were elected with an enormous mandate to level up across our country, and that is what we will do.

**Mr Mark Harper** (Forest of Dean) (Con): I hope the Prime Minister will forgive me for not being extraordinarily grateful for the withdrawal of these measures. I and many colleagues did not think that they were necessary in December, but I do, none the less, welcome their removal. May I draw his attention to a further policy which it would be helpful for him to reconsider? The Government's current plan is to say to our valuable NHS staff that if they refuse to be vaccinated, they are to be sacked. Those sackings are to commence in a couple of weeks' time, with no compensation. We know now that the Secretary of State is being advised by his own officials that, due to the lack of protection against transmission, this needs to be rethought. May I urge the Prime Minister to rethink this policy? We should not reward our NHS staff, for all their dedication, with the sack. We should allow them to continue doing the valuable work that they deliver to our great country.

**The Prime Minister:** I thank my right hon. Friend and respect very much the points of view that he has put across consistently throughout this pandemic. It has been very important that we have had a voice speaking up for freedom in the way that he has done. But I have to think also of those who will be at the bedside of elderly and vulnerable people who are dying of nosocomially acquired covid, and their feelings about

our failure to get vaccination rates up high enough within the NHS. It is a very grim problem, as I am sure my right hon. Friend can understand.

Nobody wants to have compulsory vaccination, but since the policy was announced, rates of vaccination within the NHS have gone up notably, and that is a positive thing. We will reflect on the way ahead. We do not want to drive people out of the service, but it is a professional responsibility of everybody looking after the health of others within our NHS to get vaccinated. I hope my right hon. Friend agrees with that.

**Wayne David** (Caerphilly) (Lab): Does the Prime Minister agree that unlike someone who attended bring-your-own-booze parties, the Welsh First Minister, Mark Drakeford, has behaved with decency and integrity throughout this entire pandemic?

**The Prime Minister:** The collaboration across England, Scotland, Wales and Northern Ireland has been exemplary. I have enjoyed working with our partners and will continue to do so.

**Edward Timpson** (Eddisbury) (Con): I refer hon. Members to my entry in the Register of Members' Financial Interests.

I thank the Prime Minister for his statement today, particularly the decision to remove face masks from schools. I know many staff, pupils and parents will be extremely pleased that that is now happening.

I know the Prime Minister will share my concern and that of the Children's Commissioner, Dame Rachel de Souza, that during the pandemic we have seen many thousands of children become off the radar of schools—off school rolls. Particularly for the most vulnerable children, this causes serious problems through their exposure to crime and exploitation. Will the Prime Minister look again at some of the recommendations in my review of school exclusion in order to try to address this, so that we can track every pupil who is of school age? We should, as a basic principle, know that every child is in school, where they are in school and what their future is to be.

**The Prime Minister:** My hon. Friend is an expert in this, and he is spot-on in what he says. I do not want to see excluded kids being locked in a cycle of ever-growing deprivation. He is absolutely right: the best place for kids is in school. That is why we worked so hard to keep schools open and to insist that they were safe.

**Caroline Lucas** (Brighton, Pavilion) (Green): I was listening carefully to the Prime Minister's statement. I do not think he mentioned long covid once, yet according to the Office for National Statistics, over a million people are living with this debilitating condition. Yesterday, the all-party parliamentary group on coronavirus heard heartbreaking testimony from frontline NHS workers who are living with long covid, many of whom cannot return to work because of this condition. Will the Prime Minister now commit to formally recognising long covid as an occupational disease and launch a compensation scheme for frontline workers who are left unable to work after catching covid while on the frontline of our pandemic response?

**The Prime Minister:** I really understand the concerns of people with long covid. Everybody knows people who have had an experience with covid that has gone on

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far longer than for many others, and who have had a genuinely debilitating time. We are looking at it. The research continues, and we will do whatever we can to support people with long covid, but there is a deal of work still to be done.

**Several hon. Members** *rose*—

**Mr Speaker:** Let us come to the most excited man: Sir Desmond Swayne.

**Sir Desmond Swayne** (New Forest West) (Con): May I welcome wholeheartedly the announcements that have been made today? I would ask the Prime Minister to review again the need to sack unvaccinated domiciliary workers and NHS workers, and to examine the evidence that suggests that they pose a risk to their patients. Our belief is that they will not do so any more than the vaccinated.

**The Prime Minister:** I thank my right hon. Friend very much, but I think the evidence is clear that healthcare professionals should get vaccinated.

**Richard Burgon** (Leeds East) (Lab): The rush to remove the requirement for masks, including on public transport, will cause people to fall ill and die unnecessarily. Is this not all about saving the Prime Minister's political skin, not protecting public health? What a moral failure and what a bad way to go.

**The Prime Minister:** I notice that the hon. Gentleman is at variance with his Front Bench on that point, and not for the first time. I do not think he is right. I think that we should trust in the judgment of the British people, and that is what we are going to do.

**Esther McVey** (Tatton) (Con): I, too, welcome today's statement and the review of the plan B measures. Like Conservative colleagues, I question the need for mandatory vaccination on behalf of the 100,000 NHS workers. Given that the chief medical officer told MPs that vaccination has a "minimal impact on transmission", is it not the case that there is no reason at all for mandatory vaccination for care workers and NHS staff? Over the past two years, these key workers have worked tirelessly on the frontline and we have clapped them. Will the Prime Minister make sure that he does not sack them? It is utterly unjustifiable.

**The Prime Minister:** I understand my right hon. Friend's point, but the NHS fully supports the policy because of patient safety considerations. I repeat what I have said to several Members: I really think that it is the duty of healthcare professionals to get vaccinated.

**Ms Anum Qaisar** (Airdrie and Shotts) (SNP): After he called for the Prime Minister's resignation over partygate, the branch manager of the Scottish Conservatives was referred to as a "lightweight" by the Leader of the House. How does the Prime Minister think he can maintain his position and continue to issue rules and advice on covid, when he cannot follow the rules himself?

**The Prime Minister:** I do not agree with the hon. Lady, with the greatest respect. She will have to wait for the inquiry to conclude. The work on rules and guidance,

which we have done together with our friends and partners in the Scottish Administration, has been exemplary and has helped the whole country to come out of covid faster than any other European country.

**Siobhan Baillie** (Stroud) (Con): I welcome my right hon. Friend's statement, particularly the part about masks. I hope that they never, ever return in our schools. Sadly, it felt to many of us who were concerned about the plan B measures that there was no learning from the last two years. The impact on businesses, including in my beloved weddings sector, has been serious, with fears about next winter already affecting bookings. Will my right hon. Friend confirm that we are learning from facts and not just models, to provide confidence that our response to the next variant—because it will come—will be assessed accordingly?

**The Prime Minister:** Yes, and my hon. Friend should look at other European countries. I share her enthusiasm for the wedding industry—it is a fantastically important business sector and a massive employer in our country. I hesitate to make this point again, Mr Speaker, but other European countries have been in a far worse state in respect of the closures and restrictions they have been forced to impose. I am thrilled that we have been able to open up in the way that we have, and to get people married in the style and pomp that they want.

**Ms Marie Rimmer** (St Helens South and Whiston) (Lab): Prime Minister, there is a group of vulnerable people who are not able to receive the booster. They have inquired through clinical commissioning groups, doctors and NHS England, but there is a blockage in the system. They have had three injections, but the third does not count as a booster. They were told that they would have a fourth, but they cannot access it. Please intervene and get people talking to unblock this.

**The Prime Minister:** I thank the hon. Lady very much. We are working fast to unblock it so that people get the fourth jab as fast as possible.

**David Johnston** (Wantage) (Con): I warmly welcome my right hon. Friend's statement. Will he not just remove the work from home guidance but actively encourage people to return to the office, which is good for the economy and particularly important for younger workers, who cannot get the skills, experience and networks that they need by working from home?

**The Prime Minister:** I agree with that. I think that across Whitehall we need to show a lead and make sure that we get back to work—that everybody gets back to work. It is safe to do so, provided everybody exercises the due caution that I have set out today. I entirely agree with my hon. Friend.

**Mick Whitley** (Birkenhead) (Lab): We are, mercifully, in a much better position today than we were this time a year ago, and that is thanks to the heroic efforts of the NHS in the roll-out of vaccinations, but just 9% of people living in Africa have been vaccinated against covid-19 to date. Does the Prime Minister agree that the UK is failing to honour its humanitarian obligations to the poorest countries in the world, and will he commit this Government to support a waiver of intellectual property rights on covid-19 vaccines?

**The Prime Minister:** I agree with the hon. Gentleman about the importance of vaccinating the world. No one is safe till everybody is safe. That is clear, and we must get more vaccines to Africa in particular. I have talked to colleagues in African Governments and to African leaders about what we can do to have more fill and finish in Africa and to encourage Africa's own supply of vaccines—that is the best long-term answer. But what we need to do in the meantime is donate our vaccines, which is what we are doing—the UK is donating £100 million by June, as I told the House earlier—and continue the roll-out of the AstraZeneca jab, which, do not forget, is basically underwritten by the British state, in the sense that it is delivered at cost, thanks to the deal that we did. That is in addition to the £548 million that we have given to COVAX and the investment in Gavi as well. So the UK has a proud record on vaccinating the world, but there is clearly much, much more that the world needs to do; I agree with the hon. Gentleman on that.

**Steve Brine** (Winchester) (Con): It is a warm welcome for the return to plan A from me; I hope it is irreversible this time. The Prime Minister knows that our young people have missed out on so much, and now they face punishment for doing the right thing when it comes to travel, especially our teenagers. They cannot prove that they have had two jabs on the NHS app if they are under 16, because they cannot access it. Even if they can access the cumbersome process involving a letter from the NHS, those with one jab and a recent infection cannot prove that at all. That effectively grounds them. Prime Minister, half-term is coming. Family memories are now, not at some point in the future. Please can we urgently, with the Health Secretary, who is sitting next to the Prime Minister, find a way that teenagers can be treated with fairness and parity with their parents on these important issues, so that they can get on with their lives with their families?

**The Prime Minister:** My hon. Friend makes an extremely important point about young people and vaccinations. I do think that people need to appreciate the value of vaccinations for ease of travel, particularly boosters, but it should be as simple as possible for young people; I totally agree with him about that. I know that my right hon. Friend the Secretary of State for Health and Social Care will make a statement in the next few days about what we propose to do.

**Barbara Keeley** (Worsley and Eccles South) (Lab): I want to quote the words of my constituent Steven Booth:

"I wish to add my name to the angry voices regarding the conduct of politicians who broke the rules during lockdown, but especially that of the Prime Minister, who demanded we follow the rules, which we did to the letter, while completely disregarding the rules themselves... This is one scandal too many."

Mr Booth and other constituents will now have no confidence in the rules or the public health messaging from this Prime Minister, and that is a serious failing. What is the Prime Minister's response to my constituent?

**The Prime Minister:** I am very grateful to the hon. Lady's constituent for his point of view and I understand where he is coming from, but if you look at the evidence, the UK population have been amazing in the way we

have followed the guidance and followed the rules, and the results are there to be seen in what I have been able to announce today.

**Ruth Edwards** (Rushcliffe) (Con): I warmly welcome the lifting of restrictions and congratulate everyone involved in the booster vaccine roll-out. Mental health services in Rushcliffe have seen a huge spike in demand following the pandemic. Can my right hon. Friend reassure me that mental health services will have their share of the billions of pounds of catch-up funding that this Conservative Government have awarded to the NHS and that the party opposite voted against?

**The Prime Minister:** My hon. Friend is totally right. I believe the No. 1 priority for the British people is not just to keep our economy moving forward, as we are, but to make sure we clear those covid backlogs. We cannot do that without the steps the Government have taken. I thought it was amazing that the party opposite voted against them.

**Stephen Flynn** (Aberdeen South) (SNP): Can I have confirmation from the Prime Minister? Is he getting rid of the covid rules simply because he does not understand them?

**The Prime Minister:** We are able to make progress on the covid rules, and to get rid of them, because of our deep understanding of the pandemic. I thank the hon. Gentleman and all our Scottish colleagues for helping to communicate what we are doing in such a way that British people across the whole UK have been able to move forward more or less together. The differences between us are far, far smaller than the similarities, about which I am very proud.

**Sir Edward Leigh** (Gainsborough) (Con): Only this morning, I received an email on behalf of deaf pupils who have been so disadvantaged by forced mask wearing in schools. But for this Prime Minister, we would have had far more severe lockdowns and restrictions. Will he please remain true to his instincts and sweep away all the remaining controls, such as isolation, that are crippling the NHS? To paraphrase Leo Amery, "For God's sake, keep going."

**The Prime Minister:** I have not sat here quite long enough—nothing like it, in my view—but, yes, my right hon. Friend is right about schools. It is very important to keep them going. I think masks erode our ability to educate properly and to learn properly, and I am glad they are going.

**Mrs Emma Lewell-Buck** (South Shields) (Lab): Today, the Department of Health and Social Care, the Royal College of Nursing and others have rightly raised concerns about the rationality, proportionality and recklessness of mandatory vaccination for NHS staff. With approximately 100,000 vacancies already, does the Prime Minister think that, come April, sacking more than 70,000 NHS staff will increase or decrease the pressures on our NHS?

**The Prime Minister:** I hear the hon. Lady's point, which many other colleagues have made today. I am glad the numbers are going up, but her Front Benchers do not agree with her. They agree with the



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policy, as far as I understand their position. I repeat that I think it is the duty of healthcare professionals to get vaccinated.

**Miriam Cates** (Penistone and Stocksbridge) (Con): I am absolutely delighted with my right hon. Friend's announcement that children will no longer be required to wear a mask in school. This is a welcome and evidence-based return to prioritising the interests of our children, who have suffered greatly during the pandemic.

My right hon. Friend knows I have not always been a supporter of restrictions, but does he agree that under a Labour Government, far from being the freest country in Europe, we would have had longer, harder lockdowns and school closures, causing immeasurably more harm to the poorest, the youngest and the most vulnerable in our society?

**The Prime Minister:** I see the hon. Member for Ilford North (Wes Streeting) shaking his head on the Opposition Front Bench. He was cruelly exposed last week as having repeatedly called for lockdowns. The reality is that the Opposition would have kept us in lockdown in July, and their response to omicron was to call for a road map back into lockdown. My hon. Friend the Member for Penistone and Stocksbridge (Miriam Cates) is totally right.

**Mr Khalid Mahmood** (Birmingham, Perry Barr) (Lab): In Birmingham we have been trying to tackle areas of low vaccine take-up, which has been difficult. When we go to people now, they say, "These rules aren't good enough for the Prime Minister and Downing Street. This Prime Minister couldn't tell the truth if his life depended on it." What should I now say to my constituents to ensure they take up the vaccine?

**The Prime Minister:** "Vote Conservative," obviously. "But get boosted now"—that is what I would say.

**Mark Jenkinson** (Workington) (Con): I thank my right hon. Friend for standing firm immediately before Christmas in the face of much pressure from the Opposition for further restrictions to effectively cancel Christmas. It is due to his instincts that we are the freest country in the western world and leading the way in showing the rest of the world how to live with covid. Throughout the pandemic we have had masks in schools in Cumbria, even when the guidance did not recommend them, to no effect on case rates when kids started mixing again, as proven by the Leader of the Opposition, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), who has been struck by covid a number of times, despite allegedly wearing his mask. Can my right hon. Friend confirm that the guidance will go further by removing the option of masks for schools completely?

**The Prime Minister:** I thank my hon. Friend, who is a fantastic campaigner for Workington and for liberty. He is absolutely right in what he says about masks in education. I am delighted they are going. We need to work together to ensure we have a way of living with covid that ensures they never, ever come back.

**Neale Hanvey** (Kirkcaldy and Cowdenbeath) (Alba): Early in the pandemic, the Government banged their fist on the table and demanded that the UK diagnostic sector respond to the challenge ahead. The industry responded, and its reward was to be ignored and sidelined—because contracts there came none. Two weeks ago, the UK diagnostics industry looked on in disbelief as the Prime Minister bragged about Government support for the manufacturing of lateral flow devices. Yesterday, the Secretary of State for Health and Social Care bragged about buying UK-manufactured lateral flow devices. I could ask the Prime Minister how many UK-manufactured lateral flow devices his Government have purchased, but I do not need to because the answer is, none. Why is the Prime Minister trying to hide his Government's undermining of the UK domestic diagnostic sector?

**The Prime Minister:** The hon. Gentleman is completely wrong. He should go to Nottingham, where he will find a SureScreen Diagnostics factory, which makes lateral flow kits, and we have bought millions and millions of them.

**Mr Philip Hollobone** (Kettering) (Con): I warmly welcome the Prime Minister's lifting of the covid restrictions. At the present time, 70% of those in Kettering General Hospital with covid are unvaccinated and the vast majority of those could have had the vaccine but made the wrong choice in not doing so. May I urge the Prime Minister, when the daily hospitalisation cases are published, to emphasise the fact that the vast majority are unvaccinated, as an incentive to get more boosters done?

**The Prime Minister:** Yes. I thank my hon. Friend. He is spot on. He is absolutely right in what he says. I have tried to draw repeated attention, in what I have been saying, to the sad fact that 90% of people in ICU have had no booster and 66% of people are unvaccinated. Omicron is not a mild disease for everyone and it can be particularly nasty if you are not vaccinated.

**Grahame Morris** (Easington) (Lab): I acknowledge the enormous effort the NHS has made. The Prime Minister referred to the many thousands of people who have been treated. May I also point out the cost to 50,000 cancer patients of delayed diagnosis? His colleague sitting alongside him, the Health Secretary, said in this very Chamber that it is the Government's intention to wage a "war on cancer", a statement welcomed by the Catch Up With Cancer campaign. May I respectfully remind the Prime Minister that, unless that rhetoric is backed up by a plan, new resources to address the workforce crisis, and new IT networks and new equipment, it will just be seen as empty rhetoric?

**The Prime Minister:** I agree with the hon. Gentleman completely. Tackling the cancer backlog is a massive priority for the Government. It is not just a question of making sure people have access to the right drugs. The delays are very largely caused by delays in diagnostics by scans and screens. As he knows, that is one of the biggest problems we have. That is why, since October, we have rolled out 40 community diagnostics hubs. They will be part of a total of 100 going forward. We want to see much more rapid diagnosis to help to contract those periods that people are now spending on the waiting lists.



**Dr Andrew Murrison** (South West Wiltshire) (Con): I draw the attention of the House to my entry in the Register of Members' Financial Interests. The Prime Minister made the right call on restrictions before Christmas and he has made the right call today, except in one respect: the compulsory vaccination of NHS workers. Given that leaked advice to Ministers said that that is neither rational nor proportionate, and given what we now know about omicron and its behaviour, will he think again before redundancy letters start going out from 3 February?

**The Prime Minister:** That argument has been well made by colleagues across the House today. I remind my right hon. Friend that this policy is supported by the NHS for patient safety. It is a very difficult point when it comes to patients who have contracted fatal nosocomially acquired covid. People want their medical staff to be vaccinated. I repeat what I have said throughout the afternoon: I think it is the responsibility of all healthcare professionals to be vaccinated. I hope that he shares that view.

**Janet Daby** (Lewisham East) (Lab): Parents and carers are concerned about their child's safety and protection from the virus. Ventilators are proven to work to reduce the spread of the virus, but the Government have provided a fraction of the ventilators needed in schools. Will the Prime Minister say when ventilators will be provided to all schools up and down our country?

**The Prime Minister:** From memory, we have provided 350,000 carbon dioxide detectors and I think we are supplying 7,000 ventilators. I realise that that does not cover every school in the country but, on the other hand, not every school in the country has a severe problem, and many schools are dealing with it, in my experience, with a great deal of practicality and common sense.

**Stephen Metcalfe** (South Basildon and East Thurrock) (Con): I, too, welcome the Prime Minister's statement. Will he reassure my vulnerable constituents that the move and general Government approach to covid is based on the trends in data, and that despite some still very high case rates, the risk of serious disease faced by a double-vaxxed and boosted individual is very low and they should continue to live their lives to the full, along with the rest of us?

**The Prime Minister:** My hon. Friend is completely right. Covid has caused a great deal of apprehension across the country, particularly among vulnerable people, in my experience. It is important as we go forward and recover our freedoms that they, in particular, regain the confidence to live their lives to the full, as we would all want.

**Hilary Benn** (Leeds Central) (Lab): Following the discussions between the Department of Health and Social Care and the Information Commissioner, is the Prime Minister satisfied that NHS employers will have access to all the information that they require to ensure that all their staff have indeed been vaccinated?

**The Prime Minister:** The right hon. Gentleman makes an extremely important point. The data I have is that we are up to 94.7% of NHS staff who have been vaccinated. That is a great improvement, but we have to make sure

that we cull all the data as fast as possible and work with all the NHS trusts to do that. One of the big things that we have learned in this pandemic is that data needs to be much more accessible—faster—to the Department of Health and Social Care.

**Alberto Costa** (South Leicestershire) (Con): Had we listened to the Opposition prior to Christmas, the restrictions that they were asking for would have had a catastrophic effect. Thank goodness we have this Prime Minister, who has done the right thing. May I ask him about the Feilding Palmer Hospital in Lutterworth? Will he help me to arrange an urgent meeting with the Secretary of State for Health and Social Care to discuss the important future of that hospital, which is being used as a covid vaccination centre?

**The Prime Minister:** You bet.

**Ronnie Cowan** (Inverclyde) (SNP): When the Prime Minister read out the line, "The Government will no longer mandate the wearing of face masks," a number of his Back Benchers took off their masks and waved them around their heads. Will he acknowledge, without a hint of irony, that we have a deadly virus still at work in our communities, and that it falls upon us all to behave in a manner that encourages people to act responsibly within their own communities?

**The Prime Minister:** I thank the hon. Gentleman very much and direct him to exactly what I said earlier, which I am sure he listened to.

**Derek Thomas** (St Ives) (Con): I thank my right hon. Friend for his statement, which is very welcome. I thank him also for the investment and care taken with vaccine-hesitant groups. Sadly, such groups exist within the NHS, and he is right to stress the need for healthcare workers to get the vaccine. However, may I ask him to consider carefully the consequences for our NHS in our constituencies if we cannot convince the remaining 5% of NHS staff who are yet to have the vaccine?

**The Prime Minister:** Yes. I want to reassure the House that this is a complex and difficult issue, but it is important that we give NHS staff the strongest possible encouragement to get vaccinated. That requires a lot of work and a lot of effort, but the risks of not being vaccinated are very real.

**Florence Eshalomi** (Vauxhall) (Lab/Co-op): I pay tribute to the fantastic NHS staff up and down Vauxhall and the many volunteers helping with the roll-out of the booster jab. I speak regularly to staff at St Thomas' Hospital in my constituency—a hospital the Prime Minister knows very well, as it was the hard-working staff there who cared for him when he was sick with this deadly virus in 2020. Those staff tell me that they are tired and that they are mentally stressed. Those staff are burnt out. What is the Prime Minister going to do to redress, first, the staffing shortages across our NHS, and secondly, the sheer mental health stress that staff are facing, day in, day out?

**The Prime Minister:** I echo what the hon. Lady said about the staff at St Thomas' Hospital, to whom I owe a massive personal debt. They are indeed wonderful

[*The Prime Minister*]

people. I know they are tired now, but they have kept going. London hospitals went through a pretty nasty wave of omicron and they got through it brilliantly. We have to make sure that we support them with more investment but also with more staff. I find when talking to them that that is what really helps—another pair of hands in the night to help on the ward can make a huge difference. That is why it is important that there are 44,000 more NHS staff this year than there were in 2020, but we need to do more, which is why I think the £36 billion more that we are putting in over three years is hugely necessary. I do not want to make a political point again, but I wish those on the hon. Lady's side of the House had voted for it.

**Andrew Jones** (Harrogate and Knaresborough) (Con): I welcome the Prime Minister's statement today. He is right to highlight the sacrifices made by the British people and the success of the early vaccination and booster programmes. This news will be especially welcome for people who are desperate to see loved ones in care homes, but there is a risk that those listening to his statement might think that the job is done. Will he continue to ensure that the NHS focuses on making sure that as many people as possible are vaccinated as quickly as possible, particularly among harder-to-reach groups?

**The Prime Minister:** My hon. Friend is very wise and completely right. I know that many right hon. and hon. Members across the House totally get that this is not the moment when we roll out the bunting and say, "It's all over." We are not saying that, because we have to be cautious. We have to continue to recognise that the virus is not mild for everyone, and, as he rightly said, for people who are not vaccinated the consequences can be severe, so for heaven's sake, get boosted.

**James Murray** (Ealing North) (Lab/Co-op): The Prime Minister spoke about the importance of the vaccination programme, but the first dose, second dose and booster jab rates in my constituency are significantly behind the national average. Will he explain in detail what he is going to do to drive up vaccination rates in my constituency and elsewhere?

**The Prime Minister:** The hon. Gentleman makes a very important point. We need to drive up booster take-up, but a lot of people have not even had a first and second dose. Our launch of the booster drive had a beneficial effect on first and second dose take-up as well—I think there were 2 million more in December alone.

**Cherilyn Mackrory** (Truro and Falmouth) (Con): I thank the Prime Minister for his statement today, which I am sure will be welcomed by people across Cornwall. I would like to put on record my sincere thanks to the NHS and social care staff across Cornwall, who have cared not only for the people of Cornwall, but for members of my family throughout this pandemic.

Last night, Cornwall Council announced that we were in a critical incident for adult social care. As we know, this is multifaceted, but one of the reasons Cornwall hospitals have struggled in this pandemic is that the

brilliant infection control they have had to put in place in hospitals has lowered the capacity of beds. With this announcement, can my right hon. Friend and the Secretary of State work at pace to give hospitals the reassurance that that can soon be lifted?

**The Prime Minister:** Yes. My hon. Friend is absolutely right, and that is why we gave another £300 million of funding this December.

**Rachael Maskell** (York Central) (Lab/Co-op): Now is not the time for complacency—1,000 people have died over the past week; 438 just yesterday. I am also concerned at complacency about putting everything into the vaccine. I really do encourage everyone to get vaccinated, but according to the Government's own figures, the depletion rate of the efficacy of the booster vaccine is between 40% and 50% after 10 weeks. So what happens then? What are the next steps, and is it really worth sacking NHS staff for that?

**The Prime Minister:** I totally support what the hon. Lady says about combating apathy. I do think that apathy is our foe now, particularly among people who think that the variant is so mild that they do not need to get vaccinated. As the hon. Member for Ealing North (James Murray) was saying, people need to get their first dose and their second dose, and they need to get their booster.

**Jason McCartney** (Colne Valley) (Con): I very much welcome the Prime Minister's announcement today, having backed his very cautious, calm and proportionate plan B measures. I would like to congratulate everybody involved in the superb vaccination roll-out. Last week, I had a telephone call with a constituent who is an ambassador for Blood Cancer UK, and he told me about the challenges still facing those who are immunosuppressed. Will the Prime Minister please ask the Health Secretary if he could update the guidance and support for those with blood cancer and other conditions, so that they can emerge from the omicron wave and covid, and live with it safely and cautiously?

**The Prime Minister:** My hon. Friend is completely right to draw attention to those who are living with conditions that make them particularly vulnerable. That is why it is so important that, among all the other things the Government have done, we have invested more in antivirals per head than any other country in Europe.

**Deidre Brock** (Edinburgh North and Leith) (SNP): Reports are circulating that the Government plan to lift all restrictions by early March because No. 10 thinks that we must all just learn to live with the virus. However, 438 people across the UK yesterday failed to live with the virus. How does this Prime Minister persuade their loved ones that the wholesale lifting of restrictions is not premature and misguided?

**The Prime Minister:** I must just repeat that that is not what I said in my statement, but I do think this is the right, balanced and proportionate approach. I notice that measures are also being lifted in Scotland, and I think that that is appropriate.

**Mike Wood** (Dudley South) (Con): Many people were sceptical about whether the sunset clauses would ever be triggered, so I congratulate the Prime Minister on responding to the clear evidence by bringing plan B to an end. However, as covid will be with us for a long time to come, will he ensure that regional Nightingale hospitals maintain the surge capacity necessary to deal with any future variants, so that they do not put unsustainable pressures on our NHS and we do not have the kind of restrictions that we have seen over the past two years?

**The Prime Minister:** I thank my hon. Friend, who is completely right. We need to learn the lessons of the last two years. We need to make sure that if we are, heaven forbid, attacked by another variant—a more lethal variant than omicron—we have different ways of dealing with it, and we have resilience built in to the NHS and into the way we handle it. My right hon. Friend the Secretary of State for Health will be setting out our plans for how to live with covid, irrespective of what kind of variants we encounter.

**Daisy Cooper** (St Albans) (LD): I was very concerned earlier to hear the Prime Minister repeat an incorrect claim. He said that the UK was able to approve the vaccines only because we had left the European Medicines Agency. That claim has been roundly and repeatedly debunked, including by Full Fact in December 2020. Was he aware that that claim is incorrect, or is it just that in the last year, nobody has told him?

**The Prime Minister:** It is not incorrect. We were the first country in the world to license a vaccine.

**Daisy Cooper** *indicated dissent.*

**The Prime Minister:** That is a fact. Is the hon. Lady going to deny it? It is true.

**Danny Kruger** (Devizes) (Con): I make an appeal to the Front Benches on both sides of the House. We voted for the compulsory vaccination of NHS staff on the basis of the argument that it significantly reduces transmission, but it now appears that the evidence is changing. I note the careful words that the Prime Minister used to my right hon. Friend the Member for Forest of Dean (Mr Harper) when he said that he would reflect on the policy. I hope that both Front Benches will reflect on it and consider the advice of the Royal College of Nursing that we should at least delay the implementation of the policy until the evidence is clearer.

**The Prime Minister:** I repeat my careful words to my right hon. Friend the Member for Forest of Dean (Mr Harper). I also repeat what I think is common ground, that it is the responsibility of every healthcare professional to get vaccinated.

**Jim Shannon** (Strangford) (DUP): I, too, thank the Prime Minister for his statement. As we all know, it is thanks to the sterling and courageous efforts of our NHS staff and many dedicated volunteers that the Government could deliver some 36 million booster vaccines across the whole of this great nation of the United Kingdom of Great Britain and Northern Ireland. As restrictions ease, what additional moneys will be

provided to the Northern Ireland Executive by way of covid recovery funding for businesses that have suffered due to the ongoing restrictions?

**The Prime Minister:** I am proud of all the work that we have done together with the authorities in Northern Ireland to ensure that we look after business, such as the furlough scheme and all the loans that we have made available, and to ensure that we continue to support the Northern Ireland economy as we come through the pandemic and beyond.

**Scott Benton** (Blackpool South) (Con): Last summer, the Government's decision to remove all covid restrictions and reopen society was proved correct. The decision to resist all calls for further restrictions before Christmas, as craved by the Opposition, has again been proved correct. Does the Prime Minister agree that, while Opposition Members dither, delay and opine in hindsight, on covid, the Government get the big calls right?

**The Prime Minister:** I thank my hon. Friend for that excellent summary of what I was trying to say in response to the hon. Member for Ilford North (Wes Streeting). It would have been a great thing—a fine thing—throughout the pandemic to have had useful advice and co-operation from the Opposition. We did not get it, but I think we have taken the right decisions on the whole and we have got the big calls right.

**Dave Doogan** (Angus) (SNP): I take this opportunity to thank staff at NHS Tayside and the Angus Health and Social Care Partnership for their tremendous work. If we look at the covid heat map across the United Kingdom as of 18 January, almost all of England is in the top two of four categories for infections per 100,000, whereas all of Wales and Scotland are in the bottom two. Why is now the time to reduce control measures in England? Is it on the basis of public health advice or is the Prime Minister having to kowtow to the febrile ambitions of his Back Benchers on whom his future now depends?

**The Prime Minister:** Really, that is a complete travesty. If we look at the numbers, as I think even the Opposition Front-Bench team have accepted, we can see that they are going down in all age groups across the country. What is interesting is that hospitalisations have not only stabilised but started to come down, which has always been the most important thing for me. That is why this is a sensible and proportionate step to take, but I have to remind him and everybody that it is still important to be cautious, and I am sure he will be.

**Ian Lavery** (Wansbeck) (Lab): Before the Prime Minister becomes overly euphoric about covid, he might do well to remember that 150,000-plus people have died in this country as a result of covid, with 438 people having died yesterday. On 9 December, when he introduced plan B, the rate of cases per 100,000 in my constituency was 412.6, whereas today, when he has withdrawn the restrictions, the rate is 1,517.5—it is astronomical. What reassurance can he give my constituents that his withdrawals are safe and they have not been made in the best interests of the political issues that face him at the moment?



**The Prime Minister:** The hon. Gentleman is asking an excellent question. The difference between the situation when plan B came in and today is the sheer level of vaccination in this country, including in his constituency. That, combined with the direction of travel of the figures, as I said to the hon. Member for Ilford North, is what gives us the confidence to take the steps we are taking now.

**Carol Monaghan** (Glasgow North West) (SNP): It is disappointing that the Prime Minister's statement did not include measures to recover the £4.3 billion fraudulently claimed through coronavirus support schemes. With the £20 a week cut to universal credit, inflation at over 5% and energy prices going through roof, ordinary families are not experiencing coronavirus recovery in the same boozy way as the Prime Minister, so will he now commit to supporting those families to the tune of £4.3 billion, in the same way as criminals have been supported?

**The Prime Minister:** We continue to support people throughout the pandemic, and we can be very proud of the speed with which we not only did the vaccine roll-out, but secured 17 billion items of personal protective equipment for the use of people across this country.

**Kirsten Oswald** (East Renfrewshire) (SNP): It is good to see some positive signs on covid, but throughout the pandemic it has been clear that we need to remain cautious and accept that covid may well have some surprises up its sleeve for us, and that is not really the approach set out in this conveniently timed statement today. The Prime Minister's changeable and increasingly distant relationship with the rules that he himself set undermines public health messaging and future compliance. Does he really not recognise how damaging that is?

**The Prime Minister:** The hon. Lady is right in what she says about the risks we still run. I think they are diminishing but we still need to be cautious. She is also right to say that even if this is the final reel, there can be a twist in the final reel and we will have to deal with it then. The Government have been able, to quite an amazing extent, working with healthcare professionals up and down the country, to deliver—

**Kirsten Oswald:** That is not what I asked.

**The Prime Minister:** It is directly on her point. We have been able to deliver a vaccine roll-out that has commanded the confidence of the British people in a way that I have never seen—I have never seen anything like it, and there are countries around the world that have never seen anything like it. As I said, it was done not by compulsion. We have got the numbers up to their stratospheric levels—more than 90% of people over 60 have done this. Huge, huge numbers of people are still coming forward to be vaccinated entirely voluntarily, because, despite all the noise, hubbub and politicking, they are listening to the messages and understanding them, and I owe them my deepest thanks.

**Madam Deputy Speaker (Dame Eleanor Laing):** I thank the Prime Minister. I will pause to allow Members to leave the Chamber, and I hope that they will do so quietly and quickly.

## Personal Statement

1.54 pm

**Daniel Kawczynski** (Shrewsbury and Atcham) (Con): With permission, Madam Deputy Speaker, I will make a personal statement to the House.

Last week, the Committee on Standards published a report on my conduct following a complaint from Sir Stephen Irwin, the chair of the independent expert panel, that I had not abided by a determination of the IEP that I apologise unequivocally to the House for my behaviour in bullying members of House of Commons staff. I sincerely apologise for my conduct, which led to this investigation. I acknowledge that in speaking to journalists and the radio, I undermined the sincerity of the apology that I gave the House on 14 June 2021. I am sorry that my conduct will have had a further harmful effect on the complainants, and that it may have diminished public confidence in the process. I will be sending a written apology to the Parliamentary Commissioner for Standards, the chair of the independent expert panel, and the original complainants.

I am conscious that my conduct may have merited suspension from the service of the House for a longer period, and appreciate the Committee's consideration of the difficulties that I was experiencing in my personal life at the time and the mental health issues that I explained to it. I accept that speaking out in the way I did to the media had a detrimental effect on the House's conduct policy by undermining the integrity of the complaints process, and I deeply regret my actions. I am committed to learning from the mistakes I have made, and to working on my personal development, especially in my communication with others in every interaction that I have. I hope that others will learn from my experience, and I should be happy to share what I have learnt with others.

The House has rightly worked hard to change its culture so that everyone who comes on to the estate, or has any dealings with Parliament, feels safe from bullying or harassment. I want to do everything I can to assist in that, and I regret that my actions fell short.

## Points of Order

1.57 pm

**Zarah Sultana** (Coventry South) (Lab): On a point of order, Madam Deputy Speaker. I have informed the hon. Member for Calder Valley (Craig Whittaker) that I will be referring to him.

In July 2020, the hon. Member for Calder Valley told LBC that

“sections of the community...are not taking the pandemic seriously”.

When asked if he was talking about Muslims, he said, “Of course.” When challenged, he refused to apologise.

We now know that just a few weeks earlier the Prime Minister had attended a boozy party in Downing Street and No. 10 staffers had been wheeling suitcases of drink to work, but I note that the hon. Member for Calder Valley has not condemned that behaviour as

“not taking the pandemic seriously”.

This weekend a member of the public wrote to the hon. Member, copying me into the email and raising her concerns about his comments. He replied, not apologising for his divisive remarks but insulting me instead.

Can you advise me, Madam Deputy Speaker, on how I can bring the hon. Member for Calder Valley to the Chamber to apologise, not just for insulting me but, more important, for his offensive slur against British Muslims?

**Madam Deputy Speaker (Dame Eleanor Laing):** I thank the hon. Lady for her point of order, and for giving me notice that she intended to make it.

It will, of course, be obvious that the Chair is not, and cannot possibly be, responsible for the content of Members’ correspondence with members of the public, but I understand why the hon. Lady is upset by that exchange. Let me simply say that all Members should bear in mind these words in “Erskine May”:

“Good temper and moderation are the characteristics of parliamentary language.”

Of course, when one is acting in the capacity of a Member of Parliament, parliamentary language extends beyond this Chamber and this House to correspondence and other matters as well. I will simply recommend that all Members adopt a tone of “good temper and moderation”.

I am afraid that I cannot give the hon. Lady advice on how to bring the hon. Member for Calder Valley (Craig Whittaker) to the Chamber, as he is not responsible to the Chair or to the Chamber but, of course, to his own constituents.

**Munira Wilson** (Twickenham) (LD): On a point of order, Madam Deputy Speaker. I seek your advice and guidance on how I can secure some substantive answers from the Department for Education on three very important written questions that I tabled following the Secretary of State’s recent announcement on air purifiers, regarding the data and criteria that were used in deciding how and where they should be distributed. Unfortunately, all my

questions were grouped together and given one broad, evasive answer that provided no clarity and did not address the questions, and nor did it suggest that the data was either unavailable or too costly to provide. You will be aware that experts have been recommending these air purifiers for many months, and parents and school staff are anxious about reducing covid transmission and covid absences in schools, so I look forward to your guidance on how I can go about securing some substantive answers from the Department for Education.

**Madam Deputy Speaker:** I am grateful to the hon. Member for her point of order. I say yet again, as Mr Speaker has said on many occasions, that responses to questions are of course a matter for the Government, not the Chair. However, Mr Speaker has very often made it clear to those on the Treasury Bench that when Members ask perfectly reasonable questions on behalf of their constituents, answers should be given in a proper and timely manner. If she wishes to pursue the matter, the Clerks in the Table Office will certainly be able to offer her advice on how she might require the relevant Minister to come to the House to answer her questions. She has also put on the record her view of the Government’s answer, and she might wish to write to the Procedure Committee, which monitors the Government’s performance in responding to questions. I am aware of a number of similar points of order that have been raised in the Chamber, as I am sure are Ministers, so I have every confidence that her points will be listened to.

## BILLS PRESENTED

### REGISTRATION OF OVERSEAS ENTITIES

*Presentation and First Reading (Standing Order No. 57)*

Layla Moran, supported by Mr Ben Bradshaw, Chris Bryant, Mr Alistair Carmichael, Ed Davey, Sir Iain Duncan Smith, Stephen Farry, Dame Margaret Hodge, Kevin Hollinrake, Caroline Lucas, Alyn Smith and Jamie Stone, presented a Bill to set up a register of overseas entities and their beneficial owners and require overseas entities who own land to register in certain circumstances.

*Bill read the First time; to be read a Second time on Friday 18 March, and to be printed (Bill 232).*

### MINISTERIAL INTERESTS (EMERGENCY POWERS)

*Presentation and First Reading (Standing Order No. 57)*

Owen Thompson, supported by Marion Fellows, Alison Thewliss, Patricia Gibson, Peter Grant, Gavin Newlands, Martyn Day, Steven Bonnar, Brendan O’Hara, Stuart C. McDonald, Ms Anum Qaisar and Chris Stephens, presented a Bill to require a Minister to make an oral statement to Parliament if a contract is awarded under emergency statutory powers to a person in whom, or a company in which, a Minister has a personal, political or financial interest.

*Bill read the First time; to be read a Second time on Friday 28 January, and to be printed (Bill 230).*

## Prisons (Violence)

*Motion for leave to bring in a Bill (Standing Order No. 23)*

2.2 pm

**Grahame Morris** (Easington) (Lab): I beg to move,

That leave be given to bring in a Bill to establish a duty on Her Majesty's Prison and Probation Service and private prison operators to minimise violence in prisons; and for connected purposes.

I will endeavour to follow your advice, Madam Deputy Speaker, about good temper and moderation.

I would first like to express my gratitude to all staff working in prisons. It is an incredibly challenging job, and even more so with covid and the many challenges they face with the latest omicron wave. Over 90% of prisons are currently outbreak sites, and I am told by the Prison Officers Association trade union that this is up from just three establishments a month ago. That has caused critical staffing shortages, as well as all the dangers to public health that follow.

On top of this recent threat to the health of staff and prisoners, there is the ever-present threat to their safety from prison violence. The sky-high level of violence plaguing our prisons makes rehabilitation inside practically impossible, meaning that offenders often leave prison more damaged and dangerous than when they arrived. That leads to more reoffending, costing tens of billions of pounds a year and causing misery for millions of victims and their loved ones who have to live with the consequences of even more crime. The prison lockdowns throughout the pandemic have thankfully reduced assaults from the all-time highs that we saw in 2019, but Ministers must now learn the right lessons and not rely on long lock-ups in future or revert back to a business-as-usual approach.

The new "Prisons Strategy" White Paper is a golden opportunity for urgently needed change if Ministers will only commit to doing whatever it takes to tackle both prison violence and, indeed, the causes of prison violence. My Bill aligns with the White Paper's stated aim of reducing prison violence and uses the paper's framework of key performance indicators—"management targets" in common parlance—to achieve this. KPIs are already used in private prisons to reward or penalise their operators, but the Government's new strategy extends these targets and adds new ones to public sector prisons too. It is obvious that the new KPIs need to include safety for both prisoners and staff but, curiously, this commitment is entirely missing from the White Paper. My Bill seeks to correct that omission. It would enshrine a statutory duty on prison management—whether in the public or private sector—to minimise violence. If KPIs are the Minister's preferred method of choice, that is the method we will use here too.

Currently, the only prison safety targets involve serious assaults, and such assaults must involve hospital treatment. This needs to be extended to all kinds of violence, if Ministers are serious about a zero-tolerance approach to bad behaviour. Penalties could include fines for both public and private sector operators, with the money raised going towards making injury compensation schemes fit for purpose by widening the scope for claims, removing the unfair barriers throughout the process, and lifting awards to reflect the bravery and commitment shown by prison officers and other staff working in our prisons system.

Even Ministers accept that staff cuts of more than 25%—in the name of austerity— have triggered the crisis. This is evidenced by the recent rush to recruit more prison officers, but resignation rates have gone through the roof, with more officers now leaving the service each week than joining. The White Paper actually calls for an extra 5,000 prison officers to run the new generation of private prisons, but how will the Minister do that in the light of the last failed recruitment drive?

The second part of my Bill would enshrine in law a range of initiatives designed to protect staff and prisoners from violence and to encourage staff, especially prison officers, to stay in the job. The most wide-ranging of these is the "Safe inside prisons" charter. This set of reasonable and straightforward principles for safe systems of work is endorsed by the Joint Unions in Prisons Alliance, a coalition of nine prison unions: the Prison Officers Association; the University and College Union, which represents prison educators; the Royal College of Nursing; the British Medical Association; the National Association of Prison Officers; the Public and Commercial Services Union; Unison; the GMB; and Unite the Union. I am more than happy to declare that I am chair of the Unite the Union parliamentary group. [HON. MEMBERS: "Hear, hear."] Thank you. Those unions have long called for the Ministry of Justice to adopt the charter and mandate other prison employers to do the same. Unfortunately, it seems that Ministers will not consider this until every recognised union signs up. That seems to me to be a rather flimsy excuse for inaction. Instead, let us make it the law—we might call it the "safer inside" law.

Some other vital steps that we could take in order to hold on to staff may be beyond the scope of my Bill, but I will outline them anyway. First, the Government could accept all the pay review body recommendations, including the £3,000 pay rise for entry-level prison officers, and make sure that future advice is legally binding on Ministers. Secondly, we could cancel all plans for new private prisons until we get to grips with why they are up to 50% more violent than publicly run prisons. Thirdly, we could bring the prison officer pension age back down to 60, because 68 is simply too late. There are many other ways to make prison staff feel rewarded and not exploited, but I am afraid I do not have the time to go into that today.

Above all, my aim with this Bill is to focus minds on the terrible conditions that face both staff and prisoners in our prisons, and to start a national conversation about how we may solve this crisis. It is time to replace warm words with action. If Minister will not act, we must work together across party lines—I am grateful to all right hon. and hon. Members from across the House who have indicated their support for my Bill—to pass the "safe inside" law ourselves. I therefore humbly request that my Bill be given due consideration and passed into law.

*Question put and agreed to.*

*Ordered,*

That Grahame Morris, Gordon Henderson, Wendy Chamberlain, Liz Saville Roberts, Chris Stephens, Kenny MacAskill, Jim Shannon, John McDonnell, Richard Burgon, Paula Barker, Mary Kelly Foy and Ian Lavery present the Bill.



Grahame Morris accordingly presented the Bill.

*Bill read the First time; to be read a Second time on Friday 25 February, and to be printed (Bill 233).*

### CHARITIES BILL [LORDS]

*Motion made, and Question put forthwith (Standing Order No. 90(5)), That the Bill be now read a Second time.*

*Question agreed to.*

*Bill accordingly read a Second time; to stand committed to a Public Bill Committee (Standing Order No. 63).*

### BUILDING SAFETY BILL (PROGRAMME) (NO. 2)

*Ordered,*

That the Order of 21 July 2021 (Building Safety Bill (Programme)) be varied as follows:

(1) Paragraphs (4) and (5) of the Order shall be omitted.

(2) Proceedings on Consideration and Third Reading shall be taken in one day in accordance with the following provisions of this Order.

(3) Proceedings on Consideration—

(a) shall be taken in the order shown in the first column of the following Table, and

(b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

| Proceedings                                                  | Time for conclusion of proceedings                                           |
|--------------------------------------------------------------|------------------------------------------------------------------------------|
| New Clauses, new Schedules and amendments relating to Part 5 | <b>4.00pm</b> on the day on which proceedings on Consideration are commenced |
| Remaining proceedings on Consideration                       | <b>6.00pm</b> on that day                                                    |

(4) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at 7.00pm on the day on which proceedings on Consideration are commenced.  
—(*Scott Mann.*)

### Building Safety Bill

*Consideration of Bill, as amended in the Public Bill Committee*

*[Relevant documents: Seventh Report of the Housing, Communities and Local Government Committee, Session 2019-21, Cladding remediation—Follow-up, HC 1249; Fifth Report of the Housing, Communities and Local Government Committee, Session 2019-21, Pre-legislative scrutiny of the Building Safety Bill, HC 466, and the Government Response, CP 473; Second Report of the Housing, Communities and Local Government Committee, Session 2019-21, Cladding: progress of remediation, HC 172, and the Government Response, CP 281; Letter from the Chair of the Housing, Communities and Local Government Committee to the Minister for Building Safety, Fire and Communities regarding the Government's response to the Committee's pre-legislative scrutiny of the Building Safety Bill, dated 19 July 2021, and the Minister's response, dated 31 August 2021.]*

### New Clause 20

#### REGULATIONS UNDER SECTION 131

“(1) The power to make regulations under section 131(6)(b) is exercisable by statutory instrument, in the case of regulations made by the Secretary of State or the Welsh Ministers.

(For regulations under section 131(6)(b) made by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).

(2) Regulations under section 131(6)(b)—

- (a) may make different provision for different purposes;
- (b) may contain consequential, supplementary, incidental, transitional or saving provision.

(3) Regulations under section 131(6)(b)—

- (a) if made by the Secretary of State, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament;
- (b) if made by the Welsh Ministers, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, Senedd Cymru;
- (c) if made by the Scottish Ministers, are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).”—  
(*Christopher Pincher.*)

*This new clause provides for the parliamentary procedure and other matters connected to the power to make regulations under section 131(6)(b) and is needed as a consequence of conferring powers on the Welsh Ministers and the Scottish Ministers (see Amendments 54 and 55).*

*Brought up, and read the First time.*

2.13 pm

**The Minister for Housing (Christopher Pincher):** I beg to move, That the clause be read a Second time.

**Madam Deputy Speaker (Dame Eleanor Laing):** With this it will be convenient to discuss the following:

Government new clause 21—*Amendment of the Government of Wales Act 2006.*

Government new clause 22—*Architects: Appeals Committee.*

New clause 3—*Remediation costs and Building Works Agency—*

“(1) The remediation costs condition applies where a landlord has carried out any fire safety works to an applicable building in consequence of any provision, duty or guidance arising from—

- (a) the Housing Act 2004;
- (b) the Regulatory Reform (Fire Safety Order) 2005;
- (c) the Building Safety Act 2021;
- (d) any direction, recommendation or suggestion of any public authority or regulatory body;
- (e) such other circumstances or enactment as the Secretary of State may prescribe by regulations or in accordance with subsection (9), below.

(2) If the remediation costs condition is met, then the costs incurred by the landlord in connection with those matters may not be the subject of a demand for payment of service charges, administration charges or any other charge permitted or authorised by any provision of any long lease.

(3) Any demand for payment which contravenes this section shall be of no force or effect and will have no validity in law.

(4) Any covenant or agreement, whether contained in a lease or in an agreement collateral to such a lease, is void in so far as it purports to authorise any forfeiture or impose on the tenant any penalty, disability or obligation in the event of the tenant refusing, failing or declining to make a payment to which this section applies.

(5) The remediation costs condition applies to demands for payment before the landlord incurs the costs in the same way as it applies to demands for payment made after the costs have been incurred.

(6) The remediation costs condition does not apply where the landlord is a company in which the majority of the shares are held by leaseholders or where the landlord is an RTM company.

(7) Within six months of the day on which this section comes into force, the Secretary of State must create an agency referred to as the Building Works Agency.

(8) The purpose of the Building Works Agency shall be to administer a programme of cladding remediation and other building safety works, including—

- (a) overseeing an audit of cladding, insulation and other building safety issues in buildings over two storeys;
- (b) prioritising audited buildings for remediation based on risk;
- (c) determining the granting or refusal of grant funding for cladding remediation work;
- (d) monitoring progress of remediation work and enforce remediation work where appropriate;
- (e) determining buildings to be safe once remediation work has been completed;
- (f) seeking to recover costs of remediation where appropriate from responsible parties; and
- (g) providing support, information and advice for owners of buildings during the remediation process.

(9) The Building Works Agency shall also have power to recommend that the Secretary of State exercises his power under clause (1)(e) in such terms and to such extent that it sees fit. If such a recommendation is made, the Secretary of State must, within 28 days, either—

- (a) accept it and exercise the power under clause 1(e) within 28 days of acceptance; or
- (b) reject it and, within 28 days of rejection, lay before Parliament a report setting out the reasons for rejection.

(10) In this section—

- (a) ‘fire safety works’ means any work or service carried out for the purpose of eradicating or mitigating (whether permanently or temporarily) any risk associated with the spread of fire, the structural integrity of the building or the ability of people to evacuate the building;
- (b) ‘applicable building’ means a building subject to one or more long leases on the day on which section comes into force;

- (c) ‘service charge’ has the meaning given by s.18, Landlord and Tenant Act 1985;
- (d) ‘administration charge’ has the meaning given by Schedule 11, Commonhold and Leasehold Reform Act 2002;
- (e) ‘long lease’ has the meaning given by sections 76 and 77 of the Commonhold and Leasehold Reform Act 2002;
- (f) ‘RTM company’ has the meaning given by section 113 of the Commonhold and Leasehold Reform Act 2002.

(11) This section comes into force on the day on which this Act is passed.”

*New clause 4—Building Safety remediation and works: zero-rating for Value Added Tax purposes—*

“(1) The Value Added Tax Act 1994 is amended as follows.

(2) In section 35(1A)(b) at the end leave out ‘and’.

(3) In subsection 35(1A)(c) leave out the final full stop and insert ‘, and’.

(4) After subsection 35(1A)(c) insert—

‘(d) building safety remediation or building safety works of the type described in item 4A of the table in paragraph 1 of Group 5 of Schedule 8 to this Act.’

(5) After subsection 35(2) insert—

‘(2A) For the purposes of subsection (2), the Commissioners shall make regulations providing for a period of not less than 6 months to be open for claims for repayment of VAT in relation to supplies under subsection 35(1A)(d) where the date of supply is between 14 June 2017 and 31 July 2022.’

(6) In the table at paragraph 1 of Group 5 of Schedule 8, after existing item 4 insert new item 4A—

‘The supply in the course of—

- (a) remediation of any defect in any external wall of any building containing two or more residential dwellings; or
- (b) remediation of any defect in any attachment to any external wall of any building containing two or more residential dwellings; or
- (c) the installation of a new or upgraded communal fire alarm system, other than to replace a communal system which has reached the end of its working life, or a communal system which has broken down as a result of failure to make reasonable repairs over time; or
- (d) remediation of any internal or external defect other than a defect described in paragraphs (a), (b) or (c); or
- (e) any building safety works carried out by an accountable person under section 86 of the Building Safety Act 2021

of any services related to the remediation.’

(7) In the table at paragraph 1 of Group 5 of Schedule 8, in item 4 replace ‘item 2 or 3’ with ‘item 2, 3 or 4A’.

(8) After note 24 insert a new note as follows—

‘(25) For the purposes of item 4A in the table above—

“defect” means anything posing any risk to the spread of fire, the structural integrity of the building or the ability of people to evacuate the building, including but not limited to any risk identified in guidance issued under Article 50 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) or any risk identified in regulations made under section 59 of the Building Safety Act 2021;

“external wall” has the same meaning as in Article 6 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541);

“remediation” means any step taken to eradicate or to mitigate a defect, including employment of any person temporarily or permanently to assist in

evacuation of any part of a building, and whether or not the defect in question existed at the date any dwelling in the building was first occupied. Remediation does not include anything required in consequence of omitting to effect reasonable repairs or maintenance to all or any part of the building over time, or anything which is the responsibility of the occupant of a dwelling in the building.’

(9) This section comes into force on 1 August 2022.”

*This new clause allows recovery of VAT on building safety remedial works paid since 14 June 2017 and makes future supplies of materials, goods and services for building safety remediation projects zero-rated for Value Added Tax.*

**New clause 5—Fire safety defects and defective dwellings—**

“(1) The Housing Act 1985 is amended as follows.

(2) In section 528(1)(a) leave out the final ‘, and’ and insert ‘, or’.

(3) After section 528(1)(a) insert—

‘(aa) buildings in the proposed class are defective as a result of their external walls or any attachment to the external walls, whether as a result of the design or construction of the external walls or the attachment in question; or

(ab) buildings in the proposed class are defective as a result of anything which in the opinion of the Secretary of State poses a building safety risk or the ability of anyone to evacuate the building, whether or not the building is a higher-risk building, and’

(4) In section 528(1)(b) for ‘paragraph (a)’ substitute ‘paragraphs (a), (aa) or (ab)’.

(5) In section 528(1)(b) at the end insert ‘, or in the opinion of the Secretary of State is materially difficult to mortgage, insure or sell compared to non-defective dwellings.’

(6) After section 528(4) insert—

‘(4A) A designation may identify any part of a building or class of buildings, any design feature, any material used in the construction of that building, any error in workmanship or installation or anything missing from that building, whether or not it should have been included when the building was constructed.

(4B) A designation may be made if the defect requires the employment of any person, whether on a permanent or temporary basis, specifically to assist with the evacuation of that building or part of that building.’

(7) After section 528(6) insert—

‘(7) In this section—

“building safety risk” has the same meaning as in section 59 of the Building Safety Act 2021.

“external wall” has the same meaning as in Article 6 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541).

“higher-risk building” has the same meaning as in section 62 of the Building Safety Act 2021.’

(8) In section 559(1)(a) omit the final ‘, and’ and replace it with ‘, or’.

(9) After section 559(1)(a) insert—

‘(aa) buildings in the proposed class are defective as a result of their external walls or any attachment to the external walls, whether as a result of the design or construction of the external walls or the attachment in question; or

(ab) buildings in the proposed class are defective as a result of anything which in the opinion of the local housing authority poses a building safety risk or the ability of anyone to evacuate the building, whether or not the building is a higher-risk building, and’

(10) In section 559(1)(b) for ‘paragraph (a)’ substitute ‘paragraphs (a), (aa) or (ab)’.

(11) In section 559(1)(b) at end insert—

‘or in the opinion of the local housing authority materially difficult to mortgage, insure or sell compared to non-defective dwellings.’

(12) After section 559(4) insert—

‘(4A) A designation may identify any part of a building or class of buildings, any design feature, any material used in the construction of that building, any error in workmanship or installation or anything missing from that building, whether or not it should have been included when the building was constructed.

(4B) A designation may be made if the defect requires the employment of any person, whether on a permanent or temporary basis, specifically to assist with the evacuation of that building or part of that building.’

(13) After section 559(6) insert—

‘(7) In this section—

“building safety risk” has the same meaning as in section 59 of the Building Safety Act 2021;

“external wall” has the same meaning as in Article 6 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541);

“higher-risk building” has the same meaning as in section 62 of the Building Safety Act 2021.’

(14) This section comes into force on the day this Act is passed.”

*This new clause is suggested before clause 126. This new clause amends Part XVI of the Housing Act 1985 (originally enacted as the Housing Defects Act 1984) to empower the government and local authorities to designate dwellings with cladding and fire safety defects as defective and to provide grant support for remediation.*

**New clause 6—Duty on the Secretary of State to report on designations under Part XVI of the Housing Act 1985—**

“(1) Within the period of six months beginning with the day on which this section comes into force, the Secretary of State must—

(a) consider the financial impact on leaseholders in England and Wales of building safety advice given by his department since 14 June 2017; and

(b) in conjunction with the Treasury and the Prudential Regulation Authority, consider the impact of building safety advice given by his department since 14 June 2017 on the supply of mortgage finance for leasehold flats in England and Wales; and

(c) publish a report setting out his determination, in light of the factors identified in paragraphs (a) and (b), as to whether designations under section 528 or section 559 of the Housing Act 1985 would improve conditions for leaseholders, or would improve the supply of mortgage finance for leasehold flats in England and Wales.

(2) If the Secretary of State’s report under subsection (1) concludes that designations under section 528 or section 559 of the Housing Act 1985 would improve financial conditions for leaseholders in England and Wales, or would improve the supply of mortgage finance for leasehold flats in England and Wales, then at the same time as publishing his report he must—

(a) make arrangements to provide all necessary funding;

(b) make the appropriate designations under section 528 of the Housing Act 1985; and

(c) advise local housing authorities to make appropriate designations under section 559 of the Housing Act 1985.

(3) Before making any regulations bringing into force any section in Part 4 of this Act, the Secretary of State must make arrangements for—

(a) a motion to the effect that the House of Commons has approved the report prepared under subsection (1), to be moved in the House of Commons by a minister of the Crown; and



- (b) a motion to the effect that the House of Lords to take note of the report prepared under subsection (1), to be moved in the House of Lords by a minister of the Crown.

(4) The motions required under subsections (3)(a) and (3)(b) must be moved in the relevant House by a Minister of the Crown within the period of five calendar days beginning with the end of the day on which the report under subsection (1) is published.

(5) If the motion tabled in the House of Commons is rejected or amended, the Secretary of State must, within 30 calendar days, publish a further report under subsection (1) and make arrangements for further approval equivalent to those under subsection (2).

(6) The Secretary of State shall make a further report under subsection (1) at least every 90 calendar days beginning with the day of any rejection or amendment by the House of Commons under subsection (5) until otherwise indicated by a resolution of the House of Commons.

(7) In this section—

‘leaseholder’ means the registered legal owner of a long lease; and

‘leasehold flat’ means a flat owned by a leaseholder; and

‘long lease’ has the same meaning as in section 76 of the Commonhold and Leasehold Reform Act 2002.

(8) This section comes into force on the day this Act is passed.”

*This new clause is suggested before clause 126. It places a time-limited duty on the Secretary of State to consider making designations under Part XVI of the Housing Act 1985 to provide funding for cladding and fire safety remediation and for Parliament to approve the plans for doing so.*

#### **New clause 7—Building Safety Indemnity Scheme—**

“(1) There shall be a body called the ‘Building Safety Indemnity Scheme’ (referred to in this Act as ‘the Scheme’).

(2) The purpose of the Scheme shall be to collect money from levies and to disburse the money raised from those levies in the form of grants to leaseholders to pay all or any part of the following types of costs—

- (a) remediation of any defect in any external wall of any building containing two or more residential units; or
- (b) remediation of any defect in any attachment to any external wall of any building containing two or more residential units; or
- (c) remediation of any internal or external defect other than a defect described in paragraphs (a) or (b); or
- (d) any building safety works carried out by an accountable person under section 86; or
- (e) any other cost of a type specified by the Secretary of State in regulations made under this section.

(3) The Scheme may disburse money for the benefit of leaseholders in any type of building, whether or not a higher-risk building and whether or not the building was first occupied before the coming into force of this Act.

(4) The levy imposed by the Scheme shall be determined by reference to each of the following—

- (a) the Scheme’s best estimate of the reasonably likely total cost of grants to cover any type of cost described in subsection (2);
- (b) the Scheme’s best estimate of the costs of raising and administering the levy; and
- (c) the Scheme’s best estimate of the costs of processing applications for grants to leaseholders and disbursing funds to leaseholders from monies raised by the levy.

(5) Members of the Scheme subject to levies shall include the following—

- (a) any person seeking building control approval;

- (b) any prescribed insurer providing buildings insurance to buildings containing two or more residential units, whether or not the buildings are higher-risk buildings;

- (c) any prescribed supplier of construction products subject to regulations made under Schedule 9 to this Act;

- (d) any prescribed lender providing mortgage finance in the United Kingdom, whether or not secured over residential units in higher-risk buildings; and

- (e) any other person whom the Secretary of State considers appropriate.

(6) The Scheme is to consult with levy paying members before determining the amount and duration of any levy.

(7) The Scheme must provide a process by which leaseholders, or persons acting on behalf of leaseholders, can apply for grants for the types of costs specified in subsection (2).

(8) The Scheme must provide an appeals process for the Scheme’s decisions regarding—

- (a) the determination of the amount of any levy; or
- (b) the determination of any grant application.

(9) A building control authority may not give building control approval to anyone unless—

- (a) the person seeking building control approval is a registered member of the Scheme, or that person becomes a registered member of the Scheme before the building control approval is given; and
- (b) the person seeking building control approval pays all levies made on that person by the Scheme before the building control approval is given.

(10) The Secretary of State must provide that any regulations made under Schedule 9 to this Act provide, as a condition of approval of any regulated construction product, that any prescribed supplier of such a product—

- (a) is a registered member of the Scheme, or that prescribed supplier becomes a registered member of the Scheme; and
- (b) that the prescribed supplier pays all levies made on that person by the Scheme.

(11) Any liability to pay a levy under this section does not affect the liability of the same person to pay an additional levy under section 57 of this Act.

(12) Within a period of 12 months beginning with the coming into force of this section, the Secretary of State must make regulations providing for—

- (a) the appointment of a board to oversee the Scheme;
- (b) the staffing of the Scheme;
- (c) the creation and maintenance of a public register of members of the Scheme;
- (d) the preparation of the best estimates described in subsection (4);
- (e) the amount, manner and timing of payment of the levies on members of the Scheme under this section;
- (f) the process of joining the Scheme;
- (g) the process of leaseholders applying to the Scheme for grants towards any of the types of costs specified in subsection (2);
- (h) the process for handling any appeals against decisions of the Scheme on any levy or any grant;
- (i) the Scheme to make an annual report to Parliament; and
- (j) any other matters consequential to the Scheme’s operation.

(13) Regulations made under this section are to be made by statutory instrument.

(14) A statutory instrument under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(15) In this section—

‘building’ has the same meaning as in section 29;

‘building control approval’ has the same meaning as in paragraph (1B)(2) of Schedule 1 to the Building Act 1984;

‘building control authority’ has the same meaning as in section 121A of the Building Act 1984;

‘defect’ means anything posing any risk to the spread of fire, the structural integrity of the building or the ability of people to evacuate the building, including but not limited to any risk identified in guidance issued under Article 50 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541) or any risk identified in regulations made under section 59;

‘external wall’ has the same meaning as in Article 6 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541);

‘higher-risk building’ has the same meaning as in section 59;

‘prescribed’ means prescribed by regulations made by the Secretary of State;

‘remediation’ means any step taken to eradicate or to mitigate a defect, including employment of any person to temporarily assist in evacuation of any part of a building, and whether or not the defect in question existed at the date any residential unit in the building was first occupied. Remediation does not include anything required in consequence of omitting to effect reasonable repairs or maintenance to all or any part of the building over time, or anything which is the responsibility of an occupant of a residential unit within the building;

‘residential unit’ has the same meaning as in section 29.

(16) This section shall come into force on the day this Act is passed.”

*This new clause is suggested after clause 126, requiring the government to establish a comprehensive fund, equivalent to the Motor Insurers’ Bureau, to provide grants to remediate cladding and fire safety defects of all descriptions, paid for by levies on developers, building insurers and mortgage lenders.*

**New clause 8—Implied terms in residential building and residential renovation contracts—**

“(1) Every residential building contract is to be taken to contain terms that—

- (a) the residential unit is fit for the purpose of ordinary residential occupation and is likely to remain so for a reasonable period if kept in appropriate repair;
- (b) the residential unit in question is constructed in all material respects as described or stated on the approved plans;
- (c) the residential unit is not subject to any building safety risk;
- (d) the materials incorporated in the residential unit are as described in any approved plans;
- (e) the materials incorporated in the residential unit are of satisfactory quality;
- (f) the design of the residential unit is of a reasonable standard;
- (g) the design of the residential unit is prepared with reasonable care and skill;
- (h) all works in connection with the construction of the residential unit are executed with reasonable care and skill; and
- (i) the residential unit complies in all material respects with all applicable statutory requirements and with all applicable building regulations in force as at the date of completion.

(2) Every residential renovation contract is to be taken to contain terms that any renovation works—

- (a) do not render the unit unfit for the purpose of ordinary residential occupation;
- (b) do not create any building safety risk;
- (c) do not involve the incorporation of materials in the residential unit which are not as described in any approved plans;
- (d) do not involve the incorporation of materials in the residential unit which are not of satisfactory quality;
- (e) are executed with reasonable care and skill; and
- (f) do not render the residential unit materially non-compliant with any applicable statutory requirement or with any applicable requirement of building regulations in force as at the date of completion.

(3) For the purposes of subsections (1) and (2), where the residential unit forms part of a building consisting of two or more residential units, the internal and external common parts of that building necessary for the reasonable occupation of any of the residential units are also to be taken to be subject to the same terms.

(4) A residential unit is fit for the ordinary purpose of residential occupation if it would be regarded as such by a reasonable person and taking into account—

- (a) the ordinary costs of repair and maintenance of that residential unit by reference to that unit’s location and specific characteristics;
- (b) any marketing materials provided before the sale of the residential unit in question; and
- (c) whether that unit was marketed, designed or intended to be occupied by any particular class of persons, whether by age, by gender or by physical or mental disability.

(5) For the purposes of this section—

- (a) a matter is material if it would be considered material if known or discovered by a reasonable purchaser of that residential unit before completing a purchase of that residential unit on ordinary commercial terms;
- (b) a design is of a reasonable standard if a designer of average competence would have produced the same or a similar design;
- (c) a material is of satisfactory quality if it would meet the requirements for satisfactory quality of goods under section 9 of the Consumer Rights Act 2015; and
- (d) a material is as described if it would meet the requirements for description of goods under section 11 of the Consumer Rights Act 2015.

(6) The terms taken to be included in any residential building contract or residential renovation contract are enforceable by any owner of the residential unit provided or renovated under the contract in question.

(7) A term of a residential building contract or a residential renovation contract is not binding on the owner of a residential unit provided or renovated pursuant to that contract if it would exclude or restrict any liability in relation to the terms implied by this section.

(8) The reference in subsection (7) to excluding or restricting a liability also includes preventing an obligation or duty arising or limiting its extent.

(9) An agreement in writing to submit present or future differences to arbitration is not to be regarded as excluding or restricting any liability for the purposes of this section.

(10) In this section—

‘approved plans’ means any document submitted as part of obtaining building control approval;

‘building control approval’ has the same meaning as in paragraph (1B) of Schedule 1 to the Building Act 1984;

‘building safety risk’ has the same meaning as in section 59, whether or not the residential unit is in a higher-risk building;

‘higher-risk building’ has the same meaning as in section 62;

‘owner’ means the registered legal owner of the residential unit from time to time, including any trustee holding a beneficial interest on behalf of a third party and any transferee or assignee of the original owner;

‘residential unit’ has the same meaning as in section 29;

‘residential building contract’ means a contract made in the course of business involving work on or in connection with the construction of a residential unit (whether the dwelling is provided by the erection or by the conversion or enlargement of an existing building);

‘residential renovation contract’ means a contract made in the course of business involving work on an existing residential unit, except where it is expected that, on completion of the work, it will have ceased to be a residential unit or will otherwise have ceased to exist.”

*This new clause, proposed to be inserted after clause 128 strengthens consumer rights for future buyers by implying terms that houses and flats are built, and are renovated, to reasonable standards of quality and compliant in all material respects with the law and with building regulations.*

#### New clause 9—*Implied terms: limitation—*

“(1) The Limitation Act 1980 is amended as follows.

(2) After section 5 insert—

‘5A Time limit for actions related to breach of implied terms in residential building contracts and residential renovation contracts

An action in respect of the breach of the term implied into a residential building contract or a residential renovation contract by section (Implied terms in residential building and residential renovation contracts) of the Building Safety Act 2021 may not be brought after the expiration of 25 years from the date on which the cause of action accrued.”

*This new clause provides for a 25 year limitation period for breaches of the terms implied by the amendment proposed above.*

#### New clause 10—*Implied terms: mandatory insurance—*

“(1) No member of the new homes ombudsman scheme created by this Act may offer for sale or sell any residential unit unless —

(a) every potential purchaser is provided on request with an accurate written summary of the terms of a prescribed policy applying to the residential unit when completed; and

(b) in accordance with any relevant regulation made under this section, or under section 131, or under section 132, the person offering for sale or the seller of the residential unit arranges a valid prescribed policy and provides a copy of a valid prescribed policy given to the purchaser of the residential unit on the day of the transfer to the purchaser of legal title in the residential unit.

(2) Any person in the course of business providing a residential unit under a residential building contract or renovations to a residential unit under a residential renovation contract must obtain a valid prescribed policy.

(3) No term of any residential building contract or residential renovation contract is enforceable unless a valid prescribed policy is in force in respect of such a contract.

(4) Within a period of six months beginning on the day this section comes into force, the Secretary of State must make regulations prescribing insurance terms for the purposes for this section, including—

(a) the creditworthiness of any insurer or warranty scheme under this section;

(b) the name of any warranty scheme which in the opinion of the Secretary of State achieves the purposes of this section;

(c) the minimum terms of any insurance or warranty under this section;

(d) that any policy or warranty scheme also provides reasonably adequate cover for any claim under sections 1 and 2A of the Defective Premises Act 1972 and section 38 of the Building Act 1984;

(e) a policy term or a warranty term of not less than the limitation period for making claims under any term implied into a residential building contract or residential renovation contract by this Act; and

(f) to bring into force section [Implied terms in residential building and residential renovation contracts] and section [Implied terms: limitation].

(5) Regulations made under this section are to be made by statutory instrument.

(6) A statutory instrument under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(7) In this section—

‘new homes ombudsman scheme’ means the scheme established under section 129;

‘prescribed’ means prescribed in regulations made by the Secretary of State, whether under this section, or under section 131, or under section 132;

‘residential building contract’ has the same meaning as in section [Implied terms in residential building and residential renovation contracts];

‘residential renovation contract’ has the same meaning as in section [Implied terms in residential building and residential renovation contracts]; and

‘residential unit’ has the same meaning as in section 29.

(8) This section shall come into force on the day this Act is passed.”

*This new clause provides that members of the New Homes Ombudsman Scheme may not sell any new flat or house unless they provide insurance for 25-years to cover breach of implied terms as to quality.*

#### New clause 11—*Limitation Period for claims under section 38 of the Building Act 1984—*

“(1) Section 38 of the Building Act 1984 is amended as follows.

(2) In section 38(4) after ‘includes’ insert ‘economic loss.’.

(3) After section 38(4) insert—

‘(5) No right of action for damages for economic loss under this section shall accrue until any person to whom the duty is owed has actual knowledge of breach that duty.

(6) Notwithstanding anything in subsection (5) or any regulations made under this section, an action for damages for economic loss under this section shall not be brought after the expiration of twenty-five years from the date the breach of duty occurred.

(7) For the purposes of subsection (6), where there is more than one actionable breach of duty causing economic loss and the breaches in question occurred on different dates, then time runs only from the date of the last such breach.

(8) Any right of action under this section other than a right of action for damages for economic loss shall be subject to section 11 and section 14A of the Limitation Act 1980.’

(4) This section shall come into force at the end of the period of two months beginning on the day on which this Act is passed.”

*This new clause proposed for the Building Act 1984 enables claims for recovery of monetary damages (economic loss) and provides that the time limit for claims start when a resident becomes aware of a breach, subject to a 25-year longstop date.*



New clause 12—*Abolition of the rule preventing recovery of economic loss in certain actions relating to damage or defects in buildings*—

“(1) In any prescribed statutory action for damages, there is no bar to recovering economic loss.

(2) In any action for damages for negligence in relation to the construction or renovation of any residential unit, other than an action for damages to which section 11 or section 14A of the Limitation Act 1980 applies, there is no bar to recovering economic loss.

(3) This section shall apply to any right of action accruing on or after the day this section comes into force.

(4) For the purposes of this section —

‘prescribed statutory action for damages’ means any action for damages for breach of section 1 or section 2A of the Defective Premises Act 1972.

‘residential unit’ means any dwelling or other unit of residential accommodation, including any internal or external common parts of any building necessary for the occupation of that residential unit.

(5) This section shall come into force at the end of the period of two months beginning on the day on which this Act is passed.”

*This new clause abolishes the rule preventing the recovery of economic loss from developers and other professionals in claims for negligence and in claims under the Defective Premises Act 1972.*

New clause 13—*Leaseholder Costs Protection*—

“(1) This section applies to a relevant building where a landlord has carried out any fire safety works to a building in consequence of any provision, duty or guidance arising from—

- (a) the Housing Act 2004;
- (b) the Regulatory Reform (Fire Safety Order) 2005;
- (c) this Act;
- (d) any direction, recommendation or suggestion of any public authority or regulatory body; and
- (e) such other circumstances or enactment as the Secretary of State may prescribe by regulations.

(2) If any of the conditions in subsection (1) are met, then the costs incurred by the landlord in connection with those matters may not be the subject of a demand for payment of service charges, administration charges or any other charge permitted or authorised by any provision of any long lease.

(3) Any demand for payment which contravenes this section shall be of no force or effect and will have no validity in law.

(4) Any covenant or agreement, whether contained in a lease or in an agreement collateral to such a lease, is void insofar as it purports to authorise any forfeiture or impose on the tenant any penalty, disability or obligation in the event of the tenant refusing, failing or declining to make a payment to which this section applies.

(5) This section applies to demands for payment before the landlord incurs the costs in the same way as it applies to demands for payment made after the costs have been incurred.

(6) This section does not apply where the landlord is a company in which the majority of the shares are held by leaseholders or where the landlord is an RTM company.

(7) For the purposes of this section, a relevant building is any building containing one or more residential dwellings let on a long lease.

(8) In this section—

‘administration charge’ has the meaning given by Schedule 11 to the Commonhold and Leasehold Reform Act 2002; ‘fire safety works’ means any work or service carried out for the purpose of eradicating or mitigating (whether permanently or temporarily) any risk associated with the spread of fire, the structural integrity of the building or the ability of people to evacuate the building;

‘long lease’ has the meaning given by sections 76 and 77 of the Commonhold and Leasehold Reform Act 2002;

‘residential dwelling’ means any dwelling or other unit of residential accommodation, including any internal or external common parts of any building necessary for the occupation of that residential unit;

‘service charge’ has the meaning given by section 18 of the Landlord and Tenant Act 1985;

‘RTM company’ has the meaning given by section 113 of the Commonhold and Leasehold Reform Act 2002.

(9) This section comes into force on the day on which this Act is passed.”

*This new clause prevents the costs of any fire safety or building safety remedial works being passed on to leaseholders.*

Amendment 2, in clause 126, page 133, line 17, at end insert—

“(d) In respect of remediation works completed before the coming into force of this section, apply for any refund of VAT due under section 35(1A)(d) of the Value Added Tax Act 1994 and credit the whole amount of any such refund received to leaseholders pro-rata in accordance with the terms of the lease.”

*This amendment is consequential on NC4. Where works have already been carried out, this new subclause requires the landlord to obtain any retrospective VAT refund and to credit the whole amount of that VAT refund to leaseholders.*

Amendment 5, in clause 127, page 135, line 29, leave out

“at the time the work is completed”

and insert

“when any person to whom the duty under this section is owed has actual knowledge of breach of that duty.”

*This amendment provides that time to make a claim in respect of building renovations under section 2A of the Defective Premises Act 1972 only runs from the date a resident has knowledge of the breach, subject to a 25-year longstop.*

Amendment 6, in clause 127, page 135, line 33, at end insert—

“(9) Notwithstanding anything in subsection (8), an action for damages for breach of the duty in this section, insofar as that action relates only to the original work in question, shall not be brought after the expiration of twenty-five years from the date the work in question is completed.”

*This amendment provides that time to make a claim in respect of building renovations under section 2A of the Defective Premises Act 1972 only runs from the date a resident has knowledge of the breach, subject to a 25-year longstop.*

Amendment 4, in clause 128, page 136, line 1, leave out “15 years” insert “25 years”.

*This amendment proposes a longer period for claims under the Defective Premises Act 1972 and the Building Act 1984 considering the recent history of cladding and fire safety related defects and retrospective guidance issued by the government.*

Government amendment 41.

Amendment 7, in clause 128, page 136, line 11, at end insert—

“(2A) In section 1(5) of the Defective Premises Act 1972 for ‘time when the dwelling was completed’ substitute ‘time when any person to whom the duty under this section is owed has actual knowledge of breach of that duty’.

(2B) After section 1(5) of the Defective Premises Act 1972 insert—

(6) Notwithstanding anything in subsection (5), an action for damages for breach of the duty in this section, insofar as that action relates only to the original construction of the building in

question, shall not be brought after the expiration of twenty-five years from the time the dwelling is completed.”

*This amendment provides that time to bring a claim for damages under section 1 of the Defective Premises Act 1972 only runs from the date a resident has knowledge of a breach, subject to a 25-year longstop in relation to claims related to failures during the original construction.*

Government amendment 42.

Amendment 8, in clause 128, page 136, line 19, leave out subsection (5).

*The Human Rights Act 1998 already protects defendants' rights in relation to retrospectively extended limitation periods. Removing subsection (5) removes the material risk a court may construe clause 128 in a way that means it has no practical benefit and will lead to years of costly litigation for leaseholders.*

Amendment 9, in clause 128, page 136, leave out line 27 and line 28.

*This amendment is consequential to Amendment 8 because the defined term “Convention Rights” is no longer required.*

Government amendment 43.

Amendment 10, in clause 128, page 136, line 29, leave out “90 days” and insert “2 years”.

*This amendment allows a period of up to 2 years, instead of 90 days, to obtain the necessary expert evidence required to issue viable claims under the Defective Premises Act 1972.*

Government amendments 44 to 55.

Amendment 3, in clause 132, page 139, line 17, at end insert—

“(f) require members of the scheme under paragraph (a) to obtain policies of insurance that meet the requirements of section (Implied terms: mandatory insurance).”

Government amendments 56 to 58.

Government new schedule 2—*Amendments in connection with the new homes ombudsman scheme.*

Government amendment 71 and 72.

Government amendment 59.

Government amendment 62.

Government amendments 65 to 69.

**Christopher Pincher:** It is a great pleasure to report to the House, to move the Government's new clauses and to be able listen to the important debate that we will have on the Bill's remaining stages. Over the past few months, the Bill has been subject to scrutiny and debate not only in Committee but through ongoing debate in this House, in the other place and, indeed, throughout the country.

Only last week, my right hon. Friend the Secretary of State for Levelling Up, Housing and Communities updated the House on our progress in addressing the ongoing issues and protecting leaseholders. We have brought the Bill forward on Report because we are clear that it needs to move forward, but we are conscious that further work needs to be done to it and look forward to working with parties from across the House and with interested parties to ensure that it is further improved in the other place.

**Stephen Timms** (East Ham) (Lab): Will the Minister confirm that the Government intend to table amendments in the other place to implement the statutory protection for leaseholders announced last week by the Secretary

of State? By the time that the Bill is debated there, can we expect amendments to have been published so that we can consider them?

2.15 pm

**Christopher Pincher:** I am grateful to the right hon. Gentleman for his question. As I said, we are introducing the Bill at this stage because we are conscious that it is very important, and we need to get it through both Houses. However, as my right hon. Friend the Secretary of State said in his statement on 10 January, we want to ensure that we look closely to improve the appropriate legislative and statutory protections for leaseholders, and we will have to do that in a parliamentary way, which will of course include the other place.

**Several hon. Members** rose—

**Christopher Pincher:** Crikey. I give way first to my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill).

**Sir Robert Neill** (Bromley and Chislehurst) (Con): I am grateful to my right hon. Friend for the undertaking to bring forward such matters in the other place and for listening to colleagues' representations on a number of important issues. Given the pressures on business in the other House, will he assure us that there will be time properly to debate the amendments and that they will include important issues such as clarifying the position on internal developer fire safety defects—where there has been a defect that is the fault of the developer and/or regulatory failure and not anything else—just as much as external defects, and consequential costs that stem from those failures such as waking watch? Those are important issues, so I hope he will ensure that we have a proper debate and clarification on them in the other place.

**Christopher Pincher:** I am grateful to my hon. Friend. Of course, the time made available for debate in the other place is for the other place to determine, but I am sure that the business managers in both Houses have heard his points. I certainly want to ensure that there is adequate time to debate properly what are somewhat technical and detailed matters so that, working across party and with members of the Select Committee on Levelling Up, Housing and Communities, we can properly get the Bill right.

**Hilary Benn** (Leeds Central) (Lab): Further to the answer given to my right hon. Friend the Member for East Ham (Stephen Timms), will the Minister explain why the statutory protection that the Government are considering will apparently not extend to leaseholders not living in their flats? I know of at least one constituent of mine who was forced to leave his flat and rent it out as that was the only way he could raise the money to pay for the waking watches and insurance bills. Given that he is just as much a victim as those still living in their flats, why should protection against unreasonable costs not be extended to people such as him?

**Christopher Pincher:** I am grateful to the right hon. Gentleman. He will know, as the House does, that building safety and the challenges that leaseholders face are very complicated. The House will also know that we have committed to help those in shared ownership, for

example, by making it easier for them to rent out their properties if that is a means of ensuring that they can pay their mortgages. I assure him that we will look closely and work collegiately and collectively across parties, and with other interested parties, to ensure that such issues are effectively and appropriately debated and addressed.

**Bob Blackman** (Harrow East) (Con): My right hon. Friend has done a stoic job in taking the Bill through its various stages. The other place is under incredible pressure in dealing with Government legislation, as my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) mentioned. It is clearly up to business managers there how much time they allocate to amendments and so forth, but will he commit that when the Bill comes back to us with the Lords amendments, we will get a chance to debate them—and, if necessary, correct them and improve them—rather than just a 60-minute debate where hardly anyone gets an opportunity to debate the issues?

**Christopher Pincher:** I am grateful to my hon. Friend. The business managers in this House, if not the other House, will have heard his points—he has got a pretty loud voice—and will want to ensure that appropriate, adequate debating time is made available to deal with these technical and detailed issues. As I said, I believe that business managers will have heard what has been said by him and by right hon. and hon. Members and will react accordingly.

**Several hon. Members** *rose*—

**Christopher Pincher:** I will give way to the Chairman of the Select Committee on Levelling Up, Housing and Communities, and then I probably ought to make a little more progress, having thus far read out only one paragraph of my opening remarks.

**Mr Clive Betts** (Sheffield South East) (Lab): It was very well read, though.

I re-emphasise the point raised by the hon. Member for Harrow East (Bob Blackman). The Select Committee will have a very short but very thorough inquiry into the issues that the Secretary of State rightly raised in his statement to the House last week and the follow-up, but debating time in this place is an issue. The Minister's answer is very helpful because the Lords will have lots of time, and then it is normal for us to have one hour to consider their amendments. The Bill needs a full-day debate because the amendments that the Government intend to make, following consultation with industry, are key to resolving the issue. I appreciate what the Minister said, and I hope the business managers are as supportive when they come to allocate time.

**Christopher Pincher:** The hon. Gentleman and others remind me of what is often said of politics: even though everything that can be said has been said, not everybody who could say it has said it. He has just spoken for the entire House, and it is of course for the usual channels to determine the time allocated for debating and disposing of business, but the point of view of both sides of the House has thus far, very early in the debate, been heard.

**Several hon. Members** *rose*—

**Christopher Pincher:** I will make a little progress before giving way, if I may.

I have been delighted to talk to colleagues on both sides of the House, following the statement by my right hon. Friend the Secretary of State. I draw the House's attention to the comments of my hon. Friends the Members for Southampton, Itchen (Royston Smith) and for Ipswich (Tom Hunt), who cannot be with us today because they are on parliamentary business elsewhere. They commissioned me to tell the House that they are very pleased with the direction of travel set out by my right hon. Friend the Secretary of State. They are pleased with the Government's commitment to continue working with parliamentarians to protect leaseholders and to hold to account those responsible for building defects. If they were here, they would support the Government in the Lobby this afternoon.

I am sure we will address some difficult and challenging questions in this debate. Before we do, I am keen to introduce a group of Government amendments that I trust will be welcomed.

**Catherine West** (Hornsey and Wood Green) (Lab): The Minister is generous in giving way. Could he reassure leaseholders in the Roundway in Wood Green that, after several years of lobbying both me and the Government, not only will the whole of the cladding costs be covered under this arrangement but their mortgage issues will be resolved?

**Christopher Pincher:** The hon. Lady is a doughty campaigner on behalf of her constituents in the Roundway and elsewhere. I do not want to speak about specific buildings, which probably would not be appropriate because I do not know the detail, but we certainly want to make sure that we agree proper leaseholder protections across political parties and with interested parties. We will make amendments to that effect, as well as a suite of non-statutory interventions to make sure the people who ought to pay do pay.

**Several hon. Members** *rose*—

**Christopher Pincher:** I will give way a little more later. I am conscious that I have already spoken for a little while, and there are a number of new clauses and amendments that the House will want to debate and on which Members will want to make their views plain.

The Government are committed to improving redress and consumer protection for home buyers in new buildings. I am therefore pleased that we have introduced access to the new homes ombudsman scheme. Amendments 49, 50 and 72 introduce several changes to the new homes ombudsman provisions to enable them to work practically in Wales and Scotland, and to ensure that the scheme includes provision of information to Ministers in the devolved Administrations.

In addition, amendments 47, 48 and 71 and new schedule 2 remove barriers to enable the new homes ombudsman to work jointly with existing ombudsman schemes and clarify provision of co-operation between the ombudsman and other redress schemes. To ensure that the provisions work for home buyers across our nations, any differences in law and custom and practice will be respected.

Amendments 45, 56 and 57 include requirements for the Secretary of State to consult the devolved Administrations before making arrangements for the



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scheme. We want that consultation to be meaningful and our intention is to make sure that consideration is given to the views of the devolved Administrations at an appropriate time and before key decisions are taken about the ombudsman regime.

Amendments 54 and 55 confer a power on the relevant national authority for England, Scotland and Wales to add the meaning of the term “developer” in the new homes ombudsman provisions, through regulations as appropriate and following a discussion with other relevant national authorities.

New clause 20 makes provision for how Welsh and Scottish Ministers may exercise that power. New clause 21 makes sure that the devolved Administrations are not restricted from bringing forward legislation to alter the ombudsman’s statutory functions in relation to that territory’s future by disapplying a restriction in the Government of Wales Act 2006.

Finally, our intention is for the new homes ombudsman to work jointly with the other redress schemes and ombudsmen, and the amendments clarify that intention, removing barriers in existing legislation.

**Janet Daby** (Lewisham East) (Lab): Will the Minister say how he will keep his promises to leaseholders to ensure that they will not bear the cost of the building safety crisis?

**Christopher Pincher:** As I have already said, we want to work across the parties to make sure that leaseholders are properly protected and that those who should properly pay the costs of defective fire safety work bear that cost. I have said it from the Dispatch Box, and, on 10 January, the Secretary of State made the same commitment. We will work through the passage of the Bill to make sure that those protections are in place.

**Jonathan Edwards** (Carmarthen East and Dinefwr) (Ind) *rose*—

**Christopher Pincher:** I give way to the hon. Gentleman and then I shall make some further progress.

**Jonathan Edwards:** I am extremely grateful to the Minister for giving way. I welcome the ombudsman. Uncompleted estates have been a big issue in my constituency, and I welcome the consultation with the Welsh Government. May I take him back to the intervention from the right hon. Member for Leeds Central (Hilary Benn) about people who are landlords and leaseholders in one property and the need to include them in the scheme. In the spirit of that consultation—whatever compensation scheme comes forward will be administered in Wales by the Welsh Government—can he tell me what discussions he is having with the Welsh Government about that specific group of people who are very worried about the situation at the moment?

**Christopher Pincher:** I am grateful to the hon. Gentleman for his support for the proposals in general. I can assure him that my officials work closely with officials in the devolved Administrations and we will continue to do so, again, as an example of working with interested parties to make sure that issues are properly addressed.

New clause 22 relates to appeals against registration decisions made by the Architects Registration Board. The new clause gives applicants for registration the

opportunity to appeal a decision made by the board or the registrar to remove or refuse to enter or re-enter a person’s name onto the register. Without that, registrants removed under the new competence regime, to be introduced with clause 137, and first-time registrants will only have recourse to the High Court. The costs of an appeal made to the High Court could be prohibitive.

Amendment 58 will allow the board to delegate its prescription responsibilities to the prescription committee, giving it greater flexibility while maintaining oversight of the prescription of qualifications. Amendments 65 and 69 are consequential to that change.

I now turn to our proposed amendments on redress. The Bill Committee debated section 1 of the Defective Premises Act 1972 in significant detail; I recall that the hon. Member for Weaver Vale (Mike Amesbury) made several concise and incisive interventions. Section 1 allows a claim for compensation to be brought through the civil courts when a dwelling was “not fit for habitation” on completion. The limitation period in that Act currently stands at six years, which means that a claim must be brought within that period following the completion of the defective works.

2.30 pm

As introduced, the Bill proposed to retrospectively and prospectively extend the limitation period to 15 years, meaning that it would not only apply going forward, but that it would be possible to bring a claim with respect to buildings completed from mid-2007 onwards, should the building have been constructed in such a way as to make it unfit for habitation.

**Matt Rodda** (Reading East) (Lab): I ask for the Minister’s further reassurance on some points of detail that relate to these amendments. First, around half of the buildings in my constituency that have difficulties associated with them have non-cladding-related problems. Those include internal compartmentalisation that has been improperly finished. Indeed, in Queens Wharf in Reading town centre, the building owners estimate that nearly £1 million of work needs to be carried out. These are often very large sums. In other cases, the problem is wooden cladding, wooden balconies or a range of other things. Do the amendments relate to these problems, or to flammable cladding only?

**Christopher Pincher:** The Defective Premises Act has been in effect since 1972, so there is a significant body of case law that those wishing to bring an action, and indeed the courts, will be able to refer to, to determine whether a premises is defective and therefore whether an action should be successful. I am happy to write to the hon. Gentleman with further detail, but I can assure him that the Act is of long standing and has been well used, and there is a body of case law that can be applied.

**John Redwood** (Wokingham) (Con): Is there any right of redress to the regulatory authorities in local government, such as building inspectors and others, who were responsible for signing off on these schemes?

**Christopher Pincher:** We certainly want to ensure though the Bill, that the building control mechanism and the industry are improved. I think that a suite of measures, including the introduction of better building control measures, the retrospection of the Defective

Premises Act and further work that we may choose to do, working across parties, will help ensure that a very complicated and detailed set of challenges, which have emerged recently but have been developing over many years, are properly addressed.

**Sir Mike Penning** (Hemel Hempstead) (Con): I want to clarify, should I be lucky enough to catch Madam Deputy Speaker's eye later, where my speech might be going. This is retrospective legislation, and that is fantastic—if we can track down the freeholder, the developer and the insurer. If they cannot be tracked down, where does that burden come? Surely we can find a way—I may suggest this in my speech, but I wonder whether the Minister has thought of a way—by which the unfairness of the impact of what we are now prescribing in the Minister's legislation on those in cases where we cannot find them, as opposed to where we can, can be resolved.

**Christopher Pincher:** I am grateful to my right hon. Friend for the forewarning of what his speech may contain. I would say to him that quite apart from the body of case law that exists with respect to the 1972 Act, and quite apart from the fact that even if a company has become defunct directors can still be held liable for the decisions made, as it were, “on their watch”, the challenges that he has described are the sorts of things that we will want to discuss in this place and in the other place, across parties, to ensure that such challenges are addressed.

**Graham Stringer** (Blackley and Broughton) (Lab): Will the Minister give way?

**Christopher Pincher:** I will give way to the hon. Gentleman in a moment, but I am conscious that I have been speaking for 22 minutes and that there are one or two other remarks that I ought to make before the House has an opportunity to debate the new clauses and amendments.

Since the introduction of the Bill, it has become clear that a number of buildings affected by cladding and other serious fire safety defects were completed prior to 2007. We have listened to hon. Members from across the House who wanted a route to redress for those buildings. I pay tribute to my hon. Friends the Members for Stevenage (Stephen McPartland), for Kensington (Felicity Buchan), for Bromley and Chislehurst (Sir Robert Neill) and for Wimbledon (Stephen Hammond) and my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning), as well as a great many Opposition Members.

That is why we tabled Government amendment 41, which will retrospectively extend the limitation period for section 1 of the 1972 Act to 30 years, meaning that there will be access to this route of redress for buildings completed from mid-1992 onwards. That represents a substantial extension beyond the current six years. I recognise that changing the law in this way is unusual and that 30 years represents a long limitation period. However, I consider that the exceptionality of the current circumstances in respect of cladding and other serious fire safety defects warrants the longer retrospective limitation period of 30 years.

**Several hon. Members** *rose*—

**Christopher Pincher:** I shall give way to the hon. Member for Blackley and Broughton (Graham Stringer) and then to my hon. Friend the Member for Stevenage.

**Graham Stringer:** The Minister is being extraordinarily generous with his time. The Government have moved a good distance to get all-party support for what they are doing and to take the burden away from leaseholders. However, I suspect that in many cases, the people responsible for the defects will have liquidated themselves and will no longer be there. Is not one possible solution that a charge be put against the land, so that neither the leaseholder nor the taxpayer has to pay? Has he considered that?

**Christopher Pincher:** We will consider all proposals that are put to us to see whether they work and to ensure that leaseholders are protected. As the Secretary of State said in his statement, we will conduct a series of summits with the sector to put people on notice that they must pay for the problems they have caused. If they will not do it voluntarily, we will find a means of requiring them to do so.

The hon. Gentleman was wrong to say that I am being generous with my time. In fact, I am being generous with the House's time. I propose to be less generous in future, but not before I have allowed my hon. Friend the Member for Stevenage to intervene.

**Stephen McPartland** (Stevenage) (Con): I would like to thank the Minister on behalf of a number of leaseholders around the country, because our amendments asked for only 25 years and the Government have gone further with 30 years. I put on the record my thanks to the Government for that.

**Christopher Pincher:** I am grateful to my hon. Friend. I assure him that the 30-year retrospection is what we decided on; it is not a typo and it should not read 25 years.

The prospective limitation period will remain at 15 years, as is currently proposed, which still represents a substantial extension beyond the existing six years. In a small number of cases, the retrospectively extended limitation period will expire very soon following the commencement of the provision. We believe that it is important that the extended limitation period is of practical benefit in the case of all buildings that fall within scope. That is why we have proposed adding section 4B(4) to the Limitation Act 1980 through clause 128, which will ensure that there is always a minimum amount of time to lodge a claim under section 1 of the Defective Premises Act for buildings whose limitation periods will be revived for a very short period of time.

As introduced, the Bill provided for an initial period of 90 days in which action relating to defective premises could be taken when the extension was about to run out. I agree with several of my hon. Friends that 90 days is an insufficient amount of time to take the necessary advice and lodge a claim, which is why we are bringing forward amendments 42 and 43 to extend the initial period to one year. That means that those in any buildings completed between mid-1992 and mid-1993 will always have one full year in which to lodge their claim, once this Bill and its provisions apply. These amendments will ensure that the retrospectively extended limitation

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period can be of practical benefit in the case of all buildings in scope, and I trust that the House will support them.

Clause 127 expands the scope of the Defective Premises Act to include refurbishment works, and a technical amendment in the next group will ensure that this commences two months after Royal Assent, ensuring that this important new safeguard against shoddy workmanship is taken up as soon as possible. This was a debate that we had, and agreed about, in Committee. I am grateful to my right hon. and hon. Friends, and indeed to colleagues across the House, for debating these matters and for tabling amendments in this area, but I hope that in the light of what I have said from the Dispatch Box they will feel able to withdraw their amendments.

**Caroline Lucas** (Brighton, Pavilion) (Green): I want the Minister to clarify one last thing before he sits down, because although other hon. Members have raised it, I am still not entirely clear what reassurance there is for our constituents who are leaseholders experiencing problems that are not related to cladding. Others have raised the issues of internal partitions, roof spaces and so forth, and the Minister has referred to other legal channels that may be available, but can he tell me clearly now what reassurance there is for leaseholders who are not facing cladding problems but are facing other fire defects? Will the legal protections that he is offering extend to them?

**Christopher Pincher**: We will work with parties across this House—across both Houses—and with interested parties to ensure that these issues are properly understood and debated.

**Daisy Cooper** (St Albans) (LD): Will the Minister give way?

**Christopher Pincher**: No, I will not.

We want to ensure that these matters are properly debated and properly agreed. We also want to ensure, through a suite of mechanisms such as the extension of the Defective Premises Act and working with the sector to ensure that it pays for the defects it has caused, that this issue for leaseholders, which has gone on for far too long, is finally put to bed. This group of Government new clauses and amendments make key improvements to the Bill and extend its benefits to include the whole of Great Britain. I hope therefore that Members across the House will feel able to support the new clauses and the new schedule and allow them to stand part of the Bill.

**Matthew Pennycook** (Greenwich and Woolwich) (Lab): It will not have escaped your notice, Madam Deputy Speaker, that I have taken on this Bill in its final stages, so I must begin by thanking my hon. Friends the Members for Manchester Central (Lucy Powell) and for Weaver Vale (Mike Amesbury) for their prodigious efforts during its earlier stages. I also want to thank my hon. Friends the Members for Liverpool, West Derby (Ian Byrne), for Brentford and Isleworth (Ruth Cadbury), for Luton South (Rachel Hopkins), for Jarrow (Kate Osborne) and for St Helens South and Whiston (Ms Rimmer) for so ably scrutinising it in Committee.

The issues covered by the Bill have been extensively set out in debates on Second Reading and in Committee. I have no intention of seeking to reprise them this afternoon, but before I turn to part 5 of the Bill and the consideration of the amendments related to it, I feel it is incumbent on me briefly to restate why we believe this legislation is so important. As the House knows, on 14 June 2017, 72 men, women and children lost their lives in an inferno fuelled by the highly combustible cladding system installed on the outside of their 24-storey tower block in north Kensington. That tower block was also compromised by a range of other fire safety defects. I put on record once again our admiration for the survivors and the bereaved of the Grenfell Tower fire and for the wider Grenfell Tower community, who continue to seek not only justice for their families and neighbours but wider change to ensure that everyone is safe in their home.

**Catherine West**: Does my hon. Friend agree that it is extremely important that we give the debate the time needed to remember the loss of life and the community that survived that terrible moment in our shared history?

2.45 pm

**Matthew Pennycook**: My hon. Friend is absolutely right. I hope that, as Members consider the Bill and amendments, they have the chance to reflect and to remember why it is going through.

One does not pre-empt the Grenfell Tower inquiry's conclusions in stating that the horror of that dreadful June night was the product not only of pernicious industry practice, but of state failure—the failure of successive Governments in presiding over a deficient regulatory regime, and the failure to act on repeated warnings about the potential lethal consequences of that fact. The Hackitt review detailed a deeply flawed system of regulation and argued for a radical overhaul of it. To the extent that the Bill delivers on the recommendations of Dame Judith's report, we remain supportive of it and want to see a version of it on the statute book as soon as possible, given that four and a half years have elapsed since the Grenfell tragedy; however, the House knows we have serious concerns about what is missing from the Bill, and particularly its failure as drafted to provide robust legal protection for leaseholders facing ruinous costs—a point already made by several hon. Members on both sides of the House—for remediating historic cladding and non-cladding defects. In the absence of such protection, the Opposition are clear that the Bill will fail to meet what Dame Judith described as

“The ultimate test of this new framework”, namely,

“the rebuilding of public confidence in the system.”

As we have heard, part 5 deals with remediation and redress, as well as assorted provisions relating to safety and standards. In Committee, my hon. Friends raised concerns about the limitations of clause 126, which seeks to ensure that landlords take “reasonable steps” to pursue other potential means of recovering the costs before passing them on to leaseholders. We of course believe it is right that landlords be forced to exhaust all means of funding remediation works other than passing on costs to leaseholders, whether that be seeking redress from the original developer in cases where the two are not the same, exploring a claim against a warranty, or



applying for grant funding; however, we remain of the view that this provision gives leaseholders extremely limited protection in practice and we want that to be supplemented with additional provisions for maximum legal protection against the costs of remediating all historical defects—an objective that I know is widely shared across the House, as evidenced by the numerous amendments on the amendment paper today relating in one way or another to leaseholder protection. I will speak on that issue in more detail later in my remarks.

Clause 128 relates to limitation periods and makes changes to the operation of the Defective Premises Act. We supported the proposed expansion of the Act but remain of the view that there are considerable practical obstacles to leaseholders' successfully securing redress via that mechanism—a point made by the right hon. Member for Hemel Hempstead (Sir Mike Penning) and my hon. Friend the Member for Blackley and Broughton (Graham Stringer)—not least given the prevalent use of special purpose vehicles precisely to avoid liabilities of this kind. We believe that the Government are in general overplaying the significance of litigation as a solution of the building safety crisis.

**Hilary Benn:** While of course we all welcome the extension, in practical terms, our constituents who have, staring at them from the table, bills for sums of money that they cannot afford, will not be in a position to start a legal action that may take several years, at enormous cost and risk and with no guarantee that it will reach a satisfactory conclusion, as my hon. Friend is so ably pointing out. It is not an answer to the problems that so many of our constituents are facing now.

**Matthew Pennycook:** My right hon. Friend, as so often, is absolutely right that it is an uphill struggle for leaseholders to get together to begin legal action of this kind. He also raises the highly pertinent point that there is nothing in the Bill that prevents freeholders today from passing on costs to those blameless victims of the crisis.

**Kate Green** (Stretford and Urmston) (Lab): Does my hon. Friend agree that there is a real opportunity here for the Department to link up with the companies registrar and companies law, and to use the options that exist there to take action early against directors who repeatedly set up these special purpose vehicles, repeatedly carry out substandard developments, and repeatedly liquidate those companies, leaving no assets for leaseholders to act against, and who it appears are in no way acted against, either proactively or reactively, under companies law or by Companies House?

**Matthew Pennycook:** My hon. Friend makes a very good point, which she has made in other debates in this place with regard to unscrupulous developers operating in her constituency. Changes to company law certainly warrant further consideration in that respect.

**Sir Peter Bottomley** (Worthing West) (Con): May I add the problem that leaseholders do not have an interest in a brick of their building and that a claim would need to be made on their behalf by the freeholders to the landlord, who would require indemnity costs from the leaseholders who cannot pay?

May I, through the hon. Gentleman, suggest to the Government that between now and the House of Lords they consider taking a right to take the potential claims by the landlords on behalf of leaseholders into a public agency which can make a public claim against the developers, builders, architects, surveyors, building specification and building controllers, so that money can be brought back from those who were responsible, not the innocent leaseholders who are not?

**Matthew Pennycook:** I thank the Father of the House for that intervention. That is a very good suggestion, which I hope the Minister will take on board and give some considered thought to.

Notwithstanding our concerns with regard to the limitations of the Defective Premises Act, we argued forcefully in Committee for the Bill to be revised so that the period for claims under the 1972 Act be extended from six to 30 years, rather than from six to the 15 years the Government proposed. In response, the Minister urged my hon. Friends to withdraw our amendment on the grounds that a 15-year limitation period was appropriate and indeed that any further retrospective extension beyond 15 years would increase the chances of the legislation being tested against the Human Rights Act and found wanting. Because that argument was never convincing, we are extremely pleased that the Government have reconsidered their position on this matter in the light of the case made by my hon. Friends in Committee, and have brought forward amendments 41 and 42, which provide for that 30-year limitation period, as well as changes to the initial period. We fully support both amendments.

We also believe that new clauses 11 and 12, proposed by the hon. Members for Stevenage (Stephen McPartland) and for Southampton, Itchen (Royston Smith), warrant support. If the Government genuinely believe that litigation has a significant part to play in helping to fix the building safety crisis, they need to give serious consideration to permitting a limited class of claims relating to pure economic loss, rather than just actual physical damage.

Clauses 129 to 134 concern the new homes ombudsman scheme, the creation of which we support, albeit, as the Minister will know, with some concerns about its operational independence and the composition of the new homes quality board. While we remain unconvinced that the new ombudsman and the new code will lead to a step change in developer behaviour and thus a marked increase in the quality of new homes, we see no issue with the scheme being expanded to cover Wales and Scotland, so we support the various Government amendments to that effect under consideration today.

Finally, I want to turn to amendments relating to the fundamental and contentious issue of leaseholder liability. I know I need not detain the House for any great length of time on why it is essential that greater legal protection for leaseholders be put on the face of the Bill.

**Janet Daby:** My hon. Friend is making excellent progress. My constituents living in unsafe homes due to unsafe cladding feel trapped and isolated in their homes. Does he agree that the Government need to work with lenders to see if properties caught up in the cladding scandal can be sold and re-mortgaged?

**Matthew Pennycook:** My constituency neighbour, who shares many of the same case load issues relating to the building safety crisis as I do, is absolutely right. A lot that flows from the Secretary of State's statement last week depends on lenders, insurers and other stakeholders agreeing with the Government's approach. We wait to see whether that bears any fruit. We know there have been occasions when the Government have made announcements and the industries in question have not responded as the Government expected.

For many leaseholders across the country, lots of whom are first-time buyers who diligently saved to purchase their homes, all but the most superficial remediation and secondary costs will simply be unaffordable. The reason the building safety crisis has caused and continues to cause such abject misery is because so many blameless leaseholders not only feel trapped in their homes physically, mentally and financially, but because they feel let down by the Government. Despite allocating significant public funds to cover the costs of remediation for some buildings and repeatedly promising that all leaseholders should be fully protected, the Government nevertheless, until very recently, had only committed to shielding a proportion of leaseholders from unaffordable costs, which were defined by one Minister a few years ago, if memory serves, as "anything short of bankruptcy." I must make it clear to this Minister that it has come as a bitter blow to the countless blameless leaseholders across the country who have already been hit with huge bills, both for remediation works and for interim fire safety measures, that the Secretary of State made clear in his statement last Monday that the Government have no plans to secure retrospective financial redress for them. We think that Ministers need to think again about that issue. However, he did commit in that statement, repeatedly and clearly, to bringing forward amendments to the Bill to provide leaseholders with the "most robust legal protection", extending to

"all the work required to make buildings safe."—[*Official Report*, 10 January 2022; Vol. 706, c. 291.]

Given that he rarely misspeaks, that clearly suggests historic non-cladding and historic external wall-related defects. I hope that the Minister can confirm as much today when he responds on this group of amendments.

That robust legal protection for leaseholders is what this legislation must contain, and it is disappointing that no Government amendments providing for it have been tabled for consideration today.

**Jonathan Edwards** *rose*—

**Matthew Pennycook:** I am going to make some progress, if the hon. Member will forgive me. That legal protection must be delivered as a matter of urgency and in a way that brings immediate protection for leaseholders, because, as I have said, there is currently nothing, aside from the limited clauses in the Bill requiring them to take reasonable steps before they do, to prevent even more freeholders from passing on costs, as we know many are in the process of doing, even now, including several in my constituency, such as the Comer Group in the case of Mast Quay in Woolwich. As well as providing for the establishment of a building works agency, which we believe remains necessary if the Government are to ensure that the pace of remediation across the country is accelerated and that works are properly carried out

and certified, our new clause 3 seeks to provide the maximum legal protection possible for leaseholders facing potential costs to fix historic cladding and non-cladding defects, irrespective of circumstance.

**Jonathan Edwards:** I fully support Labour's new clause 3 and if there is a vote on it, I will be supporting it, particularly as subsection (6) would protect the small buy-to-let landlords the right hon. Member for Leeds Central (Hilary Benn) has referred to and I referred to in an intervention. As the hon. Gentleman knows, the scheme in Wales will be administered by the Welsh Government, so may I take it and inform my constituents that new clause 3 will be the basis of the scheme that we see apply to Wales, where Labour is in government?

**Matthew Pennycook:** It does apply to England and Wales, and I think that as a general point the Government need to co-operate much more closely with the Welsh Government on action on the building safety crisis.

As I was saying, new clause 13, proposed by the hon. Members for Stevenage and for Southampton, Itchen, does the same and we fully support it, as well as their new clauses 5 and 6. We will seek to divide on new clause 3 today, simply to reinforce to the other place the importance we attach to the issue of leaseholder protection, but we do want to work constructively with the Government on this matter in the period ahead, in the light of the change of tone and approach signalled by the Secretary of State last week. We hope that the absence of Government amendments providing for robust leaseholder protection today simply reflects the fact that they are not yet finalised and that we can expect them to be tabled, perhaps along with an amendment implementing a version of the polluter pays proposal, in the other place in due course. The Minister has had a couple of chances to answer this point and obfuscated to a certain extent, so I would appreciate it if he would clarify whether that is indeed the case in his closing remarks on this group, because many leaseholders across the country are seeking certainty on that point.

**Mr Betts:** Does my hon. Friend agree that there is a fundamental point here: if for individual blocks of flats we cannot track down the developer or whoever else was involved in the construction and get them to pay through the legal process, and if the Secretary of State's charm offensive does not persuade the industry as a whole voluntarily to cover these costs, would it not be absolutely wrong if the costs were, effectively, passed on to the social housing sector through cuts in the Department's budget? Is the alternative, therefore, to look at an extension of the levy or taxation scheme to make the industry pay if it will not voluntarily agree to do so?

**Matthew Pennycook:** The Chair of the Select Committee is absolutely right; it would be a travesty if the Government or this Department were forced to raid the affordable homes programme to cover the costs of fixing the building safety crisis. In those circumstances, they would have to look at other options, such as those he has set out.

I will finish by using this brief opportunity to put to the Minister four issues relating to those expected Government amendments on leaseholder protection that arise directly from the commitments made by the Secretary

of State last week. The first issue relates to the point mentioned by my right hon. Friend the Member for Leeds Central (Hilary Benn) in his intervention: which leaseholders will any such robust legal protections cover? The Secretary of State's statement last week caused a great deal of confusion in that area, so can the Minister clear up the matter today by making it clear that any such protections will apply to all leaseholders, not just leaseholder-occupiers and certainly not just the leaseholders that the Government deem, based on some unknown or unworkable criteria, to be deserving?

3 pm

The second issue concerns the operational date of any forthcoming provisions. An entirely foreseeable consequence of last Monday's statement is that any freeholder committed to passing on costs has a powerful incentive to do so before any potential changes to the law. We therefore urge the Government to consider making a retrospective operational date for any forthcoming amendments, linked to the date of last week's announcement, for which, as the Minister will know, there is recent precedent in relation to the sale of new leasehold houses and onerous ground rents.

The third issue is the obvious need for protection in the interim period, which would be needed even if the Government were minded to legislate for a retrospective operational date. We therefore urge them to consider a new clause to specify that no charges can be levied for defined matters for, say, a period of 12 months. The Minister should note that, with some minor tweaks, our new clause 3 would achieve that.

The fourth issue is that, even if the Bill is ultimately amended to provide robust legal protection for leaseholders from remediation costs, onerous secondary costs remain. I fully accept that the Government have provided funding via the waking watch relief fund to mitigate the impact of associated costs, but that funding has not fully resolved the problems faced by leaseholders in this regard. We therefore urge them to think further about how protection might extend to secondary costs such as surveys, assessments and interim fire safety measures.

In conclusion, we remain supportive of this important piece of legislation and we welcome various Government amendments that will improve part 5 of the Bill, but we wish to see it strengthened further with regard to robust legal protection for leaseholders. I hope that the Minister will give serious consideration to some of the points that I have raised in relation to that fundamental issue, so that we can not only soon introduce a new regulatory framework that is fit for purpose but finally do right by all the blameless victims of the building safety scandal who can still be protected from financial ruin.

**Several hon. Members** *rose*—

**Madam Deputy Speaker (Dame Eleanor Laing):** Order. I remind the House that today's proceedings are divided into three. This is the first group of amendments, new clauses and new schedules that relates to part 5 of the Bill. There will then be another stage on Report that will allow Members to speak to amendments on the other parts of the Bill. After that, there will be Third Reading. Members should not make general speeches about how they feel about the Bill at this point; this part of the proceedings very specifically relates to part 5.

As all the Back-Bench amendments to part 5 have been tabled by Mr Stephen McPartland, I will call him to speak first. At this point, I am not putting on a time limit, because I hope that we will manage without one, but we have less than an hour left for this part of the Bill, so I hope that Members will bear that in mind.

**Stephen McPartland:** In the interest of helping with time, I assure you, Madam Deputy Speaker, that after what the Minister said and the conversations that we have had in the past few days and overnight, we will not be pressing any of our amendments, which are probing amendments, to a vote at the end of the debate. That will hopefully help the next debate.

Like you, Madam Deputy Speaker, I saw many hon. Members on both sides of the House stand to signal that they wish to speak. I will try to keep my remarks as brief as possible so that some of them get more than their normal three minutes on this issue. They are all watching eagerly, so I will do my best.

I start by recording my thanks to the Minister, the Secretary of State and the Prime Minister. The Prime Minister's intervention has been key in getting us to where we are on leaseholders. He has personally got involved and tried to ensure that we can support them. It is a subject that is close to his heart. To be frank, without his personal intervention and support, we would not have got to where we are, which is a good place for leaseholders.

Millions of leaseholders up and down the country are watching this debate and they are terrified about what is happening to them. They have had the fear of bankruptcy hanging over them for several years. We have been running this campaign for the past 18 months. In fairness to the Government and the Minister, we now have over £9 billion of Government support put forward with other funds on top, so it would be churlish of us, with the very technical amendments I am going to speak to shortly, to try to hold the Government to these specific issues. The Minister, the Secretary of State and the Prime Minister himself have made it clear that they are very keen to work with us and cross-party to improve the Bill in the Lords and when it comes back to this House, and for that I put on record my thanks.

**Jonathan Edwards:** I congratulate the hon. Member on his amendments and his work on this issue. Does he agree that there is a requirement to move with haste? A constituent of mine who has contacted me is facing a bill of £25,000, with a demand for £5,000 by the end of this month, so the Government really need to move very quickly.

**Stephen McPartland:** I completely accept that point, and the hon. Member will know that we are all in the same position. Every single community is affected up and down the country; there are millions of leaseholders.

The new approach that the Government are taking mirrors a lot of what we want in our amendments on these issues. For example, a number of the amendments I am going to speak to refer to redress. We asked for a period of 25 years, and the Government have come forward with 30 years. We asked for the time in which someone can make a claim to be extended from 90 days to two years, and the Government have come forward with one year. That demonstrates the communication



[Stephen McPartland]

going on behind the scenes and what we are trying to do to deliver success for leaseholders. In some ways, it does not really matter what our opinions are in this place; what matters is what we deliver for those millions of leaseholders up and down the country, so that they do not face bankrupting bills and huge mental health issues.

**Sir Peter Bottomley:** Without the calm persistence of my hon. Friend and our hon. Friend the Member for Southampton, Itchen (Royston Smith) in this parliamentary year and the one before, we would not have got this far and, on behalf of 1 million leaseholders in all parts of England and Wales, may I say that we are grateful for their efforts? Will they please keep going?

**Stephen McPartland:** I am very grateful to the Father of the House, and I would like to thank the cladding groups up and down the country, such as End Our Cladding Scandal UK, the UK Cladding Action Group and the Leasehold Knowledge Partnership. I record my thanks to the Father of the House and all my colleagues on both sides of the House who have done everything they can to get us to a position where we are working together to secure something that is in the best interests of leaseholders. The way in which the tone has changed, as all of us who have been working on this Bill have seen, and the way in which we now feel we can give the Government room to try to improve the Bill, give us great hope.

A number of the amendments—new clauses 4 to 13—are specific technical amendments to give the Government examples of how we could fix the problem. The Government have tabled 70 amendments, but of course they still have to come forward with the amendments that we want in the Lords, otherwise the Bill will come back to this House and we will be in the same position, so I think it is important that we continue our efforts.

One of the issues facing leaseholders was the real frustration that VAT is levied on some of the costs. We are asking for the VAT to be scrapped, because when the Treasury puts forward £5 billion, £1 billion of it will be going back to the Treasury automatically; the frustration is understandable. Another example we give is how a previous defects Act—the Defective Premises Act 1972—could be used, as it was for properties with prefabricated concrete. The legislation exists, and these leasehold properties could be incorporated in it. There are a variety of other amendments on technical points, and they are the means of giving the Government examples of how we can support leaseholders.

There is a huge opportunity with new clauses 4 to 13 for the Government to think a little further outside the box. For example, I have a property in my constituency, Vista Tower—one of the famous properties—where the remediation costs are £15 million for 73 flats. The leaseholders paid £200,000 for their flats, and their remediation costs are £212,000, so hon. Members can understand what we are doing and why we originally got involved in this debate. Those people are beyond bankrupt. The mortgage companies are losing money, and that was before the leaseholders got into paying over £300,000 for waking watch and all the other interim costs that have added to the bills.

The Government have come with us and are working in a place where we can try to fix the problem, but there is still a lot more to do. Collectively across the House,

we have to find a way forward. For that particular property, with the announcement that the Secretary of State made, leaseholders' costs went from £200,000 down to £60,000. If we can get commitments from Ministers to include internal developer-responsible fire safety defects such as missing firebreaks, where the developers illegally constructed the building, leaseholders' costs will collapse again.

I keep asking the Minister every time he looks at me, speaks to me or walks past me whether he will commit to protecting leaseholders in law with his amendments in the Lords. Obviously we all want that, and it is what leaseholders want, because we want to be in a position legally where we can say to a management company or freeholder, "You can't charge them for this, and you can't tell them"—as the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards) has referred to—"that they've got 28 days to make this payment." That is ridiculous, and it is not fair. The Government are working with us and listening to us, but there is a lot more work to do. I would like to continue working with the Government to ensure that we get out there and protect leaseholders.

Madam Deputy Speaker is now staring at me, so I shall bring my remarks to a swift conclusion. I would like to thank everybody who supported us throughout the campaign. We are not there yet, but we are very close to getting there and supporting millions of constituents up and down the country. I will not be pressing my amendments.

**Mr Clive Betts** (Sheffield South East) (Lab): The principle that leaseholders should not have to pay for issues that are not their responsibility, as they bought properties in good faith, was first established in the Select Committee report in July 2018. I congratulate the hon. Member for Stevenage (Stephen McPartland) on the excellent work he has done in pursuing this issue from the Conservative Benches. The Select Committee, on a cross-party basis, has pursued it as well. I checked today, and we have done five separate reports, all of which have said that leaseholders should not have to pay. The hon. Member for Harrow East (Bob Blackman), who is in his place, has been party to all those discussions and reports. We have worked on an absolutely cross-party basis, as is correct. It is welcome that the Secretary of State made his statement the other day and effectively confirmed that as well. We have made it clear that this problem does not just apply to cladding; it applies to other defects as well. That has been an important issue, which the Government did not accept to begin with but have now got to the point of accepting.

The Government have responded with the initial money to deal with the aluminium composite material cladding that was on Grenfell, and then with the £1 billion—extended to £5 billion—building safety fund. That has been a step forward, but it will not cover the totality of the cost. We on the Select Committee have said right from the beginning that those who are responsible for defects on individual buildings should have to pay, but we recognise the impossibility of leaseholders taking on legal actions and being successful with them. Certainly, the Government are stepping in and adding some weight to try to involve the developers of buildings—the building firms that did the construction work—and the product suppliers. Of course, an awful lot of responsibility lies

with them; Dame Judith Hackett's report identified how many of the suppliers of products and materials were hawking their wares from one testing station to another until they found one that approved them. That is completely unacceptable, and they should be held to account as well. In the end, there will be many buildings for which even the owners, and certainly the initial developers, cannot be properly traced, and there may have to be a responsibility placed on the whole industry.

I come back to the point that I just raised with my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook): what happens if the industry does not volunteer the money that is necessary? Let us make it clear that social housing providers are already having to pay some of the costs. On the initial scheme for ACM cladding, social housing providers were treated equally with private owners. That has not been the case since with the building safety fund. A social housing provider has to show almost extreme distress to get any money.

What is happening now? An interesting article in *Inside Housing* says that social housing providers, particularly housing associations, are passing on 500% increases in service costs—not just to leaseholders, but to tenants. It is absolutely wrong that among people living side by side in a flat, the leaseholder should eventually be protected through the legislation that we hope eventually to see from the Government, which is to be welcomed, while the tenant next door has to pay extra costs—not merely for their own flat, but possibly to take up the costs on the flat next door, which is now owned by a leaseholder. That cannot be right, that cannot be fair, and that cannot be just. The challenge is to treat social housing tenants the same. We are hearing evidence all the time—from housing associations, the National Housing Federation, the Local Government Association and councils—that the costs that are being incurred by social housing providers are not merely adding to the costs of their tenants but mean that they are cutting back on future house building programmes. That is what is happening and it has to be addressed.

3.15 pm

**Andy Slaughter** (Hammersmith) (Lab): It is happening now on a very large scale. This is what one of my major social landlords said about remedial works:

"The cost of this...is in the tens of millions of pounds and has led to us having to significantly reduce our development plans and slow down some of the investment work that we had planned to complete in our existing homes. If we were to try and fund the costs of this work for our leaseholders...this would effectively mean that social housing rents were being used to subsidise costs for leaseholders."

It is robbing Peter to pay Paul.

**Mr Betts:** Absolutely. We have those immediate problems with the costs that are being borne by social housing providers.

If, in the end, the Government cannot get the money from the industry on a voluntary basis, and the Treasury is saying that there will be no extra money from the central pot and no extra taxation or levy, then there will be a cut to the Department's own programmes, which effectively means the social housing programmes for the future. That will be another cutback to the badly needed homes that should otherwise be built. I say to the Minister and to my own Front-Bench colleagues that,

in the end, these are the principles that we have to achieve: no costs on leaseholders, no costs on tenants, and no cuts to the future social house building programme either.

**Several hon. Members** *rose*—

**Madam Deputy Speaker (Dame Eleanor Laing):** We have less than three quarters of an hour left, so I will have to impose an initial time limit of four minutes on Back-Bench speeches.

**Bob Blackman:** It is a pleasure to follow the hon. Member for Sheffield South East (Mr Betts), the Chairman of the Select Committee. He and I have spent many happy hours poring over this draft Bill, in the first place, and, going forward, different reports.

Essentially, there are four separate categories on remediation that fit within the Building Safety Bill. The first, as everyone agrees without question, is, for tall buildings of seven storeys and above, removing the cladding and making the building safe. The second is the buildings of six storeys and below for which the Government came up with the forced loan scheme. I am delighted to see the death of that scheme. I could never see how it was going to work, so that is good news. The other two categories are the tall buildings with fire safety defects and the buildings of six storeys and below with fire safety defects. We can all agree that the one set of people who should not have to pay for remedying this are the leaseholders, because they never designed them and they never knew anything about them before they moved in. However, this scandal still goes on. Only last week, a planning application was presented to the planning committee at Tower Hamlets for a building of 52 storeys with only one staircase as a route to escape. The building industry does not show any signs of correcting what has been done, so we have to correct it.

I take my right hon. Friend the Minister's remarks seriously. I look forward to the amendments that are going to be moved in the other place that I hope we can then debate here. However, these are very complex areas and there are immense questions to be answered. I well remember that when we debated the Bill that became the Fire Safety Act 2021, we were told that protecting leaseholders should not be done then but we should wait for the Building Safety Bill—and here we are, right now. The crunch issue is that leaseholders up and down the country have received enormous bills. Some have made arrangements to pay; some have even paid them. They are told, "Tough—you've paid and you won't be compensated as a result." If we had moved the amendments to the Fire Safety Act, we would have protected those leaseholders, but we failed to do so.

As I have said to the Secretary of State, I welcome his commitment to resolve this issue, but I trust that when we come to the amendments on remediation, we will do two things. The first is that we will retrospectively put a date on what happens. It will not be acceptable to wait until this Bill becomes law and facilitate the unscrupulous individuals who may bill the leaseholders between now and then, which would be outrageous.

The other issue that is terribly important in this whole process is that at some stage, with regard to all the buildings that we are talking about, someone signed off on their being in accordance with regulations. Insurance covers that particular aspect, so here is an alternative

[*Bob Blackman*]

solution. Given that insurance companies insured the people who signed these buildings off, and they were clearly not in accordance with the regulations at the time, let us make claims against the insurance companies that still exist and could be made to pay for this remediation. That would be a much better solution than either the taxpayer paying or robbing the leaseholders. It would at least give us some protection.

I welcome the Government amendments, and I welcome the conversion that has taken place in the Department to what the Select Committee said in the first place. We are making progress. We are almost there. We have only a little a little way to go before every single one of our recommendations has been endorsed. We look forward to that happening, and indeed to having a Bill of which we can all be proud, which protects leaseholders and protects the industry for the future.

**Patricia Gibson** (North Ayrshire and Arran) (SNP): Let me begin by echoing the sentiments expressed earlier. We must be mindful of all those who died tragically in the Grenfell fire, which prompted much of the work that we are debating today.

The majority of the Bill relates only to England or to England and Wales, so I will necessarily keep my remarks on behalf to the Scottish National party short. I am sure that that will be music to many ears in the Chamber.

We can all agree on the necessity and the importance of raising the standards of conduct of developers. House buyers need to have confidence in the safety and quality of their homes, which is why the Scottish Government support the principle of the new homes ombudsman scheme proposed in part 5 of the Bill. Housing is devolved to the Scottish Parliament, who could devise their own provisions for a Scottish system, but the benefits of having a single system to operate on a UK-wide basis are self-evident. However, it is also true to say that the scheme must fully meet the needs of Scotland, so this Bill ought to confer greater powers to Scottish Ministers, similar to those of the Secretary of State. It is essential for part 5 to acknowledge and respect the devolution settlement. The Secretary of State and, I am sure, the Minister will understand that SNP co-operation in relation to the new homes ombudsman scheme in no way diminishes our opposition to the form and intention of the United Kingdom Internal Market Act 2020.

It is fully expected that meaningful consultation will minimise the risk that the ombudsman scheme is contrary to the wishes and aspirations of the Scottish Government, so that homeowners in Scotland can benefit from it. If that turns out not to be the case, the Scottish Government have the option to withdraw from the scheme without contractual penalties and other repercussions. No one would wish to see that happen, and we need to be assured that the Minister and the Department will work, and continue to work, in a collaborative, consultative and collegiate way with the Scottish Government to deliver the scheme for Scotland.

In that spirit, I say to the Minister that given the confusion and delay over issues of cladding, nearly five years since the tragedy of Grenfell, we need a clear commitment that he will work constructively with the

Scottish Government to provide clarity about consequential funding, so that the Scottish Government can plan their response appropriately. Will he tell us how much funding there will be, and when it will be delivered to Scotland?

I understand that the Secretary of State has committed himself to working with the Scottish Government on these matters—and no doubt the Minister has done so as well—but certainty is important. I am sure the Minister will understand that, so I am keen to hear what he has to say about the timing, levels and delivery of the funds that Scotland can expect.

**Felicity Buchan** (Kensington) (Con): Let me begin by paying tribute to my constituents and the community of north Kensington.

I welcome the Bill, and I welcomed last week's announcements that leaseholders in intermediate buildings would not have to pay for the remediation of cladding and other fire safety defects. I understand from the Minister that this will be incorporated in legislation in the other place. I want to stress how crucial it is that we get that right: it is critically important that we have robust legal protection for leaseholders. I welcome the statement that those on the Front Bench will listen to all good ideas, but it is important for us to be able to put this into practice quickly and effectively. I ask the Minister, as did my hon. Friend the Member for Harrow East (Bob Blackman) and the Chair of the Levelling Up, Housing and Communities Committee, the hon. Member for Sheffield South East (Mr Betts), to ensure that when the Bill comes back to this place, there is the opportunity for full debate and full scrutiny.

A number of Members said that some developers and freeholders have been behaving very badly, and I have such a situation in my constituency. Leaseholders in Collier House have paid for the remediation and the building is eligible for an existing fund, yet the building owner, outrageously, will not apply for those moneys. He does not want to get involved because the leaseholders have already paid. Such situations are clearly wrong in terms of how people should behave. I ask the Minister, as colleagues have, to ensure that we look to remedy situations where leaseholders have paid and take that into consideration. We need to find solutions, because they paid thinking that they were doing the right thing, and they may now be out of pocket as a result.

In conclusion, I very much welcome the direction of travel. However, it will be critically important to get the proposals right in the other place, and I ask that we have the opportunity for full scrutiny of what the other place decides.

**Matt Rodda:** I offer my support to the hon. Member for Kensington (Felicity Buchan). My thoughts are still with her community five years after the disaster. I am sure that the whole House would echo that support for her community.

I also thank the Minister for allowing me to intervene and for partially addressing my points. However, I want to expand on them, because they are very relevant to our discussions. The challenges for many people in my community will come from the sheer complexity of the situation. It is extremely stressful for many leaseholders and tenants, as Members across the House have said. It is very difficult for them to live in buildings with enormous problems. In many cases, they have suffered from these



problems for some years, living in a period of prolonged stress and difficulty—both emotional and financial stress—and I look forward to working with the Minister and the Government to try to deal with this very serious problem.

I will highlight some of the practical difficulties that we need to tackle, as the shadow Minister, my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook), mentioned. The great difficulty for many residents in my constituency and others is that the routes to redress are limited. In many cases, the legal route that the Minister outlined will be extremely difficult.

Perhaps I can describe the type of blocks that I am referring to. Many of the cases in Reading and in Woodley—a town next to the main town of Reading—involve low-rise blocks, so there has been a delay because they are lower-rise. There are problems from issues other than cladding, and many tenants and leaseholders live in these blocks. In one of the biggest neighbourhoods in Reading, there is a large area called Chatham Place, with a series of blocks and a series of different problems, including wooden cladding, balconies and a range of other things. There is also a combination of leaseholders and social housing tenants in the same block. There are multiple problems, and the Minister is right to explore the legal route to redress, but there are very serious challenges because of the difficulty of getting a group of people together to take action and of tracing the legal entities, companies, developers—in some cases, the developers are overseas—architects and the range of others involved. I ask the Minister to work with Opposition Members to look at the issue again and explore other avenues for toughening up the Bill. I look forward to the Lords amendments and I ask him to come back and look at this Bill again in more detail.

I wish to make two other points, also on behalf of local authorities and housing associations. The first point, which was raised with me by a local council that represents a town centre ward in Reading, was the difficulty, even now, for local authority officers to understand the exact guidance on different types of cladding. The issue of flammable insulation in walls was raised with me and there does not seem to be a clear answer on that. Secondly, in my area, housing associations were some of the first building owners to take action. However, as was rightly mentioned, these housing associations and their tenants could inadvertently be penalised. Please will the Minister look into that and provide reassurance?

3.30 pm

**Sir Robert Neill:** I restate my welcome for the Minister's tone and approach to the Bill, as well as that of the Secretary of State, and I pay tribute to my hon. Friend the Member for Stevenage (Stephen McPartland). The Minister's approach does enable some of us to support the Government in the Lobby tonight when we might have been tempted to do otherwise, given their clear undertaking to look at the substance—at any rate—of the significant number of amendments in my hon. Friend's name, which I and many other Conservative Members have signed. We look forward to taking that forward.

I stress again in particular that leaseholder protection is critical. The right hon. Member for Leeds Central (Hilary Benn) made an important point on that, and as someone who has spent all his working life involved in

litigation of one kind or another, I can tell my right hon. Friend the Minister that the legal route is always a risky one and always an expensive one.

The real problem that we need to deal with is the position of residents such as mine in Northpoint in Bromley. Their flats are unmortgageable, they have exhausted their funds on a waking watch and other remedial measures, and they cannot realistically rent out their flats—perhaps some can—so it is not realistic to suggest that collectively or individually they could fund legal action against their landlord, which is an offshore property trust. I have nothing against giving leaseholders the ability to litigate—where that can be done, that is fine—but that will not be the answer for many people, so we need a fail-safe system to protect them. The best route is a form of liability clearly falling on the developer. That is supported by the Law Society, which recognises the value of litigation in its right place but also its limitations, and I hope that the Government will work with the Law Society, which has real expertise in such matters, to strengthen the provisions.

I turn to finding a means of capturing the consequential defects, which I have previously raised with the Minister. We have done a lot on that already—I welcome what was done with the waking watch relief fund and so on—but there are still a number of areas not yet explicitly covered by the Bill's provisions where the fault, and therefore the cost on the leaseholder, flows clearly and demonstrably from the regulatory failure or the failure by the developer to build in accordance with the regulations then in place. My right hon. Friend and I have talked about the protection required for that—I am glad that the loan scheme has gone, because that was not fair—which could be some form of insurance arrangement, or the Government by some means funding the cash flow to enable works to be done and recouping that through a levy system from those in the industry who are at fault in some way. I think that would be perfectly workable. He has moved a good way towards that, and I ask him to continue talking to those involved about taking that one stage further to deal with that important issue.

Finally, I specifically commend to the Minister new clause 10, which stands in my name and that of a number of hon. Friends, which is about the 25-year post-sale insurance cover. That is really important. Again, the Law Society supports the measure, and I think that there is a lot of recognition of the good sense of that from the insurance sector, too. If he could take that on board, that would remove a great deal of risk of future litigation, should—heaven forbid—things go wrong in the future.

We have had a constructive set of proposals from the Government, but there is still more to do. I thank the Minister, but I hope that, in the spirit in which he started, he will take away the means to work constructively across the House to deal with people who are in an appalling situation through absolutely no fault of their own. That is what we need to stress time and again.

**Daisy Cooper:** When we started on the Fire Safety Bill, I tabled the first amendment to the Bill to try to protect leaseholders from these unimaginable, eye-watering costs. The Government said repeatedly that that Bill was not the place for it. Eighteen months on, we have had a huge cross-party effort, and while we are considering this second piece of legislation there is still no guarantee

[Daisy Cooper]

to protect leaseholders from those costs in law. The Government's tone has changed, and I welcome that, but their position has not. I welcome talk about working cross-party and collaboratively, but I urge the Minister and the Government to make clear assurances on the record today, because I do not believe that the good will displayed in the House will last much longer if we do not get better answers.

The Secretary of State announced last week that the loan scheme will be scrapped and that cladding costs will be covered for buildings over 11 metres. Where is that statutory protection? It should be on the amendment paper today, and we should be discussing it in this House, not kicking it into the long grass.

On non-cladding problems and fire safety defects, the Minister must be aware that since the Secretary of State made his announcement last week there has been a huge rush of bills and enforcement notices because freeholders think they can get away with suddenly asking leaseholders to pay for these first safety defects. Will the Minister make a strong statement at the Dispatch Box today that he intends to issue a moratorium on freeholders issuing such enforcement notices, as that is what is needed?

I welcome that action under the Defective Premises Act will be extended to 30 years, but the Minister knows as well as I do that, as we showed in Committee, the current legislation is condemning leaseholders to years and years of litigation, litigation, litigation. In some cases, they may have to take their freeholders to court twice before they can take those responsible to court. That is not a satisfactory situation.

The Government keep saying that they want to work with freeholders and developers to find a voluntary solution, but cladding victims and fire safety victims have given the Government the answer time and again. They are asking the Government to stump up the cash to make homes safe and to use their power to go after those responsible.

I listened very carefully to the Minister's carefully crafted answers on when we might see some of these legal protections. I note that the Bill's Second Reading in the House of Lords is scheduled for the start of February, yet the Secretary of State has indicated that he wishes to continue his discussions with those responsible until March. When questioned by other hon. Members on whether the House of Lords will see these amendments, the Minister said it "may include" in the other place, not that it "would include". Will he make a clear commitment from the Dispatch Box today that the statutory protections announced last week will, in fact, be amendments to this Bill, that those amendments will be introduced in the other place, and that sufficient time will be provided in this House for us to discuss them? If the Government make any attempt to railroad this Bill through without those protections in place, he will have a very significant cross-party fight on his hands.

**Sir Mike Penning:** I do not think there is a conflict, but I refer to my entry in the Register of Members' Financial Interests. As an ex-fireman, although my concerns and thoughts are with the victims of the Grenfell fire and their families and loved ones, I say that we must put on the record our thanks to the emergency

services, and particularly the firefighters, who have to live with what they saw—most of them will never have seen such an incident in their life. They went in one direction while, quite understandably, the public went in the other.

I do not disagree with anything I have heard in the House today. My constituency neighbour, the hon. Member for St Albans (Daisy Cooper), and I are as one. If this is not sorted in the other House, as promised, we in this House will sort it. That is not a threat but a promise. The Minister, the Secretary of State and the Prime Minister, as we heard, have been brilliant in changing direction. They realised the risk that no thought at all had been given to leaseholders.

I declare an interest because my daughter has a leasehold property. When she bought it, why would she have dreamed that this situation would occur and she would face such penalties?

When I intervened on the Minister, I said I would mention a way out. Those hon. Members who have been here long enough will remember that I took the Mesothelioma Act 2014 through this House. The Act compensated people whose lives, through no fault of their own, had been devastated by asbestos. We could not fine the insurers, the companies, the directors or the shareholders, so they had suffered and they had not got compensation. This Bill is an opportunity to resolve the problem for leaseholders where we cannot impose fines.

There is no reason why leaseholders should drag themselves through the courts. We are trying to sort the matter out in this House. We should put a levy on the insurers. Without any doubt, the insurers got the premium from these companies, because otherwise they would not have been allowed to build the properties, so liability insurance was in place. The fact that we cannot find the developers—some have gone offshore in parts of my constituency—is irrelevant now. If we can find them, fine, but if not, we will levy the insurers.

We do not need to reinvent the wheel. We have already done it with the mesothelioma Bill. Originally, we gave the victims 80% of the compensation that they would have got through the courts. Eventually, we gave them 100%. This House was unanimous in its support of the Bill as it went through its stages. It was probably one of the easiest Bills that I have taken through the House—apart from having to pronounce mesothelioma, which, to this day, still troubles me, as Members may have notice.

This is an option that I have mentioned to the Minister before. I have said that his civil servants can come and talk to me, or to anybody at the Department for Work and Pensions who took that legislation through. I am more than happy for that to happen. Sadly, though, no one has talked to me about this—I am gently looking towards the civil servants in the Box, which I am not meant to do. This is a great opportunity to right a wrong that we can see coming down the line here.

**Sir Peter Bottomley:** Were claims to go through the courts, they would be aimed at the developers, the builders, the architects, the surveyors, the component suppliers, the building controllers and the building regulations specifiers, all of whom were insured or operating under Government. We need to get them altogether around the table and say, "What will be the total liability?" We would save the lawyers' costs and get the money in very fast. Leaseholders will be protected. Their homes will be safe and they will be saleable.

**Sir Mike Penning:** The Father of the House is absolutely right. When we put to the insurers this idea that they should compensate those people whose lives and loved ones had been affected by the asbestos, did they like it? No, they hated it. They fought tooth and nail not to do it, but we did it, and we did the right thing. When we come to part 5, Mr Deputy Speaker, I hope to catch your eye again.

May I just touch on a point that many colleagues have raised today? If people, in fear of threatening letters from lawyers and bailiffs, paid the remedial costs on their lease in good faith, how can it be right for us in this House to say that they did the wrong thing, while the people who held off paying those costs did the right thing? That sticks in my throat. It cannot be right that we penalise people who feel that they did the right thing. I said this to the Secretary of State during his statement. I am not saying that he dismissed it; he probably just thinks it is very difficult. Yes, it is very difficult, but that is what this place is for—when things become difficult, we resolve the problem. We have an opportunity with the insurers.

As we have heard from Members across the House, these bills are dropping on people's doorsteps now, and it is happening in my constituency. They are innocent people who have done nothing wrong other than wanting to get on the housing ladder. Today we have an opportunity to address this. I agree with my hon. Friend the Member for Stevenage (Stephen McPartland) that we do not need to move these amendments now. We will wait to see what happens when the Bill goes to the Lords, but by golly we will move them if it comes back.

**Hilary Benn:** The one thing that has united the House today has been support for the principle embodied in new clause 13. There is a huge burden of expectation now on the shoulders of the Minister and the Secretary of State because of the commitment that was given in the recent statement, and we are all anxious to see how the Government intend to fulfil it.

The right hon. Member for Hemel Hempstead (Sir Mike Penning), whom it is a great pleasure to follow, asked earlier what happens if the funds are not forthcoming from those who are still in existence who were responsible. The answer is that there is a mechanism already in place, which is the levy that the Government previously announced. I have no objection to adding insurers to those who are levied, because it is a collective failure on the part of the industry. That is the point. Even if we put on one side debates about cladding, for every one of the buildings that have been discovered to have missing fire breaks, I can guarantee that the plans specified that the fire breaks should be installed, but they were not. As a result, we have a generation of shoddy, unsafe buildings and it is our constituents who are feeling the pain.

Secondly, once we have sorted out who is paying, we really have to find a way of getting the work done. I must say to the Minister that having observed, as we all have, the back-and-forth between managing agents, freeholders, developers and the building safety fund, we can see that that is not a very efficient way to solve the problem. That is why the buildings works agency approach that my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook) spoke about earlier is such a good idea. It is a good idea for two reasons. First, we would have a body whose job was to find, fix,

fund and then recoup through the levy that we have discussed, which would be quicker. Secondly, it would avoid the stand-offs that are taking place. I have seen one case where the expert advisers to the building owners have said that the zinc cladding on wooden battens is not safe, but the building safety fund has said that it is.

Another reason that the Government should adopt our proposal for a buildings works agency is that it would be the perfect vehicle to review the safety assessment of all of the buildings, which the Secretary of State spoke about last week, and in the end be the referee—the judge and the jury—that says what is safe, what works and what work needs to be done.

3.45 pm

The last point I want to make is about the need for speed. We are four and a half years on from Grenfell, and every single day that passes without the situation being resolved puts enormous strain on our constituents. They also have to shell out for the waking watches and insurance premiums that are the consequence of a problem for which they bear no responsibility whatsoever. Until the work is done, people's flats continue to be worthless and they cannot get on with their lives. Some people have had to move out of their flat, get a new job in another part of the country and rent their flat out, and that is why it would be totally unfair to punish them for not being resident leaseholders. The sooner there is absolute clarity about what the statutory protection will look like, the sooner the work can be done and the day can eventually arrive when leaseholders can put behind them this groundhog day series of mornings when they have woken up thinking, "Oh my God, I am still stuck in this nightmare", and instead wake up looking forward with some confidence to getting on with the rest of their lives.

**Kelly Tolhurst** (Rochester and Strood) (Con): I want to thank hon. Members across the House for the work they have put in. I also pay tribute to the Minister, whom I have spoken to on a number of occasions about the issues facing my constituency. I know that the Government have been listening and working really hard with colleagues to get to a place where people can be satisfied. As has been mentioned, the landscape is really complicated and the Government are trying to right some wrongs of the past.

I very much welcomed the Secretary of State's statement last week, but I want to echo what has been said by colleagues across the House about what comes next and the protection that we will give to leaseholders. For example, at the Wharf in my constituency there has been a lack of clarity and transparency from the management company about the cladding and fire safety works that need to be carried out. The management company, Y&Y, is in the process of taking the leaseholders to a first-tier tribunal to award costs, adding a 5% commission. Since the statement last week, I have asked the management company if it could please pause this activity until the Government have moved further, but it has said that it will continue to go to the first-tier tribunal for costs. That will put some of the leaseholders in a really difficult position. Some of the people occupying those properties will not be able to pay those bills if the management company goes ahead with its actions before



[*Kelly Tolhurst*]

they have been given any security by the Minister, so I want to labour that point. We are also talking about historical payments that have been made, but this is happening as we speak.

**Sir Mike Penning:** One option for someone with a freehold property is normally to claim on their buildings insurance's legal protection. A leaseholder has to pay the premium to the freeholder but does not have any protection. This is another area of the law that could be changed.

**Kelly Tolhurst:** My right hon. Friend is quite right. I welcome many of the amendments, and I welcome a lot of what is in the Bill. I am pleased with the extension on limitations.

During covid, a fire ripped through a building on the Causeway in my constituency. Again, it is not a high-rise block and is under 18 metres. Other hon. Members have mentioned firebreaks and the lack of such work. Coincidentally, further structural defects have been found in the investigation work carried out after the fire. They would not have been found if the fire had not ripped through the building in 2020.

As my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning) and my hon. Friend the Member for Harrow East (Bob Blackman) said, these buildings have been signed off. I was a marine surveyor in a previous life, and if I had signed off the builds of boats that had major defects, my professional indemnity insurance would have had to pay out and I might not have got insurance next time around because of my poor performance. How is it acceptable that people can sign off such buildings and give certificates to the residents—our constituents—who buy them? That gives the residents confidence in the quality and safety of what they are buying. We need to look at the insurance argument; it is a valid point. To be frank, it is a scandal that those poor individuals have bought those buildings. The profession has a lot to answer for, as far as I am concerned.

Ultimately, I want to press the Minister on what assurances and comfort he can give my constituents who are watching the debate and who have been following the Bill with bated breath for many months, hoping that it will be their salvation.

**Shabana Mahmood** (Birmingham, Ladywood) (Lab): I shall speak to Opposition new clause 3 and to the amendments that, although they will not be pressed to a vote this evening, would protect leaseholders from the costs of not only cladding removal, but the remediation of non-cladding defects.

I can hardly believe that it is four and a half years since the horrific fire at Grenfell, and still we are fighting for the robust legal protection that leaseholders in my constituency and across the country need and deserve. It is too easy to assume that removing cladding is the beginning and end of the scandal; the costs of remediating non-cladding fire safety defects are just as ruinous, and blameless leaseholders should not be picking up those costs. I have seen for myself the extent of fire safety defects at various buildings in my constituency, including the Brindley House development, where the scale of the

missing firebreaks and other defects was truly shocking. The people who were responsible for putting up that building were grossly negligent and, in my opinion, complete cowboys.

The regulatory failure whereby buildings were declared fit for human habitation when they contained defective or inappropriate fire safety measures, or when those measures were wholly absent, is staggering. When there were negligent and dishonest practices, the costs of remediation should not fall at the feet of my constituents. A commitment to full legal protection for leaseholders from all costs—both for the removal of dangerous cladding and for the remediation of all other fire safety defects—should have been added to the Bill today, because those issues are not new and have been the subject of intense debate for years.

Ministers and their officials know full well the contours of the debate and the issues at stake, so it is not good enough that the Government did not make such amendments today. Instead, we will have to wait to see whether full legal protection is made available when the Bill goes to the other place. We may understand parliamentary procedure and the different staging posts of a Bill, but to my constituents watching from the outside, every single staging post feels like a slap in the face when they are not given the full protection that they need and deserve.

I associate myself with the comments that have been made about insurance, particularly professional indemnity insurance, but I want to mention the increased insurance premiums that many of our constituents have faced across the country. I have been writing to the Government, the FCA and others for more than two years to ask for action against the insurance industry for the huge increase—the hike—in premiums that our cladding-affected leaseholders have faced. That increase bears no resemblance to the mitigations that our constituents have paid for to decrease the risks in their buildings.

People have paid hundreds of thousands of pounds for new fire alarm systems and internal compartmentation to try to bring the risk down in their buildings, yet that is never reflected in the insurance premiums that they have to pay. That is unconscionable. There are big questions for the wider insurance sector to answer, in addition to the buildings industry. It seems to me that someone who has profited from, for example, charging a building in my constituency an insurance premium of £700,000 in total, which has never come down, has some big questions to answer.

I hope that when the Minister brings the Bill back to this place, we get the time for adequate debate and the further amendments that we need. I hope that we take action on insurance and perhaps even—God help us—implore the FCA to do its job and stand by our constituents, who deserve the regulator's protection. When the Bill comes back, I hope that it addresses all those issues, as it is high time that the Government did right by leaseholders.

**Christopher Pincher:** I congratulate right hon. and hon. Members on their contributions to this important debate and to the amendments that we are debating. In the short time that I have, I will say that I entirely agree with my hon. Friend the Member for Stevenage (Stephen McPartland) and the hon. Member for Birmingham, Ladywood (Shabana Mahmood), who raised the terrible

plight faced by her constituents at Brindley House, as did the Mayor of the West Midlands, Andy Street. Too many people, for far too long, have been far too worried. We have to end this scandal.

Several hon. Members asked whether we intend to bring forward legal protections in the House of Lords. I assure the House that we do. We certainly want to ensure that all leaseholders in medium and high-rise buildings, who live in them or who used to live in them but have had to move out and sub-let because of the situation in which they find themselves, will have put in place the robust legal protections to which my right hon. Friend the Secretary of State referred. We want to work cross-party and with interested parties to ensure that those robust protections are right.

We believe that leaseholders should not be asked to pay anything further until those legal protections are in place, as was raised by several hon. Members on both sides of the House. I encourage any hon. Member who is aware of demands from freeholders that their leaseholders pay to make me or my officials aware of that demand.

I am also grateful for the points raised by my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning) and my hon. Friend the Member for Rochester and Strood (Kelly Tolhurst) about the, shall we say, peculiarities of the insurance system. Some of those are wider issues that go beyond the Bill, but I am happy to discuss how we can resolve such issues with them.

I will certainly work collaboratively with the hon. Member for Reading East (Matt Rodda). I am conscious that my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) is right that there are limitations through mitigation, but the law can change the culture. That is part of the point of bringing forward the Bill—to change the culture of the sector.

We will instigate a summit with the sector to ensure that it pays what it owes, and if it will not pay voluntarily, we will introduce appropriate mechanisms to ensure that it does. I am conscious that the Father of the House, my hon. Friend the Member for Worthing West (Sir Peter Bottomley), referred to the Defective Premises Act 1972. I may have misheard him, but I think he suggested that that Act is not available for use by leaseholders. That is not correct. Leaseholders are able to avail themselves of the Act, as may any freeholder.

I am conscious, Mr Deputy Speaker, that I have only 14 more seconds in which to speak. Let me reassure Members that we want to work across the House to bring forward sensible legal protections in amendments in the other place, and we will do that as soon as may be.

4 pm

*Debate interrupted (Programme Orders, 21 July 2021 and this day).*

*The Deputy Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83E), That the clause be read a Second time.*

*Question agreed to.*

*New clause 20 accordingly read a Second time, and added to the Bill.*

*The Deputy Speaker then put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).*

## New Clause 21

### AMENDMENT OF THE GOVERNMENT OF WALES ACT 2006

“In Schedule 7B to the Government of Wales Act 2006 (general restrictions on legislative competence of Senedd Cymru), in paragraph 10(2), at the end insert—

‘(o) the new homes ombudsman.’—(*Christopher Pincher.*)

*This new clause removes the need for consent to a provision of an Act of Senedd Cymru which removes or modifies any function of the new homes ombudsman or which confers power to do so. The new clause will be inserted after clause 134.*

*Brought up, and added to the Bill.*

## New Clause 22

### ARCHITECTS: APPEALS COMMITTEE

“(1) The Architects Act 1997 is amended as follows.

(2) In section 1 (the Board)—

(a) after subsection (2) insert—

‘(2A) There is to be an Appeals Committee of the Board.’;

(b) after subsection (4) insert—

‘(4A) Part 2A of that Schedule makes provision about the Appeals Committee.’

(3) In section 4 (registration: general)—

(a) in subsection (4)(b) for ‘refer the application to the Board’ substitute ‘refuse the application’;

(b) in subsection (6)—

(i) omit ‘(4) or’;

(ii) for the words from ‘direct’ to the end substitute ‘—

(a) direct the Registrar to enter the person’s name in the Register if it is satisfied that the person is entitled to be registered, or

(b) direct the Registrar to refuse the application if it is not so satisfied.’

(4) In section 6(4B) (notice of refusal of application) for the words from ‘in the case’ to ‘section 4(2A)’ substitute ‘of an application’.

(5) In section 9 (competence to practise) after subsection (2) insert—

‘(2A) A notice under subsection (2) must state reasons for the decision.’

(6) In Part 5 (general and supplementary) before section 22 insert—

#### ‘21A Appeals to the Appeals Committee

(1) A person may appeal to the Appeals Committee against—

(a) a decision to refuse the person’s application for registration, or

(b) if the person is a person to whom paragraph (b) of section 9(1) applies, a decision to remove or not to re-enter the person’s name in the Register as a result of section 9(1).

(2) The Board may make rules about appeals to the Appeals Committee, including in particular rules about—

(a) the period within which any appeal must be made;

(b) the way in which an appeal is to be made or withdrawn;

(c) the fee that must be paid on the making of an appeal (including circumstances in which that fee may or must be refunded);

(d) the procedure to be followed by the Appeals Committee in relation to an appeal;

(e) the effect of the making of an appeal, pending its determination, on the decision appealed against.

(3) On the determination of an appeal, the Appeal Committee may make any decision that could have been made by the person who made the decision appealed against.

- (4) The Appeals Committee must, within the prescribed period after determining a person's appeal, serve on the person written notice of the decision made on that determination.'
- (7) In section 22 (appeals)—
- (a) in subsection (1)—
- (i) for paragraph (a) substitute—
- '(a) a decision of the Appeals Committee under section 21A, on an appeal made by the person;';
- (ii) for paragraph (c) substitute—
- '(c) the person's name not being re-entered in the Register under section 18 as a result of section 9(1);';
- (b) in subsection (2) omit 'Subject to subsection (3);'
- (c) omit subsection (3);
- (d) in the heading at the end insert 'to the court'.
- (8) In section 24(2) (service of documents) for 'or 15(3)' substitute ', 15(3) or 21A(4)'.
- (9) In Schedule 1 (the Board and its committees) after Part 2 insert—

## PART 2A

### THE APPEALS COMMITTEE

- 17B (1) The Board may make rules about—
- (a) the composition of the Appeals Committee;
- (b) the selection and term of office of members of the Appeal Committee (including casual vacancies);
- (c) the meetings and procedure (including chairing and quorum) of the Appeal Committee;
- (d) votes of the Appeal Committee (including providing for a casting vote and the way in which it is to be exercised).
- (2) Before making rules about the composition of the Appeals Committee, the Board must consult the Secretary of State.'

(10) In Part 4 of that Schedule (general provisions), after 'Professional Conduct Committee', in each place it occurs, insert 'the Appeals Committee'.'—(*Christopher Pincher*.)

*This new clause amends the Architects Act 1997 so as to require a committee called the Appeals Committee to be established. The committee is to determine certain appeals relating to registration. The new clause will be inserted into Part 5, after clause 137.*

*Brought up, and added to the Bill.*

### New Clause 3

- '(1) The remediation costs condition applies where a landlord has carried out any fire safety works to an applicable building in consequence of any provision, duty or guidance arising from—
- (a) the Housing Act 2004;
- (b) the Regulatory Reform (Fire Safety Order) 2005;
- (c) the Building Safety Act 2021;
- (d) any direction, recommendation or suggestion of any public authority or regulatory body;
- (e) such other circumstances or enactment as the Secretary of State may prescribe by regulations or in accordance with subsection (9), below.
- (2) If the remediation costs condition is met, then the costs incurred by the landlord in connection with those matters may not be the subject of a demand for payment of service charges, administration charges or any other charge permitted or authorised by any provision of any long lease.
- (3) Any demand for payment which contravenes this section shall be of no force or effect and will have no validity in law.
- (4) Any covenant or agreement, whether contained in a lease or in an agreement collateral to such a lease, is void in so far as it purports to authorise any forfeiture or impose on the tenant any penalty, disability or obligation in the event of the tenant refusing, failing or declining to make a payment to which this section applies.

(5) The remediation costs condition applies to demands for payment before the landlord incurs the costs in the same way as it applies to demands for payment made after the costs have been incurred.

(6) The remediation costs condition does not apply where the landlord is a company in which the majority of the shares are held by leaseholders or where the landlord is an RTM company.

(7) Within six months of the day on which this section comes into force, the Secretary of State must create an agency referred to as the Building Works Agency.

(8) The purpose of the Building Works Agency shall be to administer a programme of cladding remediation and other building safety works, including—

- (a) overseeing an audit of cladding, insulation and other building safety issues in buildings over two storeys;
- (b) prioritising audited buildings for remediation based on risk;
- (c) determining the granting or refusal of grant funding for cladding remediation work;
- (d) monitoring progress of remediation work and enforce remediation work where appropriate;
- (e) determining buildings to be safe once remediation work has been completed;
- (f) seeking to recover costs of remediation where appropriate from responsible parties; and
- (g) providing support, information and advice for owners of buildings during the remediation process.

(9) The Building Works Agency shall also have power to recommend that the Secretary of State exercises his power under clause (1)(e) in such terms and to such extent that it sees fit. If such a recommendation is made, the Secretary of State must, within 28 days, either—

- (a) accept it and exercise the power under clause 1(e) within 28 days of acceptance; or
- (b) reject it and, within 28 days of rejection, lay before Parliament a report setting out the reasons for rejection.

(10) In this section—

- (a) "fire safety works" means any work or service carried out for the purpose of eradicating or mitigating (whether permanently or temporarily) any risk associated with the spread of fire, the structural integrity of the building or the ability of people to evacuate the building;
- (b) "applicable building" means a building subject to one or more long leases on the day on which section comes into force;
- (c) "service charge" has the meaning given by s.18, Landlord and Tenant Act 1985;
- (d) "administration charge" has the meaning given by Schedule 11, Commonhold and Leasehold Reform Act 2002;
- (e) "long lease" has the meaning given by sections 76 and 77 of the Commonhold and Leasehold Reform Act 2002;
- (f) "RTM company" has the meaning given by section 113 of the Commonhold and Leasehold Reform Act 2002.

(11) This section comes into force on the day on which this Act is passed.'—(*Matthew Pennycook*.)

*Brought up.*

*Question put, That the clause be added to the Bill.*

*The House divided: Ayes 181, Noes 301.*

**Division No. 165]**

**[4.1 pm**

### AYES

Abbott, rh Ms Diane  
Ali, Rushanara  
Ali, Tahir

Amesbury, Mike  
Anderson, Fleur  
Antoniazzi, Tonia



Ashworth, rh Jonathan  
 Barker, Paula  
 Beckett, rh Margaret  
 Begum, Apsana  
 Benn, rh Hilary  
 Betts, Mr Clive  
 Blake, Olivia  
 Blomfield, Paul  
 Brown, rh Mr Nicholas  
 Buck, Ms Karen  
 Burgon, Richard  
 Byrne, Ian  
 Campbell, rh Sir Alan  
 Carden, Dan  
 Carmichael, rh Mr Alistair  
 Chamberlain, Wendy  
 Champion, Sarah  
 Charalambous, Bambos  
 Clark, Feryal  
 Cooper, Daisy  
 Corbyn, rh Jeremy  
 Creasy, Stella (*Proxy vote cast by Chris Elmore*)  
 Cruddas, Jon  
 Cryer, John  
 Cummins, Judith  
 Cunningham, Alex  
 Daby, Janet  
 Davey, rh Ed  
 David, Wayne  
 Davies, Geraint  
 Davies-Jones, Alex  
 De Cordova, Marsha  
 Debbonaire, Thangam  
 Dhesi, Mr Tanmanjeet Singh  
 Dodds, Anneliese  
 Doughty, Stephen  
 Duffield, Rosie  
 Eagle, Dame Angela  
 Eagle, Maria  
 Eastwood, Colum  
 Edwards, Jonathan  
 Elliott, Julie  
 Elmore, Chris  
 Eshalomi, Florence  
 Esterson, Bill  
 Evans, Chris  
 Farron, Tim  
 Farry, Stephen  
 Ferrier, Margaret  
 Fovargue, Yvonne  
 Foxcroft, Vicky  
 Furniss, Gill  
 Gardiner, Barry  
 Gill, Preet Kaur  
 Glindon, Mary  
 Green, Kate  
 Green, Sarah  
 Greenwood, Lilian  
 Greenwood, Margaret  
 Griffith, Nia  
 Gwynne, Andrew  
 Haigh, Louise  
 Hamilton, Fabian  
 Hanvey, Neale  
 Hardy, Emma  
 Harris, Carolyn  
 Hayes, Helen  
 Healey, rh John  
 Hendrick, Sir Mark  
 Hillier, Dame Meg  
 Hobhouse, Wera

Hodgson, Mrs Sharon  
 Hollern, Kate  
 Hopkins, Rachel  
 Howarth, rh Sir George  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jarvis, Dan  
 Johnson, rh Dame Diana  
 Johnson, Kim  
 Jones, Darren  
 Jones, Gerald  
 Jones, rh Mr Kevan  
 Jones, Ruth  
 Jones, Sarah  
 Kane, Mike  
 Keeley, Barbara  
 Kendall, Liz (*Proxy vote cast by Mr Pat McFadden*)  
 Khan, Afzal  
 Kinnock, Stephen  
 Kyle, Peter  
 Lake, Ben  
 Lavery, Ian  
 Leadbeater, Kim  
 Lewell-Buck, Mrs Emma  
 Lewis, Clive  
 Lloyd, Tony  
 Long Bailey, Rebecca  
 Lucas, Caroline  
 Lynch, Holly  
 MacAskill, Kenny  
 Madders, Justin  
 Mahmood, Mr Khalid  
 Mahmood, Shabana  
 Maskell, Rachael  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonald, Andy  
 McDonnell, rh John  
 McFadden, rh Mr Pat  
 McGinn, Conor  
 McKinnell, Catherine  
 McMorris, Anna  
 Mearns, Ian  
 Mishra, Navendu  
 Moran, Layla  
 Morden, Jessica  
 Morgan, Helen  
 Morgan, Stephen  
 Morris, Grahame  
 Murray, James  
 Nandy, Lisa  
 Nichols, Charlotte  
 Norris, Alex  
 Olney, Sarah  
 Onwurah, Chi  
 Oppong-Asare, Abena  
 Osamor, Kate  
 Owatemi, Taiwo  
 Owen, Sarah  
 Pennycook, Matthew  
 Perkins, Mr Toby  
 Phillips, Jess  
 Phillipson, Bridget  
 Pollard, Luke  
 Qureshi, Yasmin  
 Rayner, rh Angela  
 Reeves, Ellie  
 Reynolds, Jonathan  
 Ribeiro-Addy, Bell  
 Rimmer, Ms Marie  
 Rodda, Matt

Russell-Moyle, Lloyd  
 Shah, Naz  
 Sharma, Mr Virendra  
 Siddiq, Tulip  
 Slaughter, Andy  
 Smith, Cat  
 Smith, Jeff  
 Smith, Nick  
 Smyth, Karin  
 Sobel, Alex  
 Spellar, John  
 Starmer, rh Keir  
 Stevens, Jo  
 Stone, Jamie  
 Sultana, Zarah  
 Tami, rh Mark  
 Tarry, Sam  
 Thomas-Symonds, rh Nick

Thornberry, rh Emily  
 Timms, rh Stephen  
 Twigg, Derek  
 Vaz, rh Valerie  
 Webbe, Claudia  
 West, Catherine  
 Western, Matt  
 Whitehead, Dr Alan  
 Whitley, Mick  
 Whittome, Nadia  
 Williams, Hywel  
 Wilson, Munira  
 Winter, Beth  
 Yasin, Mohammad  
 Zeichner, Daniel

**Tellers for the Ayes:**  
**Colleen Fletcher and**  
**Liz Twist**

## NOES

Adams, rh Nigel  
 Afolami, Bim  
 Afriyie, Adam  
 Aiken, Nickie  
 Aldous, Peter  
 Allan, Lucy  
 Anderson, Lee  
 Anderson, Stuart  
 Andrew, rh Stuart  
 Argar, Edward  
 Atherton, Sarah  
 Atkins, Victoria  
 Bacon, Gareth  
 Bacon, Mr Richard  
 Badenoch, Kemi  
 Bailey, Shaun  
 Baillie, Siobhan  
 Baker, Duncan  
 Baker, Mr Steve  
 Baldwin, Harriett  
 Baynes, Simon  
 Bell, Aaron  
 Benton, Scott  
 Berry, rh Jake  
 Bhatti, Saqib  
 Blackman, Bob  
 Blunt, Crispin  
 Bone, Mr Peter  
 Bowie, Andrew  
 Bradley, Ben  
 Bradley, rh Karen  
 Braverman, rh Suella  
 Brereton, Jack  
 Bridgen, Andrew  
 Brine, Steve  
 Britcliffe, Sara  
 Browne, Anthony  
 Bruce, Fiona  
 Buckland, rh Sir Robert  
 Burghart, Alex  
 Burns, rh Conor  
 Butler, Rob  
 Cairns, rh Alun  
 Carter, Andy  
 Cartledge, James  
 Cash, Sir William  
 Cates, Miriam  
 Caulfield, Maria  
 Chalk, Alex  
 Chishti, Rehman  
 Churchill, Jo  
 Clark, rh Greg  
 Clarke, rh Mr Simon  
 Clarke-Smith, Brendan  
 Clarkson, Chris  
 Clifton-Brown, Sir Geoffrey  
 Coffey, rh Dr Thérèse  
 Colburn, Elliot  
 Collins, Damian  
 Costa, Alberto  
 Courts, Robert  
 Coutinho, Claire  
 Crabb, rh Stephen  
 Crosbie, Virginia  
 Crouch, Tracey  
 Daly, James  
 Davies, David T. C.  
 Davies, Gareth  
 Davies, Mims  
 Dinenage, Dame Caroline  
 Dines, Miss Sarah  
 Djanogly, Mr Jonathan  
 Docherty, Leo  
 Donaldson, rh Sir Jeffrey M.  
 Donelan, rh Michelle  
 Dowden, rh Oliver  
 Doyle-Price, Jackie  
 Drax, Richard  
 Drummond, Mrs Flick  
 Duguid, David  
 Duncan Smith, rh Sir Iain  
 Dunne, rh Philip  
 Eastwood, Mark  
 Edwards, Ruth  
 Ellis, rh Michael  
 Ellwood, rh Mr Tobias  
 Elphicke, Mrs Natalie  
 Eustice, rh George  
 Evannett, rh Sir David  
 Everitt, Ben  
 Fabricant, Michael  
 Farris, Laura  
 Fell, Simon  
 Fletcher, Katherine  
 Fletcher, Mark  
 Fletcher, Nick  
 Foster, Kevin  
 Francois, rh Mr Mark  
 Frazer, rh Lucy  
 Freeman, George  
 Freer, Mike  
 French, Mr Louie

Fuller, Richard  
 Fysh, Mr Marcus  
 Gale, rh Sir Roger  
 Garnier, Mark  
 Ghani, Ms Nusrat  
 Gibb, rh Nick  
 Gibson, Peter  
 Gideon, Jo  
 Glen, John  
 Goodwill, rh Sir Robert  
 Gove, rh Michael  
 Grant, Mrs Helen  
 Gray, James  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Griffith, Andrew  
 Griffiths, Kate  
 Grundy, James  
 Gullis, Jonathan  
 Hall, Luke  
 Hammond, Stephen  
 Hancock, rh Matt  
 Hands, rh Greg  
 Harper, rh Mr Mark  
 Harris, Rebecca  
 Harrison, Trudy  
 Hart, Sally-Ann  
 Hart, rh Simon  
 Hayes, rh Sir John  
 Heald, rh Sir Oliver  
 Heapey, James  
 Heaton-Harris, Chris  
 Henderson, Gordon  
 Henry, Darren  
 Higginbotham, Antony  
 Hinds, rh Damian  
 Hoare, Simon  
 Holden, Mr Richard  
 Hollinrake, Kevin  
 Hollobone, Mr Philip  
 Holloway, Adam  
 Holmes, Paul  
 Howell, John  
 Howell, Paul  
 Huddleston, Nigel  
 Hudson, Dr Neil  
 Hughes, Eddie  
 Hunt, Jane  
 Hunt, rh Jeremy  
 Jayawardena, Mr Ranil  
 Jenkin, Sir Bernard  
 Jenkinson, Mark  
 Jenkyns, Andrea  
 Jenrick, rh Robert  
 Johnson, Dr Caroline  
 Johnson, Gareth  
 Johnston, David  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Fay  
 Jones, Mr Marcus  
 Kawczynski, Daniel  
 Keegan, Gillian  
 Knight, rh Sir Greg  
 Knight, Julian  
 Kruger, Danny  
 Lamont, John  
 Latham, Mrs Pauline  
 Leadsom, rh Dame Andrea  
 Leigh, rh Sir Edward  
 Lewer, Andrew

Liddell-Grainger, Mr Ian  
 Lockhart, Carla  
 Loder, Chris  
 Lopez, Julia  
 Lopresti, Jack  
 Lord, Mr Jonathan  
 Loughton, Tim  
 Mackinlay, Craig  
 Mackrory, Cherilyn  
 Maclean, Rachel  
 Mak, Alan  
 Malthouse, rh Kit  
 Mangnall, Anthony  
 Marson, Julie  
 May, rh Mrs Theresa  
 Mayhew, Jerome  
 Maynard, Paul  
 Menzies, Mark  
 Metcalfe, Stephen  
 Millar, Robin  
 Milling, rh Amanda  
 Mills, Nigel  
 Mohindra, Mr Gagan  
 Moore, Damien  
 Moore, Robbie  
 Mordaunt, rh Penny  
 Morris, David  
 Morris, James  
 Morrissey, Joy  
 Mortimer, Jill  
 Morton, Wendy  
 Mullan, Dr Kieran  
 Mumby-Croft, Holly  
 Mundell, rh David  
 Murray, Mrs Sheryl  
 Murrison, rh Dr Andrew  
 Neill, Sir Robert  
 Nici, Lia  
 Nokes, rh Caroline  
 Norman, rh Jesse  
 O'Brien, Neil  
 Opperman, Guy  
 Paisley, Ian  
 Parish, Neil  
 Pawsey, Mark  
 Penrose, John  
 Percy, Andrew  
 Pincher, rh Christopher  
 Poulter, Dr Dan  
 Pow, Rebecca  
 Prentis, Victoria  
 Pritchard, rh Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Raab, rh Dominic  
 Randall, Tom  
 Redwood, rh John  
 Rees-Mogg, rh Mr Jacob  
 Richards, Nicola  
 Richardson, Angela  
 Robertson, Mr Laurence  
 Robinson, Mary  
 Rowley, Lee  
 Russell, Dean  
 Rutley, David  
 Sambrook, Gary  
 Saxby, Selaine  
 Scully, Paul  
 Seely, Bob  
 Selous, Andrew  
 Shannon, Jim

Shapps, rh Grant  
 Sharma, rh Alok  
 Shelbrooke, rh Alec  
 Simmonds, David  
 Skidmore, rh Chris  
 Smith, Chloe  
 Smith, rh Julian  
 Solloway, Amanda  
 Spencer, Dr Ben  
 Spencer, rh Mark  
 Stafford, Alexander (*Proxy  
 vote cast by Duncan Baker*)  
 Stephenson, Andrew  
 Stevenson, Jane  
 Stevenson, John  
 Stewart, rh Bob  
 Stewart, Iain  
 Streeter, Sir Gary  
 Stride, rh Mel  
 Stuart, Graham  
 Sturdy, Julian  
 Sunderland, James  
 Swayne, rh Sir Desmond  
 Syms, Sir Robert  
 Thomas, Derek  
 Throup, Maggie  
 Timpson, Edward  
 Tolhurst, Kelly  
 Tomlinson, Justin

Tomlinson, Michael  
 Tracey, Craig  
 Trevelyan, rh Anne-Marie  
 Trott, Laura  
 Vickers, Martin  
 Vickers, Matt  
 Villiers, rh Theresa  
 Walker, Sir Charles  
 Walker, Mr Robin  
 Wallis, Dr Jamie  
 Warburton, David  
 Warman, Matt  
 Watling, Giles  
 Webb, Suzanne  
 Whately, Helen  
 Wheeler, Mrs Heather  
 Whittaker, Craig  
 Whittingdale, rh Mr John  
 Wiggin, Sir Bill  
 Wild, James  
 Williams, Craig  
 Williamson, rh Gavin  
 Wood, Mike  
 Wright, rh Jeremy  
 Young, Jacob

#### **Tellers for the Noes:**

**Scott Mann and  
 Steve Double**

*Question accordingly negated.*

### **Clause 128**

#### **LIMITATION PERIODS**

*Amendments made:* 41, page 136, line 8, at end insert—

“(4) Where by virtue of section 1 of the Defective Premises Act 1972 a person became entitled, before the commencement date, to bring an action against any other person, this section applies in relation to the action as if the reference in subsection (1) to 15 years were a reference to 30 years.

(5) In subsection (4) ‘the commencement date’ means the day on which section 128 of the Building Safety Act 2022 came into force.”

*This amendment provides for a 30 year limitation period (rather than a 15 year period) for actions brought by virtue of section 1 of the Defective Premises Act 1972, where the right of action accrued before the commencement of the clause.*

Amendment 42, page 136, line 15, leave out from ‘where’ to end of line 16 and insert “—

(a) by virtue of section 1 of the Defective Premises Act 1972 a person became entitled, before the day on which this section came into force, to bring an action against any other person, and

(b) the period of 30 years from the date on which the right of action accrued expires in the initial period,

section 4B of the Limitation Act 1980 (inserted by subsection (1))”.

*This amendment provides that where the 30 year limitation period (see Amendment 41) would otherwise expire in the initial period, it expires at the end of the initial period.*

Amendment 43, page 136, line 29, leave out “90 days” and insert “one year”.

*This amendment changes the initial period. Subsection (4) provides that where the time limit for bringing an action by virtue of section 1 of the Defective Premises Act 1972 would otherwise expire in the initial period, it expires at the end of that period.*

**Clause 129**ESTABLISHMENT OF THE NEW HOMES OMBUDSMAN  
SCHEME

*Amendments made:* 44, page 136, line 33 leave out “for England”.

*This amendment (together with others) is to expand the scope of the new homes ombudsman scheme beyond England so it applies also to Wales and Scotland.*

Amendment 45, page 137, line 11, at end insert—

“(4) Before making arrangements under subsection (1), the Secretary of State must consult—

- (a) the Welsh Ministers, and
- (b) the Scottish Ministers.”

*This amendment places the Secretary of State under a duty to consult the Welsh Ministers and the Scottish Ministers before making arrangements to establish the new homes ombudsman scheme.*

**Clause 130**

## THE NEW HOMES OMBUDSMAN SCHEME

*Amendments made:* 46, page 137, line 20, leave out “in England”.

*See explanatory statement for Amendment 44.*

Amendment 47, page 137, line 32, leave out “against members of the scheme”.

*This amendment expands the meaning of “redress scheme” so it is not limited to schemes which have members.*

Amendment 48, in page 137, line 35, at end insert—

“(8) Schedule (Amendments in connection with the new homes ombudsman scheme) contains amendments connected with the establishment of the new homes ombudsman scheme.”

*This amendment introduces a Schedule containing amendments of other enactments (see NS2).*

**Clause 131**“RELEVANT OWNER”, “NEW BUILD HOME” AND  
“DEVELOPER”

*Amendments made:* 49, page 138, line 8, at end insert—

“(3A) In relation to a home in Scotland, subsection (3) has effect as if in paragraph (b) the words ‘for a term not exceeding 21 years’ were omitted.”

*This amendment glosses the meaning of the “occupation condition” for homes in Scotland.*

Amendment 50, page 138, line 21, leave out subsection (5) and insert—

“(5) ‘Relevant interest’ means—

- (a) in relation to land in England or Wales, a legal estate which is—
  - (i) an estate in fee simple absolute in possession, or
  - (ii) a term of years absolute granted for a term of more than 21 years from the date of the grant;
- (b) in relation to land in Scotland, the interest of an owner of land.”

*This amendment provides the meaning of the “relevant interest” for Wales and Scotland (and is needed as a consequence of the new homes ombudsman scheme being expanded beyond England).*

Amendment 51, page 138, line 27, leave out “in England”.

*See explanatory statement for Amendment 44.*

Amendment 52, page 138, line 29, leave out “in England”.

*See explanatory statement for Amendment 44.*

Amendment 53, page 138, line 31, leave out “in England”.

*See explanatory statement for Amendment 44.*

Amendment 54, page 138, line 36, leave out “Secretary of State” and insert “relevant national authority”.

*This amendment, taken with Amendment 55, confers power on the Welsh Ministers and the Scottish Ministers (in addition to the Secretary of State) to adjust the meaning of “developer”.*

Amendment 55, page 138, line 40, at end insert—

“(7A) In subsection (6)(b), ‘the relevant national authority’ means—

- (a) in relation to homes in England, the Secretary of State,
- (b) in relation to homes in Wales, the Welsh Ministers, and
- (c) in relation to homes in Scotland, the Scottish Ministers.

(7B) Before making regulations under subsection (6)(b), the relevant national authority must consult each other person who is the relevant national authority in relation to regulations under that subsection.”

*See explanatory statement for Amendment 54.*

**Clause 132**POWER TO REQUIRE PERSONS TO JOIN SCHEME AND TO  
PROVIDE INFORMATION

*Amendment made:* 56, page 139, line 19, at end insert—

“(1A) Before making regulations under subsection (1), the Secretary of State must consult—

- (a) the Welsh Ministers, and
- (b) the Scottish Ministers.”

*This amendment places the Secretary of State under a duty to consult the Welsh Ministers and the Scottish Ministers before making regulations about the new homes ombudsman scheme.*

**Clause 134**

## DEVELOPERS’ CODE OF PRACTICE

*Amendment made:* 57, page 140, line 13, at end insert—

“(4) The Secretary of State must consult the Welsh Ministers and the Scottish Ministers before—

- (a) issuing, revising or replacing the code, or
- (b) approving the code or a revision or replacement of it.”

*This amendment places the Secretary of State under a duty to consult the Welsh Ministers and the Scottish Ministers about the code of practice.*

**Clause 138**POWER OF ARCHITECTS REGISTRATION BOARD TO  
CHARGE FEES

*Amendment made:* 58, page 145, line 27, at end insert—

“(2) In Schedule 1 to that Act (the Board and its committees), in paragraph 18(2)(b) (functions of the Board which may not be discharged by a committee) for ‘4(1) or (2)’ substitute ‘4(2)’.

(3) In consequence of the amendment made by subsection (2), in section 11(5) of the Professional Qualifications Act 2022 for the words from ‘after’ to the end substitute ‘for “4(2)” substitute “4(1A) or (2)”’.”—(Christopher Pincher.)

*This amendment amends paragraph 18(2) of Schedule 1 to the Architects Act 1997 so as to remove the current restriction on committees discharging a function of the Architects Registration Board under section 4(1) of that Act.*



## New Schedule 2

### AMENDMENTS IN CONNECTION WITH THE NEW HOMES OMBUDSMAN SCHEME

“1 The Local Government Act 1974 is amended in accordance with paragraphs 2 to 4.

2 (1) Section 33 (consultation between Local Commissioner and other Commissioners and Ombudsmen) is amended as follows.

(2) In subsection (1)—

(a) after paragraph (bza) insert—

‘(bzb) by the new homes ombudsman under the new homes ombudsman scheme (see section 129 of the Building Safety Act 2022);’;

(b) in the words after paragraph (c), after ‘1993’ insert ‘, the Housing Act 1996, the new homes ombudsman scheme’.

(3) In subsection (2), after ‘housing ombudsman,’ insert ‘the new homes ombudsman.’

(4) After subsection (3A) insert—

‘(3B) If at any stage in the course of conducting an investigation under the new homes ombudsman scheme, the new homes ombudsman forms the opinion that the complaint relates partly to a matter which could be the subject of an investigation under this Part of this Act, the new homes ombudsman must consult with the appropriate Local Commissioner about the complaint and, if the new homes ombudsman considers it necessary, inform the person initiating the complaint of the steps necessary to initiate a complaint under this Part of this Act.’

(5) In subsection (4)—

(a) for ‘or (3A)’ substitute ‘, (3A) or (3B)’;

(b) for ‘or under the Housing Act 1996’ substitute ‘, the Housing Act 1996 or the new homes ombudsman scheme’.

3 (1) Section 33ZA (collaborative working between Local Commissioners and others) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (b) omit the final ‘or’;

(b) at the end of paragraph (c) insert ‘or

(d) the new homes ombudsman.’

(3) In subsection (1A) for ‘or (c)’ substitute ‘, (c) or (d)’.

(4) In subsection (3)—

(a) in paragraph (b) omit the final ‘or’;

(b) at the end of paragraph (c) insert ‘or

(d) the new homes ombudsman.’;

(c) in the words following paragraph (c) for ‘or (c)’ substitute ‘, (c) or (d)’.

4 In section 33ZB (arrangements for provision of administrative and other services), in subsection (4)—

(a) in paragraph (c) omit the final ‘and’;

(b) at the end of paragraph (d) insert—

‘(e) the new homes ombudsman, and

(f) the person maintaining the new homes ombudsman scheme under arrangements made pursuant to section 129 of the Building Safety Act 2022.’

5 (1) Paragraph 10A of Schedule 2 to the Housing Act 1996 (housing complaints: collaborative working with Local Commissioners) is amended as follows.

(2) In sub-paragraph (1)—

(a) after ‘Local Commissioner’ insert ‘or the new homes ombudsman’;

(b) for ‘the ombudsman’ substitute ‘the housing ombudsman’;

(c) at the end insert ‘, the new homes ombudsman or both of them.’

(3) In sub-paragraph (3)—

(a) after ‘Local Commissioner’ insert ‘or the new homes ombudsman’;

(b) for ‘the ombudsman’, in both places it occurs, substitute ‘the housing ombudsman’;

(c) at the end insert ‘, the new homes ombudsman or both of them.’

(4) In sub-paragraph (4)—

(a) after ‘Local Commissioner’ insert ‘, the new homes ombudsman (or both)’;

(b) at the end insert ‘(or those persons)’.

6 (1) The Public Services Ombudsman (Wales) Act 2019 (anaw 3) is amended as follows.

(2) In section 65(7) (consultation and co-operation with other ombudsmen)—

(a) in the Welsh language text, after paragraph (e) insert—

‘(f) yr ombwdsmon cartrefi newydd o dan y cynllun ombwdsmon cartrefi newydd (gweler adran 129 o Ddeddf Diogelwch Adeiladau 2022).’;

(b) in the English language text, after paragraph (e) insert—

‘(f) the new homes ombudsman under the new homes ombudsman scheme (see section 129 of the Building Safety Act 2022).’—(Christopher Pincher.)

*This new schedule contains amendments to other legislation needed as a result of the establishment of the new homes ombudsman scheme.*

*Brought up, read the First and Second time, and added to the Bill.*

## Schedule 8

### THE NEW HOMES OMBUDSMAN SCHEME

*Amendments made:* 71, page 203, line 15, after “include” insert

“provision about co-operation with persons who exercise functions under other redress schemes and, in particular,”.

*This amendment makes it clear that the scheme may include provision about co-operation between the new homes ombudsman scheme and other redress schemes.*

*Amendment 72, page 203, line 25, at end insert*

“, the Welsh Ministers and the Scottish Ministers.”—(Christopher Pincher.)

*This ensures that the new homes ombudsman scheme includes provision for the provision of information to the Welsh Ministers and the Scottish Ministers as well as to the Secretary of State.*

## New Clause 19

### SPECIAL MEASURES

“Schedule (Special measures) provides for the appointment of a special measures manager, to undertake duties under this Part in place of an accountable person, and makes further provision in connection with that appointment.”—(Christopher Pincher.)

*This new clause introduces NS1 and is intended to be inserted before clause 104.*

*Brought up, and read the First time.*

**Christopher Pincher:** I beg to move, That the clause be read a Second time.

**Mr Deputy Speaker (Mr Nigel Evans):** With this it will be convenient to discuss the following:

New clause 1—*Review of payment practices and building safety*—

“(1) The Secretary of State must, within 60 days of the day on which this Act is passed, establish a review of the effects of construction industry payment practices on building safety in general and on safety in high-risk buildings in particular.

(2) The review must, in particular, consider—

- (a) the extent to the structure of the construction market incentivises procurement with building safety in mind,
- (b) the extent to which contract terms and payment practices (for example, retentions) can drive poor behaviours, including the prioritisation of speed and low cost solutions and affect building safety by placing financial strain on supply chain,
- (c) the effects on building safety of other matters raised in Chapter 9 (procurement and supply) of Building a Safer Future, the final report of the Independent Review of Building Regulations and Fire Safety, published in May 2018 (Cm 9607),
- (d) the adequacy for the purposes of promoting building safety of the existing legislative, regulatory and policy regime governing payment practices in construction, including the provisions of Part II of the Housing Grants, Construction and Regeneration Act 1996, and
- (e) recommendations for legislative, regulatory or policy change.

(3) The Secretary of State must lay a report of the findings of the review before Parliament no later than one year after this Act comes into force.”

*This new clause would put an obligation on the Secretary of State to review the effects of construction industry payment on practices on building safety and to report the findings to Parliament.*

**New clause 2—Building regulations: property protection—**

“(1) The Building Act 1984 is amended as follows.

(2) In section 1 (Power to make building regulations), after subsection (1)(f), insert—

‘(g) furthering the protection of property’.

(3) In Schedule 1 (Building Regulations), in paragraph 8(5A)—

- (a) after ‘1(1)(a)’ insert ‘(d), (e) and (g)’;
- (b) after ‘flooding’ insert ‘and fire’.”

*This new clause would add “furthering the protection of property” to the list of purposes for which building regulations may be made under the Buildings Act 1984, and extends the purposes for which persons carrying out works on a building may be required to do things to improve building resilience.*

**New clause 15—Duty of social landlords to undertake electrical safety inspections—**

“(1) A social landlord of a residential dwelling in a high-rise building must—

- (a) hold a valid Electrical Installation Condition Report (EICR) for that dwelling;
- (b) provide to the tenant of the dwelling, including any new such tenant—
  - (i) a copy of that EICR, and
  - (ii) a document explaining the provisions of this Act;
- (c) handle any valid complaint about the safety of the electrical installations of the dwelling in accordance with subsection (5).

(2) A person who fails to comply with a duty under subsection (1) commits an offence.

(3) A person guilty of an offence under this section is liable on summary conviction to a fine.

(4) A complaint is valid if—

- (a) it relates to the safety of the electrical installations of the dwelling;
- (b) it is made in writing by, or on behalf of, the tenant of the dwelling; and
- (c) it is not frivolous or vexatious.

(5) The landlord must investigate any valid complaint within 28 days of receiving that complaint.

(6) If such an investigation shows that the electrical installations are unsafe, the landlord must rectify the situation using a qualified and competent person within 28 days of the completion of the investigation.

(7) If the landlord believes that a complaint is not valid they must write to the tenant within 28 days of receiving that complaint explaining why they do not think it is valid.

(8) In this section—

a ‘valid Electrical Installation Condition Report’—

- (a) is dated within the last five years;
- (b) covers the whole fixed electrical installation of the dwelling;
- (c) has a satisfactory outcome;
- (d) was completed by a qualified and competent person; and
- (e) is based on the model forms in BS 7671 or equivalent;

‘social landlord’ has the same meaning as in section 219 of the Housing Act 1996.”

*This new clause requires social landlords to ensure the safety of electrical installations in high rise buildings and is intended to reduce risk of spread of fires between flats.*

**New clause 16—Duty of leaseholders to undertake electrical safety inspections—**

“(1) A leaseholder of a residential dwelling in a high-rise building must—

- (a) hold a valid Electrical Installation Condition Report (EICR) for that dwelling; and
- (b) provide a copy of that EICR to a person specified by the Secretary of State.

(2) A person who fails to comply with subsection (1) shall—

- (a) initially receive a written request from the specified person to provide the EICR; and
- (b) if he or she fails to comply with such a written request, be liable to a civil penalty.

(3) The Secretary of State shall, by regulations, nominate who the specified person shall be.

(4) In this section a ‘valid Electrical Installation Condition Report’—

- (a) is dated within the last five years;
- (b) covers the whole fixed electrical installation of the dwelling;
- (c) has a satisfactory outcome;
- (d) was completed by a qualified and competent person; and
- (e) is based on the model forms in BS 7671 or equivalent.”

*This new clause requires leaseholders to ensure the safety of electrical installations in high rise buildings and is intended to reduce risk of spread of fires between flats.*

**New clause 17—Staircase standards—**

“The Secretary of State must, within 6 months of the day on which this Act is passed, consult on regulations requiring staircases in all new build properties to comply with British Standard 5395-1.”

**New clause 18—Property flood resilience—**

“(1) The Secretary of State must, before the end of the period of six months beginning on the day this Act is passed, use the power under section 1 of the Building Act 1984 to make building regulations for the purpose in subsection (2).

(2) That purpose is to set minimum standards for the safety of new build public and private properties in England for—

- (a) property flood resilience,
- (b) flood mitigation, and
- (c) waste management in connection with flooding.

(3) The Secretary of State must by regulations establish—

- (a) a certification scheme for safety improvements to domestic and commercial properties in England made in full or in part for flood prevention or flood mitigation purposes, and
  - (b) an accreditation scheme for installers of such improvements.
- (4) The scheme under subsection (3)(a) must—
- (a) set minimum standards for the improvements, including that they are made by a person accredited under subsection (1)(b), and
  - (b) provide for the issuance of certificates for insurance and assurance purposes stating that improvements to properties have met those standards.
- (5) The scheme under subsection (3)(a) may make provision for the certification of improvements that were made before the establishment of the scheme provided those improvements meet the minimum standards in subsection (4)(a).
- (6) In setting minimum standards under subsection (4)(a) the Secretary of State must have regard to the minimum standards for new build properties under subsection (1).
- (7) The Secretary of State and local authorities in England must take all reasonable steps to make data about flood prevention and risk relevant to building safety publicly available.
- (8) The duty under subsection (1) extends to seeking to facilitate use of the data by—
- (a) insurers for the purpose of accurately assessing risks to buildings, and
  - (b) individual property owners for the purpose of assessing the need for property flood resilience measures.”

*This new clause would establish minimum standards for property flood resilience measures in new build properties and in improvements to existing building designed to increase safety protections for flood prevention and mitigation purposes, and require local and national government to make data available to support this.*

**New clause 23—Building control: independent appointment—**

“In section 47 of the Building Act 1984 (giving and acceptance of initial notice), in subsection (1)(a) after ‘approved inspector’, insert ‘who has been chosen by a system of independent appointment, prescribed by regulations made by the Secretary of State.’”

*This new clause, along with Amendment 73, is intended to remove choice of building control body from those carrying out all building work.*

**New clause 24—Building Safety and Local Authorities—**

“(1) The duties performed by the regulator under section 31 of this Act in respect of relevant buildings must be performed by the local authority that exercises building control functions in the area in which the building is located.

- (2) In this section ‘relevant building’ means a building—
  - (a) under 18 metres in height, and
  - (b) comprising more than one dwelling.”

**New clause 25—Building Safety Regulations for multi-occupancy dwellings—**

“The Secretary of State must by regulations amend paragraph 1 of Schedule 1 to the Building Act 1984 to apply to all buildings that comprise more than one dwelling.”

**Amendment 1, in clause 3, page 2, line 13, at end insert—**

“(aa) furthering the protection of property, and”.

*This amendment would require the building safety regulator to exercise its functions with a view to furthering the protection of property, which is intended promote longer term protections for occupant safety and reducing fire damage and cost.*

**Amendment 74, in clause 30, page 18, line 17, at end insert—**

“(3A) In making regulations under this section, the Secretary of State must have regard to the ability of residents to evacuate a building, taking into account the vulnerability of residents and the number of means of egress.”

*This amendment is intended to ensure the Secretary of State has regard to the ability of residents to evacuate a building when revising the definition of higher-risk building.*

**Amendment 73, page 60, line 7 leave out clause 45.**

*This amendment, along with NC23, is intended to remove choice of building control body for those carrying out all building work.*

**Amendment 75, in clause 57, page 79, line 23, at end insert—**

“(5) The regulations must exempt any relevant application made by or on behalf of a registered social landlord for the provision of social housing as defined under section 68 of the Housing and Regeneration Act 2008.

(6) A ‘relevant application’ under subsection (5) means an application of a description specified in regulations made by the Secretary of State.”

Government amendments 11 to 40.

Government amendments 60 and 61.

Government amendments 63 and 64.

Government new schedule 1—*Special measures*.

Government amendment 70.

4.15 pm

**Christopher Pincher:** I am happy to set out this group of new clauses and amendments that I hope will be non-contentious as they relate to special measures.

Let me briefly remind the House that special measures orders are a last-resort regulatory intervention that will be invoked if there has been a serious failure or multiple failures by the accountable person to meet their duties under part 4 of the Bill. The new clauses and amendments, beginning with new clause 19, provide for the special measures regime to operate in high-risk buildings across all housing tenures. They also ensure that a special measure order cannot be circumvented by a recalcitrant accountable person, including in respect of a situation in which an accountable person sells their interest in the building and tries to avoid being bound by the special measures order.

New clause 19 introduces new schedule 1, which will encompass the special measures provisions and replace clauses 104 to 113. I shall refer to the paragraphs in the schedule as I address the House. Proposed new paragraph 9 is a new provision that provides for a financial management proposal. This will detail how the accountable person will fund the relevant building safety expenses across both leasehold and rented buildings that are subject to special measures. The financial management proposal sets out the estimated expenses, the measures that they will fund and the special measures manager will undertake, and the apportionment of payments if there is more than one accountable person.

Proposed new paragraph 10(3)(b) ensures that for commonhold buildings a special measures manager may carry out the functions of a receiver of commonhold building safety assessments. This aligns with the provisions on the building safety charge and ensures that the manager is remunerated and can carry out their functions for such a tenure of building. Amendments 33 to 35 are supporting provisions for special measures in common-hold buildings.



Proposed new paragraph 12 is a new provision that ensures financial propriety and provides that any payments received by a manager further to the proposal are deposited into an account to be held on trust. Proposed new paragraph 16 gives power to the Building Safety Regulator to provide financial assistance to the special measures manager to enable it to carry out its functions.

Proposed new paragraph 18 provides for a proactive regulator who will review key aspects under the special measures order and, where necessary, apply to vary the order if the regulator considers that any of the functions or terms require amendment.

Proposed new paragraphs 20(7) to 20(9) provide that on the discharge of a special measures order, the tribunal must direct the special measures manager to prepare a reconciliation of those accounts held on trust and may direct final payments from the manager or accountable persons as appropriate.

Proposed new paragraph 22 creates provisions that ensure that while it is in force the terms of a special measures order will be binding against an incoming accountable person, while the outgoing accountable person remains liable for any contraventions under the order and any debts that may have been incurred prior to the transfer of ownership.

A swathe of Government amendments—Nos. 11, 12, 16 to 28, 31 and 32, 36, 40, 61, 63 and 70—are consequential amendments that make changes relating to special measures due to the provisions now appearing in new schedule 1. Amendments 33 to 35 provide for changes to provisions to ensure that special measures operate effectively for commonhold, high-risk buildings. Together, these amendments and new provisions will ensure that a special measures intervention will operate effectively across buildings, regardless of tenure.

Amendments 14 and 15 are, again, minor technical changes to the process of registration of high-risk buildings. Amendment 14 simply clarifies the meaning of registration, while amendment 15 makes it clear that the building safety regulator has the powers to update the register of high-risk buildings beyond the initial registration application. The amendment will therefore make sure that the register is kept up to date and is fit for purpose. Amendments 29 and 30 are on the protection from forfeiture and amend clause 122. They amend it so that leaseholders can be assured that they have the same protections against forfeiture of a lease as those that already exist in relation to the service charge. They are consequential amendments that ensure that statutory protections against forfeiture apply to relevant leases where there is a requirement to pay a building safety charge. We want the same procedural rights to apply to the building safety charge regime as apply to the service charge. The amendment extends service charge protections for leaseholders who default on payments or challenge the reasonableness of a charge to the building safety charge.

Finally, the Government have tabled another small batch of minor or technical amendments that are either consequential to other changes or correct clauses in the Bill. Four technical amendments are consequential to amendment 1, which I introduced earlier, relating to the new homes ombudsman. Amendments 59 and 62 remove the regulation-making power to add the description of “developer” for the purposes of the new homes ombudsman provisions from the scope of the general provision

about powers to make regulations. This is because new clause 20, in respect of the regulations, means that we can ensure that Scottish and Welsh Ministers, as well as the Secretary of State, have bespoke powers. Amendments 66 and 67 adjust the territorial extent of the provisions about the new homes ombudsman scheme now that that the scheme will operate across Great Britain, and territorial extent issues are also dealt with in new schedule 2, which contains a consequential amendment related to the new homes ombudsman. *[Interruption.]*

Finally, I heard from my right hon. Friend the Member for Beckenham (Bob Stewart), who has not yet risen—

**Bob Stewart** (Beckenham) (Con) *rose*—

**Christopher Pincher:** He has risen—I am doing your work for you, Mr Deputy Speaker—and I will give way to him.

**Bob Stewart:** I thank my very good friend for being so nice to me—decent of him. In sum, all these special measures are devices to ensure that, once people are identified as culpable to fix the problem, they are pinged and have to do it. Is that correct?

**Christopher Pincher:** My right hon. and gallant Friend, as ever, is on or near the money. The point of the changes is to make sure that the accountable person is indeed accountable, so they do what it says on the tin.

Amendment 13 makes it clear in the Bill that an accountable person who allows occupation of a single residential unit or more in part of a higher risk building, as defined in clause 62, without a relevant completion certificate has committed a summary offence, and the guilty person is liable for conviction up to a maximum summary term. Amendment 60 allows regulations made under clause 71 to be subject to the affirmative procedure. Clause 71 sets out the parameters of the part of the building for which an accountable person is responsible. Amendment 64 provides that the consequential amendments in schedule 5 relating to the Parliamentary Commissioner Act 1967—an Act we all know well—and the Freedom of Information Act 2000 extend to all of England, Wales, Scotland and Northern Ireland. Amendment 68 provides that clause 127 is automatically commenced two months after Royal Assent.

The amendments, while hardly scintillating, will help to improve the Bill and make it ready for scrutiny by our colleagues in the other place. I trust that my hon. Friends and Opposition Members have listened closely, with care and attention, have absorbed all the points I have made, and that they will support the amendments.

**Mr Deputy Speaker (Mr Nigel Evans):** Before I call Matthew Pennycook, I ask colleagues who are trying to catch my eye that they please make sure that they address the new clauses and amendments in the group before us, not those in the previous group.

**Matthew Pennycook:** Scintillating they may not be, but it is still a pleasure to respond for the Opposition to the remaining proceedings on consideration. I will first deal briefly with several of the non-Government amendments selected, before taking the opportunity to ask the Minister several specific questions relating to

[Matthew Pennycook]

Government new clause 19, new schedule 1 and various other amendments relating to special measures and protections against forfeiture. I hope he is able to answer at least some of them.

New clause 1, which stands in the name of my hon. Friend the Member for Oldham East and Saddleworth (Debbie Abrahams), who sadly cannot be in her place today because she has contracted covid, is a straightforward amendment that would place on the Secretary of State an obligation to review the effects of behaviour in the construction industry that have a negative impact on building safety, such as contract terms and payment practices that prioritise speed and low-cost solutions, and to report findings to this House. We support the new clause fully and urge the Government to give it due consideration.

New clause 18, which stands in the name of my hon. Friend the Member for Kingston upon Hull West and Hessle (Emma Hardy), would establish minimum standards for property flood resilience measures in new-build homes. In response to my hon. Friend last week, the Secretary of State made it clear that “more could be done” on this issue. I hope my hon. Friend gets a chance to make her case in more detail in due course, and that the Minister will give serious consideration to her new clause and to what might be done through future planning legislation to drive up standards when it comes to flood mitigation and resilience.

New clause 15, which stands in the name of my hon. Friend the Member for Hammersmith (Andy Slaughter), would extend the electrical safety inspection duties that currently apply in the private sector to social landlords. It is straightforward and we believe it warrants support.

New clause 16 would extend the same duties to leaseholders. Although we do not want extra burdens to be placed on leaseholder-occupiers—those who sub-let are of course required to have the relevant certification anyway—and we do want further assurances that the provision would not duplicate powers and duties that the Bill confers on the building safety manager, we support in principle steps to ensure the safety of electrical installations in high-rise buildings and to reduce the risk of fire spreading between flats.

**Andy Slaughter:** My hon. Friend is a logical and fair man, and he will appreciate that there is an anomaly here. If a leaseholder rents out their property, as we have heard some are forced to do, they will be a private landlord and will be obliged to carry out these checks, but they will not be if they are living in the property themselves. In the name of safety, there has to be consistency. Not only landlords of high-rise blocks but social landlords and resident leaseholders need to do this, and the cost is estimated to be about £30 a year per flat.

4.30 pm

**Matthew Pennycook:** I agree there is an anomaly, and I agree that we need consistency. I very much hope the Government give further thought to what might be done to achieve that objective.

The Opposition support new clause 23 and amendments 73 and 74, which derive from the Select Committee's recommendations, and I hope the Minister will constructively respond to them in due course.

On Government new clause 19 and new schedule 1, which will replace clauses 104 to 113, and various related amendments, we fully accept the need for special measures in cases where a given accountable person fails to discharge their duties under the new regime, including the appointment via an order secured by the regulator at the first-tier tribunal of a special measures manager who will take on the management of risk in a given building in such instances.

We also support the changes made to the special measures arrangements by new schedule 1, such as the change to enable the regulator to provide financial assistance to the special measures manager by way of loans or grants. However, we would be grateful if the Minister provided some clarification on those parts of the new schedule that allow for payments to be made by the accountable person to the special measures manager if expenses exceed what can be raised by way of the building safety charge. Will he give a commitment this afternoon that those additional payments will not be able to be charged to leaseholders?

Building height was debated extensively in Committee and warrants a brief mention in relation to this group of Government amendments, because the Bill's arrangements for special measures still apply only to higher-risk buildings, defined as those of at least 18 metres in height or of at least seven storeys—I note that new clauses 24 and 25, in the name of the hon. Member for St Albans (Daisy Cooper), directly address this.

Eighteen metres has always been a crude and arbitrary threshold that fails adequately to reflect the complexity of fire risk. It is absolutely right and long overdue that the Government made it clear last week that 18 metres will no longer be the difference between whether an affected leaseholder is protected by the state from the costs of remediation or made to take on a forced loan and long-term debt, although leaseholders will still face ruinous costs for the remediation of buildings under 11 metres. That requirement will not be entirely resolved by the withdrawal of the January 2020 consolidated advice note, and we urge the Minister to ensure those people are also protected financially.

Leaving aside whether a more proportionate approach to fire safety risk results in a reduction in the number of medium-rise buildings that ultimately require remedial works, many of them will clearly remain designated as high risk and will therefore require remediation. Can the Minister confirm that it is the Government's intention eventually to bring high-risk buildings under 18 metres into the purview of the regulator and the gateway system once the regime has been given a chance to bed in and deal with the most complex high-rise cases?

Lastly, amendment 29 will extend existing protections against forfeiture of a lease on the ground of non-payment of a service charge to non-payment of a building safety charge. We do not oppose this amendment as it rebalances, even if only marginally, the disparity in power between a landlord and leaseholder when it comes to the building safety charge. This directly relates to our previous debate on part 5. No provisions prohibiting forfeiture would be necessary if the House had accepted any amendment, whether it be new clause 3, new clause 13 or potential forthcoming Government amendments, that provides sufficiently robust legal protection for leaseholders in all circumstances.

The difficulty of considering amendments on Report when other amendments that are likely to have a direct bearing on their operation, were they to be accepted, have not yet been tabled is that, if no amendments are made to provide legal protection for leaseholders against the costs of remediating historical defects, we would be concerned that amendment 29 could inadvertently incentivise freeholders to sue for unpaid building safety charges. I therefore ask the Minister and his officials to consider revising the amendment to make it clear that failure to pay a building safety charge can never be used as a basis for forfeiture, rather than merely regulating the process by which forfeiture takes place, as the amendment does in its present form.

**Peter Aldous** (Waveney) (Con): New clause 2 and amendment 1, which stand in my name and are kindly supported by the hon. Member for Kingston upon Hull West and Hessle (Emma Hardy), add “the protection of property” to the list of purposes for which building regulations may be made under the Building Act 1984, and require the Building Safety Regulator to carry out its work

“with a view to furthering the protection of property”.

In many respects, in terms of drafting, these are tweaks to the Bill, but they could have far-reaching and positive consequences. Modern methods of construction and the increasing compartmental sizes of industrial and commercial buildings are leading to more challenging and larger fires, which put lives at risk and also cause enormous social, economic and environmental consequential damage. That is exactly what happened at Wessex Foods in Lowestoft 11 years ago, in July 2011. If adequate property protection measures—in the form of sprinklers, in that instance—had been in place, a huge amount of disruption would have been avoided, and the firefighters would have been back at their station in four minutes.

If the consideration of “property protection” were added to the Building Act and the building regulations, we would secure a significant double dividend: greater safety for people, including firefighters, and more sustainable buildings. It is far better to be preventing fires than to be putting them out. I should therefore be grateful if the Minister gave serious consideration to accepting new clause 2 and amendment 1, so that the Building Act can be amended to provide for the protection of property. These proposals have the support of professionals across the fire sector: the National Fire Chiefs Council, the Fire Sector Federation, the Fire Brigades Union, the Fire Protection Association and the Institution of Fire Engineers.

The new clause and amendment would provide an appropriate framework for the future fire safety of building design, and we would therefore know that homes, schools, care homes, student accommodation and all industrial and commercial buildings had adequate property protection and fire prevention measures built in at the start, so that we were not putting people—including firefighters—and property at risk. As I have said, I should be grateful if the Minister considered these proposals.

**Daisy Cooper:** I will speak very briefly about amendment 75 and new clauses 24 and 25, all of which stand in my name and are supported by the Local Government Association.

Amendment 75 is pretty straightforward. At present, the Bill lacks clarity in relation to social housing providers. This amendment to clause 57 would make registered social landlords exempt from the additional financial burden of the building safety levy. I think it unacceptable that council and housing association tenants have to subsidise the failures of private developers under this scheme.

The purpose of the two new clauses, taken together, is to introduce a more stringent building safety framework that would apply to multiple dwellings under 18 metres in height as well as those above. We have already heard from hon. Members about how crude the 18-metre cut-off is and how it has no basis. Indeed, many of us remember seeing a leaked video of an adviser to the Government saying that that figure had been plucked out of the air.

These two new clauses, taken together, would prevent having a two-tier building safety regime. I ask the Minister to respond to the amendment and the new clauses to see whether the Government might be willing to adopt them all during the passage of the Bill.

**Paul Maynard** (Blackpool North and Cleveleys) (Con): I rise to speak to new clause 17, which stands in my name.

The Minister, probably more than anybody else in this Parliament, already knows that I have a tendency to fall over. Because I am teetotal, this is not down to drink either. Indeed, I suspect that every single Member here will know someone—a friend, a loved one or a relative—who has had a fall on the stairs. They are a silent killer and claim the lives of over 700 people every year, as well as thousands more who suffer injuries and lose their independence.

Finding a solution to the issue of flammable cladding has proven fiendishly complex, as we know from our time here, but for staircase safety it should be, and indeed is, simple. A British standard already exists that reduces falls by a staggering 60%: British Standard 5395-1. It means that stairs must have a minimum size of “going”—the horizontal surface on which one treads—and a maximum rise in height limiting steepness and providing enough surface area on which to step. Provision of easy-reach handrails is also required for staircases to be compliant. While such staircases hardly look different at all to the naked eye, their impact on preventing falls is remarkable.

British Standard 5395-1 has been in place since 2010 but never enshrined in law as a requirement, so today I am proposing this new clause, alongside the hon. Member for Sheffield South East (Mr Betts), for whose support I am most grateful. This is the result of ardent campaigning by the UK’s leading accident prevention charity, the Royal Society for the Prevention of Accidents, but also, crucially, major players in the housing industry such as the Berkeley Group. Industry wants this regulation. It wants a level playing field where there is one simple rule for all to adhere to. Because I am only calling for the standard to be applied to new-builds, there will be negligible cost and no need for retrofitting.

I can almost hear what the Minister is about to tell me—that it is uncommon to use primary legislation to enshrine such a standard into law. The Government will argue that our focus should be outcome-based rather



[Paul Maynard]

than legislating on method, but I might point to regulation 7 of the building regulations, on combustible materials, which is in itself descriptive and sets out how the industry must achieve that particular regulation. If the outcome that we are all aiming for is safety of stairs, then the status quo is simply not working, and hundreds of people are dying every year from something that could so easily be prevented: I refer back to the 60% figure. If the Government have some other way to achieve such a reduction in preventable death in the home, then I am all ears, as many people have often pointed out to me. Independent safety campaigners such as RoSPA are confident from the statistics that this simple measure will save more lives than perhaps anything else in the entire Bill.

Genuine low-hanging fruit does not come along very often in politics, and I would like the Minister to grasp it when he sees it. He may not wish to satisfy me by granting me the agreement of the Government to the new clause. He has spent many years working on this with me trying to keep me satisfied and happy, but failed. Now he has his chance to redeem himself after 12 months of horror. Will he at least agree to meet me to discuss how we can take this matter forward? He can make my day by saying, yes, the Government agree. He can give me a minute of happiness and take forward Conservative party harmony, so rare these days, just by agreeing to meet me. I look forward to hearing what he might just have to say.

**Mr Deputy Speaker (Mr Nigel Evans):** Just a minute of happiness—very good.

**Andy Slaughter:** I will speak briefly to new clauses 15 and 16, which are in my name and which relate to electrical safety. They seek to extend the requirement for five-yearly checks on electrical equipment to resident leaseholders and to social landlords, where these already apply and in fact apply more widely than just to high-rise residential buildings and private landlords.

We have quite rightly spent a lot of time this afternoon talking about the effects on leaseholders, and we have strayed into other territory and exposed other deficiencies in the Bill in relation to the requirements for social landlords and tenants, what types of building are covered and, indeed, as we heard from the hon. Member for Harrow East (Bob Blackman), how certain types of buildings now being constructed are still being constructed with many of those faults.

4.45 pm

What all of those have in common is that they are about the spread of fire, and these new clauses are not about that, but about the cause of fire, which I suggest we should also pay attention to. The Grenfell fire was caused by an electrical fault in a fridge-freezer. Less than a year before Grenfell, in August 2016, there was a very serious fire, less than 1 mile from where Grenfell Tower stands, at Shepherd's Court—an 18-storey block—in my constituency. That was caused by an unsafe Indesit washer-dryer. Some 5.5 million of that particular type of faulty washer-dryer were manufactured, and hundreds if not thousands of fires across the country, some obviously in high-rise buildings, have been caused by that. The New York fire just a week or so ago was caused by an electrical heater.

Lakanal House, Shirley Towers, New Providence Wharf—almost every one of the notorious recent fires in high-rise blocks have been caused by electrical faults, and they are increasing. In the last year, there were just over 350 fires caused by electrical ignition in high-rise residential blocks, which compares with about 300 five years ago. The fear always used to be of gas—going back to Ronan Point—with a gas explosion or fire, but in fact six times as many fires are caused by electricity as by gas. Indeed, over half—53%—of all accidental dwelling fires are caused by electrical sources of ignition.

It is entirely anomalous that whereas a private landlord quite rightly has to ensure the safety of electrical appliances, a private residential owner or social landlord does not, yet the Government's own social housing White Paper said that the standards—this is clearly pretty much common sense—should be as good for social housing as they are for private housing in this respect.

I would like to get the Government's support, as I have had the support—almost total support—of my own Front-Bench spokesperson, my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook), on these matters today. He was a little grudging on my second new clause, but I will live with that. I hope that if the Government will not support the new clauses today, and I do not intend to push them to a vote, they will at least positively respond, and go away and think about how we are going to do this. It is entirely anomalous in a single block of flats with different types of tenures for some flats to be subject to greater rigours, and this applies not only to electrical safety but to fitting sprinklers, compartmentalisation and alterations to properties.

If we are going to take seriously the issue of preventing fires, given the devastating consequences that can result from them in high-rise blocks, we will have to make sure there is a level playing field, and that we equally address the problems concerning social housing and leaseholder-owned property as those concerning private rental.

**Emma Hardy** (Kingston upon Hull West and Hessle) (Lab): I rise to speak in favour of new clause 18. This amendment seeks to tackle the Government's currently laissez-faire approach to flood protection, which are known as property flood resilience measures, by introducing minimum national flood protection standards in new builds.

The reasoning behind this amendment is the inevitable change to our climate and the fact that we are going to see more flooding in this country, and it feels as though our legislation is not keeping up with the reality we all face. As the shadow spokesman, my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook), said, the Secretary of State did acknowledge in his response to me on the statement that “more could be done”. Therefore, I really do hope that the Government go away, have a look at the amendment I am putting forward, and consider how we can increase flood protections as part of building safety.

Currently, local authority planning departments can choose what property flood resilience measures they introduce as part of their pre-commencement conditions. In reality, that means that adjacent local authorities have different requirements for property flood resilience, flood mitigation and water management measures, even if they are rated in the same flood zone. In Hull, we have very strict flood resilience measures, as the House

can imagine—we are an area that floods—but if the surrounding local authorities are not as strict on flood mitigation, we end up with the flood water from those areas, which creates more of a problem for an area such as Hull. That is why we are talking about having the same level right across the country. Even if a part of the country does not flood at all, the new clause seeks to ensure that they still need to take flooding seriously because if they do not, it will lead to problems upstream for somebody else—excuse the pun.

The new clause would also address the lack of clarity about effective PFR measures by looking at a proper accreditation scheme, which would include installers. In the same way that we have gas safety certificates and other safety measures, as well as energy efficiency ratings that are set and established and which everybody understands, the new clause would do the same thing on flooding so that people know they get a certain standard of flood protection in their property and in new builds.

In 2021, Flood Re proposed that lower premiums should be offered on policies where property flood resilience measures have been installed, but the insurance industry says that the lack of standards and proven efficacy makes it very difficult to assess premiums. If the new clause introduced standardisation and a certain standard was set, people could say to insurance companies, “This property has reached a certain standard, so there should be some reflection of that in the premium you’re offering.” This proposal is about looking at a certification scheme.

To further help insurers and the public, the new clause would create a requirement that all the relevant available data held by bodies such as the Environment Agency and local authorities on flood mitigation measures should be made publicly available. This is about trying to make premiums cheaper for people. Insurers purchase flood mapping data to aid them in setting premiums, and the better information they have, the more accurate their insurance premiums will be. At the moment, as I am sure the Minister knows, householders in some parts of the country cannot get any flood insurance if their property has been built after 2009. This proposal attempts to address that issue as well.

Climate change is causing heavier and more frequent flooding, and we currently have 6.3 million homes in the UK at risk of flooding, without any property flood resilience measures. That should be a cause for extreme concern, yet the Government are failing to address it and, in fact, flooding is not mentioned anywhere in the Bill. It is irresponsible and reckless to allow new builds to continue to be built in this country without really strong property flood resilience measures, because we need our homes to be fit for the future. Without positive action from the Government, tens of thousands more homes will be built without the protection they need. This is another housing scandal in the making, so I urge the Minister to go away and look at improving provisions on flooding as part of this Bill.

**Mr Deputy Speaker (Mr Nigel Evans):** I call Clive Betts, who has tabled amendment 73 and 74.

**Mr Betts:** And new clause 23, but let me comment briefly on two other new clauses. New clause 17, which was tabled by the hon. Member for Blackpool North and Cleveleys (Paul Maynard), is about safety on stairs and ensuring that stairs built in new properties conform

to British standards. He is absolutely right and I have put my name to the new clause. Each year, 300,000 people are admitted to A&E because of falls on stairs. That is a staggering figure and anything that we can do to reduce that has to be considered. This proposal is not a difficult one; as he said, it should be easy to implement and cost-free because it would be in new properties. Making sure that the stairs are wide enough and have proper handrails is not rocket science, and I hope that the Minister might indicate agreement on that in future, even if he cannot agree to the new clause today.

I just want to make it clear that nothing I am saying here is meant to try to improve harmony in the Conservative party—that is not something I want to be associated with, as the hon. Member for Blackpool North and Cleveleys indicated. However, I am more than happy to have harmony with him in promoting new clause 17.

My hon. Friend the Member for Hammersmith (Andy Slaughter) is right that there should be similar standards for social tenants in social rented properties. The Select Committee on Levelling Up, Housing and Communities has an ongoing inquiry into the regulation of social housing, and if he could drop a note to the Committee as evidence so that we can take account of his proposals, that would be useful.

I turn to new clause 23 and amendment 73 in my name, which reflect what the Select Committee has looked at. Building control has come up as an issue as a result of the Hackitt review. Dame Judith Hackitt made it clear that two of her concerns about the construction industry were: the whole culture of the industry with its race to the bottom; and—this goes alongside that—conflicts of interest.

In the previous debate, I mentioned conflicts of interest on approvals for products in the industry, with suppliers hawking products around until they found someone—a friendly approver—who would approve them. Building control is the same—it is about the developer finding someone less likely to give them difficult scrutiny. The Government have addressed that for the highest-risk buildings, for which in future building control will be appointed by the regulator. However, for all other properties the developer can say, “Yes, I’ll have you to do my building control” or, “I won’t have you, because you gave me a difficult time with the last property I built.” That is not acceptable.

We need someone to approve a building who is independent of the developer. The Committee has gone on record on that several times, and we recommended it when we scrutinised the draft Bill. So far, the Minister has come back with, “The Government don’t agree.” I hope that at some point the Government will reconsider, because that seems to be a fundamental principle and something that will make all buildings safer in future. It would provide security for the owners, occupiers and tenants that their buildings have been approved by someone independent of the developer.

**Kate Green:** This is exactly the point. My constituents are deeply concerned as a result of some developers’ unscrupulous behaviour in appointing inspectors and building control approvers who they know will give them an easy ride. My hon. Friend may be familiar with the case of New Lawrence House in the constituency of my hon. Friend the Member for Manchester Central (Lucy Powell), which has the same developer that turns

[Kate Green]

up often in my constituency. The issue was not that there was a definite intent to collude with the developer but that it was easier to turn a bit of a blind eye. Leaseholders in my constituency are worried about that real issue, so I strongly support his amendments.

**Mr Betts:** I am not aware of the particular scheme that my hon. Friend mentions, but unfortunately it is all too common that concerns are raised after the event about the quality of building control. It can sometimes be that an independent building control inspector approved a development, but all too often it is someone appointed by the developer, and that is not right. I am sure that the Minister will not have a conversion when he responds to the debate, but I hope that he might consider that this needs addressing in the future.

Let me turn to amendment 74, which is about the buildings in scope for the new regulatory regime. The Select Committee has been on the record as welcoming the Government's approach to stronger regulation with the new Building Safety Regulator under the umbrella of the Health and Safety Executive. We supported all that, with one or two questions and reservations in our response on the draft Bill, but we said that the scope of that regulation should eventually be expanded to include other buildings. I think that the Government accept that in principle but do not want to lay down on the face of the Bill the other factors that might be taken into account to expand that scope of regulation at a future date.

5 pm

My amendment seeks, as the Select Committee has recommended, to ensure that the requirement on residents' ability to evacuate a building explicitly includes and takes into account their vulnerability, and that the number of means of egress is included on the face of the Bill. We recognise that the Government have gone a bit further with the new regulation, which now includes some hospitals and care residences, but we do not think it goes far enough.

In looking to the future—we recognise that the new regulator will have to move in a considered way, and it is important that the highest-risk buildings are considered first—we believe that, eventually, there ought to be a requirement to consider extending the scope of regulation. Where a building has within it vulnerable people, who will take longer to get out of the building in the event of a fire, or where the means of access and egress are limited—as in the proposal to build a 50-storey tower block with one means of fire escape, which fortunately was withdrawn the other day from a local planning committee—that factor ought to be taken into account when extending the scope of the new regulatory regime to other buildings in the future. Again, we are not saying it has to be done today or tomorrow; we are merely saying that that issue should inform future decisions about extending the scope of the new and important building safety regulatory regime. I would hope that the Government will eventually give approval to those approaches, if not today. We will not push the amendments to a vote, but at least we have put the issue back on the agenda for future consideration.

**Apsana Begum** (Poplar and Limehouse) (Lab): I rise to speak in support of amendment 73, tabled by my hon. Friend the Member for Sheffield South East (Mr Betts),

and amendment 1, tabled by the hon. Member for Waveney (Peter Aldous). The Bill renames “private approved inspectors” “building control approvers”. Not just amendment 73 has touched on the issue; other Members have done that through other new clauses and amendments. I wish to express my support for the Fire Brigades Union's opposition to those private inspectors, which, as it argues, undermine professional local authority building control and weaken building safety regulation.

Amendment 1 is about the Building Safety Regulator. Again, I share the alarm expressed by the Fire Brigades Union that the Building Safety Regulator would be permitted to seek private sector involvement if the fire authority cannot assist. Surely it is obvious why private firms cannot be given licence to sign off on fire safety matters relating to higher-risk buildings. Fire safety is a matter for professional firefighters, not profiteers, and it is not clear how the new Building Regulations Advisory Committee will be constituted. I would be grateful if the Minister could say more about that.

Many of us would like to see the Government re-establish a statutory fire safety advisory body, with guaranteed representation for trade unions and residents. As the Bill progresses, I would like to see legislation and provision that apply to all residential buildings above 11 metres in height, an idea that has been echoed by Members of all parties. Any new regime should apply to other multi-occupancy institutional or residential buildings, which was also touched on in various amendments.

It would be helpful to hear from the Minister whether the Government have any plans to introduce a threshold height at which two staircases are required in order to provide means of both resident escape and firefighter entry. As he will no doubt be aware, concerns were raised that the plans for Ballymore's proposed 51-storey development in Cuba Street in my constituency included only a single fire escape for a building that would have been two and half times the height of Grenfell tower.

Elsewhere in my constituency, the recent fire at Ballymore's New Providence Wharf, where the fire spread between multiple floors and the ventilation system failed, led to smoke spreading throughout the building. That demonstrates the potential shortcomings of relying on stay put evacuation policies, so it would be helpful to know whether the Government have any plans to commit to addressing that in the Bill.

**Andy Slaughter:** I congratulate my hon. Friend on the work that she has done to draw wider attention to the Ballymore application, and indeed it has now been withdrawn. That is happening everywhere, however: on the border of my constituency, one over 50-storey block is already under construction and three others are in planning with, again, one staircase each. It is ridiculous to say that the stay put policy is the answer to that, because post Grenfell, people will not stay put and we understand exactly why.

**Apsana Begum:** I thank my hon. Friend for making that point strongly. I share his concern that there is too much of a free pass in that situation and such buildings should just not be allowed to be presented. On his point, the Cuba Street development has been withdrawn for now, but it is only paused. It will come back and there is no guarantee that all the problems will be addressed, so it would be helpful to know whether the



Government have any plans to address that issue and, if not, whether they will commit to a national independent review of stay put policies, particularly given that the Cuba Street proposal was allowed under existing building regulations.

At present, there are insufficient fire safety inspectors after decades of cuts and increased workloads. It is urgent that the fire and rescue service is properly funded and resourced, because people have a right to be safe in their own homes. The Bill is a small step forward, but it does not resolve the overall building safety crisis across the UK. In the words of the Fire Brigades Union, it is at best

“a sticking plaster over a gaping wound unless the whole regime rebuild around need rather than profit.”

**Margaret Ferrier** (Rutherglen and Hamilton West) (Ind): I rise to speak in support of new clauses 1, 2, 15, 16 and 23. The events at Grenfell Tower were devastating, with the tragic loss of 72 lives, which shocked us all. Words will never adequately describe the pain felt by the families and friends of the victims. Later, though, as light was shed on the extensive preventable failings that led to the disaster, justifiable anger followed.

I am glad to see the Bill progress through this place, but it should not have taken almost five years. I welcome the Secretary of State's recent announcement that leaseholders in England will not face the astronomical costs of remediating unsafe cladding. I am pleased that the Government have taken a moral stance on the issue.

Unfortunately, there are still gaps that must be plugged, and I hope that the Minister's promise of statutory protection against all building safety defects will materialise. For my constituents, I hope that the Government will engage in a constructive dialogue with the Scottish Government to ensure that leaseholder protection can be extended across the UK fully funded.

There is still a glaring lack of clarity and the Government must facilitate funding being available across the devolved Administrations to achieve an equal standing. Although much of the Bill has limited territorial extent, there are some key areas that apply across the UK and in Scotland, such as the testing and inspection of construction products.

Early last year, it was announced that the independent panel on the safety of construction materials would review the testing system and how it can be strengthened so that product safety confidence can be restored. The industry is still awaiting the report's publication, which prompts the question of how we can fully scrutinise the Bill's measures without knowing what the review found. Can the Minister provide a definitive date for when it will be available? Will he also provide an update on the establishment of a national regulator for construction products?

As it stands, there are a limited number of private product testing companies, and fewer still of the accredited bodies' testing sites, which means limited access to the furnaces that are used to test all combustible building materials and products. Subsequently, there are huge delays in products moving through the testing system.

Some companies are reporting delays of up to six months to test their products. The accredited sites are managed by private sector companies, and as demand increases and supply decreases, the price set by those

bodies climbs. Concerns have been raised that that model incentivises the maximising of profit over the quality of testing.

The Government must also be cautious not to create widespread quality disparity between existing buildings and new ones of any height. While preservation of life is of course the most key consideration, the lifespan of buildings must be protected too. Buildings such as schools, hospitals and care homes, which hon. Members have mentioned, should have a mandatory requirement for sprinklers. By making such buildings as safe and resilient as possible, human life is protected, yes, but many other things too. Schools are pillars of the community. Where do those students go to learn if their school burns down, or for a hospital, where do the patients go? What delays will essential services suffer?

The Bill is a mammoth piece of legislation and it is easy to look at each single part in turn to make it digestible, but a key finding in Dame Judith Hackitt's review was that there needs to be a holistic, whole-building approach to fire safety. We ought to apply that principle here and take a whole-Bill approach, to truly understand how it will work in practice.

**Christopher Pincher:** I am grateful to all Members across the House for their contributions to the debate. I will speak in response to the non-Government amendments first and then, as I progress through my remarks, pick up the points that have been raised about the Government's amendments.

New clause 1 was tabled by the hon. Member for Oldham East and Saddleworth (Debbie Abrahams), who is not in her place; we wish her a swift recovery. I thank her for raising the matter, and I recognise that the issue that she has embedded in her amendment is intended to address the fact that the poor adversarial practices in the way that payments are charged and made within the built environment can lead to unsafe, low-quality building safety outcomes as well as poor value for money.

I assure all hon. Members that we agree that the issue is important. There is already work across Government to ensure that fair and prompt payment practices are addressed with industry—such as the construction playbook, which captures commercial best practice and specific sector reforms, outlining the Government's expectations of how contracting authorities and suppliers, including in the supply chain, should engage with each other. That is resetting the relationship between the construction industry and the Government. It is focused on delivering a more sustainable, modern industry, better able to deliver high-quality built assets for its clients.

We published guidance as a result of work set up with the Construction Leadership Council and the procurement advisory group, alongside our recent announcement. We will now work with industry to implement the principles of that guidance as widely as we can. We support industry to lead its own important culture change to deliver the very significant changes being brought forward in the Bill. There is existing legislation—part II of the Housing Grants, Construction and Regeneration Act 1996—that aims to create a framework for a fair and prompt process of payment through the construction supply chain and the resolution procedure for disputes. The intention in that framework is to ensure that it is implemented throughout the construction contract.

[Christopher Pincher]

Turning to new clause 2 and amendment 1, tabled by my hon. Friend the Member for Waveney (Peter Aldous), our assessment is that the new Building Safety Regulator has the right two objectives to deliver this critical mission, and adding a further objective around property protection would not be necessary or beneficial.

The Bill provides the Building Safety Regulator with a broad statutory objective to improve the standard of buildings, which enables it to consider the overall performance of buildings. Meeting this objective could involve the regulator looking at such specific areas highly relevant to property protection such as security, resilience and fire safety. Therefore, we do not believe that an additional objective is necessary. Adding a specific Building Safety Regulator objective on property protection would also confuse and dilute its mission—that issue was raised in Committee. I think there was agreement across the Committee that we do not want to confuse or obfuscate the responsibilities of the Building Safety Regulator as it is set up and beds in. We want a proportionate regulatory regime that avoids putting undue and unnecessary pressures on leaseholders, but we also want to make sure that the regime builds in and beds in effectively, so I hope my hon. Friend will feel able to withdraw his amendments.

5.15 pm

The hon. Member for Hammersmith (Andy Slaughter) spoke in support of new clauses 15 and 16. Again, I am grateful to him for raising this important matter, and I can assure him that his intention is being met by the Government. Social homes are already safer than homes in other tenures in respect of electrical safety. Indeed, in 2019, 72% of social homes had all five electrical safety features compared with 60% in owner-occupied tenures and 65% of private-rented homes.

Social landlords are already required to keep electrical installations in repair due to their obligations under the Landlord and Tenant Act 1985, and free of electrical hazards as a result of the Homes (Fitness for Habitation) Act 2018, a Back-Bench Bill that received Government support. Since the beginning of 2019, the regulator of social housing has issued 20 regulatory judgments related wholly or partly to electrical safety issues.

The social housing White Paper that we have committed to, will involve consultation on electrical safety requirements in the social sector, and expert stakeholders will participate in the Government-led working group to inform the content of this consultation, so I hope the hon. Gentleman will feel able, as he said, not to press his new clauses. I am certainly happy to keep in discussion with him, because I appreciate that it is a matter of concern to him, as it should be to the entire House.

Let me turn now to new clause 17, tabled by my hon. Friend the Member for Blackpool North and Cleveleys (Paul Maynard). He reminded me that we served together in Her Majesty's Government's Whips Office. He described it as a horror. He did not tell the House for whom it was a horror—him or his colleagues in the Whips Office. I shall leave the House to make its own judgments as to what he actually meant. None the less, I am grateful to him for raising a very important issue. Our desire to reduce deaths, injuries and hospitalisations on staircases is laudable. I know that my hon. Friend the Member for

Bolsover (Mark Fletcher) has a very particular and personal reason for taking an interest in the matter. We are committed, through current legislation and guidance, to supporting safety on staircases. We are acutely aware of the risk of death and injury that can be caused by staircases.

The new building safety regime places building safety at the heart of our very consciousness. The Building Safety Regulator will use all the evidence that it gathers to identify emerging issues with the safety and performance of buildings, including staircases, and will make recommendations to Ministers where they consider that changes to standards or guidance may be needed.

There are two reasons why, having said all that, I cannot accept my hon. Friend's amendment. He clearly benefits from second sight—either that or he has had a sneaky peak at my speech without my knowledge—with respect to my first point. It is highly unusual, as he said in his own remarks, for the Government to include such detailed proposals in an Act of Parliament. The second reason relates to how we have structured secondary legislation, at least in recent decades. Building regulations are outcome-based, rather than prescriptive. I am keen to discuss further with my hon. Friend how we can ensure that the objectives—the outcomes—that he seeks to achieve might be met through the rather technical method of regulation. I therefore commit to talk further to him and others who have an interest in this matter.

New clause 18 was introduced by the hon. Member for Kingston upon Hull West and Hessle (Emma Hardy), who spoke eloquently on flood mitigation for new homes. There is a well established regulatory system. The national planning policy framework, which was updated recently, is clear that:

“Inappropriate development in areas at risk of flooding should be avoided”.

I refer her to my speech in the Adjournment debate secured by my hon. Friend the Member for Buckingham (Greg Smith) for further particulars on what is in the NPPF and what further actions we might take.

I say to the hon. Member for Kingston upon Hull West and Hessle in all candour that I do not believe that this Bill is the right place for new clause 18. It is a planning matter, rather than a building safety matter. I am certainly keen to continue to look at flooding issues and flood resilience, as we bring forward further legislation that relates specifically to planning. I am sure that we will have further engagement at that point.

Moving on to the new clauses and amendments raised by the hon. Member for Sheffield South East (Mr Betts), as ever I thank the Chairman of the Levelling Up, Housing and Communities Committee for his wise counsel and the great care that he and his Committee take to consider the Government's proposals and present their own counter-proposals, shall we call them? Perhaps “enhancements” would be a better way of describing them.

On new clauses 23 and 73, we believe that there is no need to create a system of independent appointment. The Bill already takes unprecedented steps to raise standards in building control. We are introducing a system of oversight of the performance of building control bodies, and we are turning building control into a regulated profession, with a system of individual registration based on competence and adherence to a

code of conduct. That was debated by the Bill Committee, which agreed with the trajectory on which the Government are set.

The Bill introduces a new professional framework for the whole building control sector: both public and private sector building control bodies will have to obtain and consider the advice of a registered building inspector before exercising key regulatory activities and functions, and the Building Safety Regulator can decide whether any restrictions or conditions should be imposed on the inspector's registration. That extra step ensures that all building control bodies are making key decisions based on advice from a professional who is proven and competent.

The hon. Member for Sheffield South East spoke in support of amendment 74. I thank him for his interest and recognise the concerns that led to his tabling it. I assure him that the Bill makes provision for the Building Safety Regulator to consider a wide range of factors that influence the level of risk in categories of buildings before making recommendations or providing advice as to which categories should be considered higher risk. The Secretary of State can already consider the vulnerability of residents when making regulations. We have already responded to concerns of stakeholders and, as he said, included hospitals and care homes of at least 18 metres in height or seven stories in the new design and construction elements of the regime. That is to ensure that higher-rise buildings, which may be occupied by those who are unable to evacuate quickly or without the assistance of others, are designed and constructed under the new, more stringent regime. As ever, I am very happy to maintain a respectful and, I hope, helpful dialogue. I hope the hon. Gentleman will feel able not to press his amendment to a Division and to keep talking, as we want to ensure that the Building Safety Regulator and the regime, as it beds in, can evolve as appropriate, rather than trying to place upon it in statute too many responsibilities too soon in its life cycle.

The hon. Member for St Albans (Daisy Cooper) spoke in favour of new clauses 24 and 25, which she tabled. The Building Safety Regulator will be the building control body for higher-risk buildings. It may, in some limited cases, be the building control body for some buildings that are not higher risk under a regulator's notice. Where local authorities have the right skills and the capacity to assist the Building Safety Regulator and do not have a conflict of interest, we believe they should do so, and the Bill enables that to happen. However, we recognise that the Building Safety Regulator must have the right competence and capacity for its work, as I said earlier. We are therefore providing it with the powers it needs to procure the services of registered building control approvers where needed, so that it can secure the appropriate skills and expertise to deliver its regulatory function, as I said in remarking on other amendments. I hope the hon. Lady will therefore feel able not to press her new clauses to Divisions.

Before I wind up, I should try to address two points raised by the shadow Minister, the hon. Member for Greenwich and Woolwich (Matthew Pennycook). He raised the question of special measures and payments made by accountable persons to special measures managers. Special measures managers will receive the building safety charge directly. I can tell him that additional costs can be directly recovered from the accountable

person. Whether leaseholders are charged by the accountable person is a matter for the lease. They can only be charged if the lease allows it.

The hon. Gentleman also asked about me about what one might call the forfeiture gap. We are working across Government to help leaseholders, as I remarked earlier on, and we will consider the gap and engage with Members across the House and other interested parties as we do so.

This, again, has been a good debate—perhaps a quieter debate, on much more technical matters, but they are no less important to make sure we have a Bill that is effective and a Bill that works. I hope the House will be able to support the Government in opposing, benignly, the new clauses and amendments I have mentioned.

*Question put and agreed to.*

*New clause 19 accordingly read a Second time, and added to the Bill.*

## Clause 58

### OVERVIEW OF PART

*Amendments made:* 11, page 81, line 5, leave out “sections 104 to 113” and insert

“section (Special measures) and Schedule (Special measures)”.

*This amendment is consequential on NC19 and NS1.*

*Amendment 12, page 81, line 7, at end insert*

“, and make further provision in connection with that appointment”.

*This amendment is consequential on NC19 and NS1.*

## Clause 73

### REQUIREMENT FOR COMPLETION CERTIFICATE BEFORE OCCUPATION

*Amendment made:* 13, page 89, line 28, leave out “statutory maximum” and insert “maximum summary term”.

*This amendment clarifies that a person guilty of an offence under clause 73 is liable on summary conviction to imprisonment for a term not exceeding the maximum summary term for either-way offences (as defined in clause 125).*

## Clause 74

### OCCUPATION: REGISTRATION REQUIREMENT

*Amendment made:* 14, page 90, line 23, at end insert—

“(4) In this section “registered” means registered under section 75.”

*This amendment clarifies that “registered” means registered under clause 75.*

## Clause 75

### REGISTRATION OF HIGHER-RISK BUILDINGS

*Amendment made:* 15, page 90, line 34, at end insert—

“(aa) the updating or other revision of information in the register;”

*This amendment provides that regulations under subsection (4) may make provision about the updating or other revision of the register.*



**Clause 82**TERMS OF APPOINTMENT OF BUILDING SAFETY  
MANAGER

*Amendment made:* 16, page 95, line 32, leave out “section 106(4)” and insert “paragraph 5(4) of Schedule (Special measures)”.

*This amendment is consequential on Amendment 19 and NS1.*

**After Clause 103**

*Amendments made:* 17, page 110, line 2, leave out Clause 104.

*This amendment and Amendments 18 to 26 remove clauses 104 to 113 (special measures) with a view to provision about special measures appearing in NS1.*

*Amendment 18, page 111, line 26, leave out Clause 105. See the explanatory statement to Amendment 17.*

*Amendment 19, page 112, line 7, leave out Clause 106. See the explanatory statement to Amendment 17.*

*Amendment 20, page 112, line 22, leave out Clause 107. See the explanatory statement to Amendment 17.*

*Amendment 21, page 113, line 27, leave out Clause 108. See the explanatory statement to Amendment 17.*

*Amendment 22, page 115, line 3, leave out Clause 109. See the explanatory statement to Amendment 17.*

*Amendment 23, page 115, line 24, leave out Clause 110. See the explanatory statement to Amendment 17.*

*Amendment 24, page 115, line 36, leave out Clause 111. See the explanatory statement to Amendment 17.*

*Amendment 25, page 117, line 13, leave out Clause 112. See the explanatory statement to Amendment 17.*

*Amendment 26, page 118, line 1, leave out Clause 113. See the explanatory statement to Amendment 17.*

**Clause 122**IMPLIED TERMS IN LEASES AND RECOVERY OF SAFETY  
RELATED COSTS

*Amendments made:* 27, page 126, line 13, leave out “section 125 of” and insert

“paragraph 1 of Schedule (Special measures) to”.

*This amendment is consequential on Amendment 39.*

*Amendment 28, page 126, line 15, leave out “section 125 of” and insert*

“paragraph 1 of Schedule (Special measures) to”.

*This amendment is consequential on Amendment 39.*

*Amendment 29, page 126, line 35, at end insert—*

“(6A) In section 81 of the Housing Act 1996 (restriction on termination of tenancy for failure to pay service charge) after subsection (4A) insert—

“(4B) References in this section (except subsection (5)) to a service charge include a building safety charge within the meaning of paragraph 1 of Schedule 2 to the Landlord and Tenant Act 1985.”

(6B) In section 167 of the Commonhold and Leasehold Reform Act 2002 (failure to pay small amount for short period) after subsection (4) insert—

“(4A) In subsection (1) the reference to service charges includes building safety charges within the meaning of paragraph 1 of Schedule 2 to the 1985 Act.”

*This amendment extends existing protections against forfeiture of a lease on the ground of non-payment of a service charge to non-payment of a building safety charge.*

*Amendment 30, page 126, line 36, leave out “the Commonhold and Leasehold Reform Act 2002” and insert “that Act”.*

*This amendment is consequential on Amendment 29.*

**Clause 123**

## PROVISION OF BUILDING SAFETY INFORMATION

*Amendments made:* 31, page 127, line 32, leave out “section 125 of” and insert

“paragraph 1 of Schedule (Special measures) to”.

*This amendment is consequential on Amendment 39.*

*Amendment 32, page 129, line 4 [Clause 123], leave out “section 125 of” and insert*

“paragraph 1 of Schedule (Special measures) to”.

*This amendment is consequential on Amendment 39.*

**Clause 124**AMENDMENTS TO THE COMMONHOLD AND LEASEHOLD  
REFORM ACT 2002

*Amendments made:* 33, page 130, line 30, after “commonhold association” insert

“or special measures manager for the higher-risk building”.

*This amendment and Amendment 34 provide that the definition of “building safety expenses of the association” in relation to a commonhold association include the expenses incurred by a special measures manager for the building.*

*Amendment 34, page 130, line 31, after “association” insert “or manager”.*

*This amendment and Amendment 33 provide that the definition of “building safety expenses of the association” in relation to a commonhold association include the expenses incurred by a special measures manager for the building.*

*Amendment 35, page 130, line 33, at end insert—*

““special measures manager” means a person appointed under paragraph 4 of Schedule (Special measures) to the Building Safety Act 2022.”

*This amendment defines “special measures manager” for the purposes of inserted section 38A.*

**Clause 125**

## INTERPRETATION OF PART 4

*Amendments made:* 36, page 131, leave out lines 13 and 14.

*This amendment is consequential on Amendments 17, 24 and 26.*

*Amendment 37, page 131, leave out lines 24 to 32.*

*This amendment is consequential on Amendments 17, 24 and 26.*

*Amendment 38, page 132, leave out lines 4 and 5.*

*This amendment is consequential on amendments 17, 24 and 26.*

*Amendment 39, page 132, line 17, leave out “means a person appointed under section 105” and insert*

“has the meaning given by paragraph 1 of Schedule (Special measures)”.

*This amendment is consequential on Amendment 18.*

*Amendment 40, page 132, line 19, leave out “has the same meaning as in section 105” and insert*

“has the meaning given by paragraph 1 of Schedule (Special measures)”.

*This amendment is consequential on Amendment 18.*

**Clause 146****REGULATIONS**

*Amendments made:* 59, page 148, line 32, at end insert—

“(za) section 131(6)(b) (new homes ombudsman scheme: meaning of “developer”),”

*This amendment removes the regulation making power about the meaning of “developer” from the general provisions about powers as bespoke provision is made for this power (see NC20).*

Amendment 60, page 149, line 13, after “69,” insert “71,”.

*This amendment provides for regulations made under clause 71 to be subject to the affirmative resolution procedure.*

Amendment 61, page 149, line 13, leave out “104(10), 111(10), 113,”.

*This amendment and Amendment 63 are consequential on Amendments 17, 24 and 26 and NS1.*

Amendment 62, page 149, line 14, leave out “131(6)(b)”.

*See explanatory statement for Amendment 59.*

Amendment 63, page 149, line 14, at end insert

“or paragraph 2(12), 13(10) or 15(5) of Schedule (Special measures)”.

*This amendment and Amendment 61 are consequential on Amendments 17, 24 and 26 and NS1.—(Christopher Pincher.)*

**Clause 147****EXTENT**

*Amendments made:* 64, page 149, line 32, at end insert—

“(aa) paragraphs 87 and 88 of Schedule 5 (and section 54 so far as relating to those paragraphs);”

*This amendment provides that the consequential amendments, in Schedule 5 to the Bill, of the Parliamentary Commissioner Act 1967 and the Freedom of Information Act 2000 extend to (ie form part of the law of) England and Wales, Scotland and Northern Ireland.*

Amendment 65, page 149, line 34, leave out “and” and insert “to”.

*This amendment is consequential on NC22, and provides for the new clause to extend to England and Wales, Scotland and Northern Ireland.*

Amendment 66, page 149, line 36, leave out subsection (3) and insert—

“(3) The following provisions extend to England and Wales and Scotland—

(a) section 2(2) and Schedule 1 (amendments of Health and Safety at Work etc Act 1974);

(b) sections 129 to (Amendments of the Government of Wales Act 2006) and Schedule 8 (new homes ombudsman scheme).”

*This amendment adjusts the extent of the provisions about the new homes ombudsman scheme so they form part of the law of Scotland as well as England and Wales.*

Amendment 67, page 149, line 37, at end insert—

“(4) The amendments made by Schedule (Amendments in connection with the new homes ombudsman scheme) (amendments in connection with the new homes ombudsman scheme) have the same extent as the provision amended.”

*This amendment sets out the extent of the amendments made by the new Schedule included in the Bill by NS2.*

**Clause 148****COMMENCEMENT AND TRANSITIONAL PROVISION**

*Amendments made:* 68, page 150, line 19, at end insert—

“(za) section 127;”

*This amendment provides that clause 127 comes into force two months after Royal Assent.*

Amendment 69, page 150, line 22, leave out paragraphs (c) and (d) and insert—

“(c) sections 137 to 138.”—(Christopher Pincher.)

*This amendment is consequential on NC22, and provides for the new clause to commence two months after Royal Assent.*

**New Schedule 1****SPECIAL MEASURES****Introductory**

7 In this Schedule—

“special measures manager” means a person appointed under paragraph 10;

“special measures order” means an order under paragraph 10.

*Notification by regulator before applying for special measures order*

8 (1) This paragraph applies where the regulator proposes to make an application under paragraph 10 for a special measures order in relation to an occupied higher-risk building.

(2) The regulator must give a notice (an “initial notice”) of the proposal to—

- (a) each accountable person for the building,
- (b) any building safety manager for the building,
- (c) each resident of the building who is aged 16 or over,
- (d) each owner of a residential unit in the building,
- (e) any managing agent for the building or any relevant part of the building,
- (f) any recognised tenants’ association for the building or any part of the building,
- (g) any manager appointed under section 24 of the Landlord and Tenant Act 1987 in relation to the building or any part of the building,
- (h) the fire and rescue authority for the area in which the building is situated,
- (i) the local housing authority for the area in which the building is situated,
- (j) where any accountable person for the building is a registered provider of social housing, the Regulator of Social Housing, and
- (k) where any part of the building contains premises occupied for the purposes of a business, each responsible person (within the meaning of article 3 of the Regulatory Reform (Fire Safety) Order 2005) in relation to those premises.

(3) The initial notice must—

- (a) state that the regulator proposes to make an application for a special measures order in relation to the building,
- (b) specify the address of the building,
- (c) specify the reasons for the proposed application,
- (d) specify the terms of the order that the regulator proposes to invite the tribunal to make (including the name and address of the person the regulator proposes to be the special measures manager for the building),
- (e) specify a period in which recipients of the notice may make representations in response to the notice, and
- (f) state that any representations must be in writing to such postal or email address as is specified in the notice.

(4) Where the terms specified by virtue of sub-paragraph (3)(d) include a term requiring an accountable person for the building to make payments to the special measures manager for the building, the regulator must give to the persons mentioned in sub-paragraph (2) a financial management proposal with the initial notice.

(5) After the end of the period mentioned in sub-paragraph (3)(e) the regulator must—

- (a) decide whether to make the application, and
- (b) give a notice (a “final notice”) of its decision to the persons mentioned in sub-paragraph (2).

(6) The final notice must—

- (a) state whether or not the regulator intends to make the application,
- (b) specify the reasons for reaching that decision, and
- (c) if the regulator intends to make the application, specify the terms of the order that the regulator intends to invite the tribunal to make (including the name and address of the person the regulator proposes to be the special measures manager for the building).

(7) Where the terms specified by virtue of sub-paragraph (6)(c) include a term requiring an accountable person for the building to make payments to the special measures manager for the building, the regulator must give to the persons mentioned in sub-paragraph (2) a financial management proposal with the final notice.

(8) The regulator must comply with sub-paragraphs (5) to (7) before making the application.

(9) The duty under sub-paragraph (2), (4), (5)(b) or (7) does not apply in relation to a person mentioned in sub-paragraph (2) if the regulator—

- (a) is not aware of the person, and
- (b) has taken all reasonable steps to ascertain the identity of the persons mentioned in that sub-paragraph.

(10) In this paragraph—

“financial management proposal” has the meaning given by paragraph 9;

“relevant part”, in relation to a higher-risk building, means any part of the building except premises occupied for the purposes of a business.

(11) The Secretary of State may by regulations make provision in relation to notices under this paragraph, including in particular provision about—

- (a) the form of the notice;
- (b) the way in which the notice must be given.

(12) The Secretary of State may by regulations amend the list in sub-paragraph (2).

#### *Meaning of “financial management proposal”*

9 (1) In this Schedule “financial management proposal”, in relation to a higher-risk building, means a document setting out—

- (a) an estimate of the relevant expenses the regulator expects a special measures manager for the building to incur (including a reasonable amount in respect of contingencies),
- (b) the measures to which the relevant expenses relate, and
- (a) if there is more than one accountable person for the building—
  - (i) the regulator’s proposed apportionment of the relevant expenses between them, and
  - (ii) the reasons for that proposal (including any calculation giving rise to it).

(2) In this Schedule—

“building safety charge” has the meaning given by Schedule 2 to the Landlord and Tenant Act 1985;

“relevant expenses” means expenses incurred by the special measures manager for a higher-risk building in connection with the exercise of their functions in relation to the building after deducting amounts received or receivable by the manager by way of building safety charges in respect of those expenses.

#### *Special measures order*

10 (1) The regulator may apply to the tribunal for an order under this paragraph in relation to an occupied higher-risk building (a “special measures order”).

(2) A special measures order is an order appointing a person to be the manager (a “special measures manager”) for the building to carry out the functions of all accountable persons for the building under, or under regulations made under, this Part (except the duty to appoint a building safety manager under section 80).

(3) A special measures order may also appoint the manager to carry out any function as a receiver in relation to—

- (a) building safety charges, or
- (b) commonhold building safety assessments.

(4) The tribunal may make a special measures order if satisfied that there has been a serious failure, or a failure on two or more occasions, by an accountable person for the building to comply with a duty imposed on that person under, or under regulations made under, this Part.

(5) A special measures order may make provision with respect to—

- (a) payments to be made by an accountable person for the building to the special measures manager in connection with relevant expenses incurred, or to be incurred, by the manager,
- (b) any other matter relating to the exercise of the manager’s functions, and
- (c) any incidental or ancillary matter.

(6) A special measures order may not make the provision mentioned in sub-paragraph (5)(a) in relation to a higher-risk building on commonhold land.

(7) A special measures order continues in force until it is discharged.

(8) In this Schedule “commonhold building safety assessment” means income raised from commonhold unit-holders by virtue of section 38A of the Commonhold and Leasehold Reform Act 2002.

#### *Special measures order: supplementary*

11 (1) This paragraph applies where a special measures order is made in relation to a higher-risk building.

(2) While the order is in force any function of an accountable person for the building under, or under regulations made under, this Part is to be treated as a function of the special measures manager for the building, except any function relating to—

- (a) the making of an application to the tribunal, or
- (b) the making of an appeal to the tribunal.

(3) Any compliance notice given under section 101 relating to the building ceases to have effect (but this does not affect any liability incurred as a result of a contravention of a compliance notice occurring before the making of the order).

(4) The appointment of any building safety manager for the building under section 80 ceases to have effect.

#### *Payments received by special measures manager to be held on trust*

12 (1) This paragraph applies where a special measures order relating to a higher-risk building requires one or more accountable persons for the building to make payments to the special measures manager for the building.

(2) The manager must hold the payments (together with any income accruing on those payments) as either—

- (a) a single trust fund, or
- (b) in two or more separate trust funds.

(3) The manager must hold any trust fund—

- (a) on trust to defray relevant expenses, and
- (b) subject to that, on trust for the accountable person or persons for the building for the time being.

(4) The accountable person or persons for the building for the time being are to be treated as entitled by virtue of sub-paragraph (3)(b) to—

- (a) if there is one accountable person for the building, the residue of the fund or funds;



- (b) otherwise, to such shares in that residue as the accountable persons may agree in writing or (in default of agreement) as the tribunal may direct.

(5) An application for a direction under sub-paragraph (4)(b) may be made by—

- (a) the regulator,
- (b) an accountable person for the building, or
- (c) the manager.

*Effect of special measures order on relevant contracts and legal proceedings*

13 (1) Sub-paragraphs (2) and (4) apply while a special measures order relating to a higher-risk building is in force.

(2) A relevant contract has effect as if the rights and liabilities of a relevant person arising under the contract were the rights and liabilities of the special measures manager for the building.

(3) A contract is a “relevant contract” if—

- (a) it is effective on the date the special measures order is made,
- (b) one of the parties to it is a relevant person,
- (c) it relates to a relevant function of a relevant person,
- (d) it is specified for the purposes of this sub-paragraph in the special measures order or falls within a description of contracts so specified, and
- (e) the manager gives notices in writing to the parties to it stating that sub-paragraph (2) is to apply to it.

(4) The special measures manager for the building may bring, continue or defend a relevant cause of action.

(5) A cause of action is a “relevant cause of action” if—

- (a) it accrued to or against a relevant person before the date the special measures order was made,
- (b) it relates to a relevant function of a relevant person,
- (c) it is specified for the purposes of this sub-paragraph in the special measures order or falls within a description of causes of action so specified, and
- (d) the manager gives notice in writing to any person the manager considers would have an interest in the cause of action that sub-paragraph (4) is to apply to it.

(6) Where, by virtue of this paragraph, the special measures manager for the building is subject to a liability to pay damages in respect of anything done (or not done) before the date of their appointment by or on behalf of a relevant person, that person is liable to reimburse to the manager an amount equal to the amount of damages paid by the manager.

(7) In this paragraph—

“relevant function” means—

- (a) in relation to an accountable person for the building, a function of that person under, or under regulations made under, this Part in relation to the building;
- (b) in relation to the building safety manager for the building, any BSM duty of that person (within the meaning of section 80) in relation to the building;

“relevant person” means—

- (a) an accountable person for the building in relation to which the special measures order is made;
- (b) the building safety manager for that building immediately before the special measures order was made.

*Special measures orders and orders under section 24 of the Landlord and Tenant Act 1987*

14 (1) Sub-paragraph (2) applies where—

- (a) the tribunal makes a special measures order in relation to a higher-risk building, and
- (b) an order under section 24 of the Landlord and Tenant Act 1987 appointing a manager in relation to that building is in force (a “section 24 order”).

(2) The tribunal may amend the section 24 order so as to ensure that the functions to be carried out by virtue of that order do not include any function that the special measures order provides is to be carried out by the special measures manager.

(3) In section 24 of the Landlord and Tenant Act 1987, after subsection (2B) insert—

“(2C) Where a special measures order relating to the building is in force, an order under this section may not provide for a manager to carry out a function which the special measures order provides is to be carried out by the special measures manager for the building.

(2D) In this section—

“special measures manager” means a person appointed under paragraph 10 of Schedule (Special measures) to the Building Safety Act 2022;

“special measures order” means an order under paragraph 10 of Schedule (Special measures) to the Building Safety Act 2022.”

15 (1) The Landlord and Tenant Act 1987 is amended as follows.

(2) In section 21(2) after “subsection (3)” insert “and section 24ZA”.

(3) After section 24 insert—

**“24ZA Application for appointment of manager by special measures manager**

(1) A special measures manager for an occupied higher-risk building may apply to the appropriate tribunal for an order under section 24 (as modified by subsection (4)) appointing a manager to act in relation to premises to which this section applies.

(2) This section applies to premises consisting of the whole or part of the higher-risk building if the building or part contains two or more flats.

(3) Section 22 applies in relation to such an application as if—

(a) for subsection (1) there were substituted—

“(1) Before an application for an order under section 24 is made in respect of any premises to which section 24ZA applies by a special measures manager for an occupied higher-risk building, a notice under this section must (subject to subsection (3)) be served by the special measures manager on—

- (a) the landlord;
- (b) any person (other than the landlord) by whom obligations relating to the management of the premises or any part of them are owed to tenants of flats contained in those premises under a tenancy;
- (c) each accountable person for the higher-risk building.”;

(b) for subsection (2)(a) there were substituted—

“(a) specify the special measures manager’s name and an address in England and Wales at which any person on whom the notice is served may serve notices, including notices in proceedings, on the special measures manager in connection with this Part.”;

(c) in subsection (2)(b)—

- (i) for “tenant” there were substituted “special measures manager”;
- (ii) for “this Part” there were substituted “section 24ZA”;
- (d) in subsection (2)(c) for “tenant” there were substituted “special measures manager”.

(4) Section 24 applies in relation to such an application as if—

(a) in subsection (1) for “this Part” there were substituted “section 24ZA”;

(b) for subsection (2) there were substituted—

“(2) The appropriate tribunal may only make an order under this section where it is satisfied—

- (a) that—
- (b) that other circumstances exist which make it just and convenient for the order to be made.”;
- (c) subsections (2A), (2B) and (10) were omitted.

(5) In this section “special measures manager” has the meaning given by section 24(2D).”

*Provision of financial assistance by regulator*

16 (1) The regulator may give financial assistance to the special measures manager for a higher-risk building by way of loans or grants.

(2) The Secretary of State may by regulations make provision in relation to financial assistance given under this paragraph, including in particular provision about—

- (a) the circumstances in which financial assistance may be given;
- (b) the kind of financial assistance that may be given;
- (c) conditions that may or must be attached to any financial assistance (including conditions as to repayment).

(3) In this paragraph “special measures manager”, in relation to a higher-risk building, includes the person who was the special measures manager for that building immediately before the special measures order relating to the building was discharged.

*Special measures order: further directions*

17 (1) This paragraph applies while a special measures order relating to a higher-risk building is in force.

(2) On an application by a person mentioned in sub-paragraph (3) the tribunal may give directions to the special measures manager for the building or any other person with respect to—

- (a) any matter relating to the exercise of the manager’s functions, and
- (b) any incidental or ancillary matter.

(3) The persons are—

- (a) the regulator,
- (b) an accountable person for the building, or
- (c) the manager.

*Regulator to keep certain matters under review*

18 (1) This paragraph applies while a special measures order relating to a higher-risk building is in force.

(2) The regulator must, from time to time (and at least once every 12 months), review the following matters—

- (a) the measures taken by the special measures manager in exercising the manager’s functions;
- (b) the expenses incurred by the manager in connection with taking those measures;
- (c) any payments made by accountable persons for the building to the manager in respect of any of those expenses;
- (d) any amounts received by the manager by way of building safety charges or commonhold building safety assessments in relation to the building.

(3) If, on such a review, the regulator considers that any term of the order should be varied, it must make such application under paragraph 20 as it considers appropriate.

*Notification by regulator before applying to vary special measures order*

19 (1) This paragraph applies where the regulator proposes to make an application under paragraph 20 to vary a special measures order relating to a higher-risk building.

(2) The regulator must give a notice (an “initial notice”) of the proposal to—

- (a) each accountable person for the building,
- (b) each resident of the building who is aged 16 or over,
- (c) each owner of a residential unit in the building,
- (d) any managing agent for the building or any relevant part of the building,
- (e) any recognised tenants’ association for the building or any part of the building,
- (f) any manager appointed under section 24 of the Landlord and Tenant Act 1987 in relation to the building or any part of the building,

(g) the fire and rescue authority for the area in which the building is situated,

(h) the local housing authority for the area in which the building is situated,

(i) where any accountable person for the building is a registered provider of social housing, the Regulator of Social Housing, and

(j) where any part of the building contains premises occupied for the purposes of a business, each responsible person (within the meaning of article 3 of the Regulatory Reform (Fire Safety) Order 2005) in relation to those premises.

(3) The initial notice must—

- (a) state that the regulator proposes to make an application to vary the special measures order specified in the notice,
- (b) specify the reasons for the proposed application,
- (c) specify the terms of the order that the regulator proposes to invite the tribunal to make,
- (d) specify a period in which recipients of the notice may make representations in response to the notice, and
- (e) state that any representations must be in writing to such postal or email address as is specified in the notice.

(4) After the end of the period mentioned in sub-paragraph (3)(d) the regulator must—

- (a) decide whether to make the application, and
- (b) give a notice (a “final notice”) of its decision to the persons mentioned in sub-paragraph (2).

(5) The final notice must—

- (a) state whether or not the regulator intends to make the application,
- (b) specify the reasons for reaching that decision, and
- (c) if the regulator intends to make the application, specify the terms of the order that the regulator intends to invite the tribunal to make.

(6) The regulator must comply with sub-paragraphs (4) and (5) before making the application.

(7) The duty under sub-paragraph (2) or (4)(b) does not apply in relation to a person mentioned in sub-paragraph (2) if the regulator—

- (a) is not aware of the person, and
- (b) has taken all reasonable steps to ascertain the identity of the persons mentioned in that sub-paragraph.

(8) In this paragraph “relevant part”, in relation to a higher-risk building, has the meaning given by paragraph 8(10).

(9) The Secretary of State may by regulations make provision in relation to notices under this paragraph, including in particular provision about—

- (a) the form of the notice;
- (b) the way in which the notice must be given.

(10) The Secretary of State may by regulations amend the list in sub-paragraph (2).

*Variation or discharge of special measures order*

20 (1) The tribunal may vary or discharge a special measures order relating to a higher-risk building on an application by—

- (a) the regulator,
- (b) an accountable person for the building, or
- (c) the special measures manager for the building.

(2) An application to vary a special measures order so as to change the identity of the manager may only be made by the regulator.

(3) In considering whether to vary or discharge an order the tribunal must have regard to—

- (a) the likelihood of variation or discharge of the order resulting in a recurrence of the circumstances which led to the order being made, and

- (b) whether it is just and convenient in all the circumstances to vary or discharge the order.

(4) Sub-paragraphs (2) and (3) do not apply on an application where each person mentioned in sub-paragraph (1) agrees to the application (and for this purpose where there is more than one accountable person each accountable person must agree).

(5) Sub-paragraph (4) does not require the agreement of the special measures manager where that person lacks capacity to agree to the application.

(6) Where the order is varied or discharged, the tribunal may give directions to any person with respect to—

- (a) any matter relating to the variation or discharge, and
- (b) any incidental or ancillary matter.

(7) Where the order is discharged the tribunal must direct the special measures manager to—

- (a) prepare a reconciliation account, and
- (b) give a copy of the account to—
  - (i) the regulator, and
  - (ii) each accountable person for the building.

(8) The tribunal may give a direction under sub-paragraph (6)(a) (at the time the order is discharged or after that time) for the making of a payment—

- (a) by an accountable person for the building to the special measures manager, or
- (b) by the special measures manager to an accountable person for the building.

(9) In this paragraph—

“reconciliation account” means a document—

- (a) setting out, in relation to the period during which the special measures order was in force, a comparison between—
- (b) containing a statement explaining any differences;

“relevant account” means an account in which any of the following are (or have been) held—

- (a) payments made by an accountable person for the building to the manager;
- (b) amounts received by the manager by way of building safety charges or commonhold building safety assessments in relation to the building.

(10) In this paragraph “special measures manager”, in relation to a higher-risk building, includes the person who was the special measures manager for that building immediately before the special measures order relating to the building was discharged.

#### *Notifications about special measures order*

21 (1) The regulator must take all reasonable steps to notify the persons mentioned in sub-paragraph (3) of the making of a special measures order in relation to a higher-risk building.

(2) The regulator must take all reasonable steps to notify the persons mentioned in sub-paragraph (3) (other than the person mentioned in sub-paragraph (3)(b)) of the variation or discharge of a special measures order in relation to a higher-risk building.

(3) The persons are—

- (a) each accountable person for the building,
- (b) any building safety manager for the building immediately before the special measures order was made,
- (c) each resident of the building who is aged 16 or over,
- (d) each owner of a residential unit in the building,
- (e) any managing agent for the building or any relevant part of the building,
- (f) any recognised tenants’ association for the building or any part of the building,
- (g) any manager appointed under section 24 of the Landlord and Tenant Act 1987 in relation to the building or any part of the building,
- (h) the fire and rescue authority for the area in which the building is situated,

- (g) the local housing authority for the area in which the building is situated,

- (h) where any accountable person for the building is a registered provider of social housing, the Regulator of Social Housing, and

- (i) where any part of the building contains premises occupied for the purposes of a business, each responsible person (within the meaning of article 3 of the Regulatory Reform (Fire Safety) Order 2005) in relation to those premises.

(4) In this paragraph “relevant part”, in relation to a higher-risk building, has the meaning given by paragraph 8(10).

(5) The Secretary of State may by regulations amend the list in sub-paragraph (3).

#### *Special measures order: change in accountable person etc*

22 (1) Sub-paragraphs (2) and (3) apply where at any time (“the relevant time”) during which a special measures order relating to a higher-risk building is in force, an accountable person for the building (“the outgoing person”) ceases to be responsible for all or any part of the building (“the relevant part of the building”).

(2) From the relevant time the special measures order ceases to apply to the outgoing person in relation to the relevant part of the building.

(3) From the relevant time the special measures order applies to any person who, immediately after the relevant time—

- (a) is an accountable person for the building, and

(b) is responsible for the relevant part of the building or any part of the relevant part, as it applied to the outgoing person in relation to the relevant part or part of the relevant part (as the case may be) immediately before the relevant time.

(4) But sub-paragraphs (2) and (3) do not affect any liability under the order to which the outgoing person became subject before the relevant time.

(5) Where an enactment requires interests, charges or other obligations affecting land to be registered, sub-paragraph (3) has effect whether or not the special measures order is registered.

(6) Nothing in this paragraph affects the powers of the tribunal under paragraph 20 (power to vary special measures order etc).

#### *Interpretation*

23 In this Schedule—

“building safety charge” has the meaning given by paragraph 9;

“commonhold building safety assessment” has the meaning given by paragraph 10;

“local housing authority” has the meaning given by section 261 of the Housing Act 2004;

“managing agent”: for the purposes of this Schedule a person (A) is a managing agent for any part of a building if—

- (a) A has been appointed to discharge the obligations of a person (B) relating to the management by B of that part of the building, and
- (b) B has a legal estate in that part of the building which is—

“recognised tenants’ association” has the meaning given by section 29 of the Landlord and Tenant Act 1985;

“relevant expenses” has the meaning given by paragraph 9;

“special measures manager” has the meaning given by paragraph 7;

“special measures order” has the meaning given by paragraph 7.”—(*Christopher Pincher*.)

*This new schedule makes provision for, and in connection with, the making of special measures orders in relation to higher-risk buildings. The new Schedule is intended to replace clauses 104 to 113 and be inserted after Schedule 6.*

*Brought up, and added to the Bill.*



## Schedule 7

## BUILDING SAFETY CHARGES

*Amendment made:* 70, page 194, line 39, leave out “Part 4 of” and insert “Schedule (Special measures) to”.—(*Christopher Pincher.*)

*This amendment is consequential on amendment NS1.*

*Third Reading*

5.29 pm

**Christopher Pincher:** I beg to move, That the Bill be now read the Third time.

This Bill represents the biggest overhaul of building and fire safety legislation in a generation, and today’s proceedings represent a significant staging post on our shared journey towards a regime that is more robust and more proportionate. In a modern liberal democracy, living in a home where you feel safe should be a basic human right, but sadly, for thousands of people up and down our country, this most reasonable of expectations does not tally with their current experience. This Bill is going to right that wrong by replacing an outdated building system with one that is attuned not just to where we are in 2021 but to how we protect people in 2031, 2041 and for many years beyond. We recognise from the outset the need for new legislation to be based on the solid foundations of independent and objective expertise, which is why, as Members across the House will know, we are delivering on the recommendations set out by Dame Judith Hackitt in her independent review of building regulations and fire safety.

It will not have escaped the House’s attention that while we have been scrutinising the Bill line by line in Committee and on Report, my right hon. Friend the Secretary of State has been pressing ahead with wider reforms on issues that have plagued this sector for years. My right hon. Friend the Prime Minister and the Secretary of State have set about restoring much-needed common sense to our building safety regime, through the Secretary of State’s statement on 10 January and the Prime Minister’s remarks earlier during Question Time.

There has been progress since the Grenfell Tower tragedy, but our view in Government is that the pace of rectifying high-rise buildings with dangerous and unsafe cladding has not married up to the gravity of the situation, so we must move more effectively and more quickly. That is why we have brought the Bill to the House today to complete its remaining stages, so that it can progress smoothly and quickly to the other place where the robust legislative protections that we have outlined in previous statements can be properly and sensibly made. The Bill can then come back to this House for proper scrutiny, and I am sure that the business managers—the usual channels—will ensure that appropriate time is made available for it to conclude. We must complete this Bill. It has been on the stocks for far too long. Too many people have suffered too much, and we must, through this legislation and through the suite of measures the Secretary of State announced in his statement on 10 January, right the wrong that has been done to too many people. I commend the Bill to the House, not as the end but as the end of the beginning.

5.33 pm

**Matthew Pennycook:** I would like to start by thanking the Bill team, the Clerks, the House staff and the Library specialists for facilitating the debates in the House on this important piece of legislation, as well as all those hon. and right hon. Members who have contributed to the proceedings, particularly those on both sides who took it through Committee over a great many weeks last year.

The impetus for this Bill, and what I am sure has been at the forefront of our minds throughout its passage to date, is the horrific fire at Grenfell Tower four and a half years ago. As I suggested on Report, it is not pre-empting the Grenfell Tower inquiry’s conclusions to state that the horror of that dreadful June night in 2017 was the product not only of pernicious industry practice but of state failure: a failure that involved successive Governments presiding over a deficient regulatory regime, and a failure to act on repeated and clear warnings about the potentially lethal consequences of that fact. That is why the Government and industry have a shared responsibility to make all buildings safe and to resolve the building safety crisis fully and finally, in a way that protects all those living in dangerous buildings who bear no responsibility for it whatsoever.

To the extent that the Bill implements the recommendations of the Hackitt review, provides for a stronger regulatory framework for building safety and ensures clearer accountability on the management of risk in buildings over their lifecycle, we support it. We welcome the improvements made on Report, and we want to see a version of the Bill given Royal Assent as soon as possible.

However, this Bill leaves a range of fire safety issues unresolved, from the lack of a national strategy on how to evacuate high-rise buildings to the absence of a requirement to plan for the escape of disabled residents. The Bill is not in itself a panacea for the building safety crisis. Even on its own terms, we have argued that it could and should have gone further in several important respects, whether in relation to the arbitrary definition of height or the issue of product testing.

We have concerns about the Bill’s implementation, specifically whether the new building safety regime will be able to function as intended and whether the new building safety regulator within the Health and Safety Executive, which the Bill makes responsible for all aspects of the new framework, has the resource and capacity to perform all the complex tasks assigned to it.

Hoping that the hard deadline will conjure the necessary outcomes, whether in relation to building control, skills shortages or ongoing concerns about indemnity insurance, is not good enough and we intend to monitor closely whether the new regime operates effectively in practice. We are disappointed that, despite the clear strength of feeling across the House and following our extensive debates, we are being asked to send this Bill to the other place without changes having been made to provide robust legal protection for leaseholders who are facing ruinous costs for remediating historical cladding and non-cladding defects. The Opposition have been clear throughout the Bill’s passage that, without changes to provide for such robust protection from all costs, it will fail what Dame Judith described as the “ultimate test” of any new framework, namely the rebuilding of public confidence in the system.

The House will have noted the extremely legalistic language that the Minister used on Report in response to several questions on whether the Government will table amendments in the other place on leaseholder protection, on when they plan to do so, on what those amendments will look like and on whether this place will have sufficient time to debate them. Do not underestimate the degree to which expectations have been raised by the repeated and unambiguous commitments the Secretary of State made last week to amend this Bill in pursuit of protection for leaseholders in relation to all the work required to make buildings safe.

For all the gaps raised by the Secretary of State's statement and all the obvious gaps that remain in his new plan, leaseholders across the country who are caught up in this scandal drew comfort from his words, believing them to be a signal that the Government are finally prepared to honour the promises given by successive Secretaries of State and Ministers from the Dispatch Box that leaseholders will be fully protected.

That the blameless leaseholders at the centre of this crisis should be protected is, we believe, incontrovertible. The mental and financial toll this crisis has taken on them is incalculable. Lives have been put on hold, relationships have broken down, retirements have been ruined and countless hours have been forever lost as a result of spending evenings and weekends researching, lobbying and campaigning. In far too many cases, savings have vanished entirely and homes have been lost to bankruptcy.

The Secretary of State spoke last week of the injustice of asking leaseholders to pay money they do not have to fix a problem they did not cause. He was absolutely right, but if it is unjust that leaseholders pay in the future, it surely follows that it is unjust that so many have already paid or are being asked to pay now. The Government must look at financial redress and how it might be secured.

When it comes to protecting leaseholders in the future, we forcefully made the case throughout the Bill's passage for the maximum legal protection for all those facing potential costs to fix historical defects, irrespective of circumstance. On Report we asked the Minister to give serious consideration to several issues of concern arising directly from the Secretary of State's commitment to amend the Bill to achieve that.

We support the passage of the Bill tonight because we want the recommendations of the Hackitt review to be implemented and a stronger safety regime to be put in place as soon as possible, but we await the tabling in the other place of the promised amendments on leaseholder protection. We sincerely hope that when the Secretary of State says he intends to protect leaseholders from paying any costs, he truly means it, and that consequently the Bill will not be yet another false dawn, but will deliver justice finally for all the blameless victims of the building safety scandal.

**Several hon. Members** *rose*—

**Madam Deputy Speaker (Dame Rosie Winterton):** Order. Before I call the next speaker, I just want to say that we have a fair number of people who want to speak and not an enormous amount of time, so please bear that in mind. I call Sir Peter Bottomley.

5.40 pm

**Sir Peter Bottomley:** To use the words of a former Prime Minister, I agree with Matthew. I thank the hon. Member for Greenwich and Woolwich (Matthew Pennycook) for his contribution to Third Reading, and thank the Minister, who over the months has moved progressively—if I may use that expression in relation to a Conservative—to do many of the things that, frankly, ought to have been done within months of Grenfell, if not before.

I have two major regrets. One is that the reaction to Grenfell was to make it party political, even though most of the 12,000 buildings affected were not built by Tory councils and have problems just as great as those at Grenfell. The second, which is a different point, is that when the sad crash in the tunnel in Paris, in which three people died and one survived, occurred, the media, instead of saying on the first day that the survivor had been wearing a seatbelt and the three who died had not and that the driver was twice over the legal limit, allowed that point to be lost behind the paparazzi story. If the truth had come out straight away, the number of deaths in Europe over the next year would have been halved.

In terms of fire safety and building safety, in my view it was wrong to say that 18 metres was the cut-off point. It may have been arbitrary that that was the highest level the fire could get to, but analysis of the risk to people in homes is that most deaths are at lower heights, not higher ones. We have also learned lessons on dealing with fires that will not be forgotten.

The Bill goes a long way to meeting some of the needs that were reasonably obvious at the beginning. The underlying problem is that Dame Judith Hackitt was not, I think, properly briefed on the law on residential leasehold, and that caused the mis-steps that are now beginning to be put right. I hope that as a result of the Secretary of State's consultations with people such as Philip Rainey and other barristers and solicitors who are expert in this field, we will be able to modify the simple polluter pays principle into a practical measure.

We need to stop homes being lethal. We need to stop legalities getting in the way of justice and effective action. We want to take away the financial burden and nightmare from residential leaseholders. We want to make sure that social landlords are not left with the costs that, frankly, should not be theirs. We have a lot more progress to make. It is a matter of faith in the Government that, together with the amendments made today—I congratulate the parliamentary draftsmen and the officials in the Department on the progress they have made so far—we can hope to see further progress and better amendments and supplementary ones tabled in the House of Lords, which can come back here and be both successful and acceptable.

I have two further points for the Minister. Outside this Bill, we look forward to the Law Commission reforms being put to Parliament in an effective way. Last, on the question of forfeiture, which has come up occasionally in today's debates, I want there to be no question that a leaseholder's equity should be forfeited just because their home is sold to pay some debt. We must change the law to say that any remaining equity goes back to the leaseholder and is not put in the hands of the landlord. William the Conqueror was king over 950 years ago. His feudal memory should not be continued

[*Sir Peter Bottomley*]

in our housing system. It is time to enact in practice provisions that the House of Commons passed in law—ineffectively—in 2002. Let us have justice for residential leaseholders.

5.44 pm

**Paul Blomfield** (Sheffield Central) (Lab): I am pleased to have the opportunity at this point, before the Bill progresses to the other place, to speak about some of the issues that will need to be addressed in the amendments that have been promised by the Secretary of State on protection for leaseholders—issues about which, today and for quite some time, there has been cross-party concern. I pay tribute to the hon. Member for Stevenage (Stephen McPartland) for the work that he has done in this regard, and to the Father of the House, the hon. Member for Worthing West (Sir Peter Bottomley), for his contribution over a long period.

On both sides of the House there is clearly a consensus on what needs to be done, which has been reflected in the debates this afternoon, and it is right that there should be, because we are seeking to address a glaring injustice facing leaseholders who are victims not just of developers but, as was pointed out by the Chair of the Select Committee, my hon. Friend the Member for Sheffield South East (Mr Betts), of regulatory failure, for which we are responsible and over which successive Government have presided.

It is unfortunate that we have been debating the Bill so soon after the Government's announcement last week, before the Secretary of State had the opportunity to table his amendments so that they could receive the scrutiny they deserved. However, his statement did constitute a step forward. Some of my constituents who have been affected met him before the statement, and they shared my view that while the narrative was good and the direction of travel felt right, there remained too many unanswered questions. I want to set out briefly the concerns that they have, which must be addressed in the Government's amendments in the other place.

Residents of Mandale House, for instance, made an application to the building safety fund for cladding work, 80% of which was rejected because—my right hon. Friend the Member for Leeds Central (Hilary Benn) mentioned this earlier—the juxtaposition of zinc and timber failed to meet the current criteria. That left them facing bills for tens of thousands of pounds. In the Metis Building there is a problem with wooden balconies, while in Wicker Riverside the problem is compartmentation. Those problems clearly affect many other buildings as well, in my constituency and across the country. We therefore need an absolute assurance that the statutory protection will cover all non-cladding remediation.

Residents of Mandale House face a further problem, in that their developer is no longer in business. We know that is a problem in hundreds of buildings. Companies have failed, or have been deliberately collapsed to enable them to avoid responsibility. It needs to be made clear that those leaseholders will not be overlooked, and that the Government will give them full support in respect of all safety remediation costs.

One of my constituents in the Millsands building asked for reassurance that support should be provided for leaseholders not in occupation of their flats. As my

right hon. Friend the Member for Leeds Central pointed out, many have been forced to leave to raise the funds to try to pay the bills demanded of them. Others have left as their families have grown. They have done the sensible thing: they have moved on and used the rental income from their property to fund their new house. For some, the investment was the use of a lump sum to provide a retirement income in a solitary flat. As the right hon. Member for Hemel Hempstead (Sir Mike Penning) argued earlier, those people are victims too, and they need to be fully supported. We also need a statement sending a clear message to freeholders and developers that they must not rush to carry out work in order to avoid their responsibilities by imposing costs on leaseholders now, before the protection becomes part of legislation.

There is another issue, faced by my constituents in Wicker Riverside, a building from which residents were evacuated just before Christmas 2020 because of fire safety concerns. They have a problem with insurance—not that of rising costs, on which other Members commented earlier and for which there should be compensation, but the fact that no insurance company will provide cover for their building. They have been uninsurable for more than a year. That is an untenable position that the Government must, and could, act to address. I have discussed the issue with Ministers.

Finally, there is overriding concern about how long the process proposed by the Government will take, as legal action drags on and there is resistance from developers and others whom the developers may hold accountable and endless litigation. There is a risk that the problem, rather than being solved, will be prolonged for a very long time indeed. If the Government are confident that money can be recovered from developers, they could and should simply act to fix all the faults now and then use the full resources of the state to recover the money from those responsible. That way, as Members on the Opposition and Government Benches have said throughout today's debate, no costs will fall on those who have no responsibility for the predicament they are in.

5.50 pm

**Stephen McPartland:** I am grateful for the opportunity to speak on Third Reading. I am hopeful this evening and, like many Members from all parties, I am grateful to my hon. Friend the Member for Southampton, Itchen (Royston Smith), to the Father of the House, my hon. Friend the Member for Worthing West (Sir Peter Bottomley), and to colleagues across the House who have worked so hard to get us where we are today.

This is a huge Bill that tries to deal with some of the after-effects of the tragic events at Grenfell Tower. I have been to meet residents at New Providence Wharf, who have also had a very difficult time. Some of the issues they have had are heartbreaking and it is incredibly difficult to speak to them and hear what they have been through. We talk about fire safety in this place, but meeting people who were involved in fires and who were trapped in properties really brings it home.

I understand why the Government want to bring the Bill forward as quickly as they can. They have tabled 70 amendments and I understand their desire to work with Members across party lines to get to a much better place in respect of the bits we want. Although it is a very large Bill, a lot of us in the Chamber are focused



on a small part of it: the provisions on leaseholders and leaseholder protections. That is the bit on which my colleagues and I mainly focus. It is important for me and for leaseholders up and down the country that they are not held responsible for historic fire safety defects and construction defects.

Let me remind the House where we have come from. When we started our campaign about 18 months ago, the Government's original offer was around £20 million to deal with these issues. After the statement from the Secretary of State last week, we are now on course to have more than £9 billion of Government support, with probably another £100 million for waking watch, alarms and a variety of other issues. The Government have moved forward massively.

I do not always support the Government but, in fairness to them, on this issue we have asked and they have negotiated. There is a new tone and a new willingness to work both across party lines and within the governing party to resolve this issue for leaseholders, so we have hope. Tonight, millions of leaseholders up and down the country, many with huge mental health issues and facing massive financial ruin, have hope. That hope encourages us to believe that we may finally come to a position where we can resolve things for those millions of leaseholders.

We are in the position we are in because, although a lot of people will not realise this, the Prime Minister has intervened directly on a number of occasions to get us to a state in which we can support each other, negotiate and get more than £9 billion-worth of support for leaseholders, which is an amazing achievement. I am delighted with the work we have done behind the scenes to get us to where we are. Because of that hope and the constructive way in which the Government have worked with us behind the scenes, we want to give them the room to work with us a bit further and to table amendments in the House of Lords to protect leaseholders in law. That is what we want—that is our first request.

The second request that I continue to make is that amendments are made to protect leaseholders in respect of internal fire safety defects and not just external ones. At Vista Tower in my constituency, which has more than £15 million-worth of remediation costs, the fire breaks are missing. They would have been in the plans and signed off by the developers and the building regulatory regime, but they are missing. We have to think about how we can support constituents like that.

**Sir Peter Bottomley:** Will my hon. Friend allow me to add to what he is saying? The insurance companies are claiming premiums that are 10 or 20 times higher than before because there are additional fire risks. All this work should lead to reduced fire risks. Will he support me in asking the Government to get together with the technical sides of the insurance companies and the Competition and Markets Authority to get those insurance premiums back down to what they were before so that leaseholders may pay £300 a year to insure a building they do not own rather than £3,000 a year?

**Stephen McPartland:** I completely support the Father of the House, as he knows, in all matters.

It is important that the Government have accepted the principles of everything that we have asked for throughout this 18-month campaign. I am very grateful

for that. With all the technical details, that campaign has demonstrated how complicated this issue is and the many millions of people and tens of thousands of buildings it affects in many different ways. In fairness to the Minister and the Government, it is very difficult to put all that into a Bill, so they do need time. As long as they are prepared to work with us, we are prepared to give them that time so as to support leaseholders and ensure that they do not have to pay for these historical fire safety defects.

I have one final request for the Minister on behalf of those constituents of mine in Vista Tower who have been affected by the building being no doubt shoddily built and not to the plans of the time. Will the Government be prepared to provide support so that those leaseholders can take action against the original developers, or will the Government take the action on their behalf, because a lot of these leaseholders have been going through this for a number of years and no longer have the mental resilience or ability to take these fights on and take legal actions for the next five or 10 years in the courts? Will the Minister provide further support to those leaseholders? Will he agree to continue to meet and work with me so that we can ensure that leaseholders are not held responsible and they are the innocent parties throughout this crisis?

5.56 pm

**Caroline Lucas:** It is a pleasure to follow the hon. Member for Stevenage (Stephen McPartland). I pay tribute to all his work on this issue, and the work of the hon. Member for Harrow East (Bob Blackman), the Select Committee and many others.

There is much to welcome in this Bill, but I want to return to the issue of leaseholders, which is still one of the most worrying outstanding issues. I welcome the fierce determination that I have heard from Members in all parts of the House to make sure that we will not rest until we ensure that that protection for leaseholders is absolutely written into the Bill. I welcome the spirit of the Secretary of State's statement last week, including the recognition that leaseholders are blameless in the scandal. He said that

"it is morally wrong that they should be the ones asked to pay the price."—[*Official Report*, 10 January 2022; Vol. 706, c. 283.]

I agree, but unfortunately there is still too much lacking in this Bill. Like the gaps and defects in my constituents' homes, there are gaping holes that still need fixing, including the firm commitment that we need to ensure that the burden for repairs, including non-cladding remedial work, does not fall on leaseholders. I am disappointed that the Minister has been unable to offer us more reassurance on that point.

This is not just about determining who will pay for construction defects. We need to know when they are going to pay, what happens should they refuse, and exactly what costs will be covered when they do so. What will happen in March if there is deadlock and developers do not agree to the £4 billion suggested in the Secretary of State's letter to the residential property developer industry? What assessment have the Government made of the need for housing associations to access funding collected from the industry to cover the costs of leaseholders and to ensure that the delivery of social housing is not impacted by the fall-out from this crisis? What measures will be put in place to end individual

[Caroline Lucas]

legal disputes about liability if developers or manufacturers of materials, for example, refuse to accept liability for defects of their making?

I want to focus on one particular issue, which comes down to the fact that many developments are owned by absent and faceless freeholders via asset management companies. That means that getting something that should be very simple, like the signature of a freeholder on an application form, is very far from being straightforward, especially when offshore companies appear determined to avoid paper trails that might lead back to them at a later date. Let me give an example. On Friday, leaseholders at Stepney Court in my constituency received legal papers from their managing agent, FirstPort Property Services Ltd. They were horrified to be told that FirstPort intends to recover the estimated £4,912,000 for repairs from the leaseholders if the application to the building safety fund is not successful. That will mean that constituents such as the single working mother who paid £60,000 for a 25% share of her property will be lumbered with a repair bill of £110,000. That is not fair and it should not be allowed to happen.

All the while, the head lessee of those residential properties, Abacus Land 4 Ltd lurks in the background. Its role in the saga remains unclear, but what we do know about the elusive Abacus is that it is registered in Guernsey. It is administered by the asset management company, Long Harbour. Although I recognise that Abacus is not the developer, the mystery surrounding it and the confusing chain of accountability suggests that it is an example of what is at the very heart of the scandal: faceless investors making money out of shoddy, substandard and often downright unsafe housing.

It is not okay for freeholders to hold leaseholders to ransom. It is not okay for freeholders to hold up building safety fund applications by refusing to sign paperwork while, in the meantime, tightening up their legal positions before doing so. It is not okay for the Government to allow that to happen.

Last week, the Secretary of State said that he was “clear about who should” be “remedying failures”. He said:

“It should be the industries that profited, as they caused the problem, and those who have continued to profit, as they make it worse.”

He went on to say:

“I have established a dedicated team in my Department to expose and pursue those responsible.”—[*Official Report*, 10 January 2022; Vol. 706, c. 283-284.]

Let us see that come to fruition and see what that really means on the face of the Bill.

Stepney Court is just one of multiple blocks in the New England quarter of my constituency where defects have been identified and residents are battling with those responsible. Will the Minister ensure that his team looks into the problems facing residents in the area, where unpicking the responsibility for where remedial work lies has led to unacceptable delays in accessing support from the building safety fund? It is not just Stepney Court; residents in Embankment House and Temple House are still waiting for a decision on their application, too.

To be clear, on who should pay, we need guarantees that the buck will not be passed to those who, frankly, cannot pay. I have scores of constituents who are trapped in properties that they cannot sell—mortgage prisoners who cannot move on. I have more than 1,000 constituents living in dangerous homes. They need guarantees that issues other than cladding will be covered in the Building Safety Bill, whether that means missing fire breaks, compartmentation, defective fire doors, wooden balconies or other construction defects. They need to know that they will not have to wait years for that to happen. They need certainty that the Bill, along with the commitments in the Secretary of State’s statement last week, will ensure that the wait for work to make their homes safe finally ends. Allowing people to remain living in unsafe homes is highly dangerous. It needs to end, and the Bill is the opportunity for the Government to address past failings as well as to look ahead. I hope that they will act with the speed and certainty that our constituents all need.

6.2 pm

**Rebecca Long Bailey** (Salford and Eccles) (Lab): It is nearly five years since the tragic events at Grenfell Tower, yet thousands of my constituents in Salford and Eccles still live in fear. Some live in cold, draughty flats, having waited years for already removed cladding to be replaced, and for so many leaseholders every day, the bills for interim fire safety and increased insurance premiums rack up. They cannot move, they cannot sell, they struggle to get credit and the mental toll increasingly becomes unmanageable.

When the Secretary of State informed Parliament last week that he

“will pursue statutory protection for leaseholders and nothing will be off the table”—[*Official Report*, 10 January 2022; Vol. 706, c. 285.]

it was welcome news, but we have been here before, have we not? All his predecessors have conveyed warm, fluffy, non-binding statements to the House about protecting leaseholders, but we have seen very little action. The Minister must understand why my constituents have asked me why we are not legislating to protect them today in the Bill. There have been no clear assurances from him today, sadly, that the amendments that will be tabled in the other place will comprehensively include all leaseholders and indemnify them against all fire safety defect costs and ancillary costs that they may have incurred over the past few years.

The absence of that protection raises many more unanswered questions, which I hope the Minister will address. For example, what about my residents who have already received financially devastating demands for payment? Will he confirm what they should do? Should they ignore those demands in the hope that the Government legislate? How will he protect them when they face forfeiture and losing their home, or worse, bankruptcy?

Furthermore, there is ambiguity once again about the non-cladding fire safety defects in the majority of the affected buildings in my constituency, so will he confirm what specific actions he will take to ensure that residents and leaseholders are protected from the costs of non-cladding fire safety defects in buildings of all heights?

What about the sums spent so far? I am informed that many sinking funds in my constituency have already been wiped out by virtue of fire safety investigations and other interim fire safety costs. In addition, residents have already been paying directly for interim costs and increased insurance premiums. Will they be able to claim a refund, and will that be legislated for in the other place?

Finally, I must highlight the significant and unacceptable delays both in the completion of the fire safety works themselves and in processing building safety fund applications. A number of housing association blocks in my constituency have been without cladding for some years now, leaving many residents living in freezing conditions, and numerous other private residential buildings are reporting significant delays at the Department for Levelling Up, Housing and Communities in signing off funding agreements within the building safety fund.

If the Secretary of State cannot get the limited amount of money the Government have already committed out the door, how can he assure us that any wider package he announces will be more expedient in the future? What action are the Minister and the Secretary of State taking to fast-track, expand and train up new specialists in the supply chain to carry out the urgent work required at pace?

My constituents simply deserve two urgent things from the Government: first, to have their buildings made safe as part of an urgent national building safety mission; and, secondly, to be protected from the costs of a fire safety crisis they did not cause. Sadly, as drafted so far, this Bill delivers neither. I hope the Minister reflects on the amendments that will be required in the other place and delivers the safety and protection that my constituents deserve.

6.6 pm

**Florence Eshalomi** (Vauxhall) (Lab/Co-op): I start by paying tribute to the many hundreds of Vauxhall residents who have contacted me in my short two years as Member of Parliament for Vauxhall. They have been contacting me even though they are suffering sheer mental stress, contacting me even though at times they feel that there is no end to this nightmare, contacting me because they have been trapped in homes they are unable to sell and contacting me, frankly, because some of their properties are unsafe. At every stage of my continued efforts on behalf of Vauxhall leaseholders going through that anguish and uncertainty over the last two years, the Bill has been held up by the Government as the solution that would finally bring an end to this crisis. Regrettably, it does not.

The Bill is a step in the right direction in the fight to ensure that nobody has to live in a death trap and a fire trap like Grenfell Tower, and as a legislator I support the measures to keep my constituents safe. I therefore welcome the essential changes that will bring an end to the shambolic safety regime that led to the Grenfell tragedy, and the introduction of a regulator to oversee that. I also welcome the new Secretary of State's change of approach to the question of leaseholder liability, which has clearly become one of the most clear injustices I have seen in politics. It is clear that the Bill will give leaseholders important new rights to challenge freeholders and developers when negligence has occurred. I am

pleased, too, that the Government finally agree that no leaseholder living in a building of under 11 metres will pay for the cost of cladding remediation in the future, for which my Opposition colleagues have been calling for many months.

However, we must not pretend that the Bill achieves what it should have done. Millions of leaseholders who have been in a position of deep uncertainty for years will still be there after today, reliant yet again on warm words from the Government and the good will of profit-making companies that have done their best to evade that at every turn. I understand why so many Vauxhall constituents simply do not trust that promises will be delivered on, which is why it is so disappointing, frankly, that much of what was in the Secretary of State's statement last week is not included in the Bill.

A lot has been said about the inconsistency of saying that leaseholders should be protected from cladding costs while leaving them on the hook to pay for the extortionate cost of other defects, and I add my full support to Members from across the House who have spoken out against that. There are several ongoing issues that the Bill does nothing to address, such as the extortionate insurance premiums and other secondary costs before remediation is completed. Let us be clear that leaseholders will be meeting those unjust costs for years until decisive action is taken.

Most importantly, both the Bill's provisions and the Secretary of State's announcement last week appear to apply only to future contexts. Where does that leave the millions of leaseholders caught up at various points along the way of that lengthy scandal? What does the Bill do to empower leaseholders who had their assessment before the recent changes in Government policy and believe that unnecessary work has been recommended for their building? Where is the help for leaseholders whose flats are unsellable until that remediation work is complete but who have been told that they will have to wait many years? They are trapped. The Government have known about all those issues for far too long and have done nothing while leaseholders have suffered. Today, they had the opportunity to accept amendments that would have fixed them, but yet again they chose to turn a blind eye.

With a heavy heart, I welcome the Bill, because it will make my constituents living in high-rise buildings safer. The Minister, in his opening statement, said that living in a home where you feel safe is a basic human right, but many of my leaseholders in Vauxhall still do not feel that they have that right. I lament another missed opportunity to rescue leaseholders from the scandal.

6.11 pm

**Rachel Hopkins** (Luton South) (Lab): I refer the House to my entry in the Register of Members' Financial Interests. As a member of the Levelling Up, Housing and Communities Committee and having set on the Bill Committee, I welcome many of the Bill's provisions. However, as a point of principle, no innocent leaseholder should have to remediate any historical cladding and non-cladding defects. We have heard that point made so well across the Chamber all afternoon.

Key now is what the Bill does not include, rather than what it does. We have heard much about the amendments that the Government propose will be considered in the



[Rachel Hopkins]

other place, and I reiterate the call that we must have a full debate on the Bill's return to the House to ensure those statutory protections for leaseholders. The proposal to make developers pay £4 billion for cladding removal in buildings under 18 metres is unclear on how quickly developers will be asked to pay and what measures the Government will take if they refuse. Without immediate compulsion, the process threatens to continue to be drawn out, with innocent leaseholders trapped in properties that they cannot sell and paying bills that they cannot afford. Does the Minister think it is right that social landlords have paid millions more than developers to fix the building safety scandal at the cost of delivering new social homes? I hope that we will see urgent action to appease concerns raised by leaseholders and Members across the House and to allay genuine concerns that it is one rule for council and social landlords and another for the Government's developer friends.

We have yet to see the clarity that we expect on specific parts of the Bill for the significant numbers of leaseholders who face huge bills to fix non-cladding defects. If the Secretary of State is serious about ending that injustice, leaseholders must be protected from the cost of covering all historical defects. I reiterate the point made by many that those who created the crisis must be made to fix it.

I press the Government again to listen to leaseholders about how the ordeal has affected their mental health. Leaseholders in Luton South have told me how their mental health has suffered severely because of their fear of debt and bankruptcy and the pressure of the situation. One constituent told me how the threat of bankruptcy threatened their professional title and, therefore, their career. The scandal has prevented people from moving on with their lives—it is a form of purgatory.

When we discussed mental health in Committee, the Minister suggested that leaseholders should refer to their GPs, but we know how many pressures they are under. *The Guardian* has reported that officials have told leaseholders to call Samaritans. Both suggestions are simply inadequate. I repeat the ask that I made of the Secretary of State during last week's statement for specific mental health support for affected leaseholders. We have had much debate today and through the consideration of this Bill that has been very technical and about buildings, but I stress again that this is about people and how they are affected. We must ensure that the leaseholder and tenant voice is heard as the Bill continues through its process.

The point has been made more than once, both today and over the past four years, that a disaster such as Grenfell must never happen again. The insufficient action for nearly five years shows the need for an interventionist Government to make people safe, as the market alone is incapable of doing that. I support my party's calls for the Government to set up a building works agency that would go block by block assessing risk, commissioning necessary fire safety work, certifying that work and pursuing those responsible for the costs. I look forward to hearing from the Secretary of State with regard to those issues.

Innocent leaseholders need action. Comprehensive measures must be implemented to prevent this disaster from ever happening again.

6.15 pm

**Andy Slaughter:** There is not an issue before this House that causes me as much concern as the safety of residents living in high-rise blocks from the risk of fire. That has been the case since August 2016 when there was a very serious fire at Shepherd's Court in my constituency, which I spoke about earlier today. Fortunately, there were no casualties, but a full evacuation of an 18-storey block was required. Then, 10 months later, we had the fire at Grenfell, the absolute horror of which stays with me every day. Grenfell is only about a mile from where I live, and for 72 people to lose their lives in those circumstances is just so appalling that we cannot spend enough time, or do enough, to ensure that that never happens again in the future. Yet we have had other serious fires since that time.

Grenfell led to the identifying of many faults, including external cladding, poor management, poor construction and maintenance, and the people who live in social housing in particular not being taken notice of. It also made us look at the whole issue of fire safety, which is what the Bill purports to do, and in that way Grenfell opened the door on many other issues as well. If the speech of the Minister who opened the Third Reading debate was reflected in the Bill, I would be delighted, because he announced it as a tour de force, or a tour de raison, and said that it would resolve all the issues, but it just does not. The Government's approach has been piecemeal. It is the proverbial Swiss cheese, still full of holes, and there is a great lack of clarity. I say that with no pleasure at all. Let me give, in just a few minutes, a non-exhaustive list of the issues that I either still cannot comprehend or know are not properly covered in the Bill.

We started off with the building safety fund applying to buildings over 18 metres tall, and that was extended to one type of cladding, aluminium composite material cladding, and then to another, hydraulic power unit cladding. We have now had a recent announcement from the new Secretary of State—I hope I have understood this correctly—that there will be a request to private developers to provide £4 billion, with a veiled threat of enforcing that in some as yet unspecified way, in order to deal with buildings between 11 and 18 metres. I am not even sure whether this covers all types of cladding and external wall issues. Does it cover wooden balconies or wooden panelling, for example? I do not think that it does.

The issue has been raised several times, including today and in the statement, of non-cladding defects in buildings above 11 metres. I am not clear whether these will all be covered, yet all these things represent clear and present dangers of fire and fire spread. What about tall buildings that are not specifically residential, such as hospitals and hotels, but still pose risk to people, including vulnerable people, who sleep in them? What about buildings below 11 metres, which, either because they are of a particular construction or because of their use—for example, care homes and schools—also pose risk? We have heard nothing of that either.

This is an example from my own borough, and it is not a rare example. There are often developments where there are interlinked buildings above and below 18 metres. What has often happened is that, quite rightly, the landlord has got on with remedial works, probably because they have to do so in order to apply to the building safety fund within the time limit. They have obviously

also done work on parts of the structure below 18 metres, but now they are told that leaseholders will not be able to recover the funds. That is a Catch-22 that has not been addressed in the Bill.

Earlier we touched on the issue of social landlords and tenants, and on the fact that they are both being made to pay through the nose. That money is coming out of those landlords' other funds, which would otherwise be used for new home developments or the repair, maintenance and management of existing homes, and there has not been a clear response from the Government on that either.

My hon. Friend the Member for Poplar and Limehouse (Apsana Begum) and the hon. Member for Harrow East (Bob Blackman) spoke of the fact that, every day, planning applications are going forward that do not comply with best practice. We heard the extreme example of blocks over 50 storeys tall that have a single staircase. What about the issue of stay put evacuation policies? What about alarm systems? What about sprinkler systems? What about ensuring, as I mentioned in dealing with electrical safety matters earlier, that all dwellings in a high-rise block are dealt with equally? Those are all pregnant questions, which I do not see being answered in the Bill at all.

Until we start to deal with this issue comprehensively, the Bill will only begin to scratch at a real problem. Yes, it is a real problem. I do not say it is a party political problem; it has developed over many decades. I think we are all shocked to find out that building standards are so low in this country, but now we know that, we have to do something.

My final plea is this: can we have transparency from the Government? I have followed organisations such as openDemocracy. Ever since Grenfell, a whole series of freedom of information requests have been resisted and pushed back, first through the inquiries unit in the Cabinet Office, and secondly through the now notorious clearing house that used to be run by the Secretary of State for Levelling Up. Last Friday, I saw an article published by openDemocracy that showed that they are still doing this—they are still trying to withhold information that is being legitimately requested. The irony is that the person to whom they went for assistance on how to withhold that information was a lady called Sue Gray. I hope that the practice of advising colleagues on how not to be frank and full in displaying information on such a subject will not carry over into other aspects of her work, but that is one further illustration of how we are so far away from dealing with this problem. I cannot sleep easily at night knowing that my constituents cannot sleep easily at night because the risk to them of, at worst, a repetition of Grenfell, or of something less dramatic but still problematic, is still there and has not been addressed by the Government over the last five years.

6.23 pm

**Mr Betts:** As my hon. Friend the Member for Luton South (Rachel Hopkins) said, the Bill is a response to Grenfell, and the intention must be to make sure that such a tragedy never happens again. That is a clear objective that everyone can share.

The Bill before us is welcome. It does many good things, and I would like to think that the Levelling Up, Housing and Communities Committee has helped in

the process. We have had five inquiries and five reports, which I think have pushed the Government in the right direction, although probably not as far as we would want them to go in some respects. Certainly, the provision of funds for cladding removal, the initial move on the ACM cladding, the £1 billion and the extension of the building safety fund to £5 billion have all been welcome. That is something the Select Committee has recognised. Nevertheless, we are still in an imperfect position—we hope it is a position in progress, as the Minister has explained. I still want to see the objectives that I set out earlier to be met: that leaseholders, who are not responsible for these mistakes, should not have to pay; that tenants, who are not responsible, should not have to pay; and that there should not be cuts in the social house building programme to pay for this.

We welcome the Secretary of State's recent announcement, and we are going to hold a short inquiry—it will be short in how quickly we are going to do it, but not short in the detail—to follow up on it. We join the Secretary of State and the Minister in wanting to ensure that those responsible for these defects are held to account and that the whole of the construction industry, in its widest sense, including product manufacturers, insurance providers and everyone else, ultimately has to pay for these costs. That is absolutely right.

To summarise, as the Minister rightly said, we are not, on Third Reading, at the end of the process, but at the end of the beginning. I welcome the Government's and the Minister's commitments to bring the issues back to this House for detailed consideration once they have been considered in the other place.

Two other issues need to be addressed in due course. We cannot legislate for one of them, as Dame Judith clearly identified: regulation is important, but there has to be a complete change of culture in the construction industry. The objective of that industry for too long has been to get around regulation; whatever regulations are in place, it has found ways to avoid them and to cut corners. That cannot continue, and that is a major challenge; we share the challenge but this is going to be very difficult to achieve. Parts of the industry have woken up and recognised this, but other parts hope that this will all go away and they can carry on as before. That cannot be allowed to happen.

Finally, let me return to the comments made by the Father of the House, who has done magnificent work in pushing the case for leaseholders and leasehold reform. After we have, as we hope to do, got this Bill and subsequently the Act into a form that we can all thoroughly support, we will then move on to dealing with the issue of leasehold reform in full. I offer again to the Government the Select Committee as a way to look at that proposed legislation in draft form. It is going to be complicated and detailed, but I think there will be cross-party support in principle for it. So I hope that the Government will look at bringing that forward in draft form. We will look at it and scrutinise it rapidly but thoroughly in the Select Committee. By doing that, we can make that also a better piece of legislation.

6.28 pm

**Christopher Pincher:** Given all I said previously, I would not want to be accused of detaining the House and the swift passage of the Bill, beyond simply saying

[Christopher Pincher]

thank you to everyone at the Department for Levelling Up, Housing and Communities, particularly my officials who are in the Box and several who are not, and Lord Greenhalgh, who have worked so assiduously to bring the Bill to its current stage, where we can all agree to it today. I also wish to thank the Chairman of the Select Committee, the hon. Member for Sheffield South East (Mr Betts), for his help and support, and we look forward to further collaboration with the Committee.

I congratulate all Members from across the House for their campaigning zeal: the Father of the House, my hon. Friend the Member for Worthing West (Sir Peter Bottomley); my hon. Friend the Member for Stevenage (Stephen McPartland); my hon. Friend the Member for Eastbourne (Caroline Ansell); the right hon. Member for Leeds Central (Hilary Benn); the hon. Member for Vauxhall (Florence Eshalomi); and many others who have worked so very hard to on behalf of their constituents to make sure that their concerns are addressed. I am glad that we are able to support the Bill tonight, and I wish it well on its swift passage to the statute book.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

#### BUSINESS OF THE HOUSE (TODAY)

*Ordered,*

That, at this day's sitting, the Speaker shall put the Question necessary to dispose of proceedings on the motion in the name of Mr Jacob Rees-Mogg relating to Committee on Standards not later than one hour after the commencement of proceedings on the motion for this Order; proceedings relating to the motion on Committee on Standards may continue, though opposed, after the moment of interruption; and Standing Order No. 41A (Deferred divisions) shall not apply.—(*Amanda Solloway.*)

#### Committee on Standards

6.30 pm

**The Leader of the House of Commons (Mr Jacob Rees-Mogg):** I beg to move,

That this House—

(1) approves the Fifth Report of the Committee on Standards, HC 1036;

(2) endorses the recommendations in paragraphs 78 and 79; and

(3) accordingly suspends Daniel Kawczynski from the service of the House for a period of one sitting day, on Thursday 20 January.

Today's motion follows the publication of the Committee on Standards' fifth report of this Session. The report was agreed by the Committee and published on 13 January 2022. The Government have sought to schedule a debate as soon as possible, as is the usual practice.

It is always regrettable when a motion such as this is before the House. The matter has been investigated by the Parliamentary Commissioner for Standards, and now reported on by the Committee on Standards. I thank the Commissioner and the Standards Committee for producing this report. The motion endorses the recommendations of the Committee, and proposes that my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) be suspended from the service of the House for one sitting day.

I commend the motion to the House.

6.31 pm

**Sir Bernard Jenkin** (Harwich and North Essex) (Con): I hope the House will forgive me if I detain the House for a few moments while I explain a bit about this report, because it is the first time that a case of this nature has come before the Committee and been adjudicated upon. Normally it would be the Chairman of the Committee who would be speaking in this debate on behalf of the Committee, but the hon. Member for Rhondda (Chris Bryant) is on a Select Committee visit with the Foreign Affairs Committee and therefore cannot be here. I am speaking in his stead.

The House, as my right hon. Friend the Leader of the House said, always finds these occasions somewhat uncomfortable and there is an understandable wish to dispose of this motion without undue fuss and move on as quickly as possible. However, there are some important points surrounding this case which must be made, and I hope all hon. and right hon. Members will wish to understand these issues. The first is that the House has committed itself to supporting the new independent system for dealing with bullying and harassment—the independent complaints and grievance system. The ICGS has only recently been set up.

Independent is the key word. Dame Laura Cox, in her 2018 report on bullying and harassment of House staff, recommended that Members of Parliament should not be involved in adjudicating on their own colleagues accused of these very serious offences. The House agreed, and we now have a system of independent helplines, investigation and ultimately adjudication. The Committee on Standards, and MPs in general, quite rightly no longer have a role in deciding on bullying and harassment cases. ICGS cases are heard by the independent expert



panel, known as the IEP. This is chaired by a very distinguished former Appeal Court judge, Sir Stephen Irwin, and he is supported by other experienced jurists. The House has also approved Standing Orders, which means that the House votes on any motion to suspend a Member without debate. This is the system that led the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) to be required to apologise in the original case. However, the Standards Committee and the House still have our role overseeing the House of Commons code of conduct. It is a breach of the Commons code if it appears that an ICGS sanction has not been complied with, and that is what the present case was about.

The hon. Member for Shrewsbury and Atcham—my hon. Friend—was found by the Parliamentary Commissioner for Standards to have breached the ICGS rules for having bullied two members of Commons staff. The hon. Member did not appeal against that finding. A sub-panel of the IEP imposed the sanction that he should apologise in the House. He appealed against the sanction, but a separate sub-panel upheld it. The hon. Member—my hon. Friend—accordingly made the apology on 14 June 2021. Unfortunately, on the same day, before the publication of the report, he broke the embargo by giving a radio interview and by speaking to a newspaper. He made comments suggesting that he was only apologising because he was being forced to apologise, and which suggested that his apology was not sincere. He further challenged the legitimacy of the system and indirectly identified the original complainants, despite having been warned not to do so. That was in direct breach of undertakings that he had previously given to the IEP.

What my hon. Friend did was equivalent to showing contempt of court. It was a very serious attempt to subvert the system that the House so recently established. It was an attempt to not only undermine the credibility of the original complainants, but, if left unaddressed, discourage anyone who might be contemplating making a future complaint about bullying.

The IEP chair rightly referred the matter to the Parliamentary Commissioner for Standards as a serious breach of the Commons code. The commissioner investigated the report and reported to the Standards Committee, finding that my hon. Friend had failed to comply with the IEP sanction, which was that he should unequivocally apologise. She also found that he had breached other undertakings and concluded that he had therefore brought the House into disrepute.

The Standards Committee has upheld the commissioner's findings. Our report made it clear that we consider it to be a very serious breach of the rules. By endorsing our report, the House sends a clear message in this first case, not just that bullying and harassment will not be tolerated, but that legitimate complainants will be supported and that anyone who seeks to undermine the ICGS will be sanctioned.

The Committee decided that the appropriate sanction for the breach of the Commons code would be a suspension from the House for a significant period. In this case, however, the Committee considered that there were significant mitigating factors. Once my hon. Friend was confronted by what he had done, he co-operated fully with the commissioner and the Committee. He apologised to the Committee and apologised unreservedly for his conduct on 14 June 2021, as he did earlier today.

We accept that he may have been triggered, as the term suggests, into that conduct by a prior leak of information about his case on the internet on 14 June.

We accept that my hon. Friend has been sincerely attempting to understand the causes of his poor attitude and behaviour and is seeking to address them. The Committee felt that he has made progress in self-understanding but that he has more work to do in cultivating empathy and a real ability to understand how bullying affects its victims. He has been candid in discussing with the Committee his own mental health issues.

We recommend that my hon. Friend is suspended for just one day, but we point out that there would have been a much longer period of suspension if it had not been for those mitigating circumstances. We have also required him to apologise for his conduct both orally in the House and in writing to those he has offended.

As I said, this is the first such referral to the Committee. It is an opportunity not just for my hon. Friend but for the whole House to learn that deriding or undermining the ICGS is a serious breach of the Commons code of conduct and is morally wrong. Any future such breach is likely to be met with a more significant period of suspension. With regret, I urge the House to support the motion.

6.38 pm

**Thangam Debbonaire** (Bristol West) (Lab): I begin by thanking the Parliamentary Commissioner for Standards, my hon. Friend the Member for Rhondda (Chris Bryant), and the hon. Member for Harwich and North Essex (Sir Bernard Jenkin) for his wise and measured words. He did the Committee on Standards proud in how he represented its findings; I have read the report many times. I also thank the other members of the Committee, the Clerks and the other staff involved in the report and the process that came before it for their diligent work, well-evidenced findings and fair recommendations.

I agree with the Leader of the House and the hon. Member for Harwich and North Essex that it is never enjoyable to have to stand up and respond on a motion to sanction a Member or Members. It is disappointing for us all. It does us no good and it does no good to the reputation of this honourable place in which we are all proud to serve—including, I am sure, the Member concerned.

Depending on the reaction of that Member, or others in other cases, there is a risk of undermining the rules by which we should be proud to be bound and the processes set up to assess and enforce them. I believe that most Members do abide by that code, as well as by the standards in public life, on a daily basis. We all know that codes of behaviour and standards in public life matter for us. In a democracy, there is perhaps nothing we should be more proud of than our ability to serve our constituents not for political ends, but for public service ends, according to the codes—the parliamentary code of conduct and the ministerial code.

Our staff—the staff of this House—deserve to know that we will abide by this system and that we enter into that contract freely and willingly. The public also deserve it. They should be able to see us as public servants who value the opportunity to live out those high standards. We should always welcome and applaud those who are

[Thangam Debbonaire]

involved in the systems that are designed to assess those standards. To that end, I encourage all Members to take part in the live consultation on our code of conduct by the Committee on Standards.

I will not repeat what the Leader of the House and the hon. Member for Harwich and North Essex have said about this case. I have read the report and it is disappointing that a Member of this House appeared to show such a disregard not just for the rules of this place, but for the feelings of the other people involved and the impact of his behaviour on them.

However, this case also illustrates that the system is working. The fault was picked up, a further assessment was made, and today the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) apologised to the House, as was recommended. It appeared to me that his apology was genuine and sincere. I trust him to make amends and to make the behaviour changes that are needed to rebuild the trust that everybody—his colleagues and the staff—wants to have in him. I am assured by what the hon. Member for Harwich and North Essex said that he is making those behaviour changes. I wish him well in that process. I hope he knows that the whole House is willing him to succeed, and that we will assist—every one of us—wherever we can.

It is unfortunate that the last time we debated a Standards Committee report and sanction, the Government led the charge against the sanction. It appeared that they were attempting to rip up the standards system. That did not go well and I am pleased that today's motion was presented unamended. I welcome that and am relieved to see it, because it seems as though the Government have changed their attitude and will join me in welcoming the review of the code of conduct being carried out by the Standards Committee. I am glad that the sanction includes the condition that the suspension must not fall on a Friday. That is a mistake that, whatever the reason, should not be repeated.

This is a refreshing change. I support the Government in moving the motion and I value the opportunity to speak—thank you, Madam Deputy Speaker. I wish the hon. Member for Shrewsbury and Atcham well in his process of change, and I ask all right hon. and hon. Members to ensure that we always do everything we can to live out the high system of standards that the public and our staff have a right to expect.

6.42 pm

**Pete Wishart** (Perth and North Perthshire) (SNP): I echo the words of the shadow Leader of the House in congratulating the Parliamentary Commissioner for Standards, the ICGS and the IEP. I thank the hon. Member for Harwich and North Essex (Sir Bernard Jenkin) for the way in which he presented the case of the Standards Committee. All his comments were welcome and I am grateful for them.

It is good to see that this motion will pass more seamlessly and with a little less fuss than the last motion that the Standards Committee brought to the House in November. I think the Government have learned the lessons of that bitter experience. I hope we will never ever see another attempt to overturn the verdict of our Standards Committee. I remember only too well that

day in early November when the last Standards Committee motion was brought to the House, and the sequence of events that followed has led to the Prime Minister fighting for his political life today. The Government thought that they could reinvent the Standards Committee; I am grateful that that opportunity has passed by and that we are examining what the Standards Committee does properly.

The hon. Member for Bristol West (Thangam Debbonaire) is right to mention the ICGS, which has been a huge success for the House. The conclusion of this case demonstrates that it is working well. We have to ensure that staff feel confident to raise issues with the ICGS. They must know that these people will be on their side and make sure that they are listened to, and that any complaint they bring forward will be taken seriously. That is very welcome.

I do not want to go into the behaviour of the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) too much. It is all documented and nothing needs to be added to what the hon. Member for Harwich and North Essex said. I am relieved that a fulsome apology was made today, and the House welcomes it. We recognise that the hon. Member for Shrewsbury and Atcham has had difficulties, but there can never be any excuse for bad behaviour towards the staff of the House, regardless of the situation and condition in which hon. Members find themselves. The staff of the House are here to serve us, and they do their best to accommodate us and to ensure that we are able to do our job in this Chamber and in representing our constituents. Taking out any sort of ill effect or bad temper on the staff of this House should be suitably punished, and I am glad that has been the outcome.

I hope the hon. Gentleman has learned from this experience, and I hope members of staff now feel confident in the process for properly raising complaints and are confident that such complaints will be listened to and addressed. I hope we do not see many more examples. Along with everybody else, I am prepared to let this matter lie. Let us move on.

*Question put and agreed to.*

## Business without Debate

### CHARITIES BILL [LORDS]: COMMITTEE

*Motion made, and Question put forthwith (Standing Order No. 9(6)),*

That the Charities Bill [Lords] Committee shall have leave to sit twice on the first day on which it shall meet.—(Nigel Huddleston.)

*Question agreed to.*

### DELEGATED LEGISLATION

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

#### CHANNEL TUNNEL

That the draft Train Driving Licences and Certificates (Amendment) Regulations 2022, which were laid before this House on 2 December 2021, be approved.—(Amanda Solloway.)

*Question agreed to.*

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

## DATA PROTECTION

That the draft Data Protection Act 2018 (Amendment of Schedule 2 Exemptions) Regulations 2022, which were laid before this House on 10 December 2021, be approved.—(*Amanda Solloway.*)

*Question agreed to.*

## European Court of Human Rights

*Motion made, and Question proposed,* That this House do now adjourn.—(*Amanda Solloway.*)

6.46 pm

**John Howell** (Henley) (Con): It is a great pleasure to have the Adjournment debate tonight. I am the leader of the UK delegation to the Council of Europe, but I will not be commenting on the consultation recently launched by the Lord Chancellor as it is largely a domestic issue. I will be considering the European Court of Human Rights from the Strasbourg end.

I am not from the wing of my party that believes we should pull out of the European Court of Human Rights, and I do not have an isolationist perspective that we should simply go it alone and ignore anything the Court says. The purpose of this debate is to consider how the Court can be reformed to make it better for people right across Europe, to make it more useful, to make its judgments more relevant and, above all, to make sure its judges show the same degree of integrity for which British judges are famous.

The UK has a key role in taking this forward. This is not about judgments but, among other things, it is about judges. The key question for the Government is whether they will support me, as the Secretary of State for Justice suggested, in the reforms about which I have already begun to have conversations in Strasbourg.

**Jim Shannon** (Strangford) (DUP): I thank the hon. Gentleman for securing this debate and for all that he does in his role at the Council of Europe, of which the UK is a member. Does he agree that, although we have left the European Union—there is still some fragility in relation to that—it is crucial that the UK continues to play a part in the Council of Europe to ensure that human rights cases, in which he is particularly interested, are dealt with properly and that countries such as Russia, which has the most cases brought against it, are held to account? Does he agree that is important?

**John Howell:** I agree, and I will address the enormous number of cases involving Russia. The order of countries with the most cases before the European Court of Human Rights is: Russia, Turkey and Romania. We are nowhere on that list, but it is important for us to concentrate on it.

I shall turn first to the question of judges. The Parliamentary Assembly of the Council of Europe elects the judges of the European Court of Human Rights. This immediately brings into question whether there should be a balance between the democratic legitimacy provided by us electing those judges and the political process. That question has been asked not only by us in Europe; it is always being asked in the USA. The politics of judges are not declared on their curriculum vitae, but everyone knows the political background of each candidate, and the voting for or against them is very much on party lines, as you will remember, Madam Deputy Speaker, from your time on the Council of Europe.

According to the European convention on human rights, judges must

“be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence.”



[John Howell]

To ensure that these standards are met, there are two phases to the election process. The first phase is a national selection procedure, in which each state party chooses a list of three qualified candidates. The second phase is the election procedure undertaken by the Parliamentary Assembly of the Council of Europe, in which parliamentarians assess the qualifications of the three candidates before voting to decide which one should become a judge. A fair and transparent process is called for throughout the entire operation. All candidates must have appropriate legal qualifications and experience, but the judge need not be a judge in their own country, and it is possible for politicians and civil servants to be appointed as judges. This happens frequently. In the UK, where judges are appointed and progressed through the judicial rankings based on merit and with political bipartisanship, this concept can be difficult to understand.

At this point, I should like to praise our own judge there, Tim Eicke QC. He is qualified in at least two systems of law, he is genuinely independent, and a fair process was used to appoint him. He has gone out of his way to give support to the Parliamentary Assembly, and we have had a number of discussions with him. I pay him the greatest possible compliments for the work that he does in the Court.

A recent report shows that at least 22 of the 100 permanent judges who have served on the European Court of Human Rights between 2009 and 2019 are former officials or collaborators of seven non-governmental organisations that are highly active before the Court. Since 2009, there have been at least 185 cases in which at least one of these seven NGOs was officially involved in the proceedings. In 88 of those cases, judges sat in a case in which the NGO with which they were linked was involved. For example, in one case before the Court, 10 of the 16 applicants were NGOs funded by the one NGO that looked after them, as were six of the NGOs acting as third parties. Of the 17 judges who have sat in the Grand Chamber, six are linked to the applicant and intervening NGOs. From 2009 to 2019, there were only 12 cases in which a judge withdrew from a case apparently because of a link with an NGO involved in the case. This situation calls into question the independence of the Court and the impartiality of the judges, and it is contrary to the rules that the ECHR itself imposes on states in this area.

Particular attention should be paid to the choice of candidates for the posts of judges. A mechanism is needed for avoiding the appointment of political activists, not only to the office of judge, but as Court jurists. Links between NGOs, lawyers and applicants should be made visible by asking them to indicate in the application form whether they are accompanied in their efforts by an NGO, and to mention its name. This requirement would improve the transparency of the proceedings, both for the Court and for the respondent Government. The future of the convention system rests on this, as:

“The quality of judges and members of the Registry is essential to maintaining the authority of the Court and therefore also for the future of the Convention mechanism.”

I emphasise that it is the quality of the judges that is crucial to the future of the system.

We all know that NGOs have a strong political or ideological character, which in itself should be seen not as an advantage, but as an obstacle to appointment to the Court. To this end, candidates for the office of judge should have the obligation to declare their relationships with any organisation that is active at the Court. Also, the Parliamentary Assembly should be given sufficient means to carry out a proper assessment of candidates before the election. The current arrangement does not allow for in-depth discussion, although there is a separate Committee set up on which a number of Members of this House serve.

The current publication of the summary of judges' curriculum vitae could be complemented by a simple thing: a declaration of interests. The demand for declarations of interest and their publication is growing, as they constitute one of the main measures to prevent conflicts of interest. Such a declaration has been imposed on all French magistrates since 2016. In the United States, members of the Supreme Court are subject to a declaration of interests, updated each year and made public, which notably mentions the advantages or gifts received during the previous year. A similar requirement should be put in place if we want the quality of judges of the European Court of Human Rights and the whole structure to be in line with what we expect it to be.

Some work also needs to be done on formalising withdrawal procedures. Any judge who, in a particular case, has doubts as to the requirements concerning him or herself on the principles of judicial ethics should have the obligation, and no longer only the option, to inform the President of the Court. The Court should inform the parties in advance of the composition of the formation of the panel that will decide their case, in accordance with the principle of publicity of the proceedings provided by the convention itself, in article 6. In its current practice, the Court deprives the parties of the possibility of requesting the withdrawal of a judge, as it only informs them of the identity of the judges when the judgment is published. There are exceptions to this, where the case is tried in public hearing or in the Grand Chamber, but most cases are not so tried, so the ability of the person bringing a case to challenge a judge for his or her association with an organisation such as an NGO is removed. A party cannot generally effectively request the withdrawal of a judge, which I think is very sad.

Finally, I want to turn to the Brighton declaration to see whether it might be able to help. It was produced towards the end of our chairmanship of the Committee of Ministers, not long after I entered the House, although I was not involved in the Council of Europe at that time. The declaration covered the future of the European Court of Human Rights. It opened with a general reaffirmation of our

“deep and abiding commitment to the Convention”—[*Interruption.*]

7 pm

*Motion lapsed (Standing Order No. 9(3)).*

*Motion made, and Question proposed,* That this House do now adjourn.—(*Amanda Solloway.*)

**John Howell:** I am sorry that I was so carried away, Madam Deputy Speaker, that you had to cough to attract my attention.

Now I have lost track of where I was—[HON. MEMBERS: “Brighton!”] Yes, Brighton.

The aim of the Brighton declaration was to secure rights and freedoms as defined in the convention. It also recognised the fundamental principle of subsidiarity. That may have been one of the first occasions on which the term “subsidiarity” was used to describe a European institution. It would be typical of the EU to steal that, as it stole the flag of the Council of Europe and the anthem as well—but we can consider that on another occasion.

The declaration contained specific practical measures designed to enhance the role of national Parliaments in ensuring effective implementation, such as their being offered information on the compatibility of draft primary legislation with the convention—I, and, I am sure, all other Members, have seen the use of those measures in the context of legislation that we consider and how we go about implementing it—and it encouraged the facilitation of the important role of national Parliaments in scrutinising the effectiveness of the measures taken by Governments to implement judgments of the Court. However, while those measures are welcome, the declaration failed to address the key points that I have mentioned—for instance, the point about reform of the judges. I suspect that that is because there is such a vested interest in that regard, and that reform will therefore prove to be a long task; I hope that I will continue in my current role for long enough to be able to perform it. The changes that were proposed in the declaration were relatively technical and uncontroversial in nature.

It would be more useful for me to address some of the issues that are likely to come up under the consultation, which I said I would not cover in my speech. Let me now say that I lied about that, and touch on a few of them. They include the ability of individuals to obtain practical and effective access to the Court, and the relationship of the Court to the member states which are part of it. The declaration gave a strong commitment to the convention without tackling the crucial issue of the election of judges. I return to what I said about the quality of those judges being essential to the future of the Court and of the convention system.

Those are all important things to discuss, but if we get too far into them without tackling the problem of the judges and the mechanics of the Court, we miss a trick—here I repeat what I said at the beginning of my speech: we, as the United Kingdom, have a great deal to offer because of the standards of our judicial system and our experience—because we miss the opportunity to reform the Court not just for our benefit, but for that of people throughout Europe.

I will leave the House with one important statistic that I have already mentioned in response to the hon. Member for Strangford (Jim Shannon). The countries with the most cases against them are Russia, Turkey and Romania. The UK has very few cases against it. Everybody remembers votes for prisoners because over the time that I have been in Parliament that is the one major issue that has come to the House. That gives us a good chance to implement change that is clean and for the greater benefit. I hope that, with the help of the Ministry of Justice, I will be able to carry that out in Strasbourg, hopefully with the agreement of all the other member countries that elect judges to the European Court of Human Rights.

**Madam Deputy Speaker (Dame Rosie Winterton):** I call the Minister, James Cartlidge.

7.5 pm

**The Parliamentary Under-Secretary of State for Justice (James Cartlidge):** As ever, Madam Deputy Speaker, it is a pleasure to see you in the Chair for the Adjournment debate, especially as you served on the Parliamentary Assembly of the Council of Europe as recently as 2017, as my hon. Friend the Member for Henley (John Howell) observed.

I congratulate my hon. Friend on securing this important debate and on the quality and detail of his speech. I value his insight into the problems that face the Strasbourg Court given his twin roles as chair of the UK delegation to the Parliamentary Assembly of the Council of Europe and vice-president of the Assembly. I commend his work in both roles: he and the rest of the delegation do a fantastic job representing our Parliament in Strasbourg.

My hon. Friend is widely recognised at the Assembly as a champion of democracy and transparency, the latter of which is particularly central to the debate. To highlight just one of his achievements in Strasbourg, he co-authored two important reports that pointed out issues affecting the rule of law and democracy in Turkey. The reports led to the Assembly’s adopting two resolutions, the most recent of which was adopted in April last year and called on Turkish authorities to take steps to address the issues that my hon. Friend had raised, including the need to refrain from incriminating, prosecuting and arresting peaceful demonstrators, students and LGBT people.

I mentioned transparency; in June last year, my hon. Friend supported the motion introduced by one of his co-delegates, my hon. Friend the Member for Bridgwater and West Somerset (Mr Liddell-Grainger), that called on the Assembly to set up a transparency register to address concerns about the influence of some NGOs in the Assembly’s decision-making processes. I heard the similar concerns that my hon. Friend expressed in respect of the Strasbourg Court and will in a moment touch on the issue of the selection and election of judges to the Court, which made up much of the substance of his speech.

The Council of Europe, and the European Court of Human Rights in particular, has played a leading role in the protection and promotion of human rights across our continent. The Court now has jurisdiction in respect of no fewer than 47 countries and is widely recognised as one of the most successful regional human rights courts in the world.

The UK, of course, has a long-standing tradition of ensuring that rights and liberties are protected both at home and abroad and, as my hon. Friend knows, was instrumental in the drafting of the European convention on human rights and in the setting up of the Council of Europe, the primary statue of which is still known as the treaty of London.

As we have previously assured the House, the Government are wholeheartedly committed to remaining party to the ECHR and will ensure that our obligations under it—including those relative to the execution of judgments of the Strasbourg Court against the UK—continue to be met. It has long been a UK objective to strengthen the Strasbourg Court and the convention

[James Cartledge]

system, both to improve the efficiency of the European Court of Human Rights in the light of its continued backlog of pending applications and to ensure that it can focus on the most important cases before it, underpinned by the principle of subsidiarity to which my hon. Friend referred in detail.

It is true that the Court, having become a victim of its own success, continues to face significant challenges, with its case load having grown exponentially in the past 20 years. As a way to address this, in 2010 ECHR state parties adopted the Interlaken declaration, a 10-year programme of work known as the Interlaken process that set out to reduce the Court's backlog of cases and allow for all cases, especially those that concern serious violations of human rights, to be adjudicated within a reasonable time. That was followed in 2012 by the Brighton declaration, which was adopted under the UK's chairmanship of the Council of Europe's Committee of Ministers.

As my hon. Friend will recognise, the UK has been at the forefront of efforts to reform the Strasbourg Court following the Interlaken declaration, and the Brighton declaration went further than Interlaken in a number of respects. Notably, it called for the stronger application of the principle of subsidiarity and the doctrine of the margin of appreciation. Those calls were, of course, aimed to address the Court's growing case load, but they also served as a reminder of the paramount role of national courts in the enforcement of human rights.

One of the major achievements of the Brighton declaration was protocol No. 15 to the convention, which came into force in August 2021. Not only does protocol No. 15 add the principle of subsidiarity and the margin of appreciation to the preamble of the convention, but it will improve the efficiency of the Strasbourg Court by shortening the time limit for applications, ensuring that all applications have been duly considered by domestic courts and ensuring an appropriate upper age limit for judges, so that they can serve for the full term of their tenure and provide continuity to the Court. We also welcomed the adoption in 2018 of the Copenhagen declaration, which carried forward some of the initiatives begun in Brighton.

Although it can be said that the Interlaken process has been partly successful—the number of applications pending before the court in January 2021 was 62,000, which is down from a record high of just over 150,000 applications in 2011—the Court's caseload is still stubbornly high and some other issues remain. Although state parties agreed in November 2020 that no comprehensive reform of the convention was needed, there was a recognition that further efforts should be pursued, and I very much agree with that assessment.

My hon. Friend has already alluded to a specific area that is worth highlighting: the selection and election of judges to the Strasbourg Court. In my view, it is crucial that judges in Strasbourg are of the highest calibre possible and independent from any political influence, as we aim to have in our system in the UK. As my hon. Friend has already mentioned, judges are elected by the Parliamentary Assembly of the Council of Europe, as stipulated by article 22 of the convention. As part of that, the advisory panel set up in 2010 gives a non-binding

opinion on whether countries' candidates for judges, provided as a shortlist, meet the necessary criteria set out in paragraph 1 of article 21 of the convention.

I am aware that the panel is one way in which the Council of Europe has tried to improve the standard of judges elected to the Strasbourg Court in recent years, with the aim of increasing confidence in its judgments. However, consideration must be given to whether the process undertaken by the advisory panel is sufficiently robust to ensure that all candidates meet the requisite suitability criteria. I particularly note the concern raised by my hon. Friend about the calibre of some candidates put forward and their affiliations, be they political activists or academics who have limited experience in the practical application of the law. I would therefore welcome the Parliamentary Assembly's exploring ways in which to share best practice with state parties to assist in that regard.

**John Howell:** Is my hon. Friend aware that Russia recently put forward three Russian candidates to be judges? They were considered so inadequate that even the committee responsible for them sent them home without seeing them.

**James Cartledge:** My hon. Friend makes an excellent point. Russia has already had quite a lot of mentions in the debate. I am sure that will continue on matters affecting the ECHR, but as I said, we need to look at the issue of judges, which was such an important part of his speech.

I am particularly pleased that, at our Government's request, state parties have agreed to ask the Steering Committee for Human Rights to take a further look at the effectiveness of the system for the selection and election of judges at the Strasbourg Court. The report will also look into the need for additional safeguards to preserve their independence and impartiality, and it may well explore some of the areas of concern raised by my hon. Friend. I know the committee will undertake other important work concerning reforms of the Strasbourg Court, including a review of the first effects for protocol No. 15 to the ECHR.

Although the focus of the debate has quite rightly been on reform at Strasbourg level, it is worth noting that our proposed reforms of the Human Rights Act 1998 should help to address the systematic reliance on Strasbourg jurisprudence by our domestic courts. Among other measures, we are consulting on options for reform of section 2 of the Human Rights Act that will emphasise the primacy of domestic precedent. These options will set out a broad range of case law, including, but not limited to, Strasbourg jurisprudence that UK courts may consider.

As the title of the debate is "European Court of Human Rights: Reform", let me sum up by reiterating the UK's commitment to its obligations under the European convention on human rights and that we will continue to abide by the Court's judgments. We will continue to work with our Council of Europe partners to pursue ongoing reform of the Court, both to improve the Court's efficiency in the light of its large backlog of pending applications and to ensure that it can focus on the most important cases before it, underpinned by the principle of subsidiarity.



I thank my hon. Friend for securing this important debate. He put his case eloquently and in great detail, and I pay tribute to him again for his work. Thank you, Madam Deputy Speaker, for allowing me to respond for the Government.

*Question put and agreed to.*

7.14 pm

*House adjourned.*



# Westminster Hall

Wednesday 19 January 2022

[JUDITH CUMMINS *in the Chair*]

## Taylor Review of Modern Working Practices

9.30 am

**Judith Cummins (in the Chair):** Before we begin, I remind Members that they are expected to wear face coverings when they are not speaking in the debate; this is in line with current Government and House of Commons Commission guidance. Members should leave the Chamber by the back entrance and remain safe at all times, keeping a distance.

**Mr Tanmanjeet Singh Dhesi (Slough) (Lab):** I beg to move,

That this House has considered the matter of implementing the Taylor Review of modern working practices.

It is a pleasure to serve under your chairship once again, Mrs Cummins. I am grateful to have secured the debate, and I welcome right hon. and hon. Members here today to discuss the Taylor review and employment rights.

“Good work: the Taylor review of modern working practices” was published on 11 July 2017, just a month after my election to this House—a most auspicious day—almost five years ago. What do the Government have to show for it? One would think that during that time workers’ rights would have been transformed, with Britain leading the way as the best place to work. Sadly, Government progress on the issue over the past five years has been characteristically disappointing—indeed, we have seen the explosion of the gig economy without proper rights or protections, the spread of immoral fire-and-rehire practices, a strained work-life balance, certain rights not given from day one and limited protections for the self-employed. Is that the record that the Minister wants our country to be proud of? The scale of sexual harassment experienced by some of our workforce is shocking: one in two women and seven in 10 LGBT+ workers have experienced sexual harassment at work. It is hardly surprising that we are back here to discuss the lack of progress.

Just seven out of the 53 Taylor review recommendations have been legislated on, even though the Government accepted 51 of the 53. We also have as yet to see the promised but elusive employment Bill. The full subsequent consultations have not had individual responses. Even the initial reaction to the Taylor review at the time was lukewarm. The Trades Union Congress noted that it was

“not the game-changer needed to end insecurity”

in work. Unison called the Government’s response to the review “no good”, saying

“it won’t work and it isn’t a plan.”

Perhaps I was being too optimistic in expecting the Government to act on this growing problem. Regardless, this is something that I cannot help but fight for, because I see the real-life consequences of their abject failures.

**Mike Amesbury (Weaver Vale) (Lab):** I thank my hon. Friend for securing such an important debate; he is making a brilliant speech. I know a number of gas workers, airways workers, and workers in warehouses and distribution centres who are suffering from fire and rehire. Some of them have gone through that process and the painful consequences for their families. Is this not just another example of all rhetoric and no delivery?

**Mr Dhesi:** I thank my hon. Friend, including for his leadership on behalf of his constituents, many of whom suffered from immoral fire-and-rehire practices. Let us not forget that, when my hon. Friend and other Members of this House tried to have that immoral practice banned, the Government blocked that attempt.

In my own constituency of Slough, I have been approached by private hire drivers dismissed without reason, working parents unable to pay their bills and companies underpaying their workers’ agreed wages. That is despite the excellent and enduring work of trade unions—the GMB, Unison, Unite, the Communication Workers Union, the RMT, Transport Salaried Staffs Association, Union of Shop, Distributive and Allied Workers, ASLEF and others—in fighting for the basic rights of their members to be upheld.

I appreciate that the *modus operandi* of the Government has historically been to under-deliver for working people, but, as Matthew Taylor noted, workers should be treated like human beings, not cogs in a machine. Work reflects the kind of society we want to live in, how we build our country’s future, what our priorities are, and the value we place on workers’ mental health. In this constantly evolving world, we cannot accept the status quo. People’s lives and livelihoods are at stake. No doubt the Minister today will hail Government successes on employment and will cite the growing numbers in work, but what we must not lose sight of is the quality of the jobs and not just the mere quantity. That is paramount. Having millions of people in insecure and damaging work is not a success.

Even prior to the pandemic, 4 million workers were in poverty—nearly half in full-time employment, but also in poverty. Will the Minister outline exactly how he plans to address the key issues already identified by the Taylor review?

**Ian Lavery (Wansbeck) (Lab):** I congratulate my hon. Friend on securing this timely debate. The Taylor review was a spectacular failure. We put a lot of store in the Government’s suggestion that it would be a panacea for workers’ rights, but it spectacularly failed. Does my hon. Friend agree with me that since 2017 the Government have shown huge disrespect to the 4 million working people in this country, who still, as my hon. Friend mentioned, live in poverty?

**Mr Dhesi:** My hon. Friend is right. What was considered by the Government to be a panacea has not transpired. In fact, as I mentioned earlier, the unions, the Trades Union Congress and others were not as amenable to what was proposed. Despite that, as I mentioned, 51 of the 53 recommendations were accepted by the Government, so why have so few been legislated for?

The review notes that the

“Government must take steps to ensure that flexibility does not benefit the employer, at the unreasonable expense of the worker, and that flexibility is genuinely a mutually beneficial arrangement.”



[Mr Dhesi]

Under current arrangements, employees often work sometimes double their contracted hours, yet can often be penalised for doing so. There are reports of workers being unable to get mortgages, asked to take holiday time for hours outside of their contracts and having to deal with vastly different weekly payslips.

The Low Pay Commission recommended that the Government ensure that employees have the right to switch to a contract that reflects their normal working hours, so what steps are the Government taking following that? There should be a baseline level of security and predictability for workers, not flexibility that benefits only the employer.

The second issue I want to raise is sick pay. In the UK, we hold the grim record of having the lowest statutory sick pay in Europe. The Government are yet to remove the lower earnings limit from statutory sick pay, and it is still not a basic employment right for all workers, as outlined in the Taylor review. Someone should not have to choose between health and financial hardship, so my question for the Minister is very straightforward: why is that still the case, even after a devastating pandemic?

It is clear that over the past two years the coronavirus pandemic has disproportionately affected some key groups—especially the self-employed, many of whom fell through the gaps of Government support. I will be interested to hear from the shadow Employment Rights Minister, my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders); I am sure the Labour party would ensure that the self-employed could withdraw their labour due to immediate health and safety risks, would strengthen blacklisting protection and would enable a health and safety representative for those workers, ensuring that they have the same protections as the employed. Does the Minister not share those ambitions? Do the Government not want to empower workers' entrepreneurial and independent spirit to create their own work?

Another group acutely impacted were those threatened with fire and rehire, including constituents of mine from Slough who worked for the one in 10 companies that used that abhorrent practice during the pandemic. Thousands of loyal workers were sidelined and at the mercy of inadequate working conditions and protections. We need transformational change, as my hon. Friend the Member for Middlesbrough (Andy McDonald) outlined in his green paper on employment rights: legally redefining the work relationship; ending the qualifying periods before certain rights are granted; tackling discriminatory working practices; and ensuring the safety and security of jobs.

**Ian Lavery:** I refer to my entry in the Register of Members' Financial Interests as a fully paid-up member of a number of trade unions. My hon. Friend mentioned fire and rehire. The Government had a great opportunity only weeks ago to support the private Member's Bill of my hon. Friend the Member for Brent North (Barry Gardiner) regarding fire and rehire. The Government refused to allow that Bill to go forward. What does that say about the Government's intentions for the rest of the Taylor review?

**Mr Dhesi:** What that shows us is that the Government are all talk and no action. On umpteen occasions they have extolled their virtues and what they would be doing—"the party of workers". They are actually acting against the interests of workers through their own actions. Like my hon. Friend, I am a proud trade unionist because it is through collective action that so much can be achieved. Trade unions were promised on numerous occasions that the Government would help workers to get the practice of fire and rehire banned. Despite the private Member's Bill from my hon. Friend the Member for Brent North, that unfortunately did not transpire.

In conclusion, our ambition as a nation should be simple: every working person in the UK should be able to have a job that is fulfilling, pays fairly and provides adequate benefits. That is a straightforward ask, which would not only benefit millions of working people but is the right thing to do, so why are the Government not doing it?

**Several hon. Members rose—**

**Judith Cummins (in the Chair):** Order. I should tell hon. Members that I plan to start Front-Bench contributions at 10.28 am. Please do the maths yourselves when speaking.

9.43 am

**Mrs Maria Miller (Basingstoke) (Con):** It is a great pleasure to serve under your chairmanship, Mrs Cummins. I congratulate the hon. Member for Slough (Mr Dhesi) on securing this really important debate. As he said, it is important because this report was published back in 2017, because we must keep scrutiny strong on progress with employment and because there can be nothing more important to our country at the moment than having a strong economy. The role of workers within that is crucial.

The hon. Gentleman could perhaps forgive me for thinking that the Government have been quite busy since he was elected in 2017. I have the privilege of having been elected a number of years before that. The pandemic and leaving the EU have been quite time-consuming issues. Not only that, but they have changed the very nature of our employment market and economy. It is a strength that we are coming to this afresh, as the economy is recovering very fast from the pandemic, and that we should take a long, hard look at how we can not only bounce back to pre-pandemic levels of work and growth, but also—[*Interruption.*] If the hon. Gentleman would like to intervene, I am happy to give way.

**Andy McDonald (Middlesbrough) (Lab):** I am very happy to intervene. I am interested to hear the right hon. Member describe the Government as being "busy". There is nothing more important than workers' rights, and to think for one minute that they should somehow be relegated is quite frankly a staggering admission from her. Perhaps she would like to reflect upon it.

**Mrs Miller:** I am very glad to have had that intervention because many workers listening to this debate will remember how the Government furloughed many, many thousands of people—not just because it was the right thing to do to protect their jobs, but because it also protected their pay packets. Far from doing nothing, this Government have done more than any other Government in peacetime history to support the workers of this country.

**Apsana Begum** (Poplar and Limehouse) (Lab) *rose*—

**Ian Lavery:** Will the right hon. Lady give way?

**Mrs Miller:** I am looking at the Chair; I might give way one more time. I will give way to the hon. Lady, because the hon. Gentleman seemed to have a few—

**Ian Lavery** *rose*—

**Mrs Miller:** Sorry; I said “the hon. Lady”. The hon. Gentleman should open his ears.

**Apsana Begum:** I thank the right hon. Lady for giving way. She said that the Government have done so much more than any other in peacetime history. However, in 2019 the Government promised that after exiting the European Union they would come up with an employment Bill, but they have not yet done so. Does she agree that there were promises about what would happen once we had exited the European Union and that since then we have seen at least three EU directives—one on zero-hours contracts, another on minimum wage and another on platforming workers—while we fall behind? Yes, we have been in a pandemic, but we are not levelling up. In fact, we cannot keep up with what is happening across Europe on workers’ rights.

**Mrs Miller:** I thank the hon. Lady for her intervention. I share her frustration about not seeing an employment Bill, but given the restrictions that there have been on this place, in terms of debate and people being able to be here, I can sort of understand why. Also, there are the changes that we have seen in the economy, which, as I said, are a result of the pandemic and of leaving the EU.

I can give the Minister the benefit of the doubt as to why the Bill has been delayed, but I want to hear from him today that that delay will not be a moment longer than it has to be; the hon. Member for Slough is right that there are some really important issues that people want to be addressed in an employment Bill. However, before I get dragged down that rabbit-hole, I will gently get back to the topic that we are discussing today, which is, of course, the Taylor review—it is important in itself.

I want to make the context of this debate very clear. When we go back to the documents that the Government produced before the pandemic, it really is quite startling to see what is in them. We have the opening to the Good Work plan, putting forward the consultation on the single enforcement body. The introduction to that document, which of course became available only months or even weeks before we saw a significant lockdown of our economy, referred to the record levels of employment in the UK and wages

“growing at their fastest pace in almost a decade”.

It said that the UK labour market was thriving, which it was. However, we cannot ignore the impact of the pandemic, and we have to put that into the mix today as we consider this really important debate.

The way out of this pandemic is not just about vaccination and boosters, as important as they might be; it is also about getting our economy growing as it was prior to the pandemic, so that we can not only pay for the cost of the pandemic but get back on to the sort of track that the people of this country had become used to under this Government.

The skills of the Great British people are crucial to that economic growth. One of the great successes of this Government has been the ability to bounce back since the pandemic hit its height, but we need to be able to use the skills of the British people to get back once again to the levels of growth that I have referred to.

The Taylor review was all about tackling imperfections in the labour market, which is important not only in its own right but in terms of getting back to those levels of economic growth. Many of the sorts of imperfections that Taylor referred to in his review are, in many ways, being tackled already. I saw that for myself when I visited my local Jobcentre Plus office in Basingstoke. We are not known for high levels of unemployment in Basingstoke, but through the pandemic we saw our unemployment rate double, despite the very significant levels of furloughing that the Government had enabled.

I am delighted to say that as a result of the work of Jobcentre Plus, and the tenacity of the entrepreneurs who live in my constituency, those unemployment levels have halved. The work of organisations such as the M3 Job Club is helping to ensure that people in longer-term unemployment also have opportunities.

**Ian Lavery:** On that point, will the right hon. Member give way?

**Mrs Miller:** If the hon. Gentleman will forgive me, I think the Chair wants to make sure I do not use too much time.

Organisations such as the M3 Job Club can ensure that the long-term unemployed get back into work as quickly as possible, again dealing with some of the imperfections in the labour market. Of course, the Government have set up such schemes around apprenticeships, and on Friday I saw a number of apprentices at my local technical college—Basingstoke College of Technology—who are studying apprenticeships in anything from engineering in F1 motorsport to supply chains in the airline industry. It is extraordinary that the college has got back on track as quickly as it has.

So there are already successful plans in place to deal with some of the imperfections we see around training, age discrimination and worklessness, but we need to ensure we work better, and that is what the Taylor review was all about. The review referred to a number of areas of concern, and in the time available today it is impossible to go into all of them. The ones I will highlight, over and above the ones that the hon. Member for Slough referred to, are maternity discrimination and age discrimination.

The Minister will know my long-term interest in issues around maternity discrimination. The Taylor review rightly pointed out that three quarters of mothers have been subject to negative or discriminatory actions in the workplace. On age discrimination, far too many people, particularly over the age of 50, are not in work. Those issues were not tackled in the Taylor review; they need to be tackled in the Government’s response.

Another area that the Taylor review did not tackle was family-related leave and pay. We know that the inability of fathers in the workplace to take parental leave can directly affect the way women can participate at work. Another area that was not referred to was the use of non-disclosure agreements to cover up wrongdoing

[Mrs Miller]

in the workplace. Will the Minister be tackling those issues in an employment Bill, over and above anything that he wants to tackle from the Taylor review?

Before I close, I want to talk about the single enforcement body, on which the Government issued a consultation back in December 2019. The single enforcement body was at the heart of the Government's response to the Taylor review. It has an important role in tackling the issues I have just outlined, which were not tackled in the way I feel they should have been in the Taylor review. In his response, will the Minister clarify the status of the single enforcement body? Does it remain at the core of the Government's response? When will he look at extending the role of the single enforcement body to cover enforcement of the law that already exists, as well as new laws that might be required around NDAs?

I know that the Minister listens well—he has listened to me talk about these issues on many occasions—and I hope he finds this debate useful in refocusing the Government on what I agree with the hon. Members for Slough and for Poplar and Limehouse (Apsana Begum) is an important issue that we need to tackle here and now.

9.54 am

**Apsana Begum** (Poplar and Limehouse) (Lab): It is a pleasure to serve under your chairship, Mrs Cummins. I congratulate my hon. Friend the Member for Slough (Mr Dhesi) on securing this important debate.

The covid-19 crisis has highlighted the brutal reality of insecure work in the UK and has exposed the systemic failures of the law around worker protections. Far from simply providing flexible jobs with autonomy, the truth is that gig economy employers increasingly trap workers into a dangerous and precarious existence.

Increases in working poverty during the last decade blight our society and reflect the fact that insecure work damages people, their families and their communities. The rise in workplace precarity, zero hours contracts, bogus self employment and contracting out puts workers at risk, and is a threat to our existing health and safety laws and to achieving equal rights at work. In particular, casework in my constituency has emphasised that black, Asian and minority ethnic workers and women workers continue to face a disproportionate burden, working in insecure jobs with fewer rights at work and ongoing pay gaps. However, care workers, drivers and shop workers played a crucial role in keeping society going during the pandemic, and continue to do so.

The principle that everyone has equal rights at work that are guaranteed by law is of fundamental importance to any just society, but, more than that, a thriving and truly democratic economy cannot be created without the full involvement and empowerment of its workforce. The UK Supreme Court's dismissal of Uber's appeal against the landmark employment tribunal ruling that its drivers should be classed as workers, with access to the minimum wage and paid holidays, was a significant step forward, and I hope the Minister will address the importance of that ruling in his remarks. However, it is disappointing that Taylor's proposals maintain the present multiple categories for defining workers, with different rights attaching to each, though renaming some of them. I hope the Minister will also address this

point, with which I will close: would it not be better to create a single status of worker for all but the genuinely self-employed, as captured by Lord Hendy's Status of Workers Bill?

9.56 am

**Mick Whitley** (Birkenhead) (Lab): It is a privilege to serve under your chairmanship, Mrs Cummins, and I thank my good and hon. Friend the Member for Slough (Mr Dhesi) for having secured this important debate. I also draw attention to my entry in the Register of Members' Financial Interests.

The employment landscape has been fundamentally transformed since I first left school aged 15. The shipyards, factories and foundries that once dominated our skyline are all but gone, and today we inhabit a world dominated by Amazon warehouses and artificial intelligence. Gone, too, is the right to well-paid, secure and dignified employment that my generation took for granted. So I welcome the Taylor review's recognition of the need to reform existing working practices. I am also glad to see it call for equal pay for agency staff and sick leave for low-paid workers, which I have no doubt would be warmly welcomed by the over a quarter of a million workers who were forced to self-isolate with inadequate sick pay, or even no sick pay, this December.

But I am afraid that the scale of the challenge before us has not been fully grasped. At a time when millions of people are trapped in a vicious cycle of zero-hours contracts and poverty pay, bold and transformative change is needed: tinkering around the edges simply will not cut it. As a veteran of the labour movement, I know that there is no more powerful vehicle for improving the lives of working people than the unions. Time and time again, research has found that workers in countries with higher trade union density are better paid, happier and more secure in the workplace, but this report fails to afford trade unions the vital role that they must play in building a Britain that works for all. There is no acknowledgment of how reinstating sectoral collective bargaining would help to drive up wages and improve the quality of work. There is no recognition of how trade unions can facilitate the negotiation of fairer working conditions, including a right to flexible working. There is also not a single mention of the urgent need to repeal the draconian Trade Union Act 2016, which has done so much to curtail the ability of unions to stand up for their members.

There are other issues that need addressing. In response to the plague of bogus self-employment, the Taylor review offers a number of solutions, but none goes far enough in guaranteeing workers the security they deserve. As such, I urge the Minister to adopt the Labour party's call to abolish the three-tier system altogether and introduce a single, universal employment status that would grant every worker in the country fundamental rights from day one.

Similarly, when it comes to enforcing employment rights, this report falls short of recommending the establishment of an independent labour organisation with the statutory power to stand up to bad bosses and enforce employment rights and collective agreements, as called for in the Institute of Employment Rights manifesto for labour law. At a time when covid has highlighted the gross inadequacy of the UK's rate of statutory sick pay, I am afraid that the recommendation



for SSP to be accrued based on length of service risks leaving new starters out in the cold if they fall ill.

I understand that the Government plan to adopt the Taylor review as the basis of their future reform of employment law. I look forward to the Minister telling us about those plans in more detail. Any measures, however limited, that give workers greater protections in the workplace ought to be welcomed, but after all that UK workers have gone through to get us through to covid, surely they deserve better. The Government must go further, be bolder and deliver more for the millions of working people struggling to get by in our country.

10 am

**Claudia Webbe** (Leicester East) (Ind): It is a pleasure to serve under your chairship, Mrs Cummins. I congratulate the hon. Member for Slough (Mr Dhesi) on securing this important debate.

As we have heard, the Taylor review of working practices was published in 2017 but the Government have not implemented its many valuable recommendations. I will focus on the recommendation that workers on zero-hours contracts who have been in post for 12 months or more should have the right to request a contract that better reflects the hours they work. Despite the Government's commitment in the December 2019 Queen's Speech to use the then forthcoming employment Bill to introduce a right to request a more stable contract, they have taken no action to protect people on zero-hours contracts.

The most recent data from the Office for National Statistics confirms that 1 million UK workers are on zero-hours contracts, which is higher than pre-pandemic levels. Workers on zero-hours contracts are regularly underemployed, often have to work more than one job and are likely to be constantly searching for new work. That is bad for people's financial security and general wellbeing, as too many are forced to live from pay cheque to pay cheque.

It is no coincidence that the rise in employers exploiting the status of workers has occurred alongside the assault on trade unions. Forty years ago, eight out of 10 workers enjoyed terms and conditions negotiated by a trade union. Today, fewer than one in four workers has that benefit.

According to a joint report from the Trades Union Congress and the equality organisation Race on the Agenda, women of colour are almost twice as likely to be on zero-hours contracts as white men, and almost one and a half times as likely to be on them as white women. Far from providing greater flexibility, zero-hours contracts are trapping women from African, African-Caribbean, Asian and other racialised groups in low pay and insecure work, leaving them struggling to pay bills and plan their lives. That is what institutional racism in the workplace looks like. Indeed, the only flexibility that zero-hours contracts provide is for the employer, who is granted total arbitrary control over their workers' hours. That instability means that many people's incomes are subject to the whims of managers, which makes it hard for workers to plan their lives.

Recent polling data showed that 40% of African, African-Caribbean, Asian and other racialised groups on insecure contracts said they face the threat of losing their

shifts if they turn down work, compared with 25% of insecure white workers. The data also showed that racialised groups in insecure work have been allocated a shift at less than a day's notice, and almost half have had shifts cancelled with less than a day's notice.

That mistreatment is especially evident in sections of Leicester's garment industry, in which wage exploitation has been endemic for more than a decade. One of the most frequently recurring issues in my city's garment industry is the routine under-reporting of hours by the unscrupulous bosses of sweatshops. Some companies also defraud their workers of holiday leave through a bogus probationary period that prevents them from being paid any leave for a year or longer. Many appalling garment industry contracts prohibit workers from unionising; require eight weeks' notice while giving workers only two days' notice for termination of employment; offer insulting overtime pay of 10p, poor sick pay and no recourse against inadequate and dangerous working conditions; and mandate that workers opt out of the Working Time Regulations 1998, which limit weeks to 40 hours.

Too many workers in Leicester's garment industry, regardless of their length of service, are on zero-hours contracts, and get paid only when they work, even if the reason they are not able to work is outside their control. For instance, if the factory is not able to open because of an electric fault, the worker is often told at short notice that they are not needed that day and thus does not get paid. No matter how zero-hours contracts are dressed up, they are simply a return to Victorian employment practices, where unneeded workers would trudge home from the factory gates empty-handed after not even being selected for a shift.

The Government must implement the recommendations of the Taylor review and go further by banning the use of zero-hours contracts, as many countries in Europe already do. They must crack down on toxic casualisation through a single legal status of "worker" for everyone who works, except of course for those who are genuinely self-employed. Zero-hours contracts must be eradicated, and hours should be regulated so that each worker gets guaranteed pay for a working week.

Beyond that, the full recommendations of the Taylor review must be implemented. Trade union rights must be reinstated and extended. We must ensure that every job is a good job, providing security, dignity and a fair wage.

10.6 am

**Andy McDonald** (Middlesbrough) (Lab): It is a pleasure to see you in the Chair, Mrs Cummins. I thank my hon. Friend the Member for Slough (Mr Dhesi) for securing this debate. I, too, declare my interest as a private member of Unite the union. I note that Government Members on the Benches opposite are rather sparse—I do not know whether that betrays their attitude towards this issue or whether they are busy writing letters or taking part in Operation Big Dog Whistle.

As we all know very well, coronavirus has reshaped the landscape of the world of work quite considerably. While a number of the Taylor review's recommendations are still very relevant, such as taking a more proactive approach to workplace health, others do not address the situation we find ourselves in today—for example, the suggestion that national regulation is not the route to achieve better work.

[Andy McDonald]

As we have endured the greatest health crisis in a century it has become clear that the strong role of Government is critical to creating good work, whether through tighter regulation of workplace health and safety or proper enforcement of workplace rights. If we are to learn anything from this pandemic, we must ensure that Government intervention to keep workers safe and free from exploitation is not seen as unnecessary red tape.

Last year I had the privilege of chairing a taskforce with the Labour party's affiliate trade unions to produce a report of our own. That in turn led to our Green Paper on employment rights—which, in the best traditions of the Labour party, is red—setting out our plan for a new deal for working people, which would build on the good recommendations in the Taylor review. Our taskforce looked at how we could learn lessons from the pandemic and set out a raft of employment rights policies, from establishing fair pay agreements and reinstituting sectoral collective bargaining, to ending bogus self-employment and bringing in day one rights for all workers. That provided a vision of what truly good work could look like after the devastation of covid and more than a decade of failed Tory ideology.

The laissez-faire approach taken by the Government to the protection of workers during the pandemic, but also the years leading up to it, has shown itself to be fundamentally flawed. At each step of their handling of the crisis, Ministers have been too slow to act, particularly in their failures to protect workplace health and safety. The fact that the position of director of labour market enforcement was vacant for 10 months after Matthew Taylor stepped down last year, and that we are still to see an employment Bill more than two years after one was first promised, speaks volumes about how little the Government prioritise good work.

The failures over recent years have been compounded by the pre-pandemic austerity cuts that the Tories inflicted on our public bodies. For example, the Health and Safety Executive has been left with half the budget and two thirds the number of inspectors that it enjoyed under the last Labour Government. The £14 million in emergency funds that the HSE received at the beginning of the pandemic goes only a short distance towards making up for the more than £100 million in lost funding that it has endured over the past decade, and it still lacks the resources to fulfil its statutory role. Having been so stripped back after years of austerity, few prosecutions are ever brought, leaving workers at risk of unsafe conditions. Last year, only 185 convictions were secured—a drop of almost two thirds compared with 2016-17.

In Labour's "Employment Rights Green Paper", we set out the importance of giving the HSE the full funding that it needs to protect workers properly. Our new deal would also introduce an effective single enforcement body to bring health and safety prosecutions and civil proceedings on workers' behalf and to end the underpayment of the national minimum wage, along with other exploitation and discriminatory practices.

Soon after the introduction of the first lockdown, in April 2020, an astounding 1.6 million workers were being paid less than the national minimum wage, according

to the Low Pay Commission. The Taylor review was right to stress that a top concern of workers is the issue of unpaid wages. However, only through national regulation of workplaces and a single enforcement body can that be achieved. With only 18 employment agency standards inspectors responsible for inspecting 40,000 employment agencies, it is no wonder that the situation is so terrible.

Our new deal for working people differs from the Taylor review in one major respect, and that is on the issue of creating a single status of worker for all but the genuinely self-employed. Our policy is captured in Lord Hendy's brilliant Status of Workers Bill, which awaits a final formal Third Reading in the other place, after which it will come to us. Rather than following Matthew Taylor's proposal to maintain the present multiple categories, with different rights attaching to each, our plan to create the single status, with all workers gaining full rights from day one of employment, would have life-changing effects for so many.

For example, security guards at Great Ormond Street Hospital had to threaten industrial action to pursue their basic rights to sick pay, enhanced maternity leave and annual entitlement. More than 30 security guards at the hospital are all outsourced to Carlisle Support Services, owned by billionaire Tory donor Lord Ashcroft, and are denied the same rights as their co-workers who are employed directly by the NHS. Under the plans in our green paper, those key workers would not have their rights withheld at the whim of heartless and exploitative employers such as Lord Ashcroft.

We need to see a new deal for working people, one that speaks to their economic and social rights and that reinstitutes sectoral collective bargaining to bring about secure employment with fair pay agreements for all workers from day one of their employment. We simply have to make the change and to secure a better settlement and a better future.

10.13 am

**Jim Shannon** (Strangford) (DUP): It is a pleasure to speak in the debate, Mrs Cummings. I commend all those who spoke beforehand for their excellent contributions. It is good to participate. In particular, I thank the hon. Member for Slough (Mr Dhesi) for setting the scene so well. We spoke the other day, in advance of the debate, and I am more than pleased to come along to add a supportive contribution to what the hon. Gentleman said.

We are pleased to see the shadow Minister, the hon. Member for Ellesmere Port and Neston (Justin Madders), in his place and in particular the Minister in his. Honestly, the Minister is one who understands the issues well. I believe he will be able to respond to our concerns and perhaps give us the encouragement that we wish for. That is in advance of what he will say of course, but my interaction with him over the years certainly leads me to believe that to be the case. I very much look forward to his response.

In modern times, when employment is not secure owing to the pandemic and other factors, it is crucial for consideration to be given to modern employment. Every right hon. and hon. Member has referred to that in the debate. I therefore welcomed the guidelines of the Government under the right hon. Member for Maidenhead (Mrs May), back in 2016, for introducing the Taylor

review of modern employment practices. The principles that were clear in 2016 are every bit as clear to us in this Chamber today, to everyone who has participated.

Statistics have shown that as of 2016 there were approximately 907,000 people on zero-hours contracts, a significant rise from the years before. I have some of those young people—and older people—who have come to me to express real concerns about the issue. There were also 3.2 million workers who lacked access to basic pay and employment rights. Other hon. Members have referred to employment rights. Not every employer is a bad employer—that is a fact. Most employers try to do their best. However, the debate today relates to those who have not stepped up to the mark and have not done what they should have done—and to how our Minister and Government can take that forward in a positive way.

In Northern Ireland, specifically, there are 14,000 people on zero-hours contracts, some 1.3% of people in employment. One of the previous contributors referred to fire and rehire, and nobody here today has not heard the angst about that process. The hon. Member for Glasgow South West (Chris Stephens) has been very much to the fore of that issue, and I want to put that on record. He and I have had conversations about it; he has probably had conversations with everyone about it over the years.

Workers have no rights to claim unfair dismissal under a zero-hours contract. In 2015, some 54,000 women were forced out of their jobs for being pregnant, according to the Equality and Human Rights Commission. In this day and age, that is absolutely disgraceful. In 2020, it was also revealed that a quarter of minimum-wage workers were underpaid. Those facts are crucial in understanding why the Taylor review of modern working practices is so vitally important and crucial. There need to be better provisions for workers through Government and the respective trade unions. There are many Members on this side who are trade union activists, and have been in their previous jobs, and I welcome that contribution. It gives a good insight into what is happening.

The Taylor review stated that there was a need to

“organise our national framework around an explicit commitment to good work for all.”

Let us do that. The aim is to tackle exploitative employment practices, increase the clarity in the law and make employees aware of their rights. Our job as MPs in relation to social issues is very clear; people come to us with their complaints. These are the complaints that I am getting in my office, as others are.

Many of the core recommendations of the Taylor review are still to be implemented. Maybe that is what we are looking for from the Minister's response: the parts of the review that have not been implemented need to be put in place. That is the crux of the debate. Since the Taylor review was published in 2017, some five years have passed, and we have not seen the reality that we hoped would be in place. I look to the Minister to reply accordingly.

The employment Bill, which will bring in many of the points set out in the good work plan, has been announced but not published. The Institute of Employment Rights has undertaken important work in which it combines aspects of the Taylor review and its own policy guidance to create a basis for potential employment Bills, to protect workers and ensure that they have their rights

enhanced and protected. The institute's recommendations include an equality of wage law, a right to a basic contract of employment, the promotion of flexible working, and more sustainable access to holiday pay and maternity pay. It is essential that the correct guidelines are in place to encourage people to work. All too often, people are put off the idea of employment by the horror stories that they hear, unfortunately on a regular basis, of employers not paying the correct wage or of ill-prepared work rules and guidelines.

The Minister must ensure that legislation is brought in efficiently to protect workers' rights. I would also urge him to undertake discussions with his counterparts in the devolved nations, in particular Northern Ireland, to ensure a UK-wide approach to fair employment, the gig economy, short-term employment and freelance work. As has been said, those workers must also retain the same protections as long-term permanent workers, with similar entitlements and protections. I know that the Minister in charge is always keen to help, as I said at the beginning, and I look forward to the response. I also very much look forward to the contributions of the SNP spokesperson, the hon. Member for Aberdeen North (Kirsty Blackman), and the Labour spokesperson, the hon. Member for Ellesmere Port and Neston.

10.19 am

**Ian Lavery** (Wansbeck) (Lab): It is a pleasure to serve under your chairmanship, Mrs Cummins. My hon. Friend the Member for Slough (Mr Dhesi) has secured a really timely debate. I want to try and bring a human context to this, in the short time that I have to speak today. We are talking about human beings in the workplace; we are talking about people who go to work and rely on decent wages and terms and conditions in order to feed their families and support their communities. Everybody deserves the right to have decent working terms and conditions. They deserve the right to go out to work and come home safe, as well. They deserve the right to have decent wages that put food on the table and clothe their kids. We are not asking for anything revolutionary here—we are really not. We are just saying what should happen in a decent society, for heaven's sake. Anyone would think we were trying to pull the back teeth out of Government with this! Where is the promised employment Bill? With the greatest respect to the right hon. Member for Basingstoke (Mrs Miller), we cannot keep blaming the pandemic as the reason we are not addressing issues in the workplace for people who are suffering greatly.

**Mrs Miller:** The hon. Gentleman might reflect on the fact that the furlough scheme will have saved many thousands of jobs. That is a very real support, in a real-time crisis.

**Ian Lavery:** We should not try and rewrite history. I recall at the very beginning of the pandemic we had to pull the Government, kicking and screaming, to accept a furlough scheme. It was the TUC and the trade unions that put the pressure on the Government to come up with a decent scheme for furlough. I want to mention the sick pay scheme: it is £96 per week—that is for those who qualify, by the way. Hundreds of thousands of people in this country do not even qualify for £96 per week. For those who do, it is supposed to be fantastic. “You’ve got statutory sick pay. What are you crying



[*Ian Lavery*]

about?” If someone lives on their own, what can they get for £96 per week? That needs to be addressed in an employment Bill.

We have a situation, with fire and rehire, where companies are firing individuals unless they accept, on occasion, up to a £10,000 reduction in wages and worse terms and conditions. That has got to be banned, it really has. I say to the Minister that it has to be banned. I give all credit to the zero hours justice campaign for highlighting that at every opportunity. In those zero-hours contracts, we have people sitting there on a Monday morning waiting for a text to say whether they are working that day—that is still happening. If they miss the text, they might not be able to go into work. Here is another statistic: GMB did a survey, prior to the Taylor review, in which 61% of employees went to work while unwell for fear of not being paid, losing their job or missing out on hours.

We have to put this in a more human context. The Taylor review was very weak, but better than nothing. As my hon. Friend the Member for Slough has said, the Government accepted 51 of the 53 recommendations, but they have only implemented seven of those recommendations to date. That is just not good enough.

My hon. Friend the Member for Middlesbrough (Andy McDonald) mentioned a new deal for working people and the employment rights green paper. He has put a lot of work into the green paper—and it is the answer. It actually addresses everything we need it to. I am sure the Minister has read it and taken some great hints from it, but this is what we need to be introducing: fairness in the work place. It mentions raising pay for all, ending in-work poverty, enabling secure and safe working and tackling discrimination and workplace inequalities. We are all in this place to try to help people in our communities. There is not any better way to do that than to increase protection for those in the workplace.

10.25 am

**Kirsty Blackman** (Aberdeen North) (SNP): Thank you for chairing the debate today, Mrs Cummins. We hugely appreciate it. I would like to congratulate the hon. Member for Slough (Mr Dhesi) on bringing this debate.

This debate is really important and timely, given that we are five years on from the Taylor review. We need to see progress; there has not been enough. There is no point in commissioning a review if it is just going to be ignored. What is the point in doing all that work and coming up with these excellent recommendations that are going to make a real difference to people’s lives to then put the report on a shelf and do nothing about it? It seems like a bizarre waste of effort for everybody.

The consistent call that we are making is not a high bar. We are asking for an employment Bill. The Conservatives have promised an employment Bill, and we are asking for it. We do not have very high hopes for what a Conservative employment Bill will contain, but once it comes we have the opportunity to amend it and make cases on behalf of our constituents and all those in insecure and low-paid work, so we can try to improve that work. Surely that is what the Taylor review was about. If the Conservatives want to put the views of employers ahead of the views of employees, they should

note that employees work better if they are in secure employment. We know that they are more productive and less likely to be stressed.

The Taylor review said:

“Individuals can be paid above the National Living Wage, but if they have no guarantee of work from week to week or even day to day, this not only affects their immediate ability to pay the bills but can have further, long-lasting effects, increasing stress levels and putting a strain on family life.”

If the Conservatives do not step up and bring in an employment Bill, workers are more likely to be off sick. They are more likely to struggle to pay bills. Therefore, presumably, the amount the Government have to shell out on universal credit—which they so resent—will increase. Bringing forward an employment Bill is a win-win situation for the Government.

I want to highlight a few issues—some of which have been mentioned today. The Government brought forward their national living wage. It is a pretend living wage that does not meet the bar of a real living wage. The Child Poverty Action Group has said that, in 72% of families, with children, struggling to afford food, at least one parent works. That should not happen. The Government keep talking about hard-working families, but what they really mean are people who work and do not get benefits. Actually, there are so many hard-working families and people in low-paid jobs who rely on social security because the jobs are not paying them enough. The jobs are inflexible and insecure, and those people are not getting the hours they need.

The Prime Minister said:

“My strong preference is for people to see their wages rise through their efforts rather than through taxation of other people put into their pay packets and rather than welfare”.

The Prime Minister somehow thinks that people who are on low wages and zero-hour contracts are not putting in any effort. I think he will find that actually all of those people we have relied on the most during the pandemic—carers, hospital porters and cleaners—are likely to fall below the real living wage, because they are getting the Government’s national living wage, if that. Those folk are incredibly hard-working and are having to rely on universal credit in order to get even the most basic living standards.

So many people on universal credit, whether or not they are in work, are actually living below poverty lines. It is a devastating situation. I get that the Government have had other priorities, such as Brexit and covid, but, as has been said, this is the most important issue. In Scotland, we are doing everything we can to put it first. We had a discussion with the Government about freeports. When freeports were being created in Scotland, the Scottish Government wanted two things: to prioritise green jobs and fair work. The UK Government disagreed and said, “No. You cannot prioritise those two things in freeports. You cannot prioritise tackling climate change and fair work.” As was said, those should be the most important things. This Government have got their priorities all wrong. There is a timing issue, but it is still possible to prioritise workers’ rights, when we have seen our constituents’ savings fall. There has been some increase in savings, but that has been for those people who were already earning plenty of money. There has been a massive hit on the finances of those earning the least.

I want to highlight a couple of other matters. In 2021, the median hourly earnings gap between men and women grew. Something is going wrong if the Government are

putting measures in place to fix the gender pay gap and it continues to widen. There needs to be immediate, urgent action to ensure that the gender pay gap does not continue to widen.

We need to see flexible work requests from day one. People who are pregnant, carers or disabled need to be able to make a flexible working request to their employers on day one of their employment. We know that many of those are refused anyway. The employer does not have to concede to the flexible working request, but the person needs the right to make that request, at the barest minimum.

We need the employment Bill and we need the Trade Union Act 2016 to be rolled back. We need a proper real living wage that is not discriminatory on the basis of age. We are doing what we can in Scotland with the fair work action plan. We have had that argument with the Government about freeports. We have a higher level of people paid the real living wage than elsewhere in the UK. That is mostly due to the action we have taken, particularly the requirement that people working in adult social care are paid the real living wage, not the national living wage. We have taken a lot of action in that space.

The Government are refusing to bring forward the employment Bill. It would be great if the Minister could tell us when it is coming. In the absence of that, devolve employment rights and workers' rights. We will do a much better job of it than the UK Government. We will do it properly. We will ensure that we put workers at the heart of the decisions that we take on employees' rights. We are showing that within the limited powers that we have. Imagine how much more we could do if we devolved those rights.

If the Minister is unwilling to concede that devolving those powers would ensure that the Scottish Government could provide a better service for the Scottish people than the UK Government, then he is strengthening the case, once again, for independence. He is strengthening the case for the people of Scotland to vote for independence, because they do not want to see that gender pay gap widen; they do not want to see insecure employment continue; they do not want to see the age discriminatory national living wage; and they do not want a Prime Minister suggesting that they are not working hard enough, which is why their wages are not growing. Independence is the way for us to solve that, because the Conservatives continue to refuse to take action that will make a real difference to our constituents.

10.33 am

**Justin Madders** (Ellesmere Port and Neston) (Lab): It is a pleasure to see you in the Chair this morning, Mrs Cummins. I start by referring to my entry in the Register of Members' Financial Interests regarding trade union membership. I thank my hon. Friend the Member for Slough (Mr Dhesi) for securing today's debate and for his brilliant introduction. He quoted the TUC saying that Taylor was not the game changer it wanted, and we certainly agree with that. It goes nowhere near enough to tackle the workplace injustices that we have talked about today, but at least it was a step in the right direction. For it to be left on the shelf is simply not good enough.

I agree with my hon. Friend that the quality of work is as important as the quantity. That we have millions of people trapped in low-paid and insecure work, living in poverty, is not something the Government should be proud of. He was also right to raise the scandal of SSP being at one of the lowest levels in Europe. People should not be forced to choose between going in to work and financial hardship as a result of health conditions. He said that work should be fulfilling, paid fairly and with adequate benefits. Those are all things that we would like to see in any Bill or Green Paper that comes forward from the Government.

We also heard from my hon. Friend the Member for Poplar and Limehouse (Apsana Begum). She made the important point that black, Asian and minority ethnic workers are often in these insecure jobs. Has the Minister undertaken any assessments of the impact of gig-economy working on those groups?

My hon. Friend the Member for Birkenhead (Mick Whitley) spoke very well. He knows more about this than most. I completely agree with him that trade union membership has been shown, time and again, to improve pay and working conditions. I know many of my constituents still benefit from good pay and working conditions as a result of his work as a trade union leader.

I pay tribute to my hon. Friend the Member for Middlesbrough (Andy McDonald) for the fantastic work he has done on our Green Paper. It is a real pleasure to be able to take over a brief and have such a great set of policies already in place. He was right to mention the single status of workers as being a key part of that. That will transform the lives of millions of people. If the Minister wants to work with us to try to get that on the statute book as soon as possible, we are more than willing to discuss that because it is a game changer, far more than anything in the Taylor review.

My hon. Friend was right when he said that the pandemic shows the Government's central role in improving workplace conditions. He was also right to mention the cuts to the Health and Safety Executive over the past decade, during austerity, and how the conviction rate for workplace infractions has gone down by 66%. Workplaces have certainly not become 66% safer in the last five years, so that shows where this Government's priorities lie.

We also heard from my hon. Friend the Member for Wansbeck (Ian Lavery), who again knows more about this than many. He made an important point about the human side of this, and the dehumanising experience of people waiting for a text in the morning to know whether they are actually going to be in work, get paid and be able to put food on the table. Imagine how anxious people must be living with that uncertainty every single day, because of that working arrangement.

I want to pick up on what the right hon. Member for Basingstoke (Mrs Miller) said. I thank her for being the one Conservative Back Bencher here today. She obviously has an interest in this area, and we welcome that. She was right to say that the pandemic has preoccupied much of the Government's time, which might be a reason why we have not had legislation. However, in the last two years 64 Acts of Parliament have been put on the statute book, as well as over 2,300 statutory instruments,

[Justin Madders]

so it is a question of priority. I agree with her that workplace discrimination, which was not covered by the Taylor review, needs an awful lot more attention.

As various Members mentioned, the 2019 Queen's Speech had the promise of an employment Bill, which we would have expected to deal with many of the remaining recommendations in the Taylor review. As has been mentioned several times, there was no such promise in the 2021 Queen's Speech. Does that represent a downgrading of the Government's commitment to tackle the issue? Why go to all the trouble of commissioning the review and then not doing anything about it? Surely, a Government committed to improving rights at work want to do that at the earliest opportunity.

Sadly, this is yet more evidence, if we needed it, that improving workers' rights has never been, and will never be, a priority for a Conservative Government. The rise of the gig economy has been one of hallmarks of the era of austerity. At the heart of the Government response has been a false understanding that there must always be a trade-off between security and flexibility. Many self-employed people enjoy that flexibility, although those who proclaim the virtue of the arrangement are often directly employed themselves, usually at a senior level.

For many, flexibility comes at the cost of security. It cannot be right that in 2022 people are worried about the consequences of falling ill and whether they should go into work if they are unwell. The truth is that the Government have allowed the exploitative work model to grow unchecked. The Government's own data demonstrates the scale of the problem.

The hon. Member for Leicester East (Claudia Webbe) spoke about zero-hours contracts. Recent data from the Office for National Statistics shows that approximately one million workers are on zero-hours contracts. It also revealed that workers feel underemployed, often have to work more than one job and are constantly searching for new work, with over a third of zero-hours workers having been in their current jobs for less than 12 months. The cycle of perpetual insecurity is bad not only for workers, but for the wider economy.

Let us consider what the Government's former employment tsar, Matthew Taylor, said about the Government's progress, which is pretty damning. Last February, nearly a year ago now, he said:

"We have seen a gradual but unmistakable deceleration of the government reform agenda in relation to good work. There was an initial enthusiasm but that has waned, and waned, and waned."

He said that nearly a year ago, and not a lot has happened since then, so it is hardly a glowing recommendation. Perhaps that is why the Government dragged their feet for nearly a year to appoint a replacement. Can the Minister explain why it took so long to replace him?

What about fire and rehire? How on earth can we still be talking about that now? The fact that the Government blocked the private Member's Bill on that was an absolute disgrace and sums up a wider attitude to workplace justice. It will need, as it always does, a Labour Government to introduce the real reform that is needed to undo the damage of years of inaction that has allowed exploitative work models to go unchecked. How can people plan for the future if the labour market is so parasitic that it

takes everything just to keep their heads above water, and if they are always fearful of what the day will bring because they are just one mishap away from disaster?

"Rights" is not a dirty word. Rights are about individual dignity and respect in the workplace. They bring important social and economic benefits for the whole country, as well as for the individual. They give people a stake in society, knowing that if they do a good job, and if their employer runs the business well, they will be rewarded with a good wage, decent working conditions and job security. Labour's vision is of a country where everyone has security, prosperity and respect, especially in the workplace.

A Labour Government would tackle the problems that we have talked about through our Green Paper, which explains a fantastic vision of how we would create protection, stability and fairness, and would legally redefine the work relationship by getting rid of qualifying periods before rights kick in. A Labour Government would give all workers equal rights on day one and ban zero-hours contracts so that every worker gets a guaranteed number of hours each week with an on-call payment for the hours the employer might want the employee to work.

A Labour Government would create a presumption, as we have heard, that everyone will be a worker unless they are clearly self-employed. We would see an end to the gaming of the system by tech-savvy companies who have exploitation baked into their business models, which have grown and grown. Are the Government content for this scandal to continue? If they are, they should step aside and let a Government in that will actually do something about it.

In conclusion, I hope that when the Minister responds he can tell us whether the Government have any intention of implementing the 40-odd outstanding recommendations from Taylor. Will he also tell us whether we should take the removal of the employment Bill from the Queen's Speech as an indication that the Government have downgraded the importance of workers' rights? If he disagrees with that analysis, can he at least give us a date by which he expects all the outstanding recommendations from Taylor to be implemented? We have had enough of the rhetoric. It is time for some action.

10.43 am

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Paul Scully):** It is a pleasure to serve under your chairmanship, Mrs Cummins. I congratulate the hon. Member for Slough (Mr Dhesi) on securing today's important debate.

Despite what we have heard, the UK still has one of the best employment rights records in the world. We have one of the world's highest minimum wages; it was increased on 1 April last year and will be increased again next year. The UK's national living wage is one of the highest minimum wages in the world—larger than those in similar economies such as those of France, Germany and Japan. In the UK, we get over five weeks of annual leave, minimum, whereas the EU requires only four weeks. In the UK, people get a year of maternity leave; the EU minimum is just 14 weeks. The world of work is changing, and continues to do so.

**Andy McDonald:** How does our statutory sick pay compare with that of our European competitors?



**Paul Scully:** I will come to statutory sick pay in a second. We know that sick pay needs to be looked at, and we will look to do so. During the pandemic, rather than concentrating on a consultation on sick pay, we decided to look at welfare benefits to provide extra support. None the less, the hon. Gentleman is right. Sick pay needs to be worked on, and we will continue to do so.

Advances in technology, the emergence of new challenges and a rise in new business models means how, when and where people work is adapting. That is why, in October 2016, the Government commissioned Matthew Taylor to lead the independent review of modern working practices. The review considered a range of topics relating to the labour market of 2016. It played an important role in shaping our understanding of how the labour market worked and how employment legislation could be upgraded to take account of the rise in modern employment models and new forms of work.

As the Minister for Business and Labour Markets, understanding those trends in the economy is key to shaping my priorities for reform to the employment rights framework. Independent reviews such as the Taylor review played an important role in laying the groundwork for our ambitious programme to make the UK the best place to work and grow a business and ensure that the UK labour market continues to thrive in the future.

As I am sure the hon. Member for Slough will agree, the 2017 review was comprehensive and wide-ranging, as we have heard today, although it did not go far enough for some on the Opposition Benches. It included topics covering a broad spectrum of employment law and employment practice, including the enforcement of workers' rights, labour market flexibility and support for vulnerable workers; looked at ways that we can improve our regulatory framework around employment rights to make sure that the support provided to businesses and workers was keeping pace with changes in the labour market and the economy; and considered the impact of labour market changes, and how best to ensure we can retain flexibility in the future, while equally ensuring workers have access to the rights and protections they deserve.

I am grateful to Matthew Taylor for his work in providing valuable evidence for shaping our ambitious programme to build a high-skilled, high-productivity, high-wage economy that delivers on our ambition to make the UK the best place in the world to work and grow a business.

**Ian Lavery:** The Minister is praising the Taylor review and its recommendations, so why have the Government only legislated for seven of the 53 recommendations since 2017?

**Paul Scully:** I will come to what we have done and what we intend to do in just a second. I highlight the words of my right hon. Friend the Member for Basingstoke (Mrs Miller): quite a lot has happened since. She is right to say that the Government have been busy and that parliamentary time has been precious, but the nature of work itself has significantly changed since that point.

The hon. Member for Aberdeen North (Kirsty Blackman) spoke about the right to request flexible working from day one. She is right to focus in on that. It is a key area, not just for the idea of flexible working,

but for people who have caring and parental responsibilities and other pressures on their life outside work, so it can have a significant impact on other areas that we want to tackle. We have been able to take the opportunity throughout the pandemic to reflect on the changing nature of work, which will extend beyond the pandemic, as we move towards endemic covid and a sense of normality, and being able to reflect on what flexible working might look like at that stage, rather than what it did look like and what our ambitions were, back in 2016. We want to make sure that we can take the necessary steps for our labour market.

**Mick Whitley:** We tend to blame everything on the pandemic. Zero-hours contracts were here before the pandemic. All that has happened is massive exploitation of zero-hours contracts. The Government cannot turn a blind eye and turn round and say, "It's the pandemic", because it is not.

**Paul Scully:** Actually, what we are saying about flexible working is not about blaming the pandemic. Work has changed. The hon. Gentleman talks about zero-hours contracts—they have changed somewhat as well. The flexibility of the workforce—the people who have been feeding us, caring for us and moving us around—has really shone a light on that.

**Justin Madders:** I am grateful to the Minister for giving way; he is getting intervened on a lot this morning, which shows the level of interest. His comments on how work has changed during the pandemic are interesting. It is true that people have been working from home for years and years—it is just that there has been a lot more of it. What we want from the Minister is a date by which the rest of the recommendations will be implemented.

**Paul Scully:** I will come to that.

Another core part of the Taylor review was to find new ways of opening up the labour market, so that more people can enter it and then remain in work. That is exactly what our vision is: to continue to level up across the country and allow more individuals to participate in work than ever before.

That is why we committed in our manifesto to bring forward new rights for parents of babies who require neonatal care and new rights for carers' leave for the 5 million people across the UK who provide unpaid care by looking after an elderly or disabled family member, relative or friend.

However, as the review itself notes, the themes it covers are complex and the regulatory framework is based on decades of case law. Its recommendations therefore cover a wide range of proposals, from relatively small changes that can be made immediately, such as the key facts page for agency workers, to recognising longer-term strategic shifts in the labour market, for example by establishing the single enforcement body. We have always made it clear that it is important to consult as widely as possible and to take time to consider how best to achieve the change that works for everyone in the labour market, including employers. But clearly we want employees to be in good work; that is at the heart of that process.

We have consulted on a number of proposals for reform and on themes raised in the review. Wherever possible, we have worked closely with stakeholders so

[Paul Scully]

that they have an opportunity to share their views. I am proud to say that we have continued to take decisive action since the publication of the review, in order to implement many important changes to the labour market.

Our record speaks for itself. We have closed the loophole whereby agency workers were employed on cheaper rates than permanent workers. We have quadrupled the maximum fine for employers who treat their workers badly. We gave all workers the right to receive a statement of their rights from day one. We have increased pay for around 2 million workers. We have introduced key information documents to ensure that those seeking temporary work have all the facts that they need up front. We also brought into force Jack's law, a world-first piece of legislation that provides statutory leave for parents who suffer the devastating loss of a child.

Those actions have made a real difference to the lives of workers up and down this country. We have benefited from expert input from stakeholders, and great consideration was given to ensure that those actions work for employers and workers across all sectors in our economy. Those actions have also given individuals and employers the freedom to agree the terms and conditions that suit them best, while also enabling businesses to respond to changing market conditions.

The results speak for themselves. We have seen high employment rates, reaching a record high of 76.6% in February 2020, and workers enjoying real pay increases month after month. We have seen a wealth of job opportunities, which is a testament to the excellence of UK businesses' ability to grow, innovate and create jobs. We have also increased participation across groups who had typically been under-represented in the labour market, with women and workers from ethnic minority backgrounds now making up a larger proportion of the workforce than ever before.

However, as I have said already, we need to take stock of how the pandemic has affected businesses and workers up and down the country before continuing to build on that record, because the past two years has seen a level of disruption to the economy that the Taylor review just could not have predicted. However, we have acted decisively to provide an unprecedented package of support to protect people's livelihoods.

The coronavirus job retention scheme has helped 1.3 million employers across the UK to furlough 11.6 million jobs, as my right hon. Friend the Member for Basingstoke highlighted, and more than £27 billion has been spent on helping the self-employed through five self-employment income support scheme grants, supporting nearly 3 million self-employed individuals.

I absolutely take the point that we have not been able to protect every business and every job or livelihood. There are certainly people—including some who I have spoken to and heard from, and who I continue to listen to—who have not been able to be supported throughout the pandemic as they would have liked to have been.

However, as I have said, in April last year we again raised the national minimum wage and the national living wage, giving around 2 million people a pay rise. We have also lowered the age threshold for the national living wage to 23, ensuring that even more people have the security of a decent wage, and we plan to reduce it

further to 21, in order to tackle the barrier that the hon. Member for Aberdeen North talked about, by 2024 to support younger workers.

We continue to adapt our employment framework to keep pace with the needs of today. We legislated so that parents benefiting from the job retention scheme do not lose out on statutory maternity pay or other forms of parental pay. That has meant that new parents could take time off to spend with their babies without losing out financially just because they had been furloughed.

We have enabled workers to carry over more annual leave during the pandemic and we conducted a review of how victims of domestic abuse can be supported in the workplace, setting out the impact that domestic abuse has on victims, the challenges that it raises for employers, and what best practice to deal with domestic abuse looks like. At every step of the pandemic, the Government's aim has been to protect jobs and livelihoods and to support workers' rights.

**Ian Lavery:** Will the Minister give way?

**Paul Scully:** I will not, just for a second.

As our economic recovery gathers momentum, I am determined to continue with our work to build back better from the pandemic, and to build the high-skilled, high-productive, high-wage economy that will deliver on our ambition to make the UK the best place in the world to work and grow a business. We will do that by continuing to champion a flexible and dynamic labour market while maintaining the UK's excellent record on workers' rights.

Future reforms will continue to open up the labour market so that more people can enter and remain in work, and will continue to protect those most in need, including those in low-paid work and the gig economies. Future reforms will take a smarter approach to the enforcement of employment law: we want to make it easier for good businesses to comply with their obligations, while ensuring a level playing field through effective enforcement against those who cut corners and exploit workers. Future reforms will also continue to support the UK's dynamic labour market by increasing flexibility, creating the conditions for new jobs, and building on our wider record on the national living wage and national minimum wage.

A number of issues have been raised today, which I will address quickly. I have talked about sick pay; we still need to retain flexibility within the economy, so we will not place a blanket ban on zero-hours contracts. However, we have done a lot of work on exclusivity, and will do what we can about the issue of people not having predictable hours. We want to allow people to change to a predictable contract along the way in their employment, when that should be the case. Turning to employment status, we believe that the status that we have at the moment is the right way to go forward. However, we recognise that there are employments outside of that status, and want to make it easier for individuals and businesses to understand what rights and tax obligations apply to them. We are considering options to improve clarity around employment status.

Obviously, the end of this Session is coming up—in a couple of months' time, I am guessing—and we will see when parliamentary time will allow us to bring forward employment measures to tackle all these issues and

more, in a way that will address the Taylor review and the changing flexible work market that continues to develop beyond the pandemic. We must make sure that we continue to make this country the best place to be able to work. I thank the right hon. and hon. Members who have put forward constructive ideas today for how we can continue our record of establishing an employment framework that is fit for purpose and keeps place with the needs of modern workplaces.

10.57 am

**Mr Dhesi:** I am extremely grateful to the House authorities for allocating time to debate the Taylor review of modern working practices. We know that there are many good employers in our country, but juxtaposed with those are some very unscrupulous individuals and organisations, which is why we need rights in legislation. I am grateful to right hon. and hon. Members who have spoken so eloquently and passionately about the discrimination faced by many of their constituents in their workplaces, whether that is the gender pay gap or the ethnic pay gap.

However, what is palpable today is that we have heard from the Minister some very warm words, but a lack of detail. There are no dates, as I highlighted at the outset and was evident from other Members' interventions. The Taylor review—the Government's own commissioned review—came up with 53 recommendations, 51 of which were accepted by the Government. However, only seven have been legislated for. We were looking to hear from the Minister today, on behalf of Her Majesty's Government, when the rest of them would be implemented—when the almost mythical employment Bill would finally come before the House. Sadly, we have heard none of those answers, which will be a great disappointment to many in our country, whether that is the trade union movement or the good working people of our country. I sincerely hope that very soon, on the back of this debate, we will get those answers.

I thank you very much again, Mrs Cummins, and thank all right hon. and hon. Members for their much-needed contributions.

*Question put and agreed to.*

*Resolved,*

That this House has considered the matter of implementing the Taylor Review of modern working practices.

## Upper Don Trail

11.1 am

**Judith Cummins (in the Chair):** Before we begin, I remind hon. Members that they are expected to wear face coverings when they are not speaking, in line with current Government guidance and that of the House of Commons Commission. I will call Gill Furniss to move the motion, and then the Minister to respond. There will not be an opportunity for the Member in charge to wind up, as is the convention in 30-minute debates.

**Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab):** I beg to move,

That this House has considered funding for the Upper Don Trail.

It is a pleasure to serve under your chairpersonship, Mrs Cummins. I am delighted to have secured the debate to sing the praises of the Upper Don Trail. A trust of volunteers has worked so hard to bring out the best of that natural corridor through the north of Sheffield.

The Upper Don Trail is a natural trail that runs six miles along the route of the River Don from the city centre out to Stocksbridge. It takes in a combination of modern developments, historic woodland and industrial sites along its passage. In my constituency, the trail passes many notable sites, such as Hillsborough College, the Mondelez sweet factory, the Fletchers bakery, Sheffield Wednesday Football Club and the Béres factory, home to the world-famous pork sandwich shop, much loved by the people of Sheffield. In places, the route meets national cycle network route 627 of the Trans Pennine Trail.

To follow the route is to follow Sheffield's industrial past—former steelworks and small manufacturing factories run alongside much of the route—and the story of Sheffield's ongoing redevelopment and future potential, as many former industrial sites are going through the process of development. Currently, cycling infrastructure from the city centre to the Peak district through Hillsborough, Stocksbridge and Oughtibridge is a mixed bag. The trust's ambition is to raise the standard across the trail to ensure that it is accessible, flat and off road, and follows the course of the River Don.

In many places along the trail, that ambition has worked well. Many developers and councillors have ensured that where sites are developed, the trail is included in the scheme. The trust, through hard work, has completed improvement works on 8 km of the trail, and has secured funding for a further 9.3 km. Only 2.5 km of the trail still requires a funding proposal. Although Sheffield City Council and Barnsley Council are both incredibly supportive of the scheme, their hands are tied by funding limitations and Government requirements for active travel schemes.

The signs of development can be seen as the route leaves Stocksbridge and heads towards the city centre. Indeed, just outside my constituency, the route through Beeley Wood is paved, opening a safe and popular route to walkers and cyclists away from the busy Middlewood Road North. The trail then runs along roads for a stretch before re-joining historic woodland at the Herries Road railway viaduct and Wardsend cemetery, a resting place for fallen soldiers from the first and second world wars. Despite losing its Commonwealth War Graves



[Gill Furniss]

Commission status, the cemetery is maintained by a team of passionate volunteers who work tirelessly to ensure that the peace and natural charm are as open to as many people as possible.

As the trail enters my constituency, the disconnect becomes apparent, with users of the route having to walk alongside busy roads for a long period, and cyclists left with little choice but to continue along the busy dual carriageway into the city centre. I was pleased therefore to hear of investment by Sustrans, matched by Sheffield City Council, to construct a fully accessible route in my constituency between Herries Road and Wardsend cemetery. However, I understand that that exciting project has been put on hold, owing to engineering difficulties.

The trust remains committed to enhancing that portion of the trail. I was pleased to join them and other local groups for a work day in September to improve the existing footpath. The trust and many residents were disappointed when the planning committee decided not to include an active travel scheme to connect the trail by improving the existing on-road cycle route, but as a former councillor I know that planning committees must vote with the legislation. Therefore, I encourage the Minister to liaise with the Minister for Housing to ensure that planning officers and committees have more scope to ensure that active travel requirements are a condition of approving large developments.

The Upper Don Trail Trust's emphasis on active travel and outdoor leisure activities is clear to see. The trail allows for a vast range of activities, ranging from rambling to rock climbing and cycling to kayaking. The trust works closely with local councils and other organisations to improve the trail's accessibility and prominence. Sheffield's seven hills and busy city roads may naturally put many people off cycling. After the Tour de France came to Sheffield, many local people took up cycling. The Upper Don Trail is benefitted by its mostly flat route, but the disconnected portions of the trail mean that it cannot yet claim to be a completely off-road network.

Active travel delivers immense benefits in a whole range of ways. The trust's ambition is for people to use the trail on their daily commute as much as they would for leisure. Giving people the opportunity to travel to work, school or college in a more active way has been proven to do wonders for their physical and mental wellbeing. The NHS recommends that adults complete 150 minutes of physical activity a week. With active travel, that can be achieved through a 15-minute commute each way, five days a week.

The trust has identified that many are eager to cycle on their commute, but find the prospect of mixing with cars on busy roads daunting. That is reflected across the country, with research showing that 62% of adults feel that it is too dangerous for them to cycle on the roads near them. The Upper Don Trail Trust's plans would allow cyclists in Sheffield to commute through tranquil scenery, surrounded by woodland, rather than through loud and busy junctions.

As we all know, active travel is a key tool in our fight against climate change. By encouraging people to commute via carbon-free methods wherever possible, we can help to care for our planet at the same time as improving air

quality in the local area. Air quality is an ongoing issue in Sheffield, as it is in many towns and cities across the UK. Along with most other cities in England, Sheffield has reported illegal levels of harmful nitrogen dioxide in some areas. Those toxic fumes can cause respiratory problems, including asthma, and damage the respiratory tract. Long-term exposure has also been linked to chronic lung disease. There is therefore a strong public health argument for schemes such as the trust's, which allow people to run, walk and cycle in woodland away from traffic. That would also help to improve the air quality in our urban city centres by encouraging more people to switch to carbon-free travel on their commutes, thereby reducing cars on the road.

The trust also does excellent work to ensure that activities on the trail are accessible to everyone. For example, the trust's ambition is to have more accessible footpaths leading down to the Don river. That would provide better access to the river for wheelchair users and people with other disabilities, so that they can take part in activities on the river, such as canoeing.

An army of local volunteers works tirelessly to keep the trail going. That includes Friends of the Porter Valley, a brilliant group who conserve the Porter and Mayfield valleys, a short distance away from the Upper Don Trail. Volunteers from the group often come over to help to renovate and maintain the trail. I place on the record my thanks for their invaluable work.

The reality is that the trust's ambitious plans need the proper funding to unlock the true potential of the Upper Don Trail. Fundraising often forms the bedrock for funding projects such as this. For example, the Friends of the Porter Valley managed to raise more than a quarter of a million pounds to make improvements to the mill pond at Forge Dam. Sadly, however, many parts of my constituency close to the Upper Don Trail have high levels of poverty and deprivation. Hence, it is difficult for the trust to fundraise enough money in those areas to fulfil its vision.

That problem risks creating a postcode lottery for the enjoyment of nature. Everyone, regardless of background, should have the right to access the natural woodland close to them. However, disparities between different areas mean that the less affluent could be left behind. If the Minister is serious about levelling up, that stark inequality must be addressed through Government funding.

Unfortunately, national funding has not been readily forthcoming for the trust. A focus on on-road cycle routes by the Department for Transport means that off-road routes, such as the Upper Don Trail, have struggled to find funding. However, it is eminently clear that the Upper Don Trail is so much more than just a cycle path: it is a way to preserve the beautiful woodland scenery in South Yorkshire, to be enjoyed by people from different backgrounds; and it provides opportunities for fishing, swimming, running, climbing, horse riding, improvement of mental wellbeing and enjoyment of nature. These trails often become much-loved community resources that inspire a huge amount of local support for maintenance, litter picking, organised walks and runs. It would be impossible to quantify the immense societal value of the trail, and I am in no doubt that investment into it would be money well spent.

I urge the Minister to look at the support that her Department can offer to give this project a boost. The mission of the Department for Environment, Food and Rural Affairs, as set out on its website, is to

“restore and enhance the environment for the next generation, leaving it in a better state than we found it.”

If there is one project where the Minister can make good on those words, it is the Upper Don Trail.

11.11 am

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow):** It is a pleasure to serve under your chairmanship, Mrs Cummins—for the first time, I think. It is lovely to see you in the Chair. I thank the hon. Member for Sheffield, Brightside and Hillsborough (Gill Furniss) for sharing details of the work taking place in her constituency on the Upper Don Trail, which connects people from Sheffield right out to the Peak district. She has given a wonderful insight into not only getting out into the countryside, but the industrial history and all the other benefits of a trail starting within a city or town.

I particularly commend the Upper Don Trail Trust for its hard work in securing the public and private funding to make the project happen, as well as the efforts of all the volunteers, as flagged by the hon. Lady, who have played such a big role on what was previously an underused trail, as volunteers do on many trails around the country. I know that both the hon. Lady and my hon. Friend the Member for Penistone and Stocksbridge (Miriam Cates) support the trail.

As we have heard, the trail hosts all kinds of opportunities for people and visitors for not only walking, but cycling, kayaking, climbing, angling, riding—you name it, Mrs Cummins, they are doing it. In most cases, the trail is away from traffic. It does not matter what age one is, either: anyone can use the trail.

I very much welcome the ambitions of the Upper Don Trail Trust and recognise that its objectives align completely with the Government’s objectives, as has been highlighted. As set out in the 25-year environment plan, we are absolutely committed to connecting people from all backgrounds with the natural environment, in particular for their health and wellbeing, and supporting people to access, enjoy and understand the great outdoors.

The lockdown highlighted the need for this connection more than ever, with 42% of people agreeing that they increased the time they spent outdoors during the pandemic. Trails along canals and riverways—such as the Upper Don Trail, which goes along the river for some time—were especially popular, with many people using those walkways. As the nature recovery Minister, I was particularly delighted by that, because it will help more people connect with nature; if they are connecting with it, they will love it and understand why we need to look after it.

There are all kinds of spin-offs. On obesity, which this Government are tackling with our strategy, trails will help everyone to lead healthier lives. There is also a big mental health spin-off, as we are using access to some of these trails in our green social prescribing agenda—prescribing walks and getting outside. All those ambitions are increased by access to trails such as the Upper Don Trail.

Active travel was referred to, which is another Government priority, which links to clean air. Away from traffic and so forth, the air is cleaner, so cycling and walking are obviously more beneficial.

I want to draw attention to the support available across Government to help people access nature. There is the £80 million green recovery challenge fund, which

we launched during lockdown, with the aim to kick-start a whole lot of nature-based projects across England. One of the main aims was to connect people with nature. An estimated 23,000 people have engaged to date with projects funded by that fund, and a further 3 million have engaged with them indirectly, online, through media events that link to them. I think that is extremely positive.

The farming in protected landscapes programme was launched in June last year to help farmers in national parks and areas of outstanding natural beauty to make improvements to the natural environment. There is a big element in there about improving public access on their land, including projects to deliver infrastructure—pathways and so forth—clearer and simpler signage, dedicated cycling access, better disabled access and walking routes to connect landscapes. For example, in the uplands in White Peak, in the Peak District National Park, the beef and sheep farmers there received funding to create a new permissive path to give walkers the opportunity to experience a variety of habitats within his land.

We are also committed to ensuring that the public have good access to footpaths. On Saturday, we published our response to the Glover landscapes review, which I am sure the hon. Member is aware of. We announced a new charity is being formed as a single strategic body for all national trails, which is something I think the hon. Lady will be particularly interested in. The aim of that is to share knowledge and experience between the trails, develop efficiency and effectiveness, develop bids for activities across the wider network and fundraise to provide more resources to enhance the network. There are some opportunities here. Sharing experience is so important. Every trail is different and is managed in a different way, and the bodies running them experience different problems. Sharing those experiences will be helpful.

Almost 2,000 miles of national trails exist in England and we are creating new trails all the time. We are connecting up all the bits around the coast to form the completed England Coast Path, which will be 2,700 miles when completed—the longest waymarked and maintained coastal walking route in the world. That is something to be really proud of, and might give us something to do in our spare time, Mrs Cummins—we can maybe walk some bits of it in the recesses. We are also developing a new national trail across north England between St Bees in Cumbria and Robin Hood’s Bay in North Yorkshire, which will link up lots of bits of pathways that already exist, and complete the bits in between.

The Upper Don Trail is a really great example of how projects can do all the things we are talking about—restore nature, engage the local community, increase access to nature. I absolutely commend everyone who has been so involved in it. Obviously, it is not possible for me to commit to further funding at this stage for those small portions that are left to complete—there are two main missing links, I believe. My officials would definitely be happy to explore options, in particular when DEFRA might be involved. We do not have all the funding levers in DEFRA; there are other pots that the hon. Lady will be aware of. We can maybe work to unlock those other pots, which is a constructive approach when looking at grants.

[Rebecca Pow]

I encourage the Upper Don Trail Trust to liaise, via Sheffield City Council, with Sustrans and its cycle network upgrade proposals. I appreciate how important it is to get rid of those sections on the road. In lockdown, I cycled more with my children on roads than we ever had before. That was fine, but when all the traffic returned, my children, who are quite grown up, did not want to cycle on the roads anymore—they wanted to use the paths.

I would also suggest going to the Department for Transport, which holds the pen on the national cycle network. My hon. Friend the Member for Copeland (Trudy Harrison) is the new cycling and walking Minister and is very keen to do joint work across Departments. I am keen to do that myself; I would urge others to also get together with the Conservative MP in Sheffield, my hon. Friend the Member for Penistone and Stocksbridge. The issue can be highlighted to the Department of Health and Social Care; they have a big responsibility for air quality. The hon. Member for Sheffield, Brightside and Hillsborough made a point about the Department for Levelling Up, Housing and Communities; I urge her to make the case to that Department. She is on the right track—a good word to use in a debate about trails.

I am pleased to have had the opportunity to talk about this subject. I thank again the hon. Member for Sheffield, Brightside and Hillsborough, and all those involved, who have done so much good work. I look forward to hearing how the trail progresses.

*Question put and agreed to.*

11.21 am

*Sitting suspended.*

## Ethiopia: Humanitarian and Political Situation

[MR PETER BONE *in the Chair*]

2.30 pm

**Mr Peter Bone (in the Chair):** Before we begin, I remind hon. Members that they are expected to wear face coverings when they are not speaking in the debate; this is in line with current Government guidance and that of the House of Commons Commission. Hon. Members are asked by the House to have a covid lateral flow test before coming on to the estate. Please also give each other and members of staff space when seated, and when entering and leaving the room.

**Mr Laurence Robertson (Tewkesbury) (Con):** I beg to move,

That this House has considered the humanitarian and political situation in Ethiopia.

Good afternoon, Mr Bone; it is a pleasure to serve under your chairmanship. With so much going on in the world—in Afghanistan, for example, and the great concerns over Ukraine—problems in Africa sometimes get overlooked. I remember, with some shame, the genocide in Rwanda in 1994, when an estimated 800,000 people were killed while the world, including our own country, stood and watched. We cannot allow that situation to happen again. That is why I called this debate, so that we can once again highlight the problems emerging from the conflict in Ethiopia.

Many individuals are concerned about what happens in Africa. I have been chairman of the all-party parliamentary group on Ethiopia since 2009, and have taken an interest in the country for a lot longer. Years ago, Sir Bob Geldof asked me, “What got you interested in Ethiopia?” and I replied, “You did.” Sir Bob’s amazing work in the mid-1980s raised the profile of Ethiopia and inevitably drew attention to the problems that the country suffered at that time—potential starvation being the main one. At that time, the country continued to have political problems, due to the continued existence of the Marxist Derg.

Prior to my first visit to Ethiopia in December 2002, I held a debate in the Commons. Only when researching for that debate did I realise just how much else there is to that amazing country, in terms of its history and potential. For example, Ethiopia is one of the world’s oldest Christian civilisations. Apart from a brief spell under Mussolini, it has enjoyed independent status for centuries, and has never been colonised. It also claims to be the origin of coffee, the birthplace of Lucy—one of the world’s oldest human beings—and the home of the fabled Queen of Sheba. The spectacular beauty of the country is amazing.

For many years, Ethiopia’s sizeable Christian and Muslim populations have rightly lived side by side without any problems, as have something like 80 tribes with 80 languages. Albeit from a low base, Ethiopia’s economic growth has been at a level that we in the western world would envy. Yes, there have been accusations of human rights abuses from time to time, with the definition of terrorism sometimes being loosely interpreted. The media have not always been entirely free, and there have been concerns about the functioning of the democratic process and the demise of the Opposition.



However, for a country that has a young democracy, the overall situation has been reasonably impressive, at least until recently. In May 2018, after I had again visited Ethiopia, Abiy Ahmed—crucially from an Oromo, not a Tigray background—became Prime Minister. Straight away, he began doing the right things. The long-running war with Ethiopia's former region Eritrea was ended, earning Abiy the Nobel peace prize in 2019. He announced his intentions to liberalise the economy by privatising state-owned enterprises, such as Ethiopian Airlines—an excellent one to travel on, by the way. Political prisoners and journalists were freed from prison, and the outlook was bright.

Where did it all go wrong? In truth, street protests and uprisings started before Abiy became Prime Minister. On my last visit, in April 2018, we were prevented from visiting various areas because of the security situation. Although it is easy to point the finger at Abiy—and we can come back to that—the unrest had emerged before he became Prime Minister.

It is probably too simplistic to say that trouble erupted because Abiy came from the Oromo tribe and therefore ended the domination of Ethiopian politics by the Tigrayan tribe, which represented just 6% of the country's population. Again, the situation is more nuanced than that. It is probably also too simplistic to blame the outbreak of trouble on the cancellation of elections because of covid in 2020. However, it is probably true that the absence of a normal, functioning Government and Opposition-style parliamentary process in Ethiopia has not helped. It is also true, albeit it perhaps dangerous, to say that Ethiopia's federal style of constitution has led some to believe—wrongly, of course—that breaking away would serve certain regions better. For example, Eritrea was once a part of Ethiopia but it is no longer.

One of the fears that many of us have is that the current conflict could lead to a general fragmentation of the country. It is very worrying, for example, that forces from Oromia and Amhara have been involved in the conflict. Fragmentation is a real fear, even though each region would probably be incapable of any form of successful self-governance or comfortable, progressive existence. For example, the establishment of food security safety nets over the last few years—they are being severely tested at the moment—could have happened only through a federal Government programme; they could not have been achieved by any one region. It is important for separatists to realise that.

Many of us are also concerned about the possibility that, partly aggravated by the massive movement of refugees from Ethiopia, the conflict will destabilise the entire region—an outcome that none of us wishes to see. Ethiopia has the unfortunate geographical reality of being neighbour to a number of states that themselves are struggling with various challenges. It has to be a worry that some of them might become engaged in this conflict, thereby worsening it and the region.

However, such political machinations are far from the minds of those who are suffering because of the current conflict. The humanitarian situation in Ethiopia, particularly in the north, is severe.

**Tulip Siddiq** (Hampstead and Kilburn) (Lab): I thank the hon. Member for giving way and for bringing such an important debate to the House. I fully agree with him that we as a country, and as a Parliament, cannot

sit back and watch while events unfold in Ethiopia in the way they are. I have had several emails from constituents in Hampstead and Kilburn whose families are trapped in Tigray, where airstrikes are hitting civilian areas multiple times a day. I am sure that the hon. Member, who has extensive knowledge of the area, agrees that the UK and its international partners should take steps to prevent the brutal bombing campaign. Does he believe that the Government should be working with the UN Security Council to secure no-fly zones over Tigray and Oromia as a means of protecting civilians such as my constituents' families?

**Mr Robertson:** I am grateful to the hon. Lady for her intervention, which, although short, raised a number of important points. I will come on to one or two of them as I make progress, if she will allow me, but she is absolutely right to make them.

On the humanitarian situation, the World Food Programme estimates that 9.4 million people across Tigray, Amhara and Afar are in dire need of humanitarian food assistance as a direct result of the conflict. I am very sorry indeed to hear about the situation of the hon. Lady's constituents' families in that particular area: that is extremely worrying. The number of people in dire need of humanitarian food assistance has increased by 2.7 million in the last four months alone.

**Abena Oppong-Asare** (Erith and Thamesmead) (Lab): I thank the hon. Member for giving way and for bringing forward this really important debate. This is an issue that I have been contacted about by many constituents who have family in Ethiopia, particularly in the Tigray region. They are obviously deeply concerned about the humanitarian impact of this terrible conflict on ordinary people, particularly their families.

I completely support what the hon. Member said about humanitarian assistance. I particularly want to reinforce his points about the UN World Food Programme, which, along with other agencies, should be a focus for securing access to Tigray and neighbouring regions. Does he agree with me that the UK Government must use all diplomatic and development tools to help achieve that?

**Mr Robertson:** Again, I am grateful for the intervention. I will come to that point, but I entirely agree with the hon. Lady and I thank her for raising it.

I am told that, in addition to the 9.4 million people in dire need of humanitarian food assistance, 400,000 Tigrayans face famine conditions. I am advised that there are more people in that famine situation than in the entire rest of the world, which is very, very worrying. The World Food Programme briefing states that

"life-saving food assistance operations in northern Ethiopia are about to grind to a halt because intense fighting has blocked the passage of fuel and food."

There are also claims that the Ethiopian Government are failing to ensure the safe passage of trucks carrying aid through to Tigray, partly by not issuing permission for the trucks to make the journeys. Of course, the federal Government have also closed off banking services, electricity and the internet. The situation needs to be addressed urgently. The Ethiopian Government can give permission for trucks to pass through Afar and into Tigray to deliver some of the aid that is needed.

[Mr Robertson]

Countries across the world need to respond to the general food crisis that the country faces, or the harrowing scenes of the mid-'80s will appear on our television screens once again.

Up to 50% of pregnant and breastfeeding women screened in Amhara and Tigray were found to be malnourished, and the stocks of nutritionally fortified food for these people are now exhausted, with further stocks urgently needed. The World Food Programme is calling for an additional US\$337 million to deliver emergency food assistance in northern Ethiopia. I very much hope that countries across the world will respond.

To make matters worse, a drought is affecting the region, which, according to the UN, means that 26 million people—around a quarter of Ethiopia's population—will require food assistance this year. Normally, the figure is about 6 million or 7 million, but this year it is 26 million. That, together with the fact that humanitarian aid is not getting through to Tigray, means that Ethiopia faces a situation of massive and grave proportions. Again, it is vital that countries respond to the World Food Programme's wider appeal for an additional US\$667 million to help towards that bigger problem.

On the military conflict, Human Rights Watch claims that war crimes are being committed in Ethiopia. It says that Tigrayan forces have executed dozens of people they have captured, and that Ethiopian federal forces have bombed homes, hospitals, schools and markets. Amnesty International claims that troops fighting in support of the federal Government have committed widespread rape against ethnic Tigrayan women and girls, and it further claims that Ethiopian and Eritrean soldiers are responsible for a pattern of sexual violence in Tigray of terrible gravity.

Amnesty International also claims that police in Addis Ababa arrested and detained hundreds of Tigrayans without due process, that journalists and media workers were also detained, and that hundreds of people were in detention with their whereabouts unknown. It is important to point out that the reports suggest that atrocities have been committed by all sides—by the federal Government forces, Tigray People's Liberation Front forces and Eritrean troops. That, of course, makes it so much worse.

The Tigray Defence Forces, part of the TPLF, were within reach of Addis before Christmas, but the forces of the federal Government fought back and the TDF have now left Afar and Amhara, and are back in Tigray, though western Tigray is held by Ethiopian forces. Eritrean forces remain there as well.

My recent discussions, however, suggest a ray of light. Many people who were detained have been released and it is hoped that there will be a will on both sides at least for discussions about peace. That is so important, because it would be difficult to address the humanitarian issues that I have outlined if the conflict continues. If the conflict continues, there will be no winners but millions of losers. That cannot benefit anyone.

I have quoted the work of some charities and organisations and I thank them and many more, including officials at the Foreign, Commonwealth and Development Office and the British embassy for the briefings that they have probably sent all of us. I pay tribute to them for their work in Ethiopia to try to manage and alleviate

the effects of the crisis. Sadly, a reported 25 humanitarian workers have been killed because of the conflict, which is a tragic outcome for people who were only trying to save the lives of others. That kind of loss should encourage all of us to do everything we can to help.

As I said, I have been a friend of Ethiopia for a long time. I have defended the country in this House and more widely at times when perhaps I should have been more critical. Over many years, I pressed the UK Government to increase aid to Ethiopia, and I was proud when we did. I have also visited the country a number of times. Sometimes, however, I have found it necessary—as true friends always should—to issue warnings to Ethiopia, for which I have not always been thanked. Now is one of those times.

I have heard it claimed many times by representatives of Ethiopia that the details of the conflict have been twisted by the media and by some international commentators, and that reports are exaggerated. I have no doubt that competing stories about the conflict are coming out of that country. Equally, however, I have no doubt that the situation is perilous and that atrocities have been, and continue to be, committed by both sides. There are far too many reports by independent charities all saying the same thing.

**Patrick Grady** (Glasgow North) (SNP): I apologise for not being able to stay for the full debate. I, too, have heard from constituents who have connections, friends and families in Ethiopia and are incredibly concerned about the humanitarian situation. They want to see a peaceful resolution.

Does not the solution to any kind of conflict ultimately have to be negotiated? It has to be done through talking and the ballot box. The risk—the hon. Gentleman is absolutely right—is of a spiral, in which things continue to get worse. If the humanitarian situation deteriorates further, that will simply encourage people towards even more desperate means and measures. It is increasingly important that the international community should provide that humanitarian relief and encourage a diplomatic and peaceful negotiated solution.

**Mr Robertson:** The hon. Gentleman is absolutely right; I was going to suggest that in a minute.

I stress that I was motivated to hold the debate because I want to see people's lives saved. I want to see Ethiopians live in peace and prosper, and I want to see Ethiopia survive as a country. This conflict cannot go on. In other words, I have held the debate not because I want to criticise Ethiopia, but because I want to help.

I therefore call on the UK Government to continue their aid programme and the dialogue that I know they are having with the Ethiopian Government. I call on the international community to respond to the World Food Programme's appeal for further financing. I call on the United Nations to do more to bring about a peaceful and speedy solution to the conflict and on our own Government to use our position on the Security Council to press for more action. I call on Eritrean troops to leave Ethiopia immediately.

I call on both sides in the conflict to accept what we are saying: that there will be no winners. There will only be losers, in the most awful way—through hunger and

possibly famine, deteriorating health and further poverty. Those are not outcomes that anyone would want to see or be prepared to accept.

There should be an immediate ceasefire on both sides, accompanied by peace talks that address not only the conflict but the future political situation in the country. I also make another request, very specifically and because this situation is becoming really terrible. I do not make it in any way to undermine the work that the Minister and his colleagues are doing; I know they are doing a lot. Nevertheless, I call on our Prime Minister to phone Prime Minister Abiy to discuss how we can reach the peaceful situation that we need to avoid catastrophe.

We do not want to see another Rwanda and we do not want to see a repetition of the Balkans conflict. We do not want to see those tragedies being repeated. So let us act now.

2.51 pm

**Jim Shannon** (Strangford) (DUP): It is not very often in Westminster Hall that I am called to speak first, so I am rather surprised to be called now, but also very pleased. I had thought that there might be more participants in this debate than there are.

First, I congratulate the hon. Member for Tewkesbury (Mr Robertson) on securing this debate and on his outstanding presentation of the issue, which comes from his knowledge of it. I have been involved with him before on this issue and I have always acknowledged that he has an expertise on, and indeed a real love for, the nation and the region. Therefore, I greatly appreciate what he has said today—to be fair, I think that we all greatly appreciate it—because it has set the scene from a knowledgeable and evidential point of view.

It is always a pleasure to see the shadow Minister, the hon. Member for Cardiff South and Penarth (Stephen Doughty), in Westminster Hall. Even when he was not the shadow Minister, he and I were together in debates such as this one all the time. So, it is good now to see his elevation, so that he can promote his interest in this issue at another level.

It is also nice to see the Minister. We are running well together. Last night, we participated in the Adjournment debate in the main Chamber and here we are in Westminster Hall today. So we are really together in many things. To be fair to the Minister, I do not think that this issue is really his ministerial responsibility; I think I am right in saying that. The Under-Secretary of State for Foreign, Commonwealth and Development Affairs, the hon. Member for Chelmsford (Vicky Ford), who has ministerial responsibility for Africa, is away on a visit. This issue would be in her portfolio. None the less, I am sure that the Minister who is here today will be more than able to address some of the concerns that we have.

I have a very straightforward point of view on this issue and I declare an interest as the chair of the all-party parliamentary group on international freedom of religion or belief. I have a heart, and a burden, for those people across the world who do not have the opportunity to express themselves from a religious point of view through their beliefs because of persecution. I will give some statistics in relation to that, as well.

Also, although the right hon. Member for Islington North (Jeremy Corbyn) and I are politically very distanced—I say that very gently to him, by the way—we

are very often on the same page when it comes to human rights issues. We were for many years when I first came here, and he has been a lot longer than I have, and these are issues that resonate with us. We speak on behalf of our constituents, who ask us to do so, but also because we think the same way, too. That is important.

The ongoing conflict in northern Ethiopia and the severe drought in the south-east of the country mean that millions of people are experiencing a humanitarian crisis. It is absolutely horrifying to watch some of the footage that we have seen, showing the hunger there. Here we are in an affluent society. We have our three meals a day and a choice of meals, but some people do not even have a meal for one part of the day, or maybe not even for a week.

The World Food Programme estimates that some 9.4 million people in northern Ethiopia are in dire need of assistance. Some of the background information refers to a famine of biblical proportions and that is perhaps how I would describe it, too. That gives people an idea of just how important this issue is. The International Rescue Committee ranks Ethiopia second on its list of the 10 worst humanitarian crises expected in the world in 2022, so now is the time to do something about where we are. We have seen those terrible pictures of Yemen, as well, and I think that every person who sees those pictures is moved by the hunger they see. I know that I am, and I am quite sure that everyone else is the same: I am no different from anybody else when it comes to compassion, understanding, and wanting to help. As such, I look to the Minister for assistance. Maybe he could give us some indication of what has been done in relation to the humanitarian crisis that is unfolding, and how we can address it.

I also noticed something in the background information that, to be fair, I already knew through the APPG. By the way, some 145 Members from the House of Commons and the House of Lords participate in that APPG, and many of those Members—who are very aware of the issue of human rights and persecution of people for their religious beliefs—are sat in this Chamber today. The Office of the UN High Commissioner for Human Rights has referred to the widespread use of sexual violence, torture and forced displacement by all parties since conflict began, and it grieves me greatly when I hear of the acts that those armies and groups in Ethiopia are carrying out against women and young girls—such depravity, viciousness and violence, to a degree that particularly upsets me. In his contribution, the hon. Member for Tewkesbury referred to that in a very graphic way. I know that the hon. Member for Rotherham (Sarah Champion) takes a particular interest in these issues, and I always look forward to her contributions, so I hope to hear some things today from the hon. Lady that can add to this debate.

I would also like to draw attention to the terrible situation faced by Christians in Ethiopia. In 2019, the situation for Christians in Ethiopia was looking optimistic—I think the hon. Member for Tewkesbury referred to how things were changing. There was optimism for the future, and it looked as if things were going to get better. They did get better for a short time, but unfortunately, it has all fallen apart again. Open Doors' world watch list is on Zoom today at 3 pm, promoting the same issue that I am here to talk about, and I thank



[Jim Shannon]

Open Doors for all it does. I also thank the right hon. Member for Chipping Barnet (Theresa Villiers) for promoting that today in a very strong way.

Open Doors' 2020 world watch list showed a sharp decline in violent attacks against Christians, with governmental and societal prejudice against Christians seemingly improving, as the hon. Member for Tewkesbury referred to earlier. When in October 2019, Prime Minister Abiy Ahmed was awarded a Nobel peace prize for helping to end the conflict with Eritrea and promoting reconciliation, solidarity and social justice, many were optimistic—were confident about a future of change that could lead to normality—but unfortunately, the future outlook for peaceful co-existence in the country is not quite as good as we thought it was. Famine is rampant, and there is also talk of the humanitarian situation. I asked a question of the Minister on 19 November, and other Members of this House have asked questions as well. It is always good to get the background, because it gives us an idea of what we are all thinking; we are probably all thinking the same thing, but we are all looking for the Minister to respond.

We have referred to the vulnerable communities in the region, and to ensuring that Ethiopians are protected from violence. We have also referred to independent monitors being in place to collect evidence of crimes: the hon. Member for Tewkesbury referred to that issue, and I want to make some comments about it, because it is really important that those who carry out despicable crimes and think they are getting away with them are brought to justice. This is a completely different story, which was in one of the papers today, but just to illustrate the issue—things like these probably trouble me more than they have in the past—a wee boy was killed some 30 years ago, but today, the person who killed that wee boy is facing jail. He thought he had got away with it for 30 years. I want to ensure that those people do not get away with it, and that there is accountability, so that at some time, in some place, they will get a tap on the shoulder and we will say “Your day of reckoning is coming”. That is what we need. They need to know that when they do it, there is accountability. I know, as a Christian, that they will be accountable in the next world, but I would like to see them get their accountability in this world, just a wee bit sooner. That is just the way that I see things.

The trend, in relation to Christians has not continued; the hope of opportunities has not continued. It has gotten worse in the last 18 months. Christians have suffered increased violence enacted against them by militias and terrorist groups. All too often, police and Government forces turn a blind eye to those attacks, allowing perpetrators of persecution to act with impunity. Atrocities are happening, and it is evident that religious and belief minority communities are being specifically targeted. Large amounts of misinformation circulating within Ethiopia—from Government forces, the Tigray People's Liberation Front, and the Eritrean troops—means that even well-documented events are all too easy for perpetrators to deny. Again, it is vital that the atrocities are properly investigated, and that evidence is secured for future prosecutions, so that justice can be delivered for victims. That is what I want to see, as I believe does everyone in this House. I hope that that is what we will find in the future.

The conflict in the Tigray region has affected social harmony across Ethiopia, with many reports emerging of the deliberate targeting of places of worship. Again, it grieves me that, although we can go and worship our God in our churches with freedom, liberty and choice, facing no threats whatever, people there cannot. The crisis in Tigray has been defined by extreme human rights abuses, online misinformation, and by it being overlooked by the international community. I think that the plea from the hon. Member for Tewkesbury was to raise awareness on that. I hope that through this debate we can perhaps, in a small way, make a big difference. Again, we will look to the Minister to give us the response that we hope to see.

As the crisis escalates, it is increasingly likely to spread to other regions in Ethiopia. There must be more effective steps to mitigate against the worsening of this crisis, successfully restrict the ability of perpetrators to act, and prioritise the protection of civilians of all faiths and beliefs.

It is alarming that, during the covid-19 crisis, many Christians in marginal communities have been overlooked in the distribution of Government aid and resources, with international non-governmental organisations having to step in to support those vulnerable minority communities. Again, on this specific issue, I ask whether the Department has had any chance to ascertain whether the help that should be getting to the Christian groups through the NGOs is actually doing so.

Considering the above, I wonder whether the UK Government would consider introducing a human rights sanction regime for actors in the Tigray conflict and for individuals or entities that persecute others based on religion or belief. Impunity has prevailed for too long—it is so annoying to hear of it happening with such regularity across the world, this time in Ethiopia and Eritrea.

Political fighting has continued in recent weeks. In early January, an air strike on a camp for internally displaced people in Tigray killed 56 people. Aid workers also stated that 17 people working in a flour mill were killed by a drone strike on 10 January. Again, normal life is being disrupted. People are dying, families are grieving, and sadness seems to pervade everything related to this. Why are innocents being exploited, threatened and killed, when they have done nothing? I am coming to an end, Mr Bone; I did not realise that time was flying so quickly.

The background information that we have been given refers to a moment of opportunity. The withdrawal of Tigrayan forces from neighbouring regions and calls for a cessation of hostilities, in the negotiations in December, combined with the federal Government's promise not to push further into Tigray, prompted some to see an opportunity to end the fighting and begin talks. A senior US Administration official is involved in that, and he suggests that we need to have a willingness and an ability to seize that opportunity. We look to that moment of opportunity, because we hope that it will deliver for the people of Ethiopia.

I conclude by calling upon the Minister of the FCDO, and the Minister here today, to look at the situation in Ethiopia from both a humanitarian and political perspective, and help ensure that these people have some kind of hope for the future. We did not know it, but those of us in Westminster Hall today are the

spokesmen for those people—we are the voice for the voiceless in Ethiopian Tigray. Today, this House does its best for them.

3.5 pm

**Sarah Champion** (Rotherham) (Lab): It is always a pleasure to serve under your chairship, Mr Bone. I congratulate the hon. Member for Tewkesbury (Mr Robertson) on securing this debate and on all the work that he does through the APPG. His commitment to the region, his passion and his understanding have been demonstrated by not only his speech but the work that he does throughout this place. I commend him for it. It is also a pleasure to speak after the hon. Member for Strangford (Jim Shannon), who has always been a champion for the most vulnerable on this planet—it is a pleasure to speak in his wake.

A peaceful resolution to the conflict seems no closer now than it did when we last met here in November, or when the International Development Committee carried out its inquiry and report in the spring of last year. The humanitarian situation is deteriorating, particularly for women and girls, as the use of sexual violence by all sides is becoming systematic. That is what I want to focus my short speech on today.

Over 2,200 cases of sexual violence were reported to authorities in just the first six months after the conflict began. The real numbers are obviously far higher. To get some sense of the scale, consider that visits to health centres following sexual assault have quadrupled since the beginning of the conflict. Half of the reported cases were gang rapes, and some health centres reported that 90% of victims were underage—remember, that is just the reported cases. The UN estimates that a third of incidents against civilians have involved sexual violence, and it will only get worse as hunger spreads, with women and girls being bartered for food—women-led households are acutely vulnerable. With the UN reporting that it will have no more cereal and cooking oil for Tigray after this week, the prospects for women and girls are looking increasingly bleak. The collapse of the healthcare system, with only a third of health centres in Tigray open and just 6% of them with obstetrics facilities, means there is no support in place for women and survivors. That means women and girls dying as a result of injuries from attacks and risky pregnancies amid the crisis of malnutrition and potential famine.

All forces must immediately condemn and explicitly prohibit the use of sexual violence by their troops and allow for the independent investigation of all reports. The UN Secretary General special taskforce must be allowed to investigate. The special rapporteur on sexual violence in conflict should be permitted to visit refugee camps to interview survivors and record abuses as per Security Council resolution 1888. The recently appointed Human Rights Council expert panel must prioritise work on sexual violence. The humanitarian blockades must end, with aid convoys urgently being allowed unfettered access, if we are to avert famine and protect women and girls from the prospect of further sexual violence.

The Foreign Secretary has long declared that ending sexual violence in war is a key priority. We all welcome the forthcoming global summit on sexual violence later this year. However, women and girls across Ethiopia need support now. UK leadership on this issue is vital if

the summit is to have any credibility. I welcome that this Government have sent out one expert on preventing sexual violence, but given the scale of what is going on, one expert is not enough.

We need to see this Government shift to a focus on preventing atrocity. As the hon. Member for Strangford said, we need to be there on the ground, ensuring that the data is gathered so that, hopefully, we can see those criminals brought to justice in the international courts. More important than that, we need to be doing more on prevention. I know that hon. Members will share my frustration that all we have been able to do with the scraps of genuine information that we have is sit and watch and shout to try and prevent this awful hell on earth as it unfolds in front of us.

3.9 pm

**Jeremy Corbyn** (Islington North) (Ind): Thank you for chairing the debate, Mr Bone. I thank the hon. Member for Tewkesbury (Mr Robertson) for his very good work as chair of the all-party parliamentary group for Ethiopia and Djibouti, which does what all-party groups on different countries should do, making sure that Parliament takes issues seriously, debates them and sees what we can do to assist, if appropriate.

I share the view of the hon. Member for Strangford (Jim Shannon) that it is disappointing that such a small number of Members are here today. This is a major conflict and humanitarian disaster, and there are huge issues at stake, but far too often, when issues relate to African conflicts or anywhere in Africa, there is very little interest across this House. Those of us who are here have to try to make up for that.

I also thank the hon. Member for Strangford for his kind words earlier about intervention in human rights issues. I am pleased he got the text this morning about the dress code that both of us must follow in the debate. He is the most assiduous attender of debates raising issues of human rights and religious freedoms.

There are many histories of Ethiopia, and they are absolutely fascinating. It is the one country in Africa that was never colonised. It is the one country in Africa that is the beacon for African unity, as the centre for the Organisation of African Unity. It is the beacon for so much else about African culture and civilisation. When it was invaded by the fascist Government of Italy in the 1930s, people in this country took up the cause very strongly, and no one more so than Sylvia Pankhurst, the great suffragette. She ended up going to Ethiopia in, I think, 1942 and spent the rest of her life there, extolling the history and culture of Ethiopia. Indeed, there is a street named after her in Addis Ababa. Not only did she spend a lot of time in prison in HMP Holloway in my constituency, but she ended up in Ethiopia with a street named after her. We should be proud of her contribution.

The history of the wars of Ethiopia and the famine and the poverty is absolutely huge. There are obviously huge strategic issues facing Ethiopia—not just food supply and food production, but water supply, energy supplies and so on. I hope an agreement can be reached with Sudan and Egypt so that Ethiopia does not end up with another conflict further down the road about the use of the Nile waters. That has to be resolved. The rivers are for everybody. Water has to be for everybody.

*[Jeremy Corbyn]*

The war with Eritrea was brutal, bloody and violent and ended up with greater Ethiopia losing its access to the sea. That war eventually concluded, but with a massive loss of life.

The conflict that is now going on with Tigray, and to some extent with the Oromo people as well, is almost a copy of what went on over Eritrea. It is devastating when a civil war is going on in a country and massive human rights abuses are taking place—probably on all sides in this conflict. I endorse everything that my hon. Friend the Member for Rotherham (Sarah Champion) said about rape being used as a weapon of war. Rape is systematically carried out against women in Tigray.

There is also the rise of racism in Addis Ababa against anyone from Tigray or anyone speaking the lingua franca of Tigray. It is absolutely appalling. We have witnessed hurt and horror, and beatings and imprisonments, and the Ethiopian Government have apparently refused to allow international bodies into Tigray and other places to investigate those human rights abuses. I hope that is going to change.

What my hon. Friend the Member for Rotherham said is very important. If evidence is not collected very quickly, it will be concealed and will disappear. I am not saying that it will go altogether, but it will be much harder for prosecutions to take place down the line. I hope we in this Chamber today can appeal to the Ethiopian Government to allow the United Nations Human Rights Council, Amnesty International and Human Rights Watch unfettered access to all aspects of society there. They have not taken sides in the conflict. They have not issued a view on the conflict. They have issued a demand for peace and the protection of people against systematic sexual violence.

There is a danger that, following the retreat that the Tigrayan forces performed after they could not get completely into Addis and went back to Tigray, there will be a push for the Ethiopian armed forces, which are huge and considerable, to go in and completely occupy Tigray. That is a temptation that I am sure the military commanders are looking at. The danger is that, once they occupy it, they may not want to leave, and that could be the spark that leads to conflict in the future. There has to be a coming together of some sort and an understanding of the federal nature of the country.

As the hon. Member for Tewkesbury pointed out, this is a humanitarian disaster of massive proportions. The figures are horrendous: 9 million people are short of food and at least 400,000 are starving. There is a lack of medical supplies, and trucks are being prevented from getting into Tigray with food, medicine and all the other necessities of daily life for the people of Tigray. Many will die as a result, and children's growth and development will be stunted. The resentment will be there for all their lives towards those who stopped the necessary aid getting in.

Solving this conflict also helps prevent the conflicts of the future. There has to be an appeal for a ceasefire as soon as one can be arranged. The UN has to perform well on this, because the history of international organisations and Ethiopia is mixed at best. The League of Nations failed to prevent the Italian invasion in the 1930s and that is not forgotten by many people. UN support for problems in Ethiopia has been patchy at

various times. If the UN and the African Union are to mean anything, they must be able to promote dialogue, debate and discussion that not only bring about an immediate ceasefire and get urgent aid into all parts of the country that need it as quickly as possible, but lay the ground for a peaceful future where there is not just another war coming down the line.

I am not opposed to the aid going in—I hope we can give more aid—but aid will work only if there is a political settlement on the ground that allows it to be delivered to the people who need it. Otherwise, we will have the ridiculous picture of aid stacks being built up in various places that simply cannot get to people not that far away who desperately need them. I hope we can make that clear.

All conflicts have to be resolved politically in the end. In every war, when it finally exhausts itself and the killing fields become so full that people start to look for an alternative, that alternative has to be found. Can we not do that and find it more quickly?

We should also look at the arms supplies that are getting into Ethiopia. There should be a complete arms embargo on Ethiopia, which should extend to other countries that are supplying the conflict, either through Eritrea or other places. Particular arms sources appear to be Turkey, the United Arab Emirates—to which the UK is a big arms supplier—Russia and other countries. There has to be an arms embargo. It will not stop all the fighting and bring about peace tomorrow, but it will help reduce the levels of conflict in the future. I hope we are able to get that message across in the debate today.

Please let us have a ceasefire and a future for all the people—people in Ethiopia, the Oromo people, and people in Tigray and elsewhere in the region. We should pay far more attention to issues facing people in Africa than we do. If this conflict had been in almost any other continent in the world, this hall would have been full, but it is not. I am sorry about that. Those of us who are interested and who care—including all those here today—will ensure that the issue does not go away and we will keep it at the forefront as best we can.

3.19 pm

**Chris Law** (Dundee West) (SNP): As ever, it is a pleasure to serve under your chairmanship, Mr Bone. I thank the hon. Member for Tewkesbury (Mr Robertson) for securing today's debate. He was very insightful, and brought to my attention how long he has been speaking up for Ethiopia, having been chair of the all-party parliamentary group since 2008. I also thank all the hon. Members present today. They have given their own perspectives, but we all have one thing in common: we want to see a ceasefire—and to see it as soon as possible.

I visited Ethiopia nearly three years ago with the International Development Committee. I visited it to see the blossoming of peace—just months after the peace accord between Eritrea and Ethiopia—both in Addis Ababa and up in the Tigray region. From everyone I spoke to—not only people who were working there with the UN, the WFP or the aid agencies, but people on the ground and refugees, some of whom had been there for decades—I heard a sense of optimism, excitement and energy.

**Jim Shannon:** And hope.



**Chris Law:** Yes, absolutely. It dismays me that I stand here in this debate so soon after that visit. However, I will press on, and I hope that time is on my side.

Here we are. The past 14 months of ongoing conflict in Ethiopia have been discussed in this House on several occasions, and little is changing. On each occasion, we have heard about the unfolding humanitarian catastrophe: millions of people are in need of food assistance in northern Ethiopia, drought is affecting the south of the country and 2 million refugees are internally displaced. We have also heard about the truly horrifying civil war taking place, with stories of forced displacement, mass detention, starvation, torture and—as we heard from the hon. Member for Rotherham (Sarah Champion), who is my colleague on the Select Committee—the extensive use of rape and sexual and gender-based violence as a weapon of war by all parties since the conflict began. Repeatedly, Members from both sides of the House have called for urgent humanitarian assistance to be facilitated to provide life-saving support to these victims of war. Furthermore, we have stressed the desperate need for the ongoing violence to end, with a negotiated, consensual settlement that would allow peace to return to Ethiopia.

Unimaginable anguish has been caused by this conflict, and the country has been brought to the verge of collapse in such a short space of time. However, the withdrawal of Tigrayan forces from neighbouring regions and the federal Government's promise not to push further into Tigray needs to be used as an opportunity to bring an end to hostilities and begin work on a peace settlement.

There may be grounds for cautious optimism. Earlier this month, the Ethiopian federal Government announced that they would pardon and release several prominent political prisoners. That was welcomed by UN Secretary-General António Guterres, who called for a “lasting ceasefire” and

“a credible and inclusive national dialogue and reconciliation process”.

The federal Government in Ethiopia themselves stated that the key to lasting unity is dialogue, and EU High Representative for Foreign Affairs Josep Borrell Fontelles urged all parties to “seize the moment”—and the moment we should seize.

The suggestion of dialogue is arguably the most significant breakthrough since war broke out in the northern Tigray region in November 2020. To move forward peacefully, Ethiopian leaders must find a way to accommodate competing ideological perspectives and build a vision for consensual governance. Any political settlement must address the country's festering grievances and build a new societal order based on mutual understanding and inclusivity. The Tigrayans must accept that deep grievances from their long period of dominance in Ethiopian politics remain and that most Ethiopians will not agree to their leading the federation again. Both sides can aspire to win the war, and win the war they must together, because neither can hope to win a peace alone.

Ethiopia is a patchwork of 80 ethnic groups, and any potential peace process is likely to be complex. I have a number of detailed questions today, and I hope to hear some responses from the Minister. How will the Government look to support any peace process? For

example, will the FCDO use existing expertise from the stabilisation unit to create a clear road map for inclusive, post-conflict reconstruction in Tigray that proactively addresses development needs and embeds peacebuilding in the FCDO's work in the region? Will the UK work with other key partners, including, as we heard from the right hon. Member for Islington North (Jeremy Corbyn), the UN, the African Union and the African Commission on Human and Peoples' Rights, to ensure the engagement of regional leaders and an increased likelihood of successful peace?

This moment of opportunity is a fragile one, and there is no time to waste. This month there have been numerous airstrikes, killing and injuring dozens of children and civilians, including those in refugee camps. The horrific war crimes that have been a feature of the 14 months of this conflict continue without the perpetrators being held to account. The de facto blockade of humanitarian relief in Tigray has meant that no convoy from the World Food Programme—which has done so much in years gone by—has reached the Tigrayan capital since mid-December. They have had no food for the last four weeks. The continuation of this conflict will only deepen mistrust between communities, risk a potential rapid deterioration in the conflict and make peace frankly impossible.

My second set of questions for the Minister therefore concern the political and economic levers the UK is using to help to secure peace. For example, is the UK making its funding to Ethiopia through British International Investment—formally known as the CDC—conditional and dependent on an end to the blockade and violence? With airstrikes in the last few days killing scores of civilians, what engagement has the Minister had to urge parties such as Turkey and the UAE to stop providing drones, other weapons and military support to Ethiopia? Will the UK call for a UN arms embargo? That would be real leadership.

What discussions has the UK been involved in to ensure accountability for the war crimes that have taken place during the conflict? These questions have been asked repeatedly by each and every Member present, but they are important and need to be answered. Will the UK representatives at the UN use all diplomatic capabilities to call for the invoking of Security Council resolution 2417, which explicitly condemns starvation as a method of warfare and the denial of humanitarian access to civilian populations? I recognise that I have asked numerous questions, but they must be addressed if progress is to be made and to ensure that we are not having a similar debate in several months' time to the ones we have had over the past months.

It is vital that urgent humanitarian assistance is facilitated immediately. There must be immediate guarantees from all parties to the conflict for safe and secure humanitarian corridors via all routes across northern Ethiopia. They must allow movement of supplies across battle lines and allow access to affected populations wherever and whenever needed. As we have heard, an estimated 9.4 million people are in dire need of food assistance as a result of the conflict, yet less than 12% of the supplies required to meet humanitarian needs are reaching Tigray. Supplies of food, fuel and cash, along with humanitarian workers, are unable to reach Tigray as this humanitarian catastrophe unfolds before our eyes. The World Food Programme, which does amazing work around the world, is calling

[Chris Law]

for an additional \$337 million to deliver its emergency food assistance response in northern Ethiopia. Across the entire country, the World Food Programme has an unprecedented gap of nearly two thirds of a billion dollars in the funding needed to save and change the lives of 12 million people over the next six months.

The UK Government have committed £76 million to the crisis response, making the UK the second largest donor globally, which I am sure is welcomed by everyone in this room. The Minister has previously stated that the UK continues to lobby other countries to increase their commitments. I have a fundamental problem with that: it just goes to illustrate the short-sighted folly—once again—of the Government's decision to cut aid from 0.7% to 0.5%. How can they expect others to contribute more when we are cutting back? How can it be a good policy to reduce aid spending aimed at proactively preventing conflicts and crises such as the one in Ethiopia when we have to reactively increase our contributions when war, displacement, malnourishment and disease inevitably arise? Fundamentally, where is the credibility? Where is the economics in that? It is a case of penny wise, pound foolish.

Additional flexible funding is needed as a priority, but it will be of no use unless there is unfettered humanitarian access. So what steps are the UK Government taking to facilitate that? Given the killing of aid workers throughout this conflict, what guarantees has the Minister had from the Ethiopian Government on the safety of humanitarian aid workers?

Finally, we cannot lose sight of the tragedy unfolding in Ethiopia. The warnings of an impending full-scale humanitarian catastrophe have become a harsh and heartbreaking reality. Like many Members present, I remember the 1985 campaign led by Bob Geldof; as a teenager, I ran in a six-mile fun run to raise money for people in Ethiopia facing mass starvation. Here we are again, much older, seeing the same thing in the same location. It is vital that all parties involved in this conflict begin the long-required dialogue to bring hostilities to an end. The UK Government must do everything in their power to ensure that this is not a missed opportunity that prolongs this brutal conflict.

3.29 pm

**Stephen Doughty** (Cardiff South and Penarth) (Lab/Co-op): It is a pleasure to serve under your chairpersonship, Mr Bone.

I thank the hon. Member for Tewkesbury (Mr Robertson) for securing a debate on this crisis and for his powerful candour about the situation as a long-standing friend of Ethiopia. I agree with him that it is disappointing that the issue has not received more attention in the House. I have raised it nearly 50 times since the start of the crisis, through questions and in debates, alongside many other Members. However, it has not received the attention it deserves, either in this country or globally, not least given the level of atrocities, suffering and chaos, and the wider implications for the region and the world. The crisis is very much human-made, just as we saw in the 1980s, and that gives it particular tragedy.

We have heard some powerful and shocking testimony today, from a range of Members, who all made powerful points. I hope that the Minister will give us far greater

assurance than previously about the priority that the UK Government give to the crisis and about how we work with others in the international community, in particular given our role as a P5 member and on the UN Human Rights Council, and not least because of our particular historical development and trading relationships with Ethiopia.

I hope that the Minister will start his response by giving us an update on diplomatic efforts to secure a peaceful settlement, which is crucial. That point has been made multiple times in the debate—securing a ceasefire is key to achieving progress. We saw some steps over the Christmas period, but they appear to be limited and have not been matched by changes on the ground.

It is deeply depressing to be here again, nearly 14 months since the conflict started. The humanitarian situation has steadily but surely deteriorated, with thousands of deaths and millions suffering, in particular in Tigray but also in neighbouring regions, such as Afar, Amhara and beyond. Civilians have faced indiscriminate large-scale massacres, arbitrary arrest, false disappearances, looting and violence. They have been denied the rights to food, shelter, healthcare and education, and we have heard about despicable sexual violence and rape targeting women and girls. There is clear evidence of crimes against humanity and of war crimes.

Since we last discussed the issue, the crisis has worsened for many people across Tigray and those other regions. The UN has warned that its food distribution operations are on the verge of grinding to a halt. In recent days, too, we have seen allegations that the Ethiopian air force hit displaced civilians with air raids. It is not known how those attacks were carried out, but we know that they occurred. In just the past few weeks, it is believed that more than 100 have been killed and nearly 100 injured.

On 5 January, the United Nations High Commissioner for Refugees reported that three refugees, including children, were killed by airstrikes in the Mai Aini refugee camp. Five days later, a similar attack occurred on Mai Tsebri. I do not understand how such attacks can be taking place when humanitarian facilities and internally displaced person locations are designated and known to those involved in the conflict. An attack on an IDP camp in Dedebeit resulted in the massacre of 59 and the wounding of 27 others. That camp was situated around a school and many of the victims were children. What assessment has been made of those shocking incidents?

We have also seen Abiy Ahmed's Government revoke the rights of key humanitarian NGOs, expel seven senior UN staff and block vital aid to areas faced with famine. Evidence has emerged of senior political and military figures using very inflammatory and inciting language. The hon. Member for Tewkesbury referenced Rwanda and other past tragedies; such language has all the sinister hallmarks of encouraging ethnic violence, at worst. We know where that leads, as we saw tragically in Rwanda and Bosnia.

I note the rare rebuke issued last week by the Norwegian Nobel Committee to Prime Minister Abiy Ahmed. That is not a normal step for it to take, but it underlines the seriousness of the situation. Will the Minister tell us what concerns we have expressed directly to the Ethiopian Government in recent weeks, in particular about action against humanitarians and the language used by some

figures? I encourage our Government to work with the utmost urgency towards finding a ceasefire between all the parties to the conflict, so that the humanitarian response can operate fully.

The humanitarian situation has worsened in every way: 9.4 million people are in need across the key regions, up from 8.1 million just before the House adjourned for the western Christmas, and an increase of 2.47 million on just four months ago. That is a drastic increase in a very short period, and it is now thought that 90% of Tigrayans are in need of assistance.

I was shocked to read in a report by the UN Office for the Co-ordination of Humanitarian Affairs that 283 severely malnourished children under five stopped receiving life-saving treatment in one area. OCHA warned that unless fuel enters Tigray as soon as possible, nutrition interventions will cease fully. Michael Dunford, the WFP's regional director for eastern Africa, who has already been quoted, said:

"We're now having to choose who goes hungry to prevent another from starving".

What awful choices to have to make.

Malnutrition interventions are needed for an estimated 1.6 million children under five years old and pregnant and lactating women in Tigray, an estimated 1.4 million in Amhara, and an estimated 80,000 in Afar. Those are shocking figures. We are talking about women and children who are directly at risk of death if we do not intervene in the weeks ahead. Even with intervention, developmental complications as a result of malnutrition at that crucial stage of life and development risk leaving lifelong scars, as we saw in previous tragedies and conflicts in Ethiopia.

We have all heard the estimate that more than 10,000 rapes were committed earlier this year. Shockingly, the clinical management of rape is still massively lacking in Ethiopia, where only 30% of the very few clinics able to offer care to victims of such sexual violence are open. Plan International says that across the key regions there are only five one-stop centres for rape survivors to receive support. Will the Minister tell us what the preventing sexual violence in conflict initiative has reported on the situation and what actions we are taking to support women and girls who have been affected in that horrific way?

Humanitarian organisations need a massive boost in funding to deliver emergency aid. The UN estimates that it needs an additional \$1.2 billion in funding for response in northern Ethiopia. The WFP has warned that, notwithstanding the access issues, it is set to run out of food and nutritious supplies across Ethiopia in February because of

"an unprecedented lack of funding."

In debates on the situation in Ethiopia, I have repeatedly asked Ministers a question that they have yet to answer. There have been individual announcements about UK support to the region, which are of course welcome, but what I and others want to know is whether total UK Government support will go up or down this year. That is the crucial question. When the need is so great, support should be increasing, not reducing. The Government have cut the development budget—I have opposed those cuts on many occasions—but surely, when the need is so great and we see such suffering, our total support should be increasing. We cannot rob Peter

to pay Paul by taking from one part of the country to give to another. This crisis affects many people in many regions, and failing to do our fair share and work with other donors to plug the gaps would be a huge dereliction of our moral duty.

**Sarah Champion:** It is more than just the right and moral thing to do. I cannot understand why the Government have cut funding to a key strategic region—it is the keystone for all the states around it—by 60%. This is not only about that state's security; it about ours too. It is illogical that, at a time of such instability around the world, we are cutting support to our friends and allies and to key countries.

**Stephen Doughty:** I absolutely agree with the Chair of the International Development Committee. The Government's decisions are absolutely baffling, not least because of the implications for countries in the region, many of which are also fragile; there is the situation in Sudan and in South Sudan, and last night we were debating Somaliland. How would those countries cope with a large influx of people crossing their borders? We have also discussed Somalia at great length. The Government's perverse decision has much wider implications beyond this conflict and the people of Ethiopia and Tigray.

Evidence suggests that no aid convoys have reached Tigray since mid-December, and 80% of essential medication is no longer available there. Humanitarian groups are running out of fuel, and say that they may have to cease supply of some of the key international development programme camps completely as a result of fuel shortages. The region is also running out of key medical supplies, including insulin. Diabetics are just a matter of weeks away from facing agonising death if supplies are not replenished. The Ayder Hospital in Mek'ele—the largest in the region—has enough left to hold out for no more than one week.

Will the Minister tell us what conversations have been had with the parties to the conflict to secure and maintain urgent humanitarian access? What other methods are being considered? Have airdrops and other ways of getting resources into the country been considered, for example?

As many Members rightly said, we also want the UN and independent bodies to carry out an internationally recognised investigation into the atrocities—especially those committed against civilians in Ethiopia—so that the people responsible face justice. We must use our powers under the Magnitsky sanctions regime to sanction individuals who are already known to be committing atrocities. The US, for example, has already sanctioned many high-ranking individuals in the Eritrean Government, including the Eritrean defence forces chief and four others, in connection with the crisis in Ethiopia. It has also placed arms embargoes on Ethiopia, while the UK has lagged behind our allies in applying sanctions. I call on the Government to consider urgently working to bring forward measures against those found to have been involved in atrocities, particularly given that London is a key site for individuals who may wish to leave Ethiopia and Eritrea.

I commend the BBC World Service's investigation programme, "Africa Eye", for the incredible work that it does. Its investigation into the massacre of unarmed



[Stephen Doughty]

men in April last year exposed just one of many atrocities. As I and a number of other Members said in the debate on the BBC the other day, I find it perverse that the Culture Secretary has been making some quite demeaning attacks on the BBC when services such as the BBC World Service, which rely on the licence fee, are exposing such atrocities to help us to bring people to justice, as they have done in the past.

Can the Minister also tell me what engagement the Government have had in urging other countries, such as Turkey and the United Arab Emirates, to stop providing drones, other weapons and military support, which are fuelling the conflict and potentially being used against civilians? What is his position on calls for a wider arms embargo?

This situation is truly horrific for the people of Ethiopia and the people of Tigray in particular, and it has much wider regional consequences. We have already heard about the historical consequences of ignoring what is happening in Ethiopia, whether in the 1980s or the pre-world war two era. It is not some far-flung land that we can ignore. We have huge historical, trading and development responsibilities and links, we have a key role as one of the key players in the international community, and we should take leadership on this issue. I hope that the Minister will be able to answer many of the questions that we have raised today.

3.41 pm

**The Minister for Europe (Chris Heaton-Harris):** It is a pleasure to serve under your chairmanship, Mr Bone; I think it is the first time for me, making it the first time for you too. As the hon. Member for Wellingborough, you are my near neighbour and I often walk in your shadow locally, so it is a pleasure to serve under your chairmanship, Sir.

**Mr Peter Bone (in the Chair):** Minister, flattery will get you nowhere.

**Chris Heaton-Harris:** I was hoping that flattery would get me somewhere—but anyway.

I am grateful to my hon. Friend the Member for Tewkesbury (Mr Robertson) for securing this debate and I pay tribute to him for all his work as the long-standing chair of the all-party parliamentary group for Ethiopia and Djibouti. I thank him for his level-headed speech and his wise counsel on this matter. Like the hon. Member for Dundee West (Chris Law), I remember—I might have been following him around, probably on a different track—running for the world at a certain point in the mid-1980s, when passions were aroused. It is a pleasure that this debate has been sponsored by the Bob Geldof of Westminster and, as I say, I thank my hon. Friend for his leadership on this issue.

I am also grateful to other right hon. and hon. Members for their contributions today. I will try to respond to as many of the points that have been raised as possible. Although the hon. Members for Hampstead and Kilburn (Tulip Siddiq), for Erith and Thamesmead (Abena Oppong-Asare) and for Glasgow North (Patrick Grady) are no longer present, I will try to answer their questions too. I thank everyone who has taken part in the debate.

The hon. Member for Strangford (Jim Shannon) mentioned ongoing conversations this week on matters that normally fall without my portfolio. He is correct that I am the Minister for Europe. The Minister for Africa would have very much liked to participate in this debate, but she is currently travelling in the region on ministerial duties, so it is my pleasure to respond to the hon. Gentleman and others on behalf of the Government.

The situation in Ethiopia remains of great concern. As a couple of hon. Members have said, there have been some welcome signs of progress over recent weeks, including the December withdrawal of Tigrayan forces back to their own region, and Prime Minister Abiy's recent decision to release high-profile political prisoners and begin a process of national dialogue. There is a window of opportunity to begin peace talks and bring about a peaceful end to this conflict, which I know my hon. Friend the Minister for Africa is stressing during her visit to the region this week. I hope that visit will demonstrate the UK Government's commitment to ending this crisis and working hard with our partners in the region.

Although the developments that I have mentioned are tentative steps towards de-escalation, they are still encouraging. However, we know that, as right hon. and hon. Members have said, fighting and atrocities continue to take place, and the conflict continues to take its toll on civilians.

**Jeremy Corbyn:** During her visit, will the Minister for Africa be able to speak directly to the Ethiopian Government to press for them to allow unfettered access to the UN, Human Rights Watch and Amnesty International, so they can examine the human rights abuses that have been so widely reported in this awful conflict?

**Chris Heaton-Harris:** I thank the right hon. Gentleman for his question. I honestly do not know the answer, but I assume that, if we are able to, we will be using every conversation that we have to raise those concerns. This is the first opportunity I have had to debate with the right hon. Gentleman. His presentation was salient and sensible; I very much appreciated the points he made in his speech. I know he is very committed to this issue and led a debate on it last November, which I read with great interest. I promise him I have taken all his points very seriously indeed.

As the hon. Member for Cardiff South and Penarth (Stephen Doughty) mentioned, on 8 January an airstrike near a camp for internally displaced persons in Tigray reportedly killed 56 people. It goes without saying that we believe that all sides of the conflict must respect international human rights and humanitarian law, and prioritise the protection of civilians—a point that we have made repeatedly. I am quite certain that the Minister for Africa will reinforce that point during her visit to the region in the coming days.

We also reiterate our call for Eritrea to withdraw its forces from Ethiopia immediately. They are a source of instability, a threat to Ethiopia's territorial integrity and a barrier to achieving the lasting peace that everyone here has talked about, which we all want to see, and which I am absolutely sure the people on the ground want to see.

Right now, 7 million people in Tigray and the neighbouring regions need humanitarian assistance. At least 400,000 people are living in famine-like conditions, more than in the rest of the world combined. The risk of widespread loss of life is high, with young children, as many hon. Members have pointed out, likely to bear the brunt.

The response to the humanitarian crisis continues to be hampered by the lack of security. Shockingly, 24 humanitarian workers have been killed in Tigray since the start of the conflict, including staff working on UK-funded programmes. It is right that we take a moment to remember them and honour the sacrifice they made in support of the innocent victims of this conflict. Tragically, humanitarian access to Tigray has been at a standstill since 14 December and hospitals in the region report that they are out of medicine. I repeat the Government's call to all sides to provide unfettered humanitarian access.

Let me be clear. There is no military solution to the situation in Ethiopia. It is a man-made crisis, caused by human actions and human decisions. The UK Government have been clear from the outset that the fighting must end. All sides must put down their weapons. A political dialogue is the only route to a lasting peace, and with it the return of stability and prosperity to Ethiopia. We have made these points repeatedly to the Ethiopian Government and the Tigray People's Liberation Front.

The British Ambassador to Ethiopia reiterated those messages during meetings with the Ethiopian President on 12 November last year. He travelled to the capital of the Tigray region on 25 November to urge the TPLF to stop fighting and engage in peace talks. The Minister for Africa will use her visit to the region to discuss the potential path to peace with various counterparts. It is a principle of the African Union—which, let us not forget, is based in Addis Ababa—that African solutions should be found to African problems. It is absolutely right that African partners are taking the lead in ending this conflict.

**Sarah Champion:** In the last debate we had, in November, I was told that the African nations were not able to get access to gather data and to see exactly what was going on, to try to stabilise the area. Will the Minister be able to get back to see whether that is now happening, or whether there is more that the UK could do to facilitate that?

**Chris Heaton-Harris:** I thank the hon. Lady for her question. I will write to her if I may. I will investigate and probably get the Minister for Africa to write to her with the answer to that question.

**Jim Shannon:** I know this is not in the Minister's portfolio; none the less, I put it on the record in my contribution. I specifically asked for help in relation to persecution, violence against churches and the destruction of churches, and I mentioned that people do not have the opportunity to worship their God in the way that they wish to. I know that the Government certainly had a policy, which I welcomed and I am pleased to see it in place, but may I gently ask that the Minister responsible—perhaps the Minister here today will pass it on to her—focuses on that area, albeit not taking away from all the things happening elsewhere?

**Chris Heaton-Harris:** I will happily pass that message on to my hon. Friend the Minister for Africa, who has already spoken to Kenyan partners about Ethiopia during her trip to the region this week. The UK Government actively support those regional efforts to bring peace, particularly the work of the African Union envoy, Obasanjo, and Kenyan President Kenyatta. The Minister for Africa has also discussed the need for dialogue, humanitarian access, and accountability for human rights violations with the UN, the US and all other Security Council members.

Alongside our political work, the UK Government have been at the forefront of the humanitarian response to the conflict. We have provided over £76 million in response to the crisis. That includes life-saving food aid, safe drinking water, medical care, sanitation, and nutritional supplies. The conflict has tragically, as outlined in many speeches this afternoon, been characterised from the outset by appalling human rights abuses and violations, including mass detentions, killings and torture. There have been intolerable levels of sexual violence committed by all sides, and tackling sexual violence in conflicts around the globe is one of the Foreign Secretary's top priorities.

In November, the Foreign Secretary stepped up the UK's global leadership on tackling conflict-related sexual violence and violence against women and girls. As part of that, she announced a package of more than £22 million of new funding for initiatives on the frontline to tackle that type of violence.

Last week, the Minister for Africa met representatives from international NGOs to discuss the situation in Ethiopia and the impact of sexual violence there. The reports that she heard, I am told, were harrowing. The UK is delivering essential services to survivors and those at risk of sexual violence in northern Ethiopia. Our programmes provide victims with critical support and care, including support for emergency mental health services. Alongside our partners in Ethiopia, we are taking forward the recommendations made by our preventing sexual violence initiative's team of experts, a point raised by the Chair of the Select Committee and others, to help to strengthen accountability and hold perpetrators of sexual violence to account.

We have also strongly supported the joint investigation into human rights abuses and violations during the conflict conducted by the UN High Commissioner for Human Rights and the Ethiopian Human Rights Commission. We welcome the Ethiopian Government's creation of a ministerial taskforce to take forward recommendations from the joint report, and we call on all parties to the conflict to act decisively to respond to its findings.

At a special session of the Human Rights Council on 17 December, we backed a resolution that created an international commission of experts to investigate allegations of violations in Ethiopia. We urge all parties to engage with the commission. We will continue to press for the justice and accountability that the situation demands.

The Government are under absolutely no illusions about the gravity of the humanitarian and political situation in Ethiopia, but we are hopeful that the progress made over the last few weeks can act as a platform for peace. The Government will use every opportunity to offer the UK's support for work towards a peaceful solution.

[Chris Heaton-Harris]

In the meantime, we will continue to push for humanitarian access and to provide humanitarian aid to those in need, and we will keep pushing all sides to end this terrible conflict peacefully. We will not turn away from those who need our help.

3.55 pm

**Mr Robertson:** I thank everybody who has taken part in the debate. Each speaker has brought their own take and concerns, repeating some points but also raising new ones. It is a shame, as the right hon. Member for Islington North (Jeremy Corbyn) said, and where I started my speech, that for some reason there is a lack of interest in tragedies that unfold in Africa. These are human beings, and we really need to keep mentioning this in the House. We have had a number of debates, as the SNP Front-Bench spokesman, the hon. Member for Dundee West (Chris Law), pointed out, and we are frustrated at seeing the situation seemingly get worse in Ethiopia—although as the Minister confirmed, there seems to be some opportunity for progress.

Will the Minister take this back to colleagues? As I said in my speech, I mean no disrespect to any Ministers, who are working hard on this, but I really think the situation is so serious that our own Prime Minister should phone Prime Minister Abiy to discuss it. The way it is going, it could get much worse, and then we really would not know how to tackle it, so I really think it is urgent enough, for the sake of only a phone call, to call Prime Minister Abiy and see what can be done.

I also regret the reduction in international development aid, as was also mentioned. It is short-sighted and unnecessary, and I look to it being restored as quickly as possible. We have an impressive record of providing aid to Ethiopia—for a while, it was our biggest aid recipient; now it is second—but I ask that the Government do everything they can to urge other countries to contribute to urging peace and in supporting the World Food Programme by providing sufficient funds for it to help, because the potential scale of the problem is unimaginable. It has been bad enough in the past, but it really is unimaginable, partly because of the conflict but also, as I mentioned, because of the drought affecting not only Ethiopia but other countries in the area.

I thank the Minister for his response. I look forward to working with him and the Minister for Africa, whom I have engaged with a number of times on this issue. I again thank all right hon. and hon. Members for taking part in the debate. We are not going away. I am glad the Minister said that the Government will not turn away. We have to get this issue sorted.

*Question put and agreed to.*

*Resolved,*

That this House has considered the humanitarian and political situation in Ethiopia.

## Small Modular Reactors and Energy Security

3.58 pm

**Mr Peter Bone (in the Chair):** Before we start, I remind hon. Members that they are expected to wear face coverings when not speaking in the debate. This is in line with Government guidance and that of the House of Commons Commission. I remind Members that they are asked by the House to take a covid lateral flow test before coming on to the estate. Please also give each other and members of staff space when seated and when entering and leaving the room. I will call Virginia Crosbie to move the motion and I will then call the Minister to respond. I have had notice that other Members will speak in the debate.

3.59 pm

**Virginia Crosbie (Ynys Môn) (Con):** I beg to move,

That this House has considered small modular reactors and energy security in the UK.

It is a pleasure to serve under your chairmanship, Mr Bone. I thank all Members who have attended this debate on what is a crucial topic for both the UK's ongoing energy security and our ambitious goal to achieve net zero.

This is far from the first time that I have raised the issue of nuclear energy in a debate. I last raised the topic of the funding of nuclear power on 9 November last year in an Adjournment debate, and have also been active in raising the issue of nuclear through oral and written questions. I have recently established an all-party parliamentary group on small modular reactors.

**Sir William Cash (Stone) (Con):** I congratulate my hon. Friend on the incredible work she does in this field, as well as not only her APPG work, but her work in relation to the Nuclear Industry Association. I pay tribute to Tim Stone, Lincoln Hill, and the other people who are doing amazing work, and I congratulate my hon. Friend very much on everything she has been doing.

**Virginia Crosbie:** That is incredibly kind of my hon. Friend, but I would like to highlight that it really is a team effort. I thank him for the support he has given me on my political journey: my nickname is "Atomic Kitten", which is somewhat thanks to support from so many people.

Small modular reactors are an exciting new nuclear technology for three principal reasons. First, the modular construction helps to cure issues that have been experienced with past nuclear projects, such as financing, long construction timelines and cost. Secondly, they provide a much-needed route to energy security and low-carbon energy; and thirdly, SMRs could drive a new industrial revolution, levelling up across the UK with high-skilled jobs in the nuclear and engineering supply chain. That is something I am really hoping to hear from the Minister about.



**Alun Cairns** (Vale of Glamorgan) (Con): I pay tribute to my hon. Friend for the work she is doing, not only in championing this issue in Parliament but prioritising Anglesey and Wylfa in the Minister's mind as potential sites for nuclear investment. In the case of small modular reactors—[*Interruption.*]

**Mr Peter Bone** (in the Chair): Order. I am not interrupting the right hon. Member because his intervention was too long; I am interrupting, I am afraid, because there is a Division.

4.1 pm

*Sitting suspended for a Division in the House.*

4.16 pm

*On resuming—*

**Alun Cairns:** It is a privilege to serve under your chairmanship, Mr Bone. In my intervention, I was supporting my hon. Friend's contribution about the opportunities and benefits that small modular reactors will bring. Does she agree that the export potential is significant, and that an early intervention in the UK will yield significant benefits as that export opportunity becomes real?

**Virginia Crosbie:** I thank my right hon. Friend for his insightful intervention. He has been a vigorous champion of the nuclear sector, particularly in Wales, and he makes an important point. In the '50s and '60s we led the way with nuclear and nuclear export. This is an opportunity for us to get back to where we were, leading in a sector that is so vital for our energy security. That is very important for jobs, and it will create skilled jobs in my constituency and across Wales and the UK.

My third point is about co-locating and bringing together clean power with the industries that need it. That is an opportunity to bring high-skilled jobs from other industries. Such co-location is not new; the original Wylfa power station was established to provide power to Anglesey Aluminium.

Since we last debated nuclear financing, there have been major developments in the delivery of SMRs in the UK and in global energy security. The past months have seen an unprecedented rise in wholesale energy prices during winter, in part due to Russia's aggressive behaviour towards its neighbour, Ukraine. That follows the issue in September with the Kent interconnector. I remind hon. Members that a fire at the Kent interconnector, which connects the UK with French power systems, led to soaring energy prices in the UK. We usually import 3 GW of power from France—enough to supply 3 million homes. That fire showed how fragile our energy security is when we rely on other countries for production.

**Jamie Stone** (Caithness, Sutherland and Easter Ross) (LD): The hon. Member is making an excellent speech. Caithness is one of the most nuclear-sympathetic parts of the United Kingdom. Dounreay, Britain's first nuclear reactor, was constructed there. Even today, some 1,500 jobs directly and 500 in the supply chain rest on the nuclear industry. When the wind is blowing hard and renewables are working, units of this nature can create hydrogen, which will help us to deal with the problem that the hon. Member describes.

**Virginia Crosbie:** I thank the hon. Member for his intervention. I am looking forward to an invitation to visit Caithness and see at first hand how important hydrogen is, how it can be linked with nuclear and how we can, I hope, come up with pink hydrogen. In my constituency of Anglesey, we are fortunate to be developing the Holyhead hydrogen hub, which the hon. Member might like to visit.

With much of the European gas supply transiting the continent through central and eastern Europe, the UK and other western European nations are at risk of Russian action to influence the price of wholesale gas and supply through Russian pipelines. Worse still, many of the other sources of gas for heating and industry also come from unstable parts of the globe. The UK is facing an existential crisis in energy supply that ultimately leaves the country exposed to soaring energy costs and potential electricity blackouts if we are unable to secure affordable, home-grown energy long term.

Addressing our energy needs is an urgent priority for the UK. We must build our way out of this overreliance on foreign energy by developing our indigenous supply in a way that is compatible with our COP26 and net zero commitments. To meet the requirements of the sixth carbon budget, we will need all new cars, vans and replacement boilers to be zero carbon in operation by the early 2030s. To move people towards the use of electricity while hitting net zero production by 2035, we must quickly move away from generating that electricity from fossil fuels. Britain currently has slim spare capacity in electrical power generation to feed those changes, leaving both our energy supply and our security under threat.

There is an obvious solution on the horizon. Nuclear power, which has been a neglected part of our energy mix, can bridge the gap. SMRs provide a once-in-a-generation opportunity for the UK to develop a new, global industry sector that will contribute to the country's long-term energy security. A single SMR located on Anglesey in my constituency could produce enough energy for the whole of north Wales, which is primarily rural. A large plant in the same location could power the whole of Wales—with a little bit left over for England, if we are feeling generous.

Not only are SMRs easier to finance, but a factory build in controlled conditions means that they could be up and running as soon as 2028.

**Robin Millar** (Aberconwy) (Con): My hon. Friend is making an excellent speech about how SMRs are of value not just to the UK, but beyond its shores. In Aberconwy I talk to farmers—they are the custodians of some three quarters of the constituency, and they produce some of the finest lamb and beef in the world—and I am hearing from them already that the impact of energy costs mean that bills are rising by up to £1,000 a month. Will she urge the Minister to meet with farmers and farmers' representatives in Wales to make sure that is taken into consideration in looking at the energy supply?

**Virginia Crosbie:** My hon. Friend and neighbour from the beautiful constituency of Aberconwy makes a very important point. In his previous roles, the Minister has been keen to reach out to the farming community. He has already committed to coming to visit Anglesey

*[Virginia Crosbie]*

and Wylfa Newydd, and I am sure he will reach out to the important rural and farming communities as part of that visit.

When it becomes law, the Nuclear Energy (Financing) Bill will give developers a guaranteed return on their investment and lower the cost of raising the capital required to build a power station; that accounts for much of the cost of nuclear projects. We have already seen the regulated asset base model used for infrastructure projects in London, such as the Thames Tideway tunnel, and using it in Wales to finance new nuclear will make a big difference in levelling up the UK.

There has been rapid progress in recent months. Rolls-Royce has received the green light to develop its SMR technology, with match funding from the UK Government. The Nuclear Energy (Financing) Bill will also make a big difference in allowing new sources of funding for nuclear projects. There are other exciting SMR technologies that can help the UK reduce its dependence on expensive foreign energy.

The generation IV molten salt reactors developed by Terrestrial Energy not only have the potential to provide clean energy to the grid, but could provide scalable clean hydrogen for industry. Boiling water reactors, such as that developed by GE Hitachi, deliver clean, flexible baseload energy, too. There is a real opportunity for the UK to take a lead in this field, supported by engineering firms such as Assystem and Bechtel, as well as the wider UK supply chain, which can support the development of all different types of SMR reactors.

This Government have made some impressive funding commitments so far, with the recent Budget allocating £1.7 billion of public funds to support new nuclear projects. The Government have committed to £385 million in the advanced nuclear fund, £215 million for small modular reactors, £170 million for research and development on advanced modular reactors and £120 million for the enabling fund announced in the net zero strategy. Finally, there is an additional £40 million for developing regulatory frameworks and supporting UK supply chains. That is very welcome, but given the scale of the potential energy crisis, there is scope for the Government to do more. The UK should be looking at contingency plans to get new SMRs into play as soon as possible to replace fossil fuel generation.

**Jill Mortimer** (Hartlepool) (Con): I congratulate my hon. Friend on securing this debate. In Hartlepool, the nuclear reactor is on the brink of decommissioning, and my constituency is not the only one in that position. Does my hon. Friend agree that SMRs provide a unique opportunity for us to replace those decommissioned reactors as quickly as possible to preserve high-skilled jobs in places where people do not fear nuclear? They are used to it and they know the advantages it brings.

**Virginia Crosbie:** I thank my hon. Friend for her intervention. It is fantastic to have another atomic kitten here, and I welcome her warmly to this place. I will be talking about SMRs and how important it is that we have a plan in place so that we do not lose those high-skilled jobs, which are so valuable to our constituents across the UK.

To deploy SMRs as soon as possible and restore the UK's leadership in nuclear technology, I call on the UK Government to take the following steps. I ask them to commit, in the upcoming nuclear road map from the Department for Business, Energy and Industrial Strategy, to deploying a fleet of at least 10 Rolls-Royce SMRs by 2035-36. That road map is critical if the UK Government are to get support from industry and investors, and it is the best way for UK taxpayers and consumers to benefit from the Government's bold investment in the Rolls-Royce design. I ask the Government to allow the licensing and siting of the Rolls-Royce SMR technology to proceed in parallel, rather than one after another. As part of that, BEIS should instruct the Nuclear Decommissioning Authority and Magnox to begin detailed discussion on the sale of land on nuclear sites to Rolls-Royce as soon as possible.

I ask the Government to remain open to deploying other SMR technologies as they are proven around the world. Many of our trusted allies, including the US and Canada, are investing heavily in SMRs, and we should learn from their experience. The offer to conduct licensing and siting in parallel should be extended to all viable SMR developers with the financing to buy sites in the UK. As the Rolls-Royce design is proven, the Department for International Trade should back it with export financing to sell British technology across the world, as part of our global Britain initiative. In the '50s and '60s, the UK led the world in nuclear. I know that the Minister wrote one of his university projects on US-UK large-scale nuclear co-operation. How fantastic it would be to get us once more back to leading the way and exporting hundreds of SMRs. Think how that would galvanise the Welsh and UK steel sectors, and the high-skilled jobs it would create.

I ask the Government to bring forward a consultation within a month on classifying nuclear as a green investment in the UK taxonomy, and make nuclear investment eligible under the UK green financing framework. Especially as the Government are looking to invest directly in SMRs and in the next large-scale station, it makes sense to make those investments eligible for green bonds.

To be successful, manufacturers need certainty so that a strong UK supply chain can be established. I recently established the all-party parliamentary group on small modular reactors to look at some of those issues in more detail. We are already at the forefront of this technology, and we need to look at how we can position ourselves as a leading location for this SMR reactor technology.

In conclusion, I thank my fellow atomic kitten, the Under-Secretary of State for Transport, my hon. Friend the Member for Copeland (Trudy Harrison), because without her we would not have set up the nuclear delivery group; she has been a powerful force within the nuclear sector. In the UK we have a long and proud history of pioneering nuclear power. In 1956, we established the world's first civil nuclear programme, opening our first nuclear power station, Calder Hall, at Windscale. At the peak, in 1997, 26% of the nation's electricity was generated from nuclear power. Since then, several reactors have closed, and the share is now about 16%. Almost half of our current capacity is due to be retired by 2025, and other plants are rapidly reaching their use-by dates. SMRs could be the game-changing technology of the 21st century, not just in terms of providing British

businesses and consumers with affordable, low-carbon energy, but as an export industry for technology and nuclear engineering skills across the globe.

I see the SMR programme and new nuclear as intrinsically linked to our levelling-up agenda. When we are importing gas from Russia and electricity from France, where are the jobs that generate that power located? Who is getting the value added from what we pay for that power? According to Rolls-Royce, a UK SMR programme could create 40,000 highly skilled, well-paid jobs. While constituencies such as mine in Ynys Môn suffer some of the lowest rates of gross value added across the UK—reflecting under-investment and a lack of quality, well-paid jobs—we are now paying our continental neighbours to provide us with energy.

For all these reasons, the UK needs to look closely and urgently at its energy strategy. Energy security is vital for our future as a nation, and for the sake of jobs and our economy. In SMRs, we have at our fingertips a technology that can transform the UK from an energy importer into an energy technology supporter. Diolch yn fawr.

**Mr Peter Bone (in the Chair):** It might help right hon. and hon. Members to know that this debate will finish at 4.45 pm at the latest. I have been notified that two Members want to speak, but time is getting on and we must allow some time for the Minister to respond.

4.30 pm

**Jill Mortimer** (Hartlepool) (Con): It is a pleasure to serve under your chairmanship, Mr Bone. I congratulate the hon. Member for Ynys Môn (Virginia Crosbie) on securing this debate.

The UK is gripped by an energy crisis. Global gas prices have reached astronomical highs and pose fresh challenges for households already struggling to make ends meet. Gas prices, which are determined more by global events than by national government, have always been volatile, and household bills will soar again if we fail to rethink energy production in this country. New advances in nuclear technology could revolutionise the UK's energy system, offering security, reliability, safety and cost-effectiveness to consumers. Small modular reactors stand at the forefront of those advances.

On security, switching to nuclear energy and SMRs would end Britain's reliance on Russian fuel tycoons, who have been able to make global gas prices soar at a moment's notice by reducing supply. SMRs would be built right here in Britain, and would be operated by British workers and designed according to British blueprints. Shifting our focus away from foreign gas moguls toward British tech would boost our economy and breathe new life into our post-industrial towns and cities like Hartlepool.

The Rolls-Royce-led SMR consortium, alongside Government support and matched funding, could contribute £52 billion to the UK economy, create 40,000 great jobs and unlock an export market worth an estimated £250 billion. Nevertheless, the glaring advantages of nuclear energy have often sadly been overshadowed by largely misguided concerns over safety, waste and cost.

On cost, although on the surface fossil fuels appear to be much cheaper than nuclear, more detailed analysis reveals that the opposite is in fact true. The cost of balancing the grid in times of uncertain gas prices, as

we are currently experiencing, is alone greater than the construction costs of Hinkley Point C. To see this in action, compare Germany and France, and their energy bills in 2015. Although 54% of German energy came from fossil fuels that year, the average energy bill was double its French equivalent, where most energy was generated by nuclear.

On waste, contrary to popular belief, nuclear waste is the only kind of waste from electricity production that is safely stored. Waste from coal and gas, on the other hand, is not stored, and goes directly into the environment and our lungs.

Finally, on safety, those responsible for the clean-up operation following the Chernobyl disaster were exposed to 100 mSv of ionising radiation, but only experienced a 1% increase in their risk of mortality. To put that into perspective, the increased risk of mortality from living in a large city is 2.8% and that of passive smoking is 1.7%. With 7 million people dying from air pollution each year, nuclear energy would prolong lives rather than shorten them.

In Hartlepool, my constituents are used to nuclear and know the advantages it brings; they do not fear it. It is for all these reasons that we would welcome an SMR—or two—in Hartlepool to replace our soon-to-be decommissioned nuclear reactor.

4.34 pm

**The Minister for Energy, Clean Growth and Climate Change (Greg Hands):** I congratulate the hon. Member for Ynys Môn (Virginia Crosbie) on securing this important debate. She made a fantastic speech. It was a real tour de force around the whole sector. I thank her for her hard work in setting up the all-party parliamentary group on small modular reactors, which has already been an effective voice in Parliament. The hon. Member for Ynys Môn is one of the two original atomic kittens, along with my hon. Friend the Member for Copeland (Trudy Harrison). It is good to see other new members of the group, including my hon. Friend the Member for Hartlepool (Jill Mortimer), here today.

I was delighted to take on responsibility for the nuclear sector when I was appointed as Energy Minister in September, having been a champion for investment in nuclear energy during my time at the Department for International Trade, where I was before that. You and I, Mr Bone, during the 2005 to 2010 Parliament, were recorded as being part of a group called the atomic eight—a group who voted more strongly in favour of nuclear than the parliamentary Conservative party as a whole. I am looking forward to visiting my hon. Friend the Member for Ynys Môn's constituency later this year—hopefully sooner—as the home of the former Wylfa nuclear power station and the site of the proposed Wylfa Newydd plant. Before getting into my hon. Friend's excellently made points, I will address some other points mentioned.

My hon. Friend the Member for Copeland is not here in person but is very much here in spirit. My hon. Friend the Member for Stone (Sir William Cash) gave a very supportive intervention. The hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) made very strong points on the importance of both nuclear and renewables in producing hydrogen; I ask him to have a word with his hon. Friends, who are still



[Greg Hands]

opposing the Nuclear Energy (Financing) Bill, which will cheapen the cost of nuclear, and ask the Liberal Democrats to reconsider and vote for it. We heard from my hon. Friend the Member for Aberconwy (Robin Millar) on the important role that nuclear could play in reducing bills. The Nuclear Energy (Financing) Bill will reduce the cost of a gigawatt nuclear power station by in excess of £30 billion overall. On a present-value basis, that is about £10 per bill payer—a very significant reduction.

Two months ago, the UK hosted the COP26 summit in Glasgow, which focused the world's minds on the role of clean energy in tackling climate change. It was there that I had the privilege of opening a nuclear innovation event at the UK's presidency pavilion, highlighting the largest ever nuclear presence at COP. It is great to be joined by the Exchequer Secretary to the Treasury, my hon. Friend the Member for Faversham and Mid Kent (Helen Whately), who I know has just come back from a visit to Hinkley Point C, and is also an enthusiast for the sector.

In April last year, the UK Government set into law the world's most ambitious climate change target, through our carbon budget 6, in which we aim to achieve a 78% reduction in our emissions by 2035 compared to 1990 levels. In order to achieve this commitment, the UK will need to use a wide range of green technologies, of which nuclear is undoubtedly going to play a key role. The recently published net zero strategy sets out how the UK will deliver our commitment to reach net zero emissions by 2050, and it is clear that nuclear is an important part of our plans to achieve that.

I welcome the enthusiasm of my hon. Friend the Member for Ynys Môn for new nuclear. We will aim to bring at least one large-scale nuclear project to the point of final investment decision by the end of this Parliament, and we will take measures to inform investment decisions on further nuclear projects. SMRs will be important in delivering new nuclear for the UK. The smaller size of SMRs and their factory-based modular build potentially allows for more flexible deployment options—that is stating the obvious. My hon. Friend the Member for Hartlepool put in a bid for not just one, but two SMRs, and made the strong point that nuclear always goes down best in communities that are used to hosting nuclear. That has always been the case in our country, and Hartlepool is very much in that category.

**Damian Collins** (Folkestone and Hythe) (Con): On that point, the Dungeness A power station in my constituency is in advanced decommissioning. The site is owned by the Nuclear Decommissioning Authority. I reinforce the point made by my hon. Friend the Member for Ynys Môn (Virginia Crosbie) that it would be helpful for the Department for Business, Energy and Industrial Strategy to give direction to the NDA that it can enter into negotiations with Rolls-Royce about the use of sites like Dungeness A, which may well be very suitable—indeed, ideal—for small modular reactors.

**Greg Hands:** I am always happy to meet my hon. Friend to discuss that. It is important at this stage that we are not too prescriptive about sites for SMRs; it would be too early for us to do that. I am very happy to meet him and discuss what might be done about the general position of Dungeness.

**Jamie Stone:** In the same spirit, I extend an invitation to the Minister: if he would care to come north to Caithness, he would receive a cordial welcome from the trade council and civic leaders.

**Greg Hands:** I welcome that intervention. I am very happy to offer the hon. Gentleman a deal: if he can persuade his party to become more pro-nuclear, he will ease the path of a visit to the very northernmost part of mainland Scotland. If the Liberal Democrats will vote for the Nuclear Energy (Financing) Bill when it returns to the House of Commons, I will come to Caithness and Sutherland in due course.

Good points about the exportability of this technology were also raised by the former Secretary of State for Wales, my right hon. Friend the Member for Vale of Glamorgan (Alun Cairns), and by my hon. Friend the Member for Ynys Môn—points that are very much true. As my hon. Friend said, in November last year, the Government announced £210 million for Rolls-Royce SMR Ltd to further develop the design for one of the world's first small modular reactor designs. Funding for that project is matched by private investment, with the design potentially capable of deployment in the UK in the early 2030s. We recognise the significant export potential of the Rolls-Royce SMR technology, which has already generated considerable overseas interest.

My Department and my former Department, the Department for International Trade, are working closely with the company to support it into overseas markets, and UK Export Finance has indicated its willingness to provide cover to Rolls-Royce, subject to the normal lending criteria being met. As my hon. Friend the Member for Ynys Môn pointed out, this funding is part of the advanced nuclear fund—a significant Government investment of up to £385 million to develop a domestic SMR design and demonstrate innovative advanced modular reactors, also by the early 2030s.

In addition to investment in SMRs, the Government plan to invest in the advanced modular reactor research, development and demonstration programme, which aims to enable an AMR demonstration by the early 2030s. Based on our own analysis as well as other public reports, the focus of the programme is on high-temperature gas reactors, which I announced at the Nuclear Industry Association's conference in November. In addition to low-carbon electricity generation, HTGRs have the potential to produce very high-temperature heat, which could be used for increasingly efficient production of low-carbon hydrogen—as has already been referred to by various Members—to help decarbonise industrial processed heat, or even for synthetic fuel production.

Furthermore, the Government have recently launched the £120 million future nuclear enabling fund, which has already been referred to, as virtually everything else has, by my hon. Friend the Member for Ynys Môn. She is so on top of nuclear—so well versed—that I sometimes worry about my own job: my hon. Friend knows as much about nuclear as I do. The FNEF aims to address barriers to future new nuclear and help companies to reduce project risks, so that they are better positioned for future investment decisions.

In answer to my hon. Friend's question about allowing the licensing and siting of the Rolls-Royce SMR to proceed in parallel, while there are some steps that logically must be completed before others can begin in a

nuclear deployment project, companies are not, of course, prevented by law or policy from—for example—applying for a nuclear site licence and development consent order in parallel. Those are commercial decisions, as companies are best placed to decide how and when to enter regulatory projects to best support their project.

I was pleased that Parliament voted to back the Nuclear Energy (Financing) Bill last week. As my hon. Friend has pointed out, classifying nuclear as green investment in the UK taxonomy would allow billions to flow into this essential technology. That is the basis behind the Nuclear Energy (Financing) Bill—to bring in private sector institutional financing. As the Prime Minister set out to the CBI, we intend to consult on including nuclear in the draft technical standards for our own UK green taxonomy. Further details will be released when the consultation is published.

To conclude, the Government fully support the development of small modular reactors and the exciting opportunities, both in terms of energy security and of reaching net zero, that new nuclear can offer the UK. We have demonstrated our serious interest in building nuclear capacity in the UK, and over the past year we have made decisions that boost investors' and businesses' confidence in investing in UK nuclear. From the energy White Paper to our landmark net zero strategy and funding for small modular reactors, we have shown our dedication to net zero and nuclear. I once again congratulate my hon. Friend the Member for Ynys Môn on an excellent debate.

*Question put and agreed to.*

## Rebated Fuel Rules: Construction Industry

4.44 pm

**Mr Peter Bone (in the Chair):** Before we move to the next debate, I remind Members that they are expected to wear face coverings when they are not speaking in the debate. This is in line with current Government guidance and that of the House of Commons Commission. I remind Members that they are asked by the House to have a covid lateral flow test before coming on to the estate. Please also give each other and members of staff space when seated, and when entering and leaving the room. I will have to call the wind-ups for this debate at 5.25 pm. I have been notified of two Back-Bench speakers. I hope that hon. Members can work out the timing. I call Carla Lockhart.

4.45 pm

**Carla Lockhart (Upper Bann) (DUP):** I beg to move,

That this House has considered the impact of changes to rebated fuel rules on the construction industry.

It is always a pleasure to serve under your chairmanship, Mr Bone. I thank Members for taking the time to attend today's debate. The broad representation here is indicative of the pan-UK concern that exists around this proposal. I want to make it clear at the outset that the construction industry is supportive of the move towards net zero by 2050.

This debate is not about the need for the industry to play its part in reducing carbon emissions, because that is already recognised and embraced by the industry. Rather, it is about the very negative impact of the change taking effect in April 2022 in the current economic context. It is about the operational and practical ability of the industry to adapt to the change and move to alternative fuels. In the context of Northern Ireland, where we share a land border with another jurisdiction, it is about how local industry will be impacted by handing a competitive advantage to our neighbours in the Irish Republic.

From this debate my hope is that the Government will replace the cliff edge of 31 March, and the potentially disastrous consequences that will ensue, with a transition period and a partnership approach with industry to create alternative fuel sources, reduce carbon emissions and, importantly, support the industry in helping our national economic recovery.

**Sir Greg Knight (East Yorkshire) (Con):** I congratulate the hon. Lady on securing this debate. Is she aware that the problem affects not only the construction industry, but the destruction industry—those who carry out mining and quarrying? There is not an alternative of using hydrogen-powered or battery-powered machinery, so there is a case for the Government to look again at this matter.

**Carla Lockhart:** Absolutely. The right hon. Gentleman is stealing my thunder, as I will go on to mention what he has just very eloquently articulated.

The context in which we bring forward significant economic change is vital, whether the desire is to stimulate growth or mitigate negative consequences. Over the past two years many factors, such as covid-19 and world commodity prices, have already severely impacted the UK construction industry, resulting in significant additional

[Carla Lockhart]

costs in materials and an impact on the availability of materials, along with a loss of production and additional escalating costs—and we all know about the energy costs.

The latest Government insolvency data shows that between August and October 2021, 797 construction firms across the UK went bust. That figure is up by more than a fifth compared with the previous three months. It is in this context that I urge the Government to exercise extreme caution in pursuing any policy that will increase costs to businesses that are clearly already struggling under the weight of existing pressures. There is a cold, hard cash reality to this proposal that cannot be ignored.

In preparation for this debate, I met many construction and recycling companies, many of them family businesses, that have given the following stark analysis of the impact of this move. One family company predicts a £300,000 increase in its fuel bill. Another major construction company, which uses 2 million litres of fuel a year, will see its fuel bill increase by £1 million. These examples are replicated at companies right across the United Kingdom.

In addition to that increase in cost, companies face significant additional cost pressures in terms of electricity and gas prices. The cumulative impact of input cost rises is more challenging now than at any time in the past 15 years. The question is how the Government see those companies absorb the costs, remain profitable and contribute to our national economic recovery.

In the past 18 to 24 months, the Government rightly put great resource into supporting jobs and businesses. I commend them for that. Now is not the time to jeopardise the tens of thousands of jobs sustained by our construction industry with a policy that is right, but whose timing is wrong. The issue of timing is at the crux of this—timing not just in respect of our economy, but when it comes to implementing change to how we power our construction industry.

The mineral products sector produces 400 million tonnes of material a year across the UK, including 200 million tonnes of aggregate. That all requires extremely powerful equipment to work a quarry all day, which is far beyond the capability of the existing non-diesel equipment in the market. To be an effective replacement, non-diesel equipment will need to match the power, range, torque and payload.

The Government's main contention in justifying the timing of the tax change was that it will encourage manufacturers to bring forward alternatives, but they are all working on it already, and it seems unlikely that a tax change for some of the users of red diesel in one country will have much impact in a global market. The UK and Ireland are not a huge market for any of the major global manufacturers of our equipment, with Europe in total accounting for as little as a fifth of sales for some suppliers. Removing the existing rebate for UK users will not make a material difference.

Even assuming that the equipment will become available, there are significant challenges in powering it. Many quarries are in remote locations and may not have access to an electrical grid connection suitable for the level of demand that electrifying such equipment would

need. Significant and expensive upgrades will be required. Similarly for hydrogen, ensuring adequate affordable supply will be critical to weaning industry off diesel. Neither of those issues has been addressed adequately yet.

I ask the Minister to acknowledge in her response that the Government recognise that there are no suitable alternatives for most users and that the incentive effect of the tax change on development in a global market is tiny. That being the case, how do the Government believe that now is the right time to administer this significant change?

Operational and practical difficulties also extend to adherence to the proposed changes, if they proceed. The small family construction company that uses the New Holland tractor and the Merlo telehandler on a site during the week and on the family farm in the evenings and at the weekends is now put in a totally impracticable position. Does it run those vehicles on white diesel all the time, incurring additional costs and hitting profitability? Does it buy totally duplicate machines, which would be financially impracticable? Does it follow Her Majesty's Revenue and Customs rules and flush out the tank before the diesel change, which is again totally impracticable?

That example is replicated in farms and at construction sites right across the UK. Indeed, the same issue will affect those who hire plant equipment, making the management of their business incredibly difficult as they implement the change and seek to adhere to the law.

This is a UK-wide concern, but I hope that Members will indulge me for a few moments as I highlight specific concerns in the Northern Ireland industry. As we share a land border with another jurisdiction, we do so with a direct competitor for business watching the issue closely. There is no doubt that businesses based in Northern Ireland producing and supplying materials to the Irish Republic will be placed in a less competitive position. I have engaged with companies for which Republic of Ireland trade makes up 15% of turnover. For other Northern Ireland firms, that figure will be higher. The change in rebate rules poses a direct threat to such business and, subsequently, to the jobs sustained by that element of the business.

Specifically for companies located in the border areas, there is a secondary risk of material being supplied into Northern Ireland where competing producers based in the Irish Republic will not have to deal with the increased cost, thereby making their products, goods and services more economically appealing to purchasers in Northern Ireland. Furthermore, that will increase the likelihood of tax evasion, as those imports will be subject to aggregate levy, thus meaning more surveillance work for HMRC.

The operation of two sets of rules on the island of Ireland poses a practical problem. If a construction plant is moving up and down, it can use green diesel in the ROI, which will leave markers in the tank for a period. If a plant is moving up and down weekly that may cause issues, and leaves it open to abuse. For those reasons, I ask the Government whether they have undertaken an economic impact assessment of the change to business, particularly in Northern Ireland.



When I questioned the Exchequer Secretary to the Treasury on the proposal in the House on 7 December, the following rationale was given:

“To help ourselves achieve net zero and improve UK air quality, we are reducing the entitlement to use red diesel, which currently enjoys a duty discount, from next April.”—[*Official Report*, 7 December 2021; Vol. 705, c. 171.]

The reality, of course, is that the proposal will do nothing to achieve net zero or improve air quality, as firms can switch to white diesel only in the absence of greener alternatives. Indeed, the fact that the Government are also removing the rebate from some greener alternatives calls into question the claim that it is even about emissions. One company that has engaged with me since I secured the debate said:

“Bio-diesels like Hydrogenated Vegetable Oil are also being affected by the rebate removal. Therefore it is likely on 1 April 2022 we as an industry will move towards a White Diesel as it is the more commercially viable option.”

That multiplied across many firms will result in the policy having the opposite impact on the environment than that stated by the Government.

The Exchequer Secretary also told the House about the consultation undertaken by the Government. The policy change was first proposed and consulted on when the pandemic was at its height. As such, consultation responses did not reflect the deep concern that is now evident regarding the proposal. Indeed, the market conditions now are as challenging, if not more so, than when the consultation was held. I plead with the Government not to ignore the concerns of the industry. According to the Civil Engineering Contractors Association, losing the red diesel rebate could cost the UK construction industry £280 million to £490 million a year—£20 million to £25 million in Northern Ireland. For our local Executive, the additional cost would be the equivalent of a new build school.

For firms tied into public contracts, absorbing that cost is not possible. It will put them under, and make future Government investment in building roads, schools and hospitals more expensive. We need the Government to pause the proposal and move towards a phased introduction that removes the rebate as new technologies come online that allow the industry to really help to reduce carbon emissions, not just pay more now for no benefit. Consideration must also be given to exemptions, not least for the waste management industry.

I conclude by quoting the Chancellor in his Budget speech to the House last year:

“That is what this Budget is about and that is what this Government are about. Infrastructure connects our country, drives productivity and levels up.”—[*Official Report*, 27 October 2021; Vol. 702, c. 279.]

He is right, so why make such a key driver in our economy more expensive?

4.58 pm

**Mr Alistair Carmichael** (Orkney and Shetland) (LD): It is a pleasure to serve with you in the Chair, Mr Bone. I congratulate the hon. Member for Upper Bann (Carla Lockhart) on securing today's debate and putting her case so succinctly and clearly. This day, I suppose, was always going to come. The Treasury and HMRC have always hated the idea of red diesel, and they have come for it in different ways over the years. There was the removal of its use in pleasure boats some years ago;

now we have the removal of the entitlement for its use in construction. The hon. Lady spoke about the crossover between construction and agriculture. That is a feature in my constituency and, I am sure, in many other rural parts of the country. That there are no good answers to her questions illustrates the lack of forethought and planning on the part of the Government.

I have been in correspondence with Government Ministers on this issue. The Minister who is here today wrote to me herself on 3 November, saying that the purpose of the changes was:

“Incentivising developers to bring forward alternatives to market sooner than if these tax changes were not made as affected businesses look to alternatives. In the short-term, and as the market for alternatives develops, the Government's view is that taxing pollution and dangerous greenhouse gas emissions the same, regardless of whether the fuel is burnt on or off road, is fairer than allowing wide distortions to continue.”

What that essentially means is that the Government hope that this change will produce new technology. Again, the points made by the hon. Member for Upper Bann in relation to the position of the UK market were good ones and well made, but the Government will make this change anyway, because they do not like the “distortions” that the Minister referred to.

If the Government were consistent—I hesitate to say this, because I absolutely do not want this ever to happen—they would have looked at the position with regard to agriculture as well. They did not do so because they knew that the political consequences of that would have been too drastic and too dramatic.

What the Government are going at here is the easy target—the low-hanging fruit—at a time when the construction industry is facing a perfect storm, with all the consequences for the wider economy. The lack of availability of building materials at the moment is one of the major challenges facing the sector. If builders are able to get the materials they need, the cost of them is that much higher because the law of supply and demand comes into operation. Now, on top of that, we have a situation whereby builders will have to absorb, in their existing contracts, the extra cost of paying for the fuel duty, and in future contracts they will have to build in that cost and eventually pass it on to their customers, which will have a further inflationary impact. It will mean that many projects do not go ahead, because the already tight margin that many builders are operating on will simply not be viable any more. In that way, we see the consequences of this change moving down throughout the economy and becoming a vicious circle.

When the Minister responds to the debate, can she tell us how things are going? The purpose of this measure is apparently to encourage the development of new technologies. Where are these new technologies and when will they come to market? What assistance will be given to companies such as the small plant hire operator in Orkney I spoke to last week? He says that this measure will put his business under, because he operates something like four diggers and two dumper-trucks—that is the scale of his operation—and in addition he works as a subcontractor for most of the time, but the contractors will expect him to absorb these changes. By the time we get to April, what alternatives will there be for him? What will be the capital consequences for him if he invests in this new and apparently untried technology?

[Mr Alistair Carmichael]

The hon. Member for Upper Bann spoke about this change creating a cliff edge, and she is absolutely right. It is a cliff edge over which the Government risk throwing an entire industry, for reasons—basically—of civil service prejudice and a dislike of exemptions. For a Government who are supposed to be motivated by business concerns, that is poor in the extreme, and I really hope that the Minister will come forward with something that is a bit more meaningful and substantial than what we have heard so far.

5.4 pm

**Jim Shannon** (Strangford) (DUP): Thank you very much for calling me to speak, Mr Bone.

I thank my hon. Friend the Member for Upper Bann (Carla Lockhart) for setting the scene so well, and I thank others for their contributions. The right hon. Member for Orkney and Shetland (Mr Carmichael) also hit the nail on the head, which is that small businesses will be affected. The right hon. Member for East Yorkshire (Sir Greg Knight) intervened on the issue that I want to talk about on behalf of constituents who have contacted me, who are not involved in construction as such but are involved in that sector.

I will give two examples of that. Just after Christmas, I wrote to the Chancellor about this very matter, which is of some importance. My constituents are clearly perplexed to find themselves in a position where the cost factor may push them to the stage where they have to make a decision about the survival of their businesses. When I make these pleas to the Minister, I do so because I hope to get a consideration or concession for one of the firms, and the other has told me clearly what its problems will be.

It is great to be here to support my hon. Friend the Member for Upper Bann. This issue is imperative for Northern Ireland businesses. The new legislation coming into force from April 2022 will have a significant impact on our economy—in particular on our construction industry and, as mentioned by the right hon. Member for East Yorkshire in his intervention, those involved in clearing up afterwards. There are huge concerns about this issue throughout Northern Ireland.

It is great to speak on behalf of the businesses in my constituency. There are many contributing factors making the move to white diesel unsustainable at this time. First, the cost is a primary factor for most of my constituents affected by this issue. I have given two examples, but it will actually affect a much greater number. It is like a stone hitting the water; the ripples go out well beyond that. We will feel the impact in many sectors.

Construction businesses across Northern Ireland have stated that, unfortunately, the added cost will be passed on to the customer—in some cases, that means the UK Government, who own and operate some forms of construction work. According to the Civil Engineering Contractors Association, losing the red diesel rebate would cost the UK construction industry between £280 million and £490 million a year. As my hon. Friend the Member for Upper Bann said, in Northern Ireland alone the additional cost will be between £20 million and £25 million.

I recently visited Conexpo, a family business based in my constituency in Northern Ireland. The right hon. Member for East Yorkshire mentioned quarries in his intervention—Conexpo has three, located in Ballygowan, Carryduff and Ballynahinch, all of which are in my constituency of Strangford. Conexpo produces highly polished stone value aggregates for export markets. Every one of the roads around London is built on stone from the quarries in my constituency; the same stone from Northern Ireland is used in Hong Kong. Conexpo is a lucrative business, because people very much want to have that stone. However, at the same time, there is a cost factor.

Conexpo has raised some important points explaining why the current policy on red diesel is not sustainable. My hon. Friend the Member for Upper Bann spoke about phasing in the policy in order to give businesses time to come up with new ideas and innovation. However, for Conexpo, there is no alternative. There are no hydrogen lorries sitting by to take over because they have not been perfected yet. Conexpo has worked extremely hard to reduce its carbon footprint, and it has succeeded in doing that. It is probably doing more for its carbon footprint than most people. Unfortunately, there are currently no alternatives to diesel engines to power the machines it requires. It is a big business—stone goes from its three quarries to Belfast harbour and then across the world.

Conexpo stated that it

“would welcome some clarity to the practical issues of how the red diesel rebate removal will happen. We believe it would be vitally important to retain the utilization of red diesel and a phased increase of the duty levied by HMRC would be charged by the fuel supplier.”

Another example is Cooke Brothers, which is run and owned by Ken Cooke in Newtownards. He has also voiced concerns on the red diesel rebate. He has stated that the Government must provide more clarity in regard to red diesel for generators. His engineering business does instrumental work for shipyards and sewerage works. The lack of information around generators is causing major anxiety for construction businesses.

Can the Minister say if there could be an exemption or some help for the people who depend on generators? Red diesel is important first for lorry movements and secondly for the generators used in engineering.

The legislation will cost the average business an extra £50,000 a year. It will also potentially mean that jobs are on the line. The Government have a proud record of creating jobs—the unemployment rate is down to 4.5% today, which gives us an indication of their policies—but if they want to be progressive and reduce that more, we cannot lose the jobs we have. The Government must recognise that, at this moment in time, there is no suitable alternative for most users, and that discretion must be given to construction businesses that simply cannot afford this change.

I will conclude within the timescale you set, Mr Bone. In my humble opinion, my constituents need help. I look to the Minister for that. Northern Irish businesses have suffered all too much in recent years, from the horrific impact of the protocol to the pandemic, and now our construction employers face extortionate costs relating to the red diesel change. I encourage the Minister to step in now and answer the questions of our constituents. Give us the help needed, give us the reassurance we

seek, give us the phasing in. There is undoubtedly confusion surrounding the new legislation. Assurances, as presented by my hon. Friend the Member for Upper Bann and replicated, must be given to ensure the success of our construction businesses.

5.10 pm

**Dave Doogan** (Angus) (SNP): It is a pleasure to serve under your chairmanship, Mr Bone. I give many thanks to the hon. Member for Upper Bann (Carla Lockhart) not only for securing the debate but for articulating so clearly the important details now manifest by this deeply unfair removal of the rebate. In April, the 46.8p raise cost £1.5 billion across the construction sector. It is incumbent on the Government, having introduced such a fiscal measure, to have an idea—a passing regard, at least—of how it will affect the industry. In the event that the Minister and her Department do not have that, I can set out a couple of those effects.

However, at the heart of the concern is fairness. As other hon. Members have set out, the notion that operators of this type of vehicle will somehow go out within the next two to three months to purchase alternatives that will not be subject to this tax increase is for the birds. The alternatives are not there—the manufacturers do not have the technology beyond the prototype stage. This is therefore a tax grab, essentially. We need to call it what it is. What the Government should have done, and may have got a bit of respect for, was implement a well-advertised, well-indicated, well-consulted-upon, graduated reduction of the rebate on red diesel, to allow industry and manufacturers to appropriately and realistically adapt their fleets and their products to meet the climate change targets that we all agree on. There is no dispute about those; it is how we get there that, in this instance, is deeply unfair.

I do not hear anybody making political points in this debate. There is no political capital at stake. In that spirit, I offer the Minister an out to this situation. If she wishes, she can put it down to what has happened to the cost of living, with inflation at a 30-year high, as the right hon. Member for Orkney and Shetland (Mr Carmichael) discussed. The principal casualty of this measure is the construction industry, which also faces a chronic labour shortage, and a chronic shortage and rising prices of materials. These things have also changed relatively recently, which gives the Government that out. Eleven companies in my constituency in the mineral products sector are affected by that.

However, this affects not only quarrying but construction and material handling. It is not only Geddes quarries in Angus or Laird's concrete products in Forfar. I had a meeting with John Lawrie Metals in Montrose, which does a tremendous service to the environment by repurposing equipment from the offshore oil and gas sector for the construction sector. It has met Liebherr in Germany to discuss the timeline for the availability of its hydrogen-powered heavy shovels, but that is a long way away—way beyond the horizon of this change.

I implore the Minister to seriously consider a reversal of this change, because it is perverse on two levels. First, it will not make an iota of difference to pollution levels, because there is no alternative; it will be diesel that does the work, whether or not the Government maintain this change to the rebate. Secondly, as the hon. Member for

Upper Bann indicated, it will also displace biodiesel, so there will be a negative consequence to the environment. There is nothing to recommend this. It will harm business and public sector capital investment.

It is okay for the UK Government—they will receive the tax from the change, so that will offset the increase in their capital expenditure to some extent—but what about the Governments of the devolved nations? Who is going to offset their increased costs for building new schools and hospitals? The construction sector will pass this on. It is bad for the environment and for the covid recovery, so I urge the Minister and the Department to think again.

5.15 pm

**Peter Grant** (Glenrothes) (SNP): It is a pleasure to serve under your chairmanship, Mr Bone. I congratulate the hon. Member for Upper Bann (Carla Lockhart) on securing the debate and her excellent opening speech. She has clearly spent a long time familiarising herself with the issue and getting the views of the people who really matter: those whose jobs and businesses are at risk if this goes wrong. There has been huge amount of agreement from all the speakers, which is what happens when we put a good bunch of Ulstermen and Scots together: agreement on most things, shall we say.

As has been said, Mr Bone, there is no argument about the principle. We want to reduce carbon emissions and the other air pollution that comes from almost all fossil fuel use. We would support anything that will achieve that, but there is nothing in the policy paper that the Government have produced about a long-term reduction in the use of fossil fuels, and the Exchequer impact, the tax take, sits at around £1.4 billion to £1.5 billion every year for the duration mentioned in the paper.

**Mr Carmichael:** On the subject of emissions reduction, there is a possibility that in fact we will see an increase in emissions. I have one company in Shetland that manufactures polystyrene boxes for use in aquaculture and fishing. It can manufacture their boxes in Shetland at the moment and sell them economically, but its competition on the Scottish mainland do so with mains gas. That company will lose its competitive advantage and polystyrene boxes will then have to be transported from the mainland to Shetland. The carbon consequences of that are just lunatic.

**Peter Grant:** I am not familiar with the details of the example that the right hon. Gentleman gives, but I have no reason to doubt that he has researched it as thoroughly as he researches everything else he says, either here or in the Chamber. There will be unintended consequences that the Government have not identified yet.

I have the privilege to serve on the Public Accounts Committee. One of our reports, a year or two ago, looked at what are termed environmental taxes. We raised concerns about how it is often difficult to see where the environmental impact of environmental taxes is being measured or monitored, or whether there is even any target impact when they are introduced. A lot of environmental taxes might be well intentioned to begin with, but they quickly become just another money-making scheme for the Treasury.



[*Peter Grant*]

It appears quite clear to me that that is what this proposal is set out to be from the beginning. If it is not about making money, but about reducing fuel use and pollution from fuel, why does the policy paper tell us how much more money the Treasury will get out of it, but not the expected reduction over the next four years as a result of the tax? In answering, can the Minister tell us by how much the Government expect the use of diesel fuel to be reduced as a result of this measure? If he cannot give that answer, he should ditch this plan and bring it back for parliamentary approval when he can tell us what the environmental impacts are likely to be. The right hon. Member for Orkney and Shetland (Mr Carmichael) referred to a case where the proposal could actually increase fossil fuel use.

The hon. Member for Upper Bann pointed out that some of the Government's own guidance tells us that, as a consequence of a fuel reduction scheme, people are supposed to flush more fuel down the drain than they were before. Every time they change from one use to another, they are supposed to flush out the fuel from the tank. A supplier who wants to switch from using white diesel to using red diesel instead is told to flush every trace of white diesel out of the tanks. What a waste of fuel from a system that is supposed to be about reducing fuel usage.

**Dave Doogan:** Does my hon. Friend agree that, because of the traces of red diesel that will still be intact, the construction sector should be genuinely concerned about the pragmatic approach of Her Majesty's Revenue and Customs in enforcing the excise situation? Should we not have something that is much less opaque and more defined?

**Peter Grant:** My hon. Friend makes a valid point. We have seen other examples of proportionate, pragmatic and reasonable enforcement from HMRC. Certainly, the experience of my constituents in a lot of tax enforcement is that those terms tend not to come up in conversations very often.

We should be clear that this is not an example of the Government closing a tax loophole that is being exploited at our expense by rogues, villains and scallywags. Those companies have done everything legally, and quite often put themselves at significant difficulty to separate the red and white diesel that they use for different purposes.

We are talking about criminalising on 1 April something that was perfectly legal on 31 March. If the Government suddenly decide to criminalise what those companies are doing, surely it is reasonable to use some of the £5.5 billion that the Government will make over four years from the changes to support businesses that will need it to comply with the new regulations.

The Government have said that the measure will have no macroeconomic impact. I do not know how macro something has to be to be considered macro, but I suggest that taking £5.5 billion out of the economy over the space of four years will have a macroeconomic impact on a lot of businesses. If someone's business closes, that has a macroeconomic impact on their family's finances. It is not even as if we are adding this tax to a low tax burden for businesses and individuals. The UK tax burden is already close to the highest it has been since my mammy was at school—I have a free bus pass, so Members can do the arithmetic for themselves.

Some of the indirect impacts of the measure have already been mentioned, including on the cost of construction. It will no longer be viable for self-employed people in the construction businesses to continue trading. Construction businesses will close down, and construction projects will stop mid-stream—or might never be completed—when the main contractor goes bust without warning. That kind of thing already happens all too often.

Affordable house building will become less affordable because the builders will not be able to continue to build at the prices they had given previously. There is only one place those additional costs will go: to the people buying the houses at the end of the construction. If that purchaser is a council, a housing association or another social landlord, the additional costs will go to tenants or will lead to the cancellation of the project because it is no longer affordable.

As has been mentioned, there is extreme volatility in the prices of raw materials that construction firms rely on. I have spoken to construction supply firms that find that the price of raw materials can increase by 100% and then drop back down again in a matter of weeks, making it difficult for them to price jobs and to rely on affordable pricing from which they can make a profit without pricing themselves out of the market.

If there were clearly demonstrated environmental and pollution-reduction benefits to the tax, there might be a price worth paying by us all, but there are none whatsoever. The impact is targeted at far too small a portion of the economy, and in a part of the economy that was already on its knees because of the combined impact of Brexit and the coronavirus pandemic.

The construction sector and the construction materials sector should be getting Government support; they should not be getting kicked while they are down. If the Government are not prepared to give up on this plan entirely, I ask them to delay it or, at least, to phase it in over a longer time, to give our hard-pressed industries a chance to survive.

5.24 pm

**James Murray** (Ealing North) (Lab/Co-op): It is a pleasure to serve under your chairship, Mr Bone. Thank you for the opportunity to speak on behalf of the Opposition. I congratulate the hon. Member for Upper Bann (Carla Lockhart) on securing the debate.

As we know, from April 2022, measures in the Finance Act 2021 will come into effect to reduce the number of businesses that can benefit from red diesel tax breaks, as well as extend fuel duty to biodiesel, bio-blend and fuel substitutes used in heating. The measures in the 2021 Act maintain a number of exceptions, however, for situations in which red diesel tax breaks will continue, including for vehicles and machinery used in agriculture, horticulture, fish farming and forestry, and for the heating of non-commercial premises, including homes and buildings such as places of worship, hospitals and town halls.

Historically, the existence of red diesel tax breaks arose from the use of that fuel in off road machinery or vehicles. Duty has historically been charged on fuel used by motor vehicles to reflect the damage caused to public roads. The rebated rate for red diesel reflected the fact that it was only used in off-road situations. The dyeing

of the diesel has also allowed law enforcement agencies to identify it as rebated fuel and therefore to detect when red diesel is being used wrongly, providing a deterrent to fuel fraud.

During the Committee stage of the Finance (No.2) Act 2021, the Exchequer Secretary to the Treasury, the hon. Member for Faversham and Mid Kent (Helen Whately), set out the Government's motivation behind restricting access to red diesel. The Minister explained that the restrictions on red diesel were designed so that taxation

"reflects the negative environmental impact of the emissions produced."

She said:

"Reducing tax breaks on red diesel will mean that approximately 3.6 billion litres of diesel, equivalent to 9.5 million tonnes of CO<sub>2</sub>, will now be taxed at the standard diesel rate."—[*Official Report, Finance (No.2) Public Bill Committee*, 27 April 2021; c. 72.]

Like many Members who have spoken in today's debate, Labour supports the principle behind cutting the use of diesel fuel and encouraging a move towards more environmentally friendly alternatives. We know that red diesel accounts for around 15% of all diesel used in the UK and is responsible for the production of nearly 14 million tonnes of carbon dioxide a year. We also know that red diesel used in the construction and infrastructure building sectors causes PM10 emissions, a type of particulate matter, so it being used less will help to improve air quality. However, we would like to raise two specific concerns on behalf of representatives of the construction industry, and would welcome the Minister's response.

First, during discussion of the Finance (No.2) Act 2021 in Committee, the Exchequer Secretary explained that one aim behind the measures was to make sure that the tax system incentivises users of polluting fuels such as diesel to invest in cleaner alternatives. Representatives from the construction sector have therefore questioned why the legislation increases fuel duty on lower-carbon alternatives such as hydrotreated vegetable oil, which has lower carbon emissions and emits less sulphur than standard diesel. For instance, Niki Holt of Certas Energy, writing in *The Construction Index*, has noted that HVO fuels offer

"an improved burn efficiency and reduced carbon emissions, which accounts for a significant decrease in GHG"—

greenhouse gas—

"emissions. Hydrogen is used as a catalyst rather than methanol, which means that HVO is cleaner-burning and has a longer shelf life than standard biodiesel."

Although HVO is by no means a perfect solution, members of the construction sector have questioned why the Government are restricting the use of HVO fuel as well as red diesel. They argue that, as a lower-carbon alternative, HVO fuel would presumably be preferable to white diesel. I would be grateful if the Government set out why they are including HVO fuel at this stage.

Alongside those environmental concerns, the other key worry we have heard from the construction sector relates to fuel theft. Research by Crown Oil found that there were over 25,000 confirmed fuel thefts in 2018, which represented over £1.75 million lost to businesses and domestic users. It has estimated that that figure could be up to £9 million if all constabularies reported the relevant data to researchers. Construction sites are

already targets for theft, as they tend to be unoccupied at night, and we know that the Civil Engineering Contractors Association and its members are deeply concerned about the heightened risk of fuel theft and subsequent fraud.

CECA has therefore proposed the use of blue dye within standard diesel solely within the construction industry, with duty paid at the full rate, to maintain a deterrent against theft and to enable detection of its illegal use. The colour itself is not important; what matters is that CECA sees this as a way to deter theft that would not be possible with undyed diesel, and it would like legal recognition of that fuel when HMRC and its associated bodies conduct inspections. I would therefore be grateful if the Minister could outline the Government's response to CECA's proposal and highlight what measures will be introduced to support the construction industry, both in reducing the risk of fuel theft and in their wider recovery from the pandemic.

To conclude, we support measures to encourage the use of alternatives to diesel, which help to reduce carbon emissions and improve air quality. Our questions today, however, seek to press the Minister on concerns raised about the detail of this policy and its impact on the construction sector in particular. I look forward to her response.

5.29 pm

**The Exchequer Secretary to the Treasury (Helen Whately):**

It is a pleasure to serve under your chairmanship, Mr Bone, and I congratulate the hon. Member for Upper Bann (Carla Lockhart) on having secured this debate on the important changes we are making to the taxation of diesel, which take effect this April. Before I address the points raised by the hon. Member for Upper Bann and other hon. Members, I will briefly run through the reform we are introducing and the thinking behind it.

I hope it will not come as a surprise to hon. Members that the Government take their world-leading environmental commitments very seriously and are determined to achieve our climate change and environmental targets, including to improve the UK's air quality. That is why, to help achieve net zero and improve air quality, the Chancellor announced back at Budget 2020 that the Government will reduce the entitlement to use so-called red diesel from April this year.

Red diesel is currently used for a wide variety of purposes, such as powering bulldozers and cranes in the construction industry, as well as in the refrigeration section of lorries, in off-grid heating and in agriculture. It accounts for around 15% of all the diesel used in the UK and, as such, is responsible for the production of nearly 14 million tonnes of carbon dioxide a year—that is nearly 3% of total UK emissions. I am therefore quite surprised to hear such opposition from hon. Members from the Scottish National party, the Liberal Democrats and Labour, as well as from hon. Members from Northern Ireland, considering the importance of tackling climate change and reducing emissions.

**Mr Carmichael:** Will the Minister give way?

**Helen Whately:** I will make a little more progress, and then I will be very happy to. I am keen to make sure I address hon. Members' points, which I have listened to and noted down during the debate.

[*Helen Whately*]

Despite diesel being one of the most polluting fuels that vehicles and machinery can use, red diesel benefits from a significant duty discount—a duty rate of around 11p compared with almost 68p per litre on standard diesel. That really is significant. As a consequence, businesses using red diesel pay far less for the harmful emissions they produce than individual car owners. The tax changes that we are introducing in April mean most current users of red diesel in the UK will instead be required to use diesel taxed at the standard fuel duty rate like motorists, which more fairly reflects the harmful impact of the emissions that are produced.<sup>1</sup>

Importantly, the Government have also heard from developers of alternative technologies—cleaner alternatives to red diesel—that the low cost of running a diesel engine on red diesel currently acts as a barrier to entry for greener alternatives. This widespread use of red diesel is actually counterproductive in terms of our ambitions to tackle climate change, reduce emissions and reduce pollution overall.

**Jim Shannon:** I kindly put two issues to the Minister. First, all Members, including my hon. Friend the Member for Upper Bann, have said that there needs to be a staging of this process. Only then will the new technology come through. That is not being negative; we all wish to achieve these goals, but there is a practicality issue. The second point, which I raised in my contribution, is that if exemptions are being given to farmers—which I agree with—would it be possible to have exemptions for those who depend on the generator system? Minister, we are not agin ye—to use an Ulsterism—but we really do think that at this stage there should be some honesty and flexibility in the process.

**Helen Whately:** I heard the hon. Member's point there. A number of colleagues, including the hon. Member for Upper Bann, talked about there being a cliff edge, and others have asked for a delay. This was first announced back in 2020 and was confirmed in the spring Budget of 2021 to be introduced this coming April, so I would say that there has been a substantial lead time into the introduction of this policy—it is simply not coming as a surprise.

There has been substantial consultation with industry and consideration of the cases that specific sectors have made about the challenges that the shift to paying tax at the same rate as standard diesel might mean for them. The Government have listened to those concerns and made specific exemptions where we can see very material impacts—for instance on the cost of goods and services to households. There is an exemption around some use of red diesel for the purposes of generating energy for those who are off-grid—there is a specific exemption relating to that.

Although the construction sector, and mining and quarrying, which my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) mentioned, argued throughout the consultation process that they should be exempt, their case was simply not compelling against our overall objective to incentivise greener alternatives and greater fuel efficiency and to shift to a position, which can only make sense, where the appropriate level of tax is paid on such a polluting and harmful fuel to

reflect the harm that using it causes. However, as I say, we did listen and consult substantially on this proposal; we heard among others from the construction sector and from business representatives in Northern Ireland. We did listen, but we had to make the decision that this is part of an overall direction of travel where we are committed to tackling climate change and the harmful effects of pollution.

**Sir Greg Knight:** I do not think anyone is questioning the Government's motive. The problem is, in relation to quarrying in particular, that no alternative equipment is available. We cannot pursue quarrying with a battery-powered machine or an electric machine with long cables. There is no alternative to using diesel.

**Helen Whately:** As we have heard from those who are trying to develop alternatives, one of the barriers to developing those alternatives—one of the things that reduces the incentives to do so—is the relatively low cost of red diesel. It is only by addressing the fact that there is such a low tax rate on red diesel that we incentivise the development of alternatives—and we are seeing the development of alternatives.

**Dave Doogan:** Will the Minister give way?

**Helen Whately:** I will make some more progress. JCB developing its hydrogen-fuelled digger is one example, and Volvo is another example. So we are seeing the development of alternatives. This proposal is a really important part of ensuring that the incentives are there for these things to happen.

I will pick up on a few other points that hon. Members have made. The hon. Member for Upper Bann talked about the impact of covid on the construction sector. I heard the phrase “a perfect storm” from the right hon. Member for Orkney and Shetland (Mr Carmichael). I will say a couple of things. First, we looked at the cost implications, and that is why there have been some exemptions in very specific areas where we thought the taxation change might have a material impact on household costs. However, for the areas where the change is being introduced, the Government do not believe there is a material change in the ultimate prices to households. The cost of fuel is relatively small for most businesses—I recognise that that is not the case for all businesses.

The other issue, in the context of covid, and taking a step back, is that we have put in a £400 billion package of support for the economy throughout this pandemic. We have already provided £250 million to local authorities in England and recently provided an extra £100 million that local authorities will distribute to businesses affected by covid to support them through the difficult times that we recognise they are going through. The Barnett equivalents of those amounts will go to the devolved nations. So we are giving a huge amount of support to businesses throughout this pandemic—we are absolutely mindful of that. Given that that support is in place, that particular issue is not a reason not to continue with the very important commitments that we have made—and that other parties have supported—to transition to a greener economy.

**Mr Carmichael:** Will the Minister tell the House what reduction in emissions will be achieved as a consequence of this measure?



**Helen Whately:** The right hon. Member has asked me to forecast something that clearly has a level of uncertainty. Some businesses will—*[Interruption.]* If he will just listen to me, some businesses will continue to use diesel but will switch to standard diesel. Others will shift to alternatives. We also expect to see greater fuel efficiency. What we do know, as I said earlier, is the size of the problem. Diesel emits 14 million tonnes of carbon dioxide a year—around 3% of total UK emissions. It is a significant amount, which we should not be overlooking and trying to delay taking action on. I am surprised to hear colleagues arguing for that.

**Peter Grant:** I am grateful to the Minister for admitting that the Government do not know what reduction in diesel fuel usage they expect to get from the proposal. I will ask the question another way. The figures in the Government's Budget papers have been cleared by the Office for Budget Responsibility, which will have looked at the assumptions built into them. Is it correct to say that in forecasting the tax take from the tax over the next four years the Government have assumed that there will be no reduction in the number of litres used and therefore in the usage of diesel fuel?

**Helen Whately:** That is not a figure that I have seen, but I can double-check that. I was asked specifically whether there has been an economic impact assessment. We consulted on the proposal and assessed the expected impact. As usual, a tax information and impact note was produced and published, as hon. Members would expect.

For those who said that the change will not make a difference to the environment, or will backfire, as I mentioned it is about incentivising the development of alternatives. Alternatives are already being developed. Specifically to support that, the Government have doubled the funding for energy innovation through the £1 billion net zero innovation portfolio. The Department for Business, Energy and Industrial Strategy recently announced £40 million of funding for the red diesel replacement competition, which is part of that portfolio, to specifically grant funding to projects that will develop and demonstrate lower-carbon, lower-cost alternatives to red diesel for the construction and mining and quarrying sectors.

**Dave Doogan:** Will the Minister give way?

**Mr Peter Bone (in the Chair):** Order. Before the Minister decides whether to take that intervention, she should know that she is well over her allocated time. We have to allow two minutes for the proposer to wind up. The Minister has 20 seconds.

**Helen Whately:** My apologies—I thought that I had until 5.45 pm. In that case, I will wind up by saying that I thank hon. Members for their contributions and hope that they will recognise the importance of the tax reforms for our ambitions to tackle climate change and reduce pollution.

5.43 pm

**Carla Lockhart:** I thank hon. Members for participating in the debate. I will gallop through some of the points that were raised. The right hon. Member for Orkney and Shetland (Mr Carmichael) made some excellent points around the fact that the Government are targeting low-hanging fruit. He also said that construction is facing a perfect storm and that many have secured future products and are now tied into a price and unable to claw it back, which will drive up the cost of houses and public expenditure.

My hon. Friend the Member for Strangford (Jim Shannon) eloquently made the point that this proposal will have a ripple effect, and gave excellent examples of businesses in his constituency that will be affected. Take waste management. What is more important than getting rid of our waste? But we are putting those companies in jeopardy.

The hon. Member for Angus (Dave Doogan) talked about a tax grab—he absolutely nailed that point. Alternatives are just not there, and the Government should look at how realistic it is that those alternatives will be there in the next two months. He also made a point about the devolved Administrations.

The hon. Member for Glenrothes (Peter Grant) talked about the unintended consequences and again asked the Government to ditch the plan. This is cliff-edge stuff that will ultimately have a macroeconomic impact. The shadow Minister, the hon. Member for Ealing North (James Murray), highlighted the fact that we are all committed to being more environmentally friendly, but, again, mentioned the impact on fraud and fuel theft.

I thank the Minister. I have to say that I do not feel that we got the answers today. There is absolutely zero—

**Mr Peter Bone (in the Chair):** Order. I am really sorry; we could clearly have carried on for longer, but time has beaten us.

5.45 pm

*Motion lapsed, and sitting adjourned without Question put (Standing Order No. 10(14)).*



# Written Statements

Wednesday 19 January 2022

## CABINET OFFICE

### Veterans Strategy Action Plan 2022-2024

**The Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office (Steve Barclay):** The Government have today published the “Veterans’ Strategy Action Plan 2022-24”, setting out how we will continue to empower, support and champion our veteran community. Just as the armed forces have stood by our country in its times of need, the nation will continue to fulfil its duty by supporting our veterans in their civilian lives.

The plan will deliver for veterans across three key areas. We will better understand our veteran community, making sure we have the information we need to inform policy and service design.

We will transform services and support for veterans, building on progress already made to ensure we are meeting veterans’ needs. We will celebrate our veterans and their contribution to society so that all veterans feel their service is valued by the nation.

The action plan contains over 60 commitments, which together will provide a step change in provision. For most service leavers, the successful transition into employment is the foundation of positive life outcomes. We will be doing more to champion the unique skill set of veterans to employers through a bespoke campaign and a new private sector employers advisory group. We will continue to support veterans to gain quality employment, with the roll out of the Great Place to Work for Veterans scheme, which guarantees interviews for veterans in the civil service. We are launching “Advance into Justice” which will fast-track veterans into prison officer roles. We will improve the enhanced learning credit scheme to make it easier for veterans to access a wider range of academic and vocational opportunities to support their development of a chosen career post-service.

We will also invest in making better use of data than ever before, as well as digital programmes, including a £44 million digital transformation package. Compensation and pension services will be radically improved, with a new digital portal that will enable veterans to apply and track progress online. This will help the 1.2 million pensions members and 30,000 annual compensation claimants to access services more quickly and easily.

We want to ensure all veterans feel their service is valued. Regrettably, some people have historically been excluded from serving their country. The Government are determined to take bold steps to begin looking at how we can redress these past wrongs, and we will commission an independent review into the impact that the pre-2000 ban on homosexuality in the armed forces has had on LGBT veterans today.

A further £18 million will be invested in health and wellbeing support for veterans. To bring improvements to mental health services, NHS England will bring the three services offered under Op Courage into one long-term integrated service, making access easier for veterans and their families. The Veterans Trauma Network will be

further developed to create an integrated plan to support the physical health of veterans. “Veteran Aware” accreditation will continue to be rolled out across England—meaning more NHS trusts and GP practices than ever before will become veteran-friendly accredited.

The Office for Veterans’ Affairs will work across Government and beyond to make sure the action plan commitments are monitored and delivered. In 2024, the Government will develop a veterans’ strategy refresh, setting out how far we have come and what remains to be done to deliver on our policy ambition by 2028 to make the UK the best place in the world to be a veteran.

[HCWS543]

## DEFENCE

### UK Armed Forces Families Strategy 2022-2032

**The Minister for Defence People and Veterans (Leo Docherty):** The Ministry of Defence’s “UK Armed Forces Families Strategy 2022-32” on making the recognition and care of armed forces families a national priority has today been laid before the House.

The strategy addresses the challenges armed forces families face with mobility, deployment and separation and the implications this has for accessing good quality healthcare, education, and accommodation. It also notes the evolving nature of family life and the pressures this can place on childcare and managing the career of the partner or spouse alongside that of the service person.

The strategy will be supported by an action plan that includes the commitments made in the Government’s response to the “Living in Our Shoes” report by my hon. Friend the Member for South West Bedfordshire (Andrew Selous). The strategy and action plan will be delivered in partnership with the devolved administrations and the charitable and private sectors.

The delivery of improved support is already under way. For example, the MOD is working with the Department for Education and local authorities to lessen the impact of mobility on service children’s educational attainment. Informed by consultation with families, we are also working with the Department for Health and Social Care and healthcare providers across the UK to improve understanding of the health needs of armed forces families. To advocate for the skills and experiences of partners and spouses we are collaborating with the Department for Work and Pensions and charities to ensure that they are recognised and valued by employers. And next year sees full roll-out of the wraparound childcare programme.

But this is only the beginning. The Government and their partners value the role of all families in the regular and reserve forces and recognise their integral role in providing support to serving personnel based in the UK and overseas. Therefore, we are committed both to putting them at the heart of the Defence community and to helping them thrive in wider society. Together, under the principles of this strategy, we will continually review our policies to better support them, empower them and improve their lived experience.

[HCWS542]



## DIGITAL, CULTURE, MEDIA AND SPORT

### Public Consultations to Improve UK Cyber Resilience

**The Minister for Media, Data and Digital Infrastructure (Julia Lopez):** Today, my Department has launched two consultations seeking public views on our proposals to improve the UK's cyber resilience.

The UK, as one of the leading digital nations, has accelerated its adoption of digital technologies. These technologies have rapidly become integral to the functioning of our economy and form an important part of our critical national infrastructure. In order to ensure our continued prosperity, it is vital that cyber-security is a fundamental part of our country's digital transformation journey.

Cyber-security incidents are increasing in frequency and sophistication, with the potential to cause severe damage to critical national infrastructure and the economy. Over the course of the last year, the National Cyber Security Centre has faced an unprecedented increase in the volume of cyber-security incidents to which it has had to respond. In addition, there have been a number of high-profile cyber incidents within the last year, both domestically and abroad, which have highlighted the increasing sophistication of threats to the UK's cyber resilience. The faster paced digitisation of the UK's economy means that these attacks will have an even greater impact on British businesses and consumers.

Incidents such as the SolarWinds supply chain compromise in December 2020 and the ransomware attack on the Colonial pipeline in May 2020 demonstrated how such cyber-attacks can impact critical services and national infrastructure. At the same time, they have also highlighted the increased need for a sustained supply of diverse and skilled individuals into the cyber workforce to make systems more resilient against cyber-threats like these.

Today's consultations are aimed at addressing these challenges. They are divided into three distinct pillars, which are discussed over two separate consultations, given the nature and audience of the differing pillars.

The first consultation covers pillars 1 and 2, and applies to the whole of the United Kingdom. Changes proposed here affect the Network and Information Systems (NIS) Regulations 2018. This is a key piece of cyber-security legislation which establishes legal measures to strengthen the overall level of security (both cyber and physical resilience) of network and information systems that are critical for the provision of essential UK services, such as transport, energy, water, digital infrastructure, and health, as well as key digital services.

Proposals in pillar 1 seek to bring additional critical providers of digital services under the NIS regulations. The proposals also establish a new risk-based and proportionate supervisory framework for all digital service providers in scope of NIS. Combined, these proposed measures will strengthen the oversight of providers who frequently have privileged access and provide critical support to essential UK services, and ensure that these businesses have adequate cyber-security protections in place.

The proposals in the second pillar seek to future-proof the NIS regulations, by allowing changes to be implemented so the UK can adapt to evolving threats and technological

developments. The Government propose powers to allow important updates to the NIS framework to be made in the future, either to respond to changing threats or technology or to cover other areas as necessary, as well as provisions to secure the most critical organisations on which essential services depend. The Government would also propose to make changes to the current cost recovery system and the incident reporting framework under NIS. Measures proposed in both of these pillars seek to address some of the supply chain cyber-security issues which we have experienced, and which, given the nature of the digital economy, are here to stay.

The second consultation covers the third pillar. Its audience is different from the first two pillars and its proposals are limited to England only. It proposes a set of additional approaches the Government can provide in quality-assuring the cyber profession. This includes exploring both legislative and non-legislative options. The Government will look to the UK Cyber Security Council to be the professional authority to ensure efforts to supply the cyber workforce with diverse and high-quality individuals is done consistently and sustainably. The role of the council will involve developing professional standards and a career pathways framework, bringing together the existing qualification and certification market under a coherent structure. The consultation seeks to gather views on embedding a legislative underpinning for the cyber profession as well as non-legislative measures including a potential role for Government procurement requirements that explores the extent to which a similar demonstration of competence should be required for specific Government functions.

Copies of the consultation on proposals for legislation to improve the UK's cyber resilience and embedding standards and pathways across the cyber profession by 2025 can be found on the Government website: <https://www.gov.uk/government/consultations/proposal-for-legislation-to-improve-the-uks-cyber-resilience>.

Sharing views will help improve the UK's cyber-security regulations. By strengthening the oversight of critical digital suppliers, existing cyber-regulation, and improving the UK's cyber-security profession, we can solidify the UK's position as a democratic and responsible cyber-power and protect our essential services (such as the NHS, transport services, digital services and energy supplies). This will, ultimately, defend the interests, livelihoods, and economic prosperity of our people and businesses.

[HCWS544]

### Reporting Contingent Liabilities: Guarantee to Back a Borrowing Facility for Historic Royal Palaces

**The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Nigel Huddleston):** The departmental minute laid today is in respect of an extension to the period whereby Government acts as a guarantor on behalf of Historic Royal Palaces for a borrowing facility of up to £4 million to meet short-term cash flow requirements.

The renewed guarantee will be available until 19 January 2027 and Historic Royal Palaces will only enter into borrowing facilities at such times and within such monetary limits as the Department shall agree.

The guarantee provides a safeguard protecting Historic Royal Palaces' business from a sudden and serious decline in economic conditions affecting Historic Royal Palaces' admissions income, if such an event should occur, until the savings from their planned rationalisation measures could come through. It would be used only in extreme circumstances. Until the expiration of the previous renewal in September 2021, the guarantee had been in place since 2002 and prior to spring 2020 had not been called on.

Historic Royal Palaces is a charity established by royal charter. By virtue of a contract entered into on 1 April 1998, it carries out the functions of the Secretary of State for Digital, Culture, Media and Sport under section 21 of the Crown Lands Act 1851 of managing the unoccupied royal palaces.

A copy of the departmental minute will be placed in the Libraries of both Houses.

[HCWS541]

## HEALTH AND SOCIAL CARE

### Contingent Liability Notification: Covid-19 Antivirals

**The Secretary of State for Health and Social Care (Sajid Javid):** *Departmental Contingent Liability Notification (deployment of the novel oral antiviral drug PF-07321332+ritonavir)*

I am making this statement for the benefit of hon. and right hon. Members to bring to their attention a contingent liability the Government have agreed to relating to the two contracts signed between Her Majesty's Government (HMG) and the medicine supplier Pfizer for the covid-19 antiviral drug PF-07321332+ritonavir (co-packaged and marketed as Paxlovid).

On 20 October 2021, the Government announced the procurement of two novel oral antivirals to treat UK covid-19 patients. One of these was PF-07321332+ritonavir, of which the Government purchased 250,000 patient courses.

On 22 December, during recess, the UK Government procured an additional 4.25 million antivirals to treat covid-19. This included a further 2.5 million patient courses of PF-07321332+ritonavir.

Antivirals including PF-07321332+ritonavir will support the community-based treatment and recovery of those at highest risk of hospitalisation and death who test

positive for the virus. We do not anticipate a reduction in effectiveness of antivirals against the omicron variant compared to delta.

On 31 December 2021, PF-07321332+ritonavir was granted a conditional marketing authorisation by the Medicines and Healthcare products Regulatory Agency (MHRA) and a temporary regulation 174 authorisation for Northern Ireland to ensure access to supply across the UK. This was after PF-07321332+ritonavir (Paxlovid) was found to be safe and effective at reducing the risk of hospitalisation and death in people with mild to moderate covid-19 infection who are at an increased risk of developing severe disease.

I am now updating the House on the contingent liability HMG has taken on in relation to antiviral supply via this statement and a departmental minute which has been laid.

Even if vaccination and revaccination against new variants is largely effective, they are not enough to protect vulnerable cohorts of patients including the immunocompromised and those who cannot have a vaccine or fail to mount a sufficient immune response. Antivirals add another layer of resilience and flexibility to the UK's fight against covid-19. To continue obtaining the benefits of improved health outcomes such as reducing deaths, hospitalisations, severe disease and its complications, a programme of investment in antivirals is required.

Given the exceptional circumstances we remain in, rapid purchase of these antivirals, while they remained available, was vital. Willingness to accept a contingent liability with respect to antiviral suppliers has helped to secure access to antivirals, with the expected benefits to public health and the economy alike, much sooner than could have been the case otherwise.

While we have been required to work at pace to gain access to these emerging viable antivirals in a highly competitive global market, we have, of course, continued to have due regard for the fundamentals of protecting the taxpayer and ensuring appropriate standards of public administration are followed.

Even though PF-07321332+ritonavir has been developed at pace, the process of approval for this drug has included a full assessment of data and clinical trial results by the MHRA. This is used to assess the safety, quality and efficacy of the treatment before issuing a licence.

I will update the House in a similar manner regarding the deployment of PF-07321332+ritonavir into the community and the wider rollout of molnupiravir.

[HCWS545]

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