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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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House of Lords

Thursday 22 February 2018

11 am

Prayers—read by the Lord Bishop of Winchester.

NHS: Charitable Donations
Question

11.06 am

Asked by ***Lord Brooke of Alverthorpe***

To ask Her Majesty's Government, further to the Written Answer by Lord O'Shaughnessy on 20 December 2017 (HL4078), why they have no plans to provide patients with the costs of their treatment in order to encourage charitable donations to the National Health Service.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord O'Shaughnessy) (Con): My Lords, the NHS is based on the principle of access to treatment regardless of your means and according to clinical need. As a consequence, it is important that patients should not be exposed to the costs of care as it might deter them from seeking treatment. Where costs have been provided, such as the cost of missing GP appointments, this has been in an attempt to prevent waste.

Lord Brooke of Alverthorpe (Lab): My Lords, does the Minister agree that we have a great gift in the NHS and that great gifts become even greater if one can make a return contribution to the giver? Why will the Government not reveal the cost of treatment to people—after they have had it, not before, and only to those people who request it—so that in turn they may make a voluntary contribution, either in full or in part, towards the cost of that treatment? Why is there such difficulty in encouraging people to play a greater part, to give more and to get more involved with the NHS in a way that the Government are refusing to do at the moment?

Lord O'Shaughnessy: I agree with the noble Lord that it is a gift. I also absolutely understand the sentiment behind what he is saying, which is a desire for people to contribute back to the NHS not just through the tax system. It is important to point out that there are more than 250 NHS charities, with an annual income of £400 million. One of the other great gifts we have in this country is people's willingness to donate time and money not just to the NHS but to a range of health causes. So we do provide an opportunity for that and those gifts are supported by gift aid. With regard to itemising the bill, we worry about deterrence. Many users of the most expensive health services are older people. Itemising a bill could put some of them off and that would be the wrong thing to do.

Baroness Gardner of Parkes (Con): My Lords, I am pleased that the Minister has acknowledged the great contribution made by charities, but is he aware that councils are also providing a lot of care for people in need, both pre hospitalisation and post hospitalisation, but that they cannot use gift aid in any way? Will the Department of Health liaise with the Treasury to see whether there is some way that special council funds could be set up, where you could make a charitable donation? Gift aid is a great attraction. Yesterday I got a letter asking me whether I would like to give something to my council. I would not give anything unless it had gift aid—so it seems that we are missing an opportunity there.

Lord O'Shaughnessy: My noble friend makes an important point. Gift aid is a wonderful scheme that obviously has driven huge contributions. She is quite right that public sector bodies cannot provide the gift aid opportunity, which is why in the health sector those charities attached to hospitals exist. She makes an excellent suggestion for what councils should do and I shall take it up with my colleagues in that department.

Baroness Barker (LD): Can the Minister tell the House whether integrated care trusts can have associated charities so that people can make donations not just to healthcare but to social care in their area?

Lord O'Shaughnessy: The noble Baroness asks a very interesting question. Clearly these are emerging organisations and most of the charities are attached to hospital trusts—although not exclusively: some are attached to primary care. None of these are yet quite in being. Once they are in being, this will be an excellent suggestion that we should take forward.

Baroness Watkins of Tavistock (CB): My Lords, can the Minister explain why we should not at least be clearer about what care costs by publishing the tariffs within hospitals so that people understand, if not individually, how expensive some of the day-to-day treatments they get are?

Lord O'Shaughnessy: That is an important point. We are not yet in a position where we have mandatory collection of all that unit pricing data. That will happen from the next financial year onwards, so we will be able to publish that data. It is important, though, to resist the urge to send out to people information itemising costs, precisely for the deterrence reasons that I mentioned.

Baroness McIntosh of Hudnall (Lab): My Lords, we can all agree that the National Health Service being free at the point of use is probably the single most valued thing about it for everybody. Personally, I would not want to see that changed or compromised in any way. However, despite the Minister's reasonable point about putting people off, does he not think that it would help people to value the health service more if they better understood the real cost of what it takes to treat what are in some cases quite minor ailments? Further, could it not help with the pressure on GPs to overprescribe certain drugs, the use of which we would really do well to reduce?

Lord O'Shaughnessy: I think we are getting to a sensible position here: we want that transparency about what things cost in general, but not specific to each patient because of the concern that it might put people

[Lord O'Shaughnessy]
off. There is a lot more information available now than there ever has been about what items cost. What is critical—what we have learned—is that when people miss appointments, for example, which costs about £1 billion per year, there is a good opportunity to demonstrate what that cost is. But as regards what they incur as they go through the experience of healthcare, we worry about the deterrence.

Lord Elton (Con): In his Answer to the noble Lord, Lord Brooke, my noble friend said that older people might be put off. Speaking as an older person, from what might I be put off by information after I have had a procedure or treatment as to what it cost? In the same supplementary, may I ask that when my noble friend comes to remind younger people about not turning up for their appointments, he should send them a note of the cost of that as well?

Lord O'Shaughnessy: I reassure my noble friend that I am not trying to make an ageist point. The point I was trying to make is that the majority of healthcare costs in a lifetime occur at two points in life: in younger children and in older age. We effectively have an insurance system where we pay through our tax and use the care when it is needed. The concern is that at a point in life when people might be vulnerable and not have support around them, and not necessarily know what is required in complex care, having had the facts about one piece of care they may feel that they should not be creating a burden on society by asking for more care. I do not think that is the right approach.

Lord Clark of Windermere (Lab): My Lords, will the Minister make it quite clear—loud and clear—that virtually every hospital trust has its own charity and indeed that many individual wards have one?

Lord O'Shaughnessy: That is precisely the point. Any of us who have spent time in hospital will know that those charities are well advertised. As I say, they have £400 million of income, which I think makes them second only to cancer research in terms of income for health charities. I agree that they are a real asset to our health system.

Lord Dobbs (Con): My Lords, I have a great deal of sympathy with what the noble Lord, Lord Brooke, said, because he talked about the National Health Service being a right but also said that we have individual responsibilities. Is it not time to put much greater scrutiny on the issues of not only missed appointments but the abuse of health tourism and the Friday night nightmares of people who turn up at A&E not sick but overindulged, and expect the taxpayer to help them out?

Lord O'Shaughnessy: My noble friend is quite right—we of course have a responsibility to use this precious resource responsibly. On health tourism, we have introduced a number of changes to recoup the amount of money spent on non-UK citizens who have not contributed to the tax system. We have made good progress on that. I take his point on alcohol, which we are dealing with in a couple of ways. One is obviously by taxing alcohol through the tax system but we also have to do much more preventive work so that people drink less.

Northern Ireland: Devolved Government

Question

11.14 am

Asked by ***Lord Lexden***

To ask Her Majesty's Government what progress has been made in discussion with political parties in Northern Ireland on the re-establishment of devolved government in the province.

The Parliamentary Under-Secretary of State, Northern Ireland Office and Scotland Office (Lord Duncan of Springbank) (Con): My Lords, over recent weeks there have been talks involving the main political parties in Northern Ireland to see whether there is a basis for re-establishing the Executive. Those talks made progress, but unfortunately reached their conclusion without an agreement last Wednesday. The UK Government remain committed to restoring power-sharing devolution in Northern Ireland. I gave a full update to the House on this matter on Tuesday and refer the House to that Statement.

Lord Lexden (Con): A draft agreement document is now in the public domain. Do the Government believe that the proposals in it for language and cultural diversity legislation represent the best way forward on those contentious issues? As regards same-sex marriage, would it not be best to introduce legislation in this place rather than at Stormont? Above all, has the time not come for the Government to show leadership and take firm action in a way that accords fully with the Good Friday agreement, to which Members of this House attach the utmost importance, as they have demonstrated overwhelmingly in the past few days?

Lord Duncan of Springbank: I thank the noble Lord, Lord Lexden, for his question. There were a number of elements within the discussions, not least the question of culture and language. Progress was made; there is no question about that. Indeed, it appeared at one point that we were within a hair's breadth of reaching the promised land of an agreement, but we did not secure that agreement. It is important to stress again that the UK Government are a facilitator of a dialogue between the two principal parties. Those two parties themselves must be able to find that extra energy to create the right circumstances to deliver that agreement. That is what the people of Northern Ireland want, that is what the people of Northern Ireland need and that is what the people of Northern Ireland deserve. As to whether this House should bring forward legislation on the same-sex marriage question, I believe that this is a matter best taken forward by a newly established Executive in Belfast who are best able to reflect upon each of the elements of the communities to ensure that they are able to contribute to that important, serious and necessary piece of legislation.

Lord Hain (Lab): My Lords, it is no criticism of the Minister, but is it not the case that his predecessors have told this House repeatedly over the past 15 months

or so that an agreement is about to be achieved and that anybody who knows the situation in detail has doubted that? I and my Labour predecessors as Secretary of State are deeply concerned that this whole thing is unravelling. We have a Conservative former Secretary of State attacking the Good Friday agreement—I am pleased that the Government have rebutted that—and a political view coming from the Government that does not seem to understand that the whole Good Friday process before Tony Blair became Prime Minister, under John Major and even before that, took years to achieve, and it is all unravelling in front of us. That is what concerns us.

Lord Duncan of Springbank: I thank the noble Lord, Lord Hain, for his comments. The Good Friday agreement is the cornerstone of the UK Government's position. I am very happy to reiterate that plainly and clearly and to distance ourselves from those comments made by others. It is very easy to knit a jersey and it is very easy to unravel it at the other end—far too quickly can we lose that which we have spent so long trying to put together. I am aware that on more than one occasion I have come before this House to say that we are hopeful that there will be an agreement, and I do not doubt that noble Lords in this Chamber today will share the frustration. In truth, this agreement must be delivered by the parties at the table. We believe that they were within a hair's breadth of achieving that just the other day. We do not believe that we are at the end of this process; we cannot be at the end of this process; we need to have an Executive. The alternatives are not satisfactory, particularly against the issues which will face the people of Northern Ireland in coming months. We believe that the parties need to get together once again. I appreciate that noble Lords may be experiencing an element of déjà vu. That is not my intention, but the same ambition and the same need are there. They have not changed. Those two main parties and the other parties in Northern Ireland need to be part of an agreement which is sustainable and can command confidence. If we can achieve that, we will have done an extraordinary thing, but we are not there yet.

Baroness Suttie (LD): My Lords, three weeks ago in Belfast, when giving evidence to the Lords EU Select Committee, Sammy Wilson MP said that he and his DUP MP colleagues,

"meet Brexit Ministers almost on a weekly basis".

Given the continued absence of a power-sharing Executive in Northern Ireland, and given the Government's role as co-guarantor of the Good Friday/Belfast agreement, does the Minister agree that similar access should be granted to all parties in Northern Ireland?

Lord Duncan of Springbank: I thank the noble Baroness for her question. I believe that all the parties in Northern Ireland need to be part of this dialogue, but I reiterate that to develop a power-sharing Executive, it is the two principal parties that must broker that deal. The Government are content to ensure that no party is left in the dark as to our ambitions and intentions, particularly as we go forward into some of the challenging times that have yet to come.

Lord Cormack (Con): My Lords, as my noble friend said on Tuesday, as the 20th anniversary of the Belfast agreement approaches, the celebrations will ring very hollow indeed. Should we not continue to say firmly but quietly to both the DUP and Sinn Féin that they must not sacrifice what their predecessors helped to create?

Lord Duncan of Springbank: In response to my noble friend I will happily say that the Belfast agreement is an imperative, essential element of the Government's policy, and I have no desire for that celebration to fall without an Executive.

Baroness Smith of Basildon (Lab): My Lords—

Lord Browne of Belmont (DUP): My Lords—

Baroness Smith of Basildon: I am happy to give way to hear from the DUP.

Lord Browne of Belmont: My Lords, it is clear that in the coming weeks, regrettably, Northern Ireland will not have a functioning Assembly or Executive at a time when decisions will have to be made on the details of managed divergence between trade regulations in the UK and the EU. Can the Minister assure me that, given the absence of local political representation, the Government will arrange for discussions as soon as possible with representatives of the business and farming community in Northern Ireland to ascertain their concerns and, if possible, take steps to address them?

Lord Duncan of Springbank: I thank the noble Lord for his comments. I have already put in place meetings with the NFU in Northern Ireland and with various fishing interests. No voice can go unheard at this important time, and we must ensure that those voices ring crystal clear in the decisions which the Government must take.

Sudan: Human Rights

Question

11.23 am

Asked by ***Baroness Cox***

To ask Her Majesty's Government what is their assessment of the situation in Sudan, with particular reference to violations of human rights and access to those in need of humanitarian aid.

Baroness Goldie (Con): My Lords, improving human rights remains a key objective in our engagement with Sudan. Although, regrettably, there has been little overall improvement in the human rights situation, we continue to raise concerns at senior levels, including by the Foreign Secretary in a recent meeting with Foreign Minister Ghandour in December. We welcome recent improvements in access to populations in need, but the humanitarian situation in Sudan remains of concern, with nearly 5 million people requiring assistance.

Baroness Cox (CB): My Lords, I thank the Minister for her reply, but is she aware that military offensives by the Government of Sudan in Blue Nile and South Kordofan have forced 300,000 people from their homes? During a visit to Blue Nile last month, we met

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9,000 civilians who had not been visited by any other NGO and who are at risk of starvation. They are very disturbed by reports that the Government of Sudan are using the ceasefire to buy more weapons, including fighter aircraft and missiles, with a build-up of armed forces in the area that they fear will be used for renewed military offensives. Will Her Majesty's Government raise again the need for food aid for civilians not from Khartoum, as the people do not trust aid from a Government who have been trying to kill them for years, and obtain information regarding the reported disturbing build-up of military forces?

Baroness Goldie: I thank the noble Baroness for her question. We all acknowledge her distinguished record on these issues, in particular in Sudan. She raises perplexing issues, on which I have no specific information other than to say that she will be aware that the UK is providing humanitarian assistance to conflict-affected populations in the two areas through the Sudan Humanitarian Fund—we gave £16 million to that fund in 2017. In addition, we give general bilateral aid to Sudan. The issues that she raises are deeply concerning and I undertake to make inquiries. If I receive any further information, I shall happily write to her.

Lord Chidgey (LD): My Lords, the UN Assistant Secretary-General for Human Rights confirmed in Westminster yesterday that lifting US sanctions, in his view, had not seen a corresponding lifting of barriers to aid reaching vulnerable people, particularly in the Blue Nile and Nuba mountain regions. Will the Government consult the UN about pausing the promotion of trade links until Sudan is seen to honour its aid access commitments? Will they seek to persuade other countries to do the same?

Baroness Goldie: The noble Lord raises an important point, which strikes at the heart of this issue. It is about balance and whether it is better to engage to some extent and try to help to regenerate what is basically a non-functioning economy. Certainly, the United Kingdom supported the lifting of United States sanctions, which we thought an important step towards a more inclusive form of economic development in Sudan and a normalisation of Sudan's international relations. There is a need to assist with building economic infrastructure, which will offer genuine help to those most affected and vulnerable, but we are under no illusions about the challenges that confront that country.

The Lord Bishop of Winchester: My Lords, since 2011 there have been reports that the Government in Sudan have arrested Christian leaders, demolished churches and prevented church properties from being registered. My Anglican colleagues from the Sudan advised me that church schools are able to open only four days a week, because the Government require that schools are closed on Fridays and Saturdays—of course, Sunday is a holy day for Christians. How much more can the Government ensure that the rights of religious minorities are respected in Sudan?

Baroness Goldie: I thank the right reverend Prelate for raising a very important issue. It is concerning and, across the piece, we make it clear to Sudan that we expect compliance with international human rights requirements and tolerance in recognition of the legitimate right of people in Sudan to exercise their peaceful and lawful operations. I am interested in the point that the right reverend Prelate raises and I shall certainly take it back to the department.

Lord Collins of Highbury (Lab): My Lords, I want to pick up a point that was raised by the noble Baroness, Lady Cox, on how we get humanitarian aid in. No one disputes the fact that the Government have been committed to getting aid in, but it is surely important that we focus on local NGOs, particularly women's groups, to ensure that the aid that we get in is trusted and effective. Finally, we cannot continue to allow the actors in Sudan to act with impunity. We must ensure that they are held to account.

Baroness Goldie: On the last point, I totally agree with the noble Lord. We make at diplomatic level repeated representations about the need for proper recognition of the rights of the citizens of Sudan, not least those who find themselves the subject of arrest or who are detained. On the broader front of how we get aid particularly to those inaccessible areas, which is extremely challenging, not least due to the complex circumstances surrounding those areas of Sudanese geography, there has been evidence, as noted by the United Nations and others in 2017, of some improvements in access to populations in need, as a result of revised directives by the Government of Sudan. We continue to urge the Sudan People's Liberation Movement-North to agree to the US proposal on humanitarian assistance so that aid can reach affected populations.

Lord Alton of Liverpool (CB): My Lords, in the 15 years since a visit to Darfur, some 2 million of those to whom the Minister referred have been displaced, there have been more than 200,000 deaths and the President of Sudan, Field Marshal al-Bashir, has been indicted by the International Criminal Court for genocide and crimes against humanity. What extra action, following the question asked by the noble Lord, Lord Collins, have we taken to ensure that he is brought to justice? Why, in the Security Council, did we support a reduction of 44% of the troop presence in Darfur, when the situation there has continued to deteriorate?

Baroness Goldie: I pay tribute to the noble Lord, Lord Alton, for his knowledge of the country and the issues confronting it. It is the case that the security situation has evolved in much of Darfur, which is why we supported the United Nations Security Council's decision in June to reconfigure the African Union-United Nations Mission in Darfur, but we recognise that the security situation remains fragile. Our priority is to ensure that the changes made to the mission are done sensibly, with appropriate review points, so that we can ensure that a smaller, more flexible African Union-United Nations Mission in Darfur is still able to fulfil the core components of its mandate.

Prisons

Question

11.30 am

Asked by ***The Lord Bishop of Gloucester***

To ask Her Majesty's Government what is their vision for the long-term future of the prison system.

The Advocate-General for Scotland (Lord Keen of Elie) (Con): My Lords, we shall seek to maintain a prison system that is sufficient for public protection and will provide opportunity for the rehabilitation of offenders. Where it is necessary for offenders to be deprived of their liberty, their detention should be decent and safe.

The Lord Bishop of Gloucester: My Lords, in 2015, the Justice Committee of the other place concluded that funding for women's centres,

"appears to be a recurring problem".

Ten years after the report of the noble Baroness, Lady Corston, can the Minister assure me that secure, long-term funding for women's centres is now a high priority?

Lord Keen of Elie: Clearly, the matter of female offenders is one of the priorities that we are addressing. Indeed, we can note that the number of female offenders has dropped to the point where it is now in the region of 3,936 out of a total population of about 86,000. We are of course concerned with ensuring that there is funding in respect of female prisoners and offenders as they leave the prison system.

Baroness Corston (Lab): My Lords, the numbers to which the noble and learned Lord refers have recently gone up. It is 12 years since I was requested by the previous Government to conduct a review of deaths of women in the criminal justice system, because of some very high numbers in the previous two years, and the numbers subsequently plummeted considerably. But, last year, we had exactly the same high shocking numbers of women who took their own lives in prison. Why?

Lord Keen of Elie: My Lords, any death in custody is a tragedy. What I can say is that, in the period of 12 months to September 2017, the number of self-inflicted deaths in the prison system dropped by about 30%.

Lord Kirkhope of Harrogate (Con): My Lords, speaking as a former Mental Health Act commissioner, I am deeply disturbed by the high incidence of mental illness in our prison population. I would be very grateful if my noble and learned friend could inform us of how much attention has been given to this by the Government, working not only through his department but with other agencies to address what I believe to be quite a serious issue.

Lord Keen of Elie: My noble friend is quite right to highlight such a serious issue. There is a very large proportion of prisoners with mental health issues within the system. We are working with the Department of Health and NHS England to develop a new health and justice protocol that should ensure timely access to mental health and substance misuse services. In addition, we have been providing grant funding of £500,000 a year to the Samaritans for the last two years in order that they can support their Listener Scheme for those who require it.

Lord Marks of Henley-on-Thames (LD): My Lords, I believe that this House collectively shares a vision for our prisons to be not only secure, but clean, well maintained, humane, uncrowded, well staffed, safe places of education, training and purposeful activity, effective in addressing mental health and addiction issues and committed to rehabilitation and turning lives around—in short: civilising and civilised. Do the Government share this vision? If so, will they greatly increase investment now to realise it, incidentally reducing the estimated £13 billion annual cost of reoffending?

Lord Keen of Elie: My Lords, we, of course, have a vision of a prison system that is decent and safe for all those who have to be secured within it. We are proceeding with a programme of capital expenditure to replace Victorian and older prisons with prison accommodation more suited to present requirements. We have increased the number of prison officers within the prison estate in the last few years to the point where, up to December 2017, there were 19,925 prison officers, an increase of about 1,500 from the previous year. Of course we have aspirations for the prison system but we have to be realistic about those.

Lord Laming (CB): My Lords, does the Minister agree that three things should be done immediately? First, we need to bear down on the avoidable use of prison by putting in place a robust system of non-custodial sentences. Secondly, we need to ensure that, particularly for short-term offenders, the regime is purposeful rather than just locking them up for hours? Thirdly, we need to ensure that the resettlement arrangements have substance.

Lord Keen of Elie: My Lords, I agree with all three of those points. Clearly, we want to develop reliable non-custodial sentences to maintain alternatives to custody where we can do that. We are seeking to develop our education programme and are developing further resettlement programmes. We recognise that offenders who secure employment on release from prison have a lower rate of reoffending.

Lord Blunkett (Lab): My Lords, one of the most disturbing experiences I had as Home Secretary—at that time, the post incorporated the responsibilities of the Justice Department—was visiting Holloway prison and hearing the women speak about their fear of being released because of what might happen to them if they returned to the circumstances that had led to their incarceration in the first place. In his first Answer, the Minister mentioned the importance of what happens when women prisoners are released. What further steps does he think the Government might be able to take to ensure that people avoid becoming mules or being abused in circumstances that they experienced before they were sent to prison?

Lord Keen of Elie: My Lords, we are concerned to ensure that suitable accommodation is available for all prisoners, particularly female prisoners, upon release. Indeed, under the Homelessness Reduction Act 2017, prisons and probation providers are subject to a new duty to refer to local housing authorities someone who might be at risk in those circumstances.

Syria: Eastern Ghouta

Private Notice Question

11.37 am

Asked by ***The Lord Bishop of St Albans***

To ask Her Majesty's Government what steps they are taking to respond to the crisis in Eastern Ghouta in Syria.

The Lord Bishop of St Albans: My Lords, I beg leave to ask a Question of which I have given private notice.

The Minister of State, Foreign and Commonwealth Office (Lord Ahmad of Wimbledon) (Con): My Lords, Eastern Ghouta has become hell on earth. We are appalled that the Assad regime has held the enclave under siege for many years and has now escalated its bombardment. People are dying from starvation or lack of medical treatment. The United Kingdom Government have continued to press the regime and its enablers through all international fora to end this unthinkable situation. We call on Russia to agree a UN Security Council resolution for humanitarian access later today.

The Lord Bishop of St Albans: My Lords, we are witnessing a crisis unfolding in front of us, with more than 300 people killed in the last few hours and much larger numbers of innocent civilians injured and maimed. Indeed, I understand that a third of the hospitals have been deliberately taken out through targeted bombing. If the ceasefire is agreed and implemented, what plans do Her Majesty's Government have to help with the evacuation of those who have been injured and the provision of humanitarian aid? If the ceasefire is not agreed or implemented, what plans do Her Majesty's Government have to put further pressure on the Assad regime to stop this terrible suffering that is going on?

Lord Ahmad of Wimbledon: The right reverend Prelate is right to raise this. I think that all of us have been shocked by the images that we continue to see. If I may digress, I will pay brief tribute to the White Helmets in particular, who are working in intolerable conditions, often helping their own family members. As regards the right reverend Prelate's two questions, of course we hope that we will reach a resolution today. There was a discussion yesterday, and both Sweden and Kuwait are pressing specifically for a vote on a humanitarian Security Council resolution, which will also include a 30-day cessation.

As the right reverend Prelate will be aware, the area is very near Damascus, and UN agencies—whose efforts we will of course support—are already set up to immediately evacuate the 700 or so people who have been listed as in need of urgent attention and also to provide humanitarian assistance. If, regrettably and challengingly, the Security Council resolution is not reached, I assure all noble Lords, including the right reverend Prelate, that we will continue to press through all agencies, including not just the Syrian regime but also Russia, which has a major role to play in this. It is backing the Assad regime, and we will continue, both bilaterally and through international fora, to press Russia for an early resolution.

Lord Collins of Highbury (Lab): My Lords, the stories we heard on the radio today are incredibly shocking. But we cannot go on with parallel peace processes with the Russians and the UN. Surely we need global leadership now to bring all sides together and focus on it. Will the Government provide that global leadership and make a clear statement—as I said on the previous occasion—that people cannot act with impunity?

Lord Ahmad of Wimbledon: On the second point, the noble Lord knows that I agree with him totally. People must be held to account, and the United Kingdom is already seeking to collect evidence of the inhumane acts which have been committed during this conflict in Syria. On his earlier point, I believe strongly in the United Nations. The key interlocutors in this respect include Russia, which is a permanent member of the Security Council, so I believe strongly that the United Nations is the place where resolution can be reached. Indeed, the other talks in Astana that the Russians were leading have also stalled, so I believe strongly that the United Nations remains the right forum in which decisions can be reached and lasting solutions achieved.

Baroness Northover (LD): My Lords, someone with relatives in Damascus said to me this morning that there was a real danger that rampant carnage would continue, as in Aleppo, until there was almost no one left. Clearly, we need to act, as the Minister has indicated, collectively putting pressure on Russia to secure a ceasefire and to lift the siege and get the armed fighters out. Is this not an instance where we should deploy UN monitors if we manage to secure that situation?

Lord Ahmad of Wimbledon: On the latter point, I agree with the noble Baroness. As I said, the UN is already set up, and the district of Eastern Ghouta is very near Damascus, so agencies are already set up to act promptly. I also agreed with the noble Baroness's earlier point: we need international action on this. The Government have repeatedly asserted—I acknowledge the support we have received from across the House—that the Assad regime is unrelenting in its brutality. As the noble Baroness pointed out, we have seen this in Homs and in Aleppo. This must stop. There are 400,000 people under siege in Eastern Ghouta; 200,000 are children. The world needs to act, and we will play our part in that.

Baroness Cox (CB): My Lords, is the Minister aware that Eastern Ghouta has been occupied by ISIS and other jihadist groups, such as the Army of Islam, which have been bombing Damascus for years—I saw that bombing coming in when I was last in Damascus—

and that recently the shelling on Damascus has become so intense that the sky is blackened, especially over Christian areas, and reports are coming in that many people have been killed and injured in Damascus itself? Does the Minister therefore agree that one of the best ways forward would be for those who support the jihadis, such as Saudi Arabia and Qatar, to encourage them to accept the peace arrangements that have been offered to them by the Government of Syria, which would shorten the suffering which everyone sees and knows is horrendous?

Lord Ahmad of Wimbledon: The noble Baroness talks about peace, and of course any initiative which is aimed at that is important. But let us be clear. She raises an important point about groups that operate within Syria. She knows that I am aware of this and that I support ensuring that they are not armed in a way which can cause further destruction to Syria. But at the same time, when we look at the situation in Syria today, the continuing war has been caused by the persistence of the Assad regime. It is backed by Russia, which is why we are imploring Russia to take action. What we are seeing happening in Eastern Ghouta is because of what the Assad regime is doing. It needs to relent in its bombardment, and action needs to be taken so that we can get the 700 people who need medical aid out and provide humanitarian assistance to the 400,000 under siege.

Lord West of Spithead (Lab): My Lords, one has only to look at every civil war there has been to know that they are bloody and merciless. There is no doubt that, as the noble Baroness, Lady Cox, said, some of the opposition parties are not democratic at all; they are far from it. Some are even worse than Daesh—they are really bad. Does the Minister not agree that we have to be very careful of making judgments? There are no good guys in this—there are victims but no good guys. Both sides are horrible and we need to be very careful of making judgments. We have to try to get a balanced answer to help the victims.

Lord Ahmad of Wimbledon: My Lords, on the point about good guys, many voices and many representatives within the Syrian opposition want to see a pluralist, non-sectarian, democratic Syria emerge, and we continue to work with them. Of course, there are other people working on the ground—but, as the noble Lord pointed out, there are also those with sinister intent who are following the Islamist agenda of hijacking a noble faith, misrepresenting it and using it to extend the civil war. That is also unacceptable. I agree with the noble Lord that we have always to tread carefully in civil wars, but I am sure he would acknowledge that the Assad regime bears the brunt of the responsibility for the situation in Syria.

The Lord Bishop of Leeds: My Lords, this may seem a little odd but, given the recent rapprochement between Russia and Turkey, which is not exactly a marriage made in heaven, would it be possible to make an approach through Turkey, or involving Turkey, to apply pressure on the Russians in a way that, given the political delicacies there, might aid the pressure that we need to bring on Syria?

Lord Ahmad of Wimbledon: From our perspective, we have a direct relationship with Russia. I certainly feel that we should bring pressure to bear in two ways. One is bilaterally. As the right reverend Prelate will be aware, the Foreign Secretary recently visited Russia, and the ongoing civil war in Syria was very high on his agenda in the discussions. The second way is, as I have already indicated, through the Security Council, of which Russia is a permanent member. I am pleased that, as the penholders, Kuwait and Sweden are taking forward the current UN Security Council resolution, which we hope will be supported by all sides. We would also encourage Turkey to exert whatever influence it can to ensure a cessation of the hostilities.

Lord Campbell of Pittenweem (LD): My Lords, is it not clear that the good guys in this matter are the civilians, who are being subjected to action that can be described only as war crimes? Is it not right to remember that, based on the Nuremberg principles, those who preside over the commission of war crimes or are complicit in their use are as guilty as those who commit them?

Lord Ahmad of Wimbledon: The noble Lord is right to raise that issue—history has taught us many lessons. Everyone who is in a position to bring about the cessation of violence in the civil war in Syria should make every effort to do so. I totally agree with the noble Lord. There are good guys—they are the civilians in Syria, and we must bring peace for their sake.

Finance (No. 2) Bill

First Reading

11.48 am

The Bill was brought from the Commons, endorsed as a money Bill, and read a first time.

Medicines and Medical Devices Safety Review

Statement

11.48 am

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord O'Shaughnessy) (Con): My Lords, with permission, I will repeat a Statement made by my right honourable friend the Secretary of State for Health and Social Care on the action the Government are taking to address public concerns regarding the safety of medicines and medical devices used by the NHS. The Statement is as follows:

"On Friday, I will host campaigners, clinicians and safety experts from around the world as part of the world patient safety, science and technology summit, which is being held for the first time outside the United States here in London. As part of that, we will release a landmark report on the extent of medication errors in modern healthcare systems, as well as the NHS's plan to tackle them. Alongside those in the report, there are three areas of potential medication error that I wish to update the House on today where serious concerns have been raised by patients and their families.

[LORD O'SHAUGHNESSY]

The first is Primodos, a hormone-based pregnancy test which, it is claimed, led to miscarriages and birth defects during the 1960s and 1970s and was prescribed to more than 1.5 million women before it was withdrawn from use in 1978, partly due to more modern pregnancy tests becoming available. The second is sodium valproate, an effective anti-epilepsy drug which has been definitively linked to autism and learning disabilities in children when taken during pregnancy. Campaigners have suggested that up to 20,000 children may be affected. The third is vaginal mesh implants, often used in surgical interventions to address complications after childbirth, which have been linked to crippling life-changing side-effects.

Of course, our first thoughts are with the individuals and families whose lives have been turned upside-down by these issues. Many have endured, and continue to endure, severe complications and tremendous pain, distress and ill health, alongside a strong sense that their concerns have not reached a satisfactory resolution. I pay particular tribute to those who have responded to such experiences not just with understandable anger, but with resolute determination to campaign for change on behalf of others. Many of them have met Ministers and Members of this House to share their concerns, and I thank everyone who has written to or spoken to me personally to raise these concerns on behalf of their constituents.

We must acknowledge that the response to these issues from those in positions of authority has not always been good enough. Sometimes the reaction has felt overly focused on defending the status quo, rather than addressing the needs of patients, and as a result patients and their families have spent too long feeling that they were not being listened to, making the agony of a complex medical situation even worse. So today, in addition to practical steps for each of the three cases, I am setting out plans to establish a fairer, quicker and more compassionate way to address issues when they arise, bringing different voices to the table from the start and giving individuals and their families a clear path to answers and resolution.

Immediate action is being taken in each of the three cases. On Primodos, I have asked my ministerial colleague Lord O'Shaughnessy to drive forward, and where possible accelerate, the recommendations of the expert working group, further strengthening our systems for monitoring the safety of medicines in pregnancy. That will include: offering the families of the Association for Children Damaged by Hormone Pregnancy Tests a full and up-to-date genetic clinical evaluation; better information for pregnant women and their families; better training and support for obstetricians; better evidence around dosing recommendations; making electronic yellow card reporting easier for both women and clinicians throughout pregnancy; and stronger and more joined-up messages on safety.

On valproate, the issue is broader than the UK, and the outcome of the EU review, expected in March, will strengthen our regulatory position. In preparation, we have tasked system leaders with delivering a rapid, co-ordinated response. Directly responding to calls from patients, we are introducing a new warning symbol on valproate packaging; updating NICE guidance on valproate; pushing for valproate to be contraindicated for women of childbearing potential not using effective contraception; strengthening alerts across all GP systems and community pharmacy systems; and, for those women for whom valproate is an effective treatment, offering stronger and more tailored advice on risks and contraception.

On vaginal mesh, I have asked the Chief Medical Officer for advice in the light of calls for a full ban. She has been clear that clinical experts here and abroad agree that, when used appropriately,

"many women gain benefit from this intervention",

hence a full ban is not the right answer in the light of the current evidence available. However, that is not to minimise the suffering many women have experienced, which is why today I can announce that we will be publishing a retrospective audit to investigate the links between patient-level data to explore outcomes, and investing £1.1 million to develop a comprehensive database for vaginal mesh to improve clinical practice and identify issues.

These actions will improve the way regulators and the NHS deal with issues related to vaginal mesh and valproate, as well as improve monitoring of the safety of medicines in pregnancy. But the fact that it has taken so long to surface these issues also raises much bigger questions. It is an essential principle of patient safety that the regulatory environment gives sufficient voice to legitimate concerns reported by patients, families and campaigners, works alongside them and responds in a rapid, open and compassionate way to resolve issues when these are raised. My view is that that did not happen in the way I would expect in these three cases.

To do better in the future, we need to ensure that patient voices are brought to the table as systematically and consistently as other voices in the system, so today I have asked Baroness Julia Cumberlege to conduct a review into what happened in each of these three cases, including whether the processes pursued to date have been sufficient and satisfactory and to make recommendations on what should happen in future. She will assess, first, the robustness and speed of processes followed by the relevant authorities and clinical bodies to ensure that appropriate processes were followed when safety concerns were raised; secondly, whether the regulators and NHS bodies did enough to engage with those affected to ensure that their concerns were escalated and acted upon; thirdly, whether there has been sufficient co-ordination between relevant bodies and the groups raising concerns; and fourthly, whether we need an independent system to decide what further action may be required either in these cases or in the future.

This is because one of the judgments to be made is whether, when there has been widespread harm, there needs to be a fuller or even statutory public inquiry. The noble Baroness, Lady Cumberlege, will make her recommendations as to the right process to make sure that justice is done and to maintain public confidence that such decisions have been taken fairly. While I am deliberately leaving the terms of this model open for the noble Baroness, Lady Cumberlege, I have asked that she consider how we can strike the right balance

on the criteria or threshold for a 'legitimate concern'; how best to support patients where there might not be a scientific or legitimate concern, but they may still have suffered harm; how we can be more open to the insights that close attention to patient experience can bring, including whether a patients' champion could help to act as a point of contact for people or families raising legitimate concerns, ensuring that these are heard and responded to; and how any new entity interacts with the existing bodies, including NHS Resolution, the Health and Safety Investigation Branch and the ombudsman. Recognising that this is an issue that many honourable Members have been concerned about, I have asked the noble Baroness, Lady Cumberlege, to meet with the relevant all-party parliamentary groups and campaign groups early on in the review process.

We are rightly proud of the NHS and all it has achieved and will achieve in the future. Much of this has been built on the strong connections between scientific discovery and medical progress, but innovation requires safeguards, including a culture of learning to protect against the unintended consequences of new technologies and treatments, and a clear focus on the experience and treatment of patients and their families affected by these consequences. From Mid Staffs to Morecambe Bay to Southern Health, patients and their families have had to spend too much time and energy trying to access, lobby and influence NHS leaders and Ministers to get a hearing for their concerns. The stress and frustration of campaigning, sometimes in the face of closed ranks and a defensive system, has added insult to injury for too many families. We need to establish a fairer and quicker way to resolve such concerns when they arise in the future.

Our regulatory system is in many respects world-leading, but it too needs to adapt to a changing environment and to draw intelligently on multiple sources of feedback to protect the safety of patients. Today's announcement will build a system that listens, hears and acts with speed, compassion and proportionality, strengthening the commitment to patient safety which is at the heart of this Government's and this House's priorities for our health and care system. I commend the Statement to the House".

My Lords, that concludes the Statement.

11.57 am

Lord Hunt of Kings Heath (Lab): My Lords, I thank the Minister for repeating the Statement. I should also like to thank him personally for meeting representatives from the mesh campaign group two weeks ago, which is much appreciated.

Today's announcement is an acknowledgement that there are major issues which go back decades in areas that concern safety and a lack of proper scrutiny and research. We have heard how mesh implants have left women in permanent pain, unable to walk and unable to work. Welcome as the Statement is, the Government need to do much more to support those affected. Mesh has been suspended in Scotland and banned in other countries. The most recent interventional procedure advice from NICE on prolapses states that it should be used only for research purposes and not as a front-line treatment, but I ask the Minister whether he thinks we need to go further and suspend the use of mesh until NICE has completed its review into the safety and efficacy of the product. If the Government are not prepared to go as far as suspension, will he at least write to all trusts and indeed private hospitals to remind them that the Health and Social Care Act 2015 requires them not to cause avoidable harm? The review in itself signals that mesh is now acknowledged to cause harm.

I refer the Minister to Owen Smith's comments in the other place; he chairs the All-Party Group on Surgical Mesh Implants. He said that:

> "Lessons must be learned from the awful complications many women have experienced since undergoing mesh surgery and proper processes must be put in place to stop this happening in the future … The mesh scandal shows what can go wrong when devices are aggressively marketed to doctors and then used in patients for whom they were unsuited or unnecessary".

Will the review chaired by the noble Baroness, Lady Cumberlege, look into that particular aspect?

The Minister mentioned in the Statement the investment of £1.1 million, part of which will go to improving clinical practice. Clearly, one should always seek to improve clinical practice, but mesh campaigners would say that the real issue is not the clinical practice but the product itself, which is not fit for purpose.

The retrospective audit is very welcome indeed, but there is a real question about whether it will capture all the women affected. I have certainly received evidence to suggest that some women suffering greatly from mesh implants are not aware of the reasons and therefore do not approach the health service. Will the Minister also say whether the mesh audit concerns only hospital statistics and records or whether it will cover GPs and primary care as well? Also, will the review extend to when men and women are affected by hernia mesh?

The Secretary of State has said that the review will not go into the science of mesh. But most studies do not use quality-of-life questionnaires, so they do not pick up the devastation of pain, lost sex lives or constant urinary infections. Studies concentrate on whether the mesh has cured the problem of prolapse or incontinence. Many studies are short-term or compare mesh to mesh. Trials should compare mesh to the old-fashioned natural tissue repair to get a proper evaluation of whether the use of these products should be continued in the future. Many trials have low numbers and any woman who has had a mesh implant can feel like a ticking time bomb, as the product can shrink or twist years down the line. No amount of surgeon training can counteract that.

Will the review extend to those with mesh bowel prolapses? Will it also look at what help the NHS needs to give to people currently affected as mesh sufferers? Obviously each country in the UK is taking a slightly different approach but, in his role as the Minister responsible, will he work with Scotland, Wales and Northern Ireland to pull together research and co-ordinated action, which would make great sense?

I hope that the noble Baroness, Lady Cumberlege, will be asked to look at whether device regulation needs to be tightened up. As the Minister knows, it is much less stringent than medicines regulation and there has been an ongoing debate about that. I hope that that will be included within her review.

[Lord Hunt of Kings Heath]

On Primodos, the Minister indicated that the department would drive forward and accept the recommendations of the expert working group. But in the other place when the report was published in October, it was met with concern from all sides of the House. I hope that he will take that into account.

I am grateful that the Secretary of State has included sodium valproate in this work. The Minister will know that last year a charity found that almost one-fifth of women taking the drug still did not know the risks that this medicine could pose during pregnancy. I therefore welcome government efforts to raise awareness of the dangers of valproate. I also hope that the House can be offered an assurance that the review will gain access to medicine regulation files held in national archives, access to any valuable evidence cited in unsuccessful legal actions and access to documents and information held by pharmaceutical companies, and that all such material will be made public.

I ask the Minister to invite the noble Baroness, Lady Cumberlege, to meet victims to see whether consensus can be agreed on the terms of reference, to maintain trust and confidence in it. That would be a very valuable first step to gaining the confidence of campaigners who have worked so hard and have been gratefully acknowledged by the Secretary of State in his Statement.

Baroness Brinton (LD): From the Liberal Democrat Benches, I am very grateful and thank the Minister for the Statement. I am particularly pleased about its tone, which moves on the Government's debate with campaigners, families and clinicians about these very serious issues. It makes a break with the past.

I am particularly concerned that there should be regular assessments and updates for people with problems from Primodos and sodium valproate, because we know from our experience with thalidomide that everybody thought that everything had been sorted from the initial diagnosis of the children, but as they entered adulthood and more mature years further medical issues appeared. It will be important to recognise that we need to make sure these young people—and adults as they are now—get that protection.

The yellow card system was not available in its current format for these two drugs. One of the things that concerns me most about the Statement is the assumption that the only people involved with the yellow card are clinicians. Speaking as a patient who has been on a drug that has very serious yellow card incidents, I have been trained to recognise that if I get a side-effect I do not just go back to my hospital; I report it to the pharma company. The pharma companies are notable by their absence in this Statement. Will there be specific links back for clinicians and patients on some of the side-effects of drugs? That is easy to say for those who are formally expert patients. I absolutely accept the point made by the noble Lord, Lord Hunt, that some patients are inexpert for all the right reasons.

There needs to be a real focus on all the other health professionals that these patients come into contact with. Reporting a yellow card incident to a GP when it is very difficult to see your own GP these days means that it could quite often be missed. In the case of sodium valproate this certainly needs to include midwives and people involved in the obs and gynae departments as well. What training is to be provided for these non-specialist healthcare people to make sure that they understand, when a patient talks about a problem, that this may need to trigger a yellow card response? To that end, I welcome the proposal for an electronic yellow card. That will be extremely helpful. Printing out a yellow card, filling it in and sending it in is an absolute deterrent to it happening.

On Primodos and sodium valproate, will the longer-term effects also be covered by the Cumberlege review? It is important to have a reference back there. I am also concerned about the vaginal mesh issues, specifically those reported in the Statement. It would be useful to know what percentage of those who have had vaginal mesh implants have faced problems. It is fine to say that many have benefited. I completely accept that, but one needs to understand what the ratio is between those facing problems and those for whom it has benefited them, to understand whether a ban should be in place. What is the date for publishing the retrospective audit? It is fine to say that it will be done. I have no idea how far along the line the process is. Then there is the timescale for creating that computer database for vaginal mesh to improve clinical practice. When will it be not just commissioned, but completed and used in analysis? Will interim reports go to the noble Baroness, Lady Cumberlege, by the people doing this review if evidence emerges that she will need to take account of?

I am concerned about the idea of the creation of a patients' champion. We already have panels and expert groups. Yet another person that patients may or may not know about, and may or may not be able to turn to, seems problematic. I urge the noble Baroness, Lady Cumberlege, to look at what is available now rather than creating yet another body.

Finally, I echo the concerns expressed by the noble Lord, Lord Hunt, about whether we should move to a public inquiry at this stage. I wonder whether the evidence that the noble Baroness, Lady Cumberlege, will undoubtedly turn up means that she may come back to Ministers and say, "Actually, this is the point at which this needs to go public". Campaigners have highlighted for years that there are problems.

Lord O'Shaughnessy: I thank both noble Lords for their extensive, well-informed and probing questions; I will try to deal with all of them. I want first to take the opportunity to pay tribute to those involved in each of the three campaigns. They are almost exclusively women. A factor that needs consideration is not only that users of healthcare services are disproportionately women but that women seem to be disproportionately on the end of things when things go wrong—that issue needs investigating in itself. I have had the chance to meet not only the mesh campaigners but campaigners on sodium valproate and Primodos. They have gone to extraordinary lengths to raise these issues; they are remarkable women.

On the position relating to mesh, I have asked the MHRA and NICE as the two regulatory bodies to get in touch with their counterparts in Australia and New Zealand. There is some quite long, technical advice which I will not attempt to repeat, except to say that

perhaps the simplified public view of what has happened in each of those countries is not entirely accurate. I shall certainly write to all noble Lords taking part in this debate and place a copy of that evidence in the Library. It is quite important. It is detailed, but it is well worth looking at.

I emphasise that collaboration is going on not only internationally but within the four corners of the United Kingdom. The CMOs of those four countries have met. I am meeting the Scottish Cabinet Secretary for Health—I think, next week—to talk about this specific issue and other things as well, so we are cognizant of the need for a joined-up UK approach.

On the scope of the review, it is very open. In the noble Baroness, Lady Cumberlege, we have an ideal chair: someone who has campaigned on safety issues, who is deeply knowledgeable, well respected and fiercely independent—as we know. She has the opportunity to look not just at issues around marketing, as the noble Lord, Lord Hunt, mentioned, but around the private sector. She will be able to look, too, at whether there should be public inquiries or other types of inquiry and to make recommendations. She will be able to look at pharma companies and gather evidence from wherever it is required. I want to emphasise that the review is very broad in scope. As the noble Baroness, Lady Brinton, said, we are trying to mark a break from the past. We know that we have not dealt with these things well. We are beginning to address that in the clinical and medical space in terms of medical practice; we now need to move on to medicines and devices, which is what we hope to do with this process.

On issues around the mesh, the audit and the registry, the audit is obviously retrospective. It will not be a perfect exercise, because the data is not always perfectly gathered, but it will be quite extensive in scope. It will be able to pick up not just complications associated by women, or indeed men, with having mesh but whether they have turned up in pain at another setting. We are confident that it will paint a much broader picture than we have had. The intention is to publish that in the spring. Obviously, if any interim reports relating to it come out, they will be shared with the noble Baroness, Lady Cumberlege, but clearly there needs to be robustness to them.

On the registry, this is an important moment. We have found the money to do this; it will be funded for the set-up and then for the first three years, which is the normal way in which registries are done. I do not yet have a timeline for how it will be delivered, but clearly we want to get it up and running as quickly as possible. It needs to be commissioned, but it is in everyone's interest to do that.

Primodos presents a challenging issue, because it is not available on the market and has not been for 40 years, so it is not possible to carry out studies on what is happening to women now. However, new evidence has come to light which will also need to be considered and which was not available for the expert working group. Again, my noble friend Lady Cumberlege will be able to consider that as she looks at what needs to happen in each of those three cases.

One thing that we have to do—this moves on to the expert working group's recommendations from the Primodos review, which is obviously very germane for women taking sodium valproate—is make sure that there is proper training for health professionals, not just in the yellow card scheme but for obstetricians in terms of their pharmacological advice and expertise. Indeed, that is one of the recommendations I will be taking forward, as was set out in the Statement. The valproate issue is very difficult, because it is an extremely effective anti-epilepsy drug but it can have very bad consequences for pregnant women and their children. I have met one of the campaigners; four or five of her children are affected and it is having a devastating impact on her life. We need to get to a position where no women of childbearing potential are using it. That needs to be done in the context of recognising that it does work for epilepsy.

Finally, I absolutely agree with the noble Lord, Lord Hunt, about meeting the groups to define the terms of reference. Again, we have learned from past experience that that has not always been done well and it is best done independently of government, with that degree of objectivity. I think that that is what this review will bring. As I say, the overall hope is that not only do we deal with the issues under each of these three headings, historical and current, but that we put in place a system that means that patients do not have to go through this tortuous process to get their concerns heard in future.

12.16 pm

Baroness McIntosh of Pickering (Con): My Lords, I welcome the review that my noble friend has announced—I can think of no better person than my noble friend Lady Cumberlege to do it. One of the concerns of those who are campaigning and have received what they consider to be very inferior treatment is that when the mesh was originally introduced it was done, they think, without proper research, it was inserted with inadequate training, and inadequate warnings were given of the potential risks. Will my noble friend assure us that if an alternative is sought, that will not be the case but that it will be subject to rigorous testing, that there will be rigorous training of the medical professionals and that the risks will be explained to the patient?

They have also raised concerns about potential trade under any future trade agreement with the United States, where I understand a lot of the mesh comes from. They are concerned that we will not just waive any suspect mesh through but will ensure our own rigorous testing so that it meets the highest requirements of the UK.

Lord O'Shaughnessy: I thank my noble friend for those points; she highlights some very important issues. Medical devices are regulated differently from medicines: they have to go through a safety procedure and they are not licensed in the same way as medicines are. They come onto the market, they are used and safety assessments are made as time goes on. We are now in the position with mesh that we will have a registry, so that every time it is used we will know what the consequences are. That will also give us a comparator, as will the audit, for effectiveness against alternative procedures. As I have said, there is still a view in the medical and regulatory communities that, when used according to guidelines in the appropriate way, it can

[Lord O'Shaughnessy]
be transformative for women. However, it can also be the wrong thing and NICE has been very clear that in some cases, in some surgeries, the risks outweigh the benefits, in which case it should not be used. It is important that there is absolute conformity with those guidelines and that is part of what the registry will ensure.

On the issue of trade, under no circumstances will our trade relationships with any country in the future dilute the regulatory rigour that we apply and have always applied in this country. We have a very well regarded regulatory system in this country but we also know that we can do better and it is absolutely our intention to continue to strengthen it.

The Countess of Mar (CB): My Lords, I am very grateful to the Minister for repeating the Statement but I put on the record my severe reservations about the safety of HPV vaccines. The noble Lord knows of my concern. I have had meetings with the MHRA but it seems to think that mañana is quite rapid enough to be dealing with it. The situation he described for those patients dealt with in the Statement is exactly the same as that of young girls and their families who have suffered bad reactions to HPV vaccines. Will the Minister ensure that the MHRA deals with some rapidity on this matter, as at the beginning of the Statement?

Lord O'Shaughnessy: I thank the noble Countess for raising that point. We have met to discuss this issue and she has been a great campaigner on medicine safety issues. That dialogue is going on. As she knows, that view concerning the safety is not currently shared by the regulators. But I want to stress that the work that my noble friend Lady Cumberlege will be leading will try to set up a process which deals equitably, objectively and compassionately with these concerns when they arise. One of the problems in the past has been, frankly, that we have not dealt with these things in the same way. It is dependent on the strength of the lobby group, the type and strength of the Government and what is on their agenda at any one time. That is not good enough. We need a consistent and compassionate approach to listening to concerns, scrutinising them properly and dealing with the consequences, which may entail no further action or could be anything up to a full public inquiry. That is what my noble friend will be dealing with and that will be a huge step forward. It will be precisely that kind of process to which any concerns about HPV or anything else should be directed.

Baroness Masham of Ilton (CB): My Lords, I thank the Minister for the support he has given to the epileptic women who have taken valproate, resulting in them having children with autism. The marking and the advice were not there for them. Does the Minister realise that many people are concerned about the European Medicines Agency, which deals with safety in medicines? It was housed in London at Canary Wharf but has now gone to Amsterdam. Will we still be involved in that agency? We were leaders when it was here in London and we still have a lot to offer.

Lord O'Shaughnessy: The noble Baroness makes an excellent point. Specifically on valproate safety, the MHRA has taken a leading role in pushing all the time for stronger responses to the concerns. We are pleased to see that other European countries are responding. That highlights a bigger issue, which is if you look across the entire continent and the work that our agencies do—whether it is the MHRA, the GMC or others—we are seen as a leader across Europe, and indeed globally, on patient safety issues. That is one reason why it is our desire that in our future relationship with the European Union, the MHRA and other agencies continue to play that role, for the good of patients not just here but across Europe.

Nuclear Safeguards Bill

Committee (1st Day)

12.23 pm

Relevant document: 13th Report from the Delegated Powers Committee

Amendment 1

Moved by ***Baroness Featherstone***

1: Before Clause 1, insert the following new Clause—

"Associate membership of Euratom

(1) In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union on the future of nuclear safeguards in the United Kingdom, Ministers of the Crown must have regard to the desirability of becoming an associate member of Euratom.

(2) The Secretary of State must lay before both Houses of Parliament a written statement detailing the progress towards achieving the negotiating objective under subsection (1)—

(a) one month,

(b) five months, and

(c) nine months,

after the passing of this Act.

(3) In the event that the United Kingdom becomes an associate member of Euratom, sections 1 and 2 of this Act cease to have effect."

Baroness Featherstone (LD): My Lords, I am sure that the Minister, in listening to the Second Reading debate in this House, could not have failed to get the message that leaving Euratom, necessitating the re-creation of its safeguarding capabilities and duties in another body set up to mimic it exactly, is an absurdity and a folly. If he were in any doubt, around 11 pm last night a number of noble Lords—among them, my noble friend Lord Teverson and the noble Lords, Lord Hunt, Lord Warner and Lord Carlile—let him know their opinion of this matter, too.

There was no vote to leave Euratom. Euratom is separate from the EU. Of course, we benefit from our membership, with Euratom regulating the civil nuclear industry, including safeguards for nuclear materials and technology, disposal of nuclear waste, ownership of nuclear fuel, and research and development. Despite our disputing the actual legal necessity of leaving Euratom, the Government are going ahead with the Bill as a failsafe. Amendment 1 seeks to attain associate membership of Euratom. We sought in our original amendment to retain full membership, but, sadly, this was deemed out of scope.

In the Written Statement that the Government laid on 11 January, they said that they want,

"a close association with Euratom".

But the Government wanting a close association and having one in place are not the same thing, nor have they yet defined what they mean by an association that is "as close as possible". It would be very helpful if the Minister could indicate what has been said so far about associate membership, and what the answer was during negotiations to date when the suggestion was first put on the table that we want a close association with Euratom, if indeed it was put on the table at all. Was there any problem? It is unimaginable to me that anyone on the other side of the negotiating table would have any problem with us staying in Euratom or, if we are not doing so, having an associate membership. Has the European Commission given its view on this to date?

Our problem with the good intentions of the Government in this regard is that they are undefined, so we want clarity and certainty on this important matter. We want an associate membership that replicates exactly our membership of Euratom—nothing more, nothing less. So what will be required of us in order to have an associate membership? Is it a matter of cost? What would be asked of us, above and beyond what is required now? Amendment 1 has been laid to ensure that the Government, in their negotiations and agreements in accordance with Article 50(2) of the Treaty on European Union, on the future of nuclear safeguards in the United Kingdom must have regard to the desirability of becoming an associate member of Euratom. I am sure—at least, I very much hope and expect—that this will be pretty much at the top of the Government's list of things to do, if only to avoid the extra works, cost, aggravation and uncertainty in recreating what we have already as a member of Euratom.

So that we can be sure that the Secretary of State is carrying out this duty, the amendment requires that he must lay before both Houses a Written Statement informing us of the progress he is making towards achieving that negotiated outcome. Our preference would be to forestall actually leaving Euratom at all, unless and until such an associate membership is in place. However, as that is apparently not possible, the amendment asks that Statements be made at particular intervals post the Act receiving Royal Assent. If we were to succeed in negotiating an associate membership and effectively remain in Euratom, the rest of the Bill need not apply. I beg to move.

Lord Warner (CB): My Lords, I shall speak to Amendments 2, 12 and 16, which are in my name in this group. We had a good warm-up late last night for this first day in Committee on this Bill, with the Minister's colleague doing what I thought was a rather good imitation of Geoffrey Boycott: occupying the crease but not showing much flair in his run gathering. In that debate on withdrawal from Euratom that we had in Committee on the European Union (Withdrawal) Bill, it was clear that the mood of the House was that this was a rash and ill-considered action by the Government, and that the Government would do well to reconsider their position on withdrawing from Euratom in the interests of the future of the nuclear industry in the UK. I have little doubt that we will return to this issue during our later consideration of the withdrawal Bill and I do not intend to traverse that ground again today, although I still consider that cancelling the withdrawal from Euratom membership would be the best course of action in the public interest.

Today, I want to focus on two issues that continue to cause concern in the industry and among many of us in this House: first, whether the Government have a credible plan for putting in place an internationally acceptable nuclear safeguarding regime in the UK in time for our departure from Euratom; and, secondly, whether this can be done by EU exit day on 29 March 2019. These two issues are inextricably linked in my view, and that is why I have grouped my Amendments 2, 12 and 16 with the related amendments in this first group. I have to say to the Minister that how the Government respond to amendments on these concerns in this Bill will, I suspect, determine how the House deals with the Euratom issue in the withdrawal Bill. I assure the Minister that that is not a threat but a piece of friendly advice.

12.30 pm

I now turn to my Amendments 2 and 16, which are concerned with a review of the withdrawal from Euratom. These amendments require the Secretary of State, in consultation with other relevant interests, to produce by the end of 2018 a report to both Houses of Parliament on discussions with Euratom on the scope and conditions for a form of association with Euratom short of full membership that minimises change to the present nuclear safeguards. This report must cover the issues in subsection (2) of the proposed new clause and the legislative changes required to affect such a new partnership or association. That is, I suggest, consistent with the report of 29 January, *Brexit: Energy Security*, by this House's EU Committee and its recommendations on Euratom. I wonder whether the Minister has seen that report, especially chapter 9 on Euratom.

Amendment 16 simply prevents the commencement of Clauses 1 and 2 of the Bill until this report has been laid before the Houses of Parliament and ensures that the regulations commencing Clauses 1 and 2 are subject to the affirmative procedure. This amendment has been provoked by the Government's claims that they want to get "as close as possible" to the current Euratom regime on nuclear safeguarding but without any public evidence that they have effective measures for doing so.

The Government's lack of transparency on this issue, like so much of their behaviour on Brexit, simply fosters a total lack of trust in ministerial assurances about good progress. Most of us have had enough of warm but vague assurances of good progress by government Ministers without any real detail or realistic timetables for actions to be completed. By "us", I do not mean just parliamentarians but in this case the UK nuclear industry and the many talented people working in it.

I am not wedded to the precise wording of Amendment 2 and 16 or to the timetable involved. I am more than happy to sit down with colleagues on other Benches and with the Government to agree an alternative amendment or series of amendments. What

[Lord Warner]
I am not prepared to do is to be fobbed off with another dose of ministerial assurances on progress and that it will all be all right on the night. I want to see an amendment in this territory on the face of the Bill on Report to ensure effective action by the Government and a transparent system of regular information on progress and to minimise risk to the UK's nuclear industry. Parliament needs to be able to assure itself that the Executive are taking effective action in an area where they instigated the change. Nobody other than the Government, this Government, required us to leave Euratom at the time of the Article 50 invocation Bill.

I now turn to Amendment 12 on a transition period. This is motivated by several concerns. The first, and most important, is the clear recognition by the ONR that a new UK nuclear safeguarding regime of the same standard as Euratom cannot be achieved by exit day on 29 March 2019. More worrying for me is the lack of any realistic public operational plan with milestones that guarantees that by exit day we will have a regime that has been approved by the International Atomic Energy Agency and a set of nuclear co-operation agreements underpinned by that approval with countries such as the US, Japan, Canada and Australia. This, as the industry has made crystal clear, is an absolute prerequisite for the international movement of nuclear material. The absence of a transparent and credible operational plan for achieving these objectives makes many of us wonder whether the Government actually have such a plan and worry that they are taking terrible risks with the future of this important UK industry. That is why I believe we have to guarantee on the face of the Bill a transition period of no less than two years, a timescale seemingly approved by the Prime Minister for other areas affected by Brexit post-exit day.

What I cannot understand is why, when the Government seem to accept the principle of a transition or implementation period of around two years post Brexit in other areas, they rejected an amendment on Report in the Commons that did just that for the nuclear industry. My Amendment 12 is based on the Commons amendment, tweaked a bit by the Public Bill Office, and I thank it for all its help in drafting these amendments. I hope the amendment will command support across the House and commend itself to the Government. It will certainly commend itself to the industry, which is clearly very worried that without such a guaranteed transition period it will be left on exit day in an international no man's land, outside Euratom but not within an internationally recognised safeguarding regime that would enable nuclear co-operation agreements to be concluded.

I hope we will not have the Minister saying that this issue can be left to the wider discussions on Brexit transition/implementation arrangements. We need to give our nuclear industry the certainty in the Bill that there will be a parliamentary approved transition as quickly as possible. After all, Euratom is governed by a separate treaty from membership of the EU, so why should there not be bespoke transition arrangements for withdrawal from Euratom? Again, I am more than happy to be flexible and to improve the wording of the amendment in discussion with colleagues in the House and with the Government, but the Bill should not leave this House without a clear provision for a transition period of about two years.

I say again that I support the intentions of the other amendments in this group and would like to work with colleagues on a combined set of amendments for Report. I shall listen carefully to what the Minister says but, after the performance of his ministerial colleague last night on this issue, I have to say I do not have very high expectations of a positive response. But who knows? Perhaps, after sleeping on it, the Government will have a Pauline conversion. After all, the Minister's boss, Greg Clark, said in a profile in this week's *The House* magazine:

"We absolutely owe it to businesses large and small to make sure that we are reflecting their needs".

Viscount Trenchard (Con): My Lords, I shall refer to the amendments tabled by the noble Baroness, Lady Featherstone, and the noble Lord, Lord Warner. The noble Baroness would like us to remain a full member of Euratom but, failing that, her amendment seeks to ensure that, as far as possible, we become an associate member of Euratom on exactly the same basis as we are a member. It seems to me that in that case we might as well remain a member. However, given that the treaties seem to be so mixed up with those of the EU, I understand that the Government are in receipt of legal advice that that is not a possible option.

However, it is not accurate to say that our continued associate membership of Euratom is essential for us to adopt and have approved by our nuclear partners a proper accredited safeguards regime. An accredited nuclear safeguards regime does not depend on meeting Euratom standards, it depends on meeting standards set by the IAEA. Euratom standards are thought to be less robust on process, procedures and controls than those set by the IAEA, which concentrate more heavily on verification processes, which is one reason why you need so many inspectors.

Lord Teverson (LD): I thank the noble Viscount for letting me intervene, but I honestly do not understand that. If Euratom procedures were not up to IAEA standards, it would not be approved as a safeguarding authority by the International Atomic Energy Agency itself.

Viscount Trenchard: Euratom is certainly approved by the IAEA as having adequate standards. My point is that Euratom has standards that go beyond the level required by other international nuclear partners, including Japan, the United States and Australia. My point is that it is therefore not necessary to comply with Euratom standards to comply fully with the safeguards regime—

Lord Hunt of Kings Heath (Lab): Will the noble Viscount give way?

Viscount Trenchard: Could I not continue, because I have just been interrupted? I will perhaps give way to the noble Lord in a minute.

I turn to Amendment 2, tabled by the noble Lord, Lord Warner. He refers to the supply to the United Kingdom of medical radioisotopes and their use and

disposal, so far as this depends on UK membership of Euratom. My understanding is that it does not depend on UK membership of Euratom. Sixty per cent of the United Kingdom's isotope supply comes from the EU and 40% from non-EU countries—predominantly South Africa, I think. Both are imported into the UK under fast-track procedures, and there seems no reason why that should change, whether or not we are a member of Euratom.

It is clearly essential that we avoid a cliff edge in this field, and for that reason, I look forward to hearing what the Minister has to say about the Government's intention to avoid one. Clearly, something which replicates the effect of continued membership of Euratom during a transition period would be the easiest way to achieve that, because it will not be possible in the time available before March 2019 to negotiate and have ratified by their legislatures the four essential nuclear co-operation agreements with the United States, Australia, Japan and Canada that are our minimum requirement.

I am now happy to give way to the noble Lord.

Lord Hunt of Kings Heath: I just want to come back to the noble Viscount's key point, which is that IAEA standards are less than those of Euratom. In evidence to the Public Bill Committee in the other place, the deputy chief inspector of the Office for Nuclear Regulation, which will be taking over the non-proliferation safeguarding role from Euratom under government plans, said that the result in March 2019 will be that we move from Euratom standards to standards that will mean fewer inspections and less intensity of inspections. That is surely the argument—I think the noble Viscount was hinting at this when we debated this last night—for not insisting that we establish our own regulatory function in March 2019 but carry on in some kind of relationship with Euratom. Whether it is transition, associate membership or alignment—whatever you want to call it—we should essentially continue to use Euratom until, if we insist on leaving Euratom in the end, the ONR can signify that it is up to Euratom standards.

12.45 pm

Viscount Trenchard: I wholly agree, as I think I said, that the right way is to continue to rely on Euratom until such time as the ONR can apply a UK-specific safeguards standards regime approved by the IAEA. My point is that it is not necessary and might not be desirable. On that, I am particularly interested in the submissions made by the Nuclear Industry Association, on which perhaps the noble Lord, Lord Hutton, will make an intervention, which I would look forward to hearing with great interest. We do not necessarily need to follow Euratom; I am not saying that Euratom standards are not at least as good as IAEA's required standards but, in so far as they go further, it does not necessarily mean that they are safer. It may mean that they are more cumbersome or that the frequency of verifications is more—

Baroness Featherstone: I thank the noble Viscount for giving way. Is he aware that the Government's declared intention is to reach the Euratom standard, regardless of this debate?

Viscount Trenchard: I am well aware that the Government have explained that their policy is to meet Euratom standards, and I am not saying that that would be in any way a bad thing, but I understand that there is a problem over the timescale it would take to reach Euratom standards. Nevertheless, I question whether it is necessary or desirable to meet Euratom standards in full because, as I said, many in the industry consider the IAEA standards better as far as process, procedures and controls are concerned. I think I have now concluded my remarks.

Lord Warner: Before the Minister sits down—

Noble Lords: Oh!

Lord Warner: Well, I am sure the noble Viscount is in the Prime Minister's thoughts for ministerial office. I am a bit confused about where he is on completing either IAEA-acceptable standards or Euratom standards by 29 March 2019. Is he saying that he accepts that neither of those standards will be met by March 2019, therefore we need a transition period and therefore he supports my amendment on a transition period?

Viscount Trenchard: I am saying that I believe it is not possible by March 2019 to achieve the necessary nuclear co-operation agreements with our four key partners, principally, and that therefore we will not be in a position to operate our own nuclear safeguards regime. I believe the ONR could manage to establish recognition of its own nuclear safeguards regime in that timescale, but—because we will not have the NCAs or an agreement with the EU on nuclear in that timescale—I look forward to hearing from the Minister how the Government propose to avoid a cliff edge in the nuclear industry.

Lord O'Neill of Clackmannan (Lab): Before the noble Viscount sits down, will he clarify something? He sought to give us reassurance on medical isotopes and made the point that 40% of them come from South Africa and 60% from the Netherlands and France. Can he tell us whether they are all the same, because the logistical implications of transportation from South Africa are rather different than coming from the Low Countries and north-west France? Are all isotopes the same? I do not think that they are. Which ones come from which places? Is the reassurance that he is giving us quite as robust as he would like it to be?

Viscount Trenchard: My Lords, I am not sufficiently aware of the detail of the proportions of different types of isotopes that come from the European Union—the Netherlands, France and Germany—but the 60% from the EU comes mainly through the Channel Tunnel, as I understand. The 40% from non-EU countries, comes through Heathrow in the main and is subject to the fast-track customs clearance procedure. That is absolutely necessary given the 66-hour half-life that applies to quite a proportion of these isotopes.

Lord Teverson: My Lords, I think we should allow the noble Viscount to sit down, and remind ourselves that he is not the Minister. To go back to something that the noble Lord, Lord Warner, said, in a way, none of the amendments in this group is perfect. Why are

[Lord Teverson]
they not perfect? It is because we have given our notice to withdraw from Euratom, yet we all know that that was not the greatest thing to do. So we are now trying to claw our way back to the status quo, having given notification under Article 106a of the Euratom treaty. We are trying to find a way to get back to where we want to be, but we are not allowed to withdraw our notification under the treaty. We certainly cannot within the scope of this Bill, but perhaps under the EU withdrawal Bill there is more scope. Who knows? It does not seem so long ago that we were debating that.

I presume the Minister will confirm that we do want to achieve Euratom standards, not bargain-basement, superstore value in terms of just the IAEA standards, although those are important. Can the Minister confirm that a transitional agreement is possible and would work, and that the EU 27 are up for this? Certainly in the publication on transitional arrangements, which was published last month, Euratom is a footnote on a couple of occasions, so I presume that it is in the mix in terms of the continuing acquis during the transition period.

What concerns me most about this is the need—as the noble Viscount has said, and he is quite right—to avoid this rather more precipitous cliff edge than there is even in the other areas of transitional commercial arrangements. When the break from the treaty happens, are we certain that the International Atomic Energy Agency would be prepared to have Euratom act as our safeguarding authority during a transitional period even though we are not legally a member of Euratom? That is a fundamental question. An answer would provide a lot more clarity and perhaps enable us to come back on Report with a suitable amendment which might actually work. We are not in a position to do that at the moment because we do not have that information.

Lord Carlile of Berriew (CB): My Lords, after the excellent introduction by the noble Baroness, Lady Featherstone, and the excellent speech by the noble Lord, Lord Warner, I listened with great attention to what was said by the noble Viscount. My conclusion, after he sat down, was that I should take a deep breath, count to three and then try to analyse where we are up to in this debate. My conclusions are: first, we have at the moment a very satisfactory set of standards; secondly, what we are offered as an alternative is a set of good intentions. We know about good intentions; they do not always lead to good standards, or even any standards being adopted at all. I say to the Minister that what persuades those of us who are taking part in this important debate, and who took part in yesterday's analogous debates, is real anxiety about the standards this country will have in the future, and about whether we will be recognised as coming up to world standards in relation to nuclear safeguards. It was partly with that in mind that I went to look at the EU exit analysis papers at 100 Parliament Street the day before yesterday, which were referred to extensively in the night shift before we signed up to today's morning shift. I looked in those papers for a single sentence or word about the future of nuclear safety and Euratom. I was only there for three-quarters of an hour so I only had time to read the documents twice, but I do not recall, and did not note, a single word on this issue. It worries me that it was not there because this is a key issue that should have been addressed in the advice given to Ministers, which is what those papers really are.

Therefore, I repeat a question I asked of the Minister's colleague last night: how many meetings have so far taken place on this issue with European negotiating counterparts? Can we be given a number please? Next question: how many meetings of that kind have taken place on this issue with counterparts in the IAEA? Please can we have numbers because they will give us at least an indication of how far down the road we are towards turning the good intentions into a set of future standards? I am not wholly opposed to leaving Euratom: we may be able to do at least as well or better under other arrangements, but we have to do at least as well or better, otherwise we will serve the country ill.

Lord Hutton of Furness (Lab): I will intervene very briefly to express my support for the amendments that my noble friend Lord Warner has tabled, and the spirit behind the amendments that the noble Baroness, Lady Featherstone, has tabled.

We have analysed this problem pretty astutely and know exactly where we are. I declare an interest as chairman of the Nuclear Industry Association. The industry wants to avoid the cataclysmic consequence of exiting the European Union in March 2019 without an effective arrangement in place that will oversee nuclear safeguards in the UK. It is impossible to exaggerate the significance of getting to that point. If that is where we get to and there are no arrangements in place with Euratom at that point, I think, as the noble Viscount and others said, that it is highly unlikely that we will have a compliant safeguarding regime applying to the United Kingdom civil nuclear industry. That would be a terrible event, and I cannot exaggerate the significance or consequence of that.

My understanding, therefore, is that it is the Government's policy to try to reach an association agreement with Euratom that will cover this transitional period of at least two years. That, I believe, is absolutely essential—because, as the noble Viscount and the noble Lord, Lord Teverson, made clear, we will not be in a position to operate an independent UK arrangement that meets international standards by March 2019. The Minister may well correct me and tell me that I am wrong about that, but I think that it is highly improbable. So it seems to me that the issue behind all these amendments is essentially one of timing. If it is the Government's stated intention to reach an association agreement with Euratom to preserve the existing internationally recognised arrangements that apply to the UK, it is very hard to imagine why we will need this Bill to be implemented at all. If it is possible to reach an agreement under Article 206, I think, of the Euratom treaty, which specifically refers to reciprocal rights and obligations, it is certainly broad enough as a treaty provision—as I believe, the industry believes and our advisers believe—to cover the full spectrum of safeguarding arrangements covered by the Euratom treaty and we will not need the ONR to be given these

new additional powers. If we can reach an agreement for a transitional period, I do not understand why that transitional arrangement cannot continue for longer, specifically in this regard in relation to the civil nuclear industry.

1 pm

On the whole debate about exiting the European Union, in my humble opinion we are doing a terrible thing in leaving it and we will live to regret it—I am quite sure that future generations will point the finger at us and ask, "How on earth did you leave us with this set of problems to deal with?" I am trying very hard not to get involved in that debate but to speak specifically about the consequences for the civil nuclear industry. If Ministers are prepared to be pragmatic and look at these issues sui generis, as it were, specifically in relation to the civil nuclear industry, there is no reason at all why a two-year transitional agreement reached under Article 206 of the treaty cannot be extended in perpetuity. That, by far and away, is the best set of circumstances for us to arrive at.

The industry—I believe I can speak on behalf of it today—would much prefer that outcome to any other on offer. It offers the one thing the industry wants, which is continuity and certainty. The other option involves risk, challenge and uncertainty, which are profoundly bad for business. Much of our international civil nuclear business is dependent on the nuclear co-operation agreements that the noble Viscount referred to, and, crucially, our agreement with the United States. But let us not lose sight of one important factor. Sizewell B produces about 7% or 8% of our electricity. That power plant simply could not be maintained if it was not for the NCA that we have with the United States. It is a pressurised water reactor and the key components are US technology. If the NCA falls in March 2019 because we have not reached a transitional agreement with Euratom and we have not been able to set up the ONR with an internationally recognised nuclear safeguarding arrangement, I and many others do not see how we will be able to continue with many of these transfers of skills and technology that we depend on now.

There is no sense that I or anyone else who speaks for the industry is trying to rattle the cage here. We are just stating the facts, which are pretty blunt. It is absolutely the responsibility of Ministers now to make sure that we do not walk off the edge of this cliff. There is a perfectly straightforward path in front of them, which is summarised pretty well in the amendments tabled by the noble Lord, Lord Warner, which lay out that path for us, and the right direction for us to travel. It is about pragmatism. If we can reach an agreement under Article 206 of the Euratom treaty, we are home and dry and we will not need to do anything else, as long as the Government are showing the necessary pragmatism and willingness and the desire to support the UK civil nuclear industry in this crucial moment of challenge.

I will just lob one further bit of context into the debate. We talk blandly about the importance of the industry to our energy, our security, our low-carbon challenge and all the changes that we are trying to respond to. But what is often lost sight of in this debate is that the nuclear industry is as significant to our economy as the aerospace industry. It makes the same tax and revenue contribution and creates as many jobs; it is essential to Britain's future as a manufacturing nation. Let us not play fast and loose with it.

Lord Broers (CB): My Lords, I compliment the noble Lord, Lord Hutton, on making clear from the industry's point of view the importance of this continuity.

I will make a simple and perhaps naive and impractical point in a couple of minutes. I support Amendment 1 and the other amendments because, as I said at Second Reading and again last night when the situation with Euratom arose in Committee on the EU (Withdrawal) Bill, my interests are centred on sustaining our research and development in support of nuclear power projects. The noble Lord, Lord Hutton, just pointed out the overall importance of sustaining our interest in the nuclear industry. This topic has been followed with some concern by the Science and Technology Select Committee for many years, including during the period when I chaired that committee. I have one reservation with Amendment 1, which I will get to in a minute.

We have sustained world-competitive expertise in many areas of nuclear technology, such as waste disposal, but have relied on collaboration, especially through our membership of Euratom, in keeping up with the development of new types of reactors and of course with nuclear fusion. Research and development of this type is carried out by large teams of research engineers and scientists coming from a broad range of disciplines, and advances emerge through frequent and continuous interactions that occur when researchers get together at symposia and workshops. An idea can come from anywhere in the world. These are team projects, where advances are made through the exchange of information and close collaboration.

I recall when I first took responsibility for a large group of research engineers and scientists developing the advanced electronics for IBM's new computers in the United States in the early 1980s. A senior engineer with decades of experience pioneering the development of computers took me aside and gave me a lecture about morale. He emphasised the importance of maintaining high morale in managing large teams of researchers working on difficult projects. The fusion project is an extremely difficult project. I was discussing this with a previous Chancellor of the Exchequer just now, who said that the results with fusion were very disappointing. Of course, it is an extraordinarily difficult project. You are trying to maintain extremely high temperatures, higher than on the sun, and trying to contain plasma in a container and then have it survive severe bombardment from neutrons. Why are we doing this project? Because it offers the ultimate solution to our energy problems. We pursue much larger scientific projects—CERN spent orders of magnitude more than we are spending on the ITER project. We have played a key role in that project and we can continue to contribute to it, but we must feel part of the team.

My point is that morale is maintained by feeling part of a team. It is very much like the Olympics. I went back home last night at midnight, and the one good thing about staying up that late was that the slalom was still on the television. We have a very fine

[Lord Broers]
slalom skier who trained on a plastic slope—that is a bit of technology for you. He skied brilliantly and got into the top 10, but he had one disadvantage. He did not have the other three members of the team that the Austrians, the French and the Swiss had, who radioed back the moment they got to the bottom to say, "Watch turns five, seven and nine because of the rut there". He had to do it all on his own.

We do not want to be on our own in our nuclear endeavours: we want to be part of the team but a full member of it, not an associate member. So my unrealistic suggestion is that we go for full membership of the team and not associate membership.

Lord O'Neill of Clackmannan: I am very pleased to follow the last two speakers, because I have had associations with both of them. In the case of my noble friend Lord Hutton, I was his predecessor as chair of the Nuclear Industry Association.

In supporting Amendments 2, 12 and 17, particularly Amendment 2, I draw attention to the fact that the Bill is about reassuring the industry and the British people that we will have safeguarding regimes of a quality and a standard that will enable there to be continuing public support for civil nuclear in the United Kingdom. This is not a matter of holding the Government's feet to the fire—although, as an Opposition Member, I largely approve of such an approach—but to make it clear that it is essential that we get reports back. The fact is that, so far—as has been evidenced by the appearance of the word "Euratom" in the withdrawal papers—that has been a pretty low priority for the Government. Frankly, we cannot trust them without something in the Bill to require there to be a report, albeit an interim one, by Christmas. That is where both the Liberal amendment and the amendment from my colleagues come in. That is not unreasonable, because the record is pretty feeble so far. At worst, we have heard platitudinous nonsense from the Government on many of these issues. We want there to be a requirement that means that their attention is focused on a particular time and date so that, before Christmas of this year, we will have an interim report on the progress that has been made. The areas covered are quite clear.

It is also fair to say that we need a transition period. The noble Lord, Lord Broers, has been riding the horse that he usually rides in respect of research and development, on which he has become an acknowledged expert. I just make the point that there is a lot more to the nuclear industry than research and development and the generation of power. We have considerable expertise in safety matters as consultants in United Kingdom companies and internationally. Our record on the decommissioning of power stations is probably second to none because we have been at it longer than anyone else and because we started building them long before most other people. However, if we are not able to keep abreast of improvements and developments, we will not be able to continue that kind of work.

As I said, the nuclear cycle involves more than just research and the generation of power, and at the moment we enjoy a pretty good position. As my noble friend Lord Hutton said, it is a not insignificant contributor to the engineering and manufacturing side of the British economy, so it is economically important. Politically, it is also important that in this House there is a consensus that then breeds confidence in the country as a whole.

These amendments will have their deficiencies. At this stage in legislation it is the stuff of ministerial responses to say that the amendments are not quite good enough, but when the case is strong enough—I think we all believe that it is—it is the responsibility of government to accept the spirit of the amendments and to go away and consult the Front Benches and interested parties to secure wording which we consider to be appropriate for the scale of the challenge that has to be met to sustain the confidence of the nuclear industry, the confidence of this House and, ultimately, the confidence of the country as a whole in the civil nuclear project in which we are currently engaged.

I will be very disappointed if the Minister tries to duck and dive on this issue. If he does, I suspect that he will get bruised when we come to consider it at the next stage. I think that there is a strong feeling about this on pretty well all sides of the House. Even the noble Viscount was somewhat half-hearted in his backing of the Government and made the point that transitional arrangements are necessary. However, for transitional arrangements to be effective, we must have reports at every stage of the process. Frankly, nine months on is not an unreasonable point at which to ask for such a report. It is not enough for Ministers simply to say, "Yes, we will come back and address the House". We need something more concrete than that. We also need assurances that, before any further action is taken, we are given clear indications of matters relating to finance and future developments so that we can avoid the charge that we have given the Government a blank cheque in relation to a piece of our national economy which is essential to the future energy needs of our country.

Lord Fox (LD): My Lords, noble Lords have heard about the scale of the risk of not achieving the objective of the Bill. If you were doing a classic risk analysis in the private sector—the sort of thing that, under corporate governance, the Minister's department requires every board to observe—you would say that there was a very high risk of not achieving that objective. Even if the Minister thought that there was only a very small chance of not doing so, if we were a board of directors he would be required to mitigate that risk. These amendments provide a pathway to mitigation—a pathway to a plan B. It is the sort of medicine that, quite rightly, the department supplies for all business and enterprise across the United Kingdom—that is, understanding the risks that they are undergoing and seeking a way to mitigate them. That is exactly what the Government and the Minister should be doing, and it is why, between now and Report, the Government have to embrace the messages that they have heard today.

1.15 pm

Baroness Neville-Rolfe (Con): My Lords, I have some sympathy for the questions raised in this debate and I start by associating myself with support for the nuclear industry and for nuclear R&D. As the noble Lord, Lord O'Neill, said, the nuclear industry was founded in this country.

I support the Bill, as I think that we need to plan for the withdrawal from Euratom in a responsible way. The Bill is relatively clear, and we have seen the draft implementing regulations, which are very helpful—I thank the Minister for that. As in other Brexit areas, the Government need to put EU provisions into UK law because many people in this country have told us that that is what they want. I believe that, as a scrutinising Chamber, we need to progress matters technically and that we should provide the powers that the Energy Ministers need to negotiate the necessary nuclear agreements and to strengthen the ONR.

However, I want to make one point which perhaps builds a little on what has been said by my noble friend Lord Trenchard. If we crash out of the EU in March 2019 or, alternatively, at the end of an agreed implementation period, will the Minister consider informing the EU at that point that we would like to reverse the bespoke Article 50 for Euratom and put up with a little bit of potential ECJ involvement—at least until an association agreement with Euratom is arranged or a relevant trade agreement with the EU is finalised? Once the air clears, the two sides will be bound to return to the negotiating table and will no doubt start to agree things on important areas such as nuclear.

I am not sure that my concern calls for an amendment to the Bill but we must avoid any risk of enhanced nuclear non-proliferation and the industry disruption and damage that would go with it. Therefore, if we could find a way of retaining some flexibility in the event of a bad outcome, that could be helpful, and I shall be grateful if the Minister has anything to say by way of reassurance. I had thought that perhaps we should not go ahead with this Bill but, by looking at it carefully, I have been persuaded that we need to get on with it.

Viscount Hanworth (Lab): My Lords, these amendments propose an associate membership of Euratom. In effect, they propose a deferment of our severance from Euratom and possibly even an indefinite deferment.

There is a marked contrast between the bland assurances we have received from the Government that everything regarding nuclear safeguards will be in place by March 2019 and the anxieties expressed by other parties, including, in a professionally restrained manner, the ONR, which is due to assume the duties of nuclear safeguarding. It has indicated that it is struggling to meet the deadline. The regime that it might have in place by March will be decidedly understaffed, and surely the danger that the deadline will be missed fully justifies the provisions of these amendments.

There are also anxieties regarding the ability to establish the necessary nuclear co-operation agreements with third parties in a timely manner. Such agreements depend on the existence of a nuclear safeguarding regime that is compliant with the requirements of the International Atomic Energy Agency, and it will take some time to achieve this. We are fearful that the requirement that a nuclear co-operation agreement with the USA be ratified by the Senate will give rise to a lengthy hiatus during which our nuclear industry may be deprived of some essential supplies.

There is also the matter of medical isotopes, which it is appropriate to raise at this juncture. The Minister has told us that the Government take their continued availability most seriously and assures us that this issue is quite distinct from nuclear safeguarding. Well, it is not a matter that is separate from our membership of Euratom. Euratom appears to have played a significant role in ensuring their continued and timely availability when they have been extremely scarce. By leaving Euratom prematurely we shall be prejudicing the security of our supplies, and this is a good reason for deferring our departure.

Lord Northbrook (Con): My Lords, I apologise to the House for not being able to take part at Second Reading. I have some sympathy with the intent behind these amendments. I will not go over the very interesting responses last night to the amendment of the noble Lord, Lord Hunt of Kings Heath; I would just like to make a few brief comments.

A report from the Business, Energy and Industrial Strategy Committee in other place states:

> "We conclude the Government should seek to retain as close as possible a relationship with Euratom, and that this should include accepting its delivery of existing safeguards requirements in the UK".

The MPs on the committee warned that the impacts of leaving Euratom would be "profound", putting the UK in,

"a much weaker position to drive regulatory standards",

at an EU level.

Last week, the EDF corporate policy and regulation director said:

> "The UK still lacks the replacement rules needed to fuel its nuclear reactors after",

the country quits the EU. EDF also told the House of Lords EU Energy and Environment Sub-Committee:

> "The Euratom Treaty is currently vital to the functioning of nuclear energy generation in the UK. Failure to replace its provisions by the point of withdrawal could result in the UK being unable to import nuclear materials, and have severe consequences for the UK's energy security".

The UK's Nuclear Industry Association, as mentioned by the noble Lord, Lord Hutton, said that,

"the Bill does not provide enough certainty for the industry and the government should be pushing for a transitional agreement".

Finally, according to *City A.M.*, Vote Leave campaign director Dominic Cummings, in rather colourful language, lambasted government plans to leave the European nuclear agency as "near-retarded".

Lord Rooker (Lab): My Lords, I have a couple of questions for the Minister before he replies. First, will he answer the question that the noble Lord, Lord Warner, asked about the recently published—on 29 January—report of the EU committee of this House? It is hot off the press, full of information and all the substantial written evidence is available to noble Lords. Although we were covering energy security, we spent considerable time on Euratom, and there was evidence from the industry and from the ONR. Did the Minister look at any of the evidence and the report before he wrote his letter to noble Lords following Second Reading, which contradicts the evidence provided to the Select Committee?

Lord Hunt of Kings Heath: We had an extensive debate on the principle of Euratom last night and I shall not repeat what I said then, but I shall speak in support of my own amendments and the others in this group. They are not perfect, as the noble Lord, Lord Teverson, said: they are substitutes, because most noble Lords in most parts of the House think it is a mistake to withdraw from Euratom and, even now, we hope to persuade the Government, one way or another, to reverse that decision.

However, the problem, which my noble friends have highlighted, is that the very integrity of this crucial industry is now at stake. Essentially, the Government want to find some way of continuing with Euratom, although they cannot spell out to us exactly what that means. This Bill is an understandable backstop so that, if they cannot agree one way or another with Euratom to continue its work, the ONR can be established as a separate nuclear safeguards regulator. Essentially, we are being asked to take this on trust.

My problem is that, first, I have no confidence whatever in the Government's ability to negotiate a deal with Euratom. I do not know what it must be like to be a member of the Conservative Party or, indeed, the Government, but what we see is utter chaos and disagreement. For instance, the noble Viscount, Lord Trenchard, said that about 60% of medical isotopes come from the EU and 40% from outside. Last night, he suggested that leaving the EU should not impact at all on the transfer of medical isotopes from the EU. But we have not yet agreed a frictionless customs arrangement with the EU and I am not sure that, at this stage, one would bet anything at all on our seeing that negotiated—and it is but one uncertainty about what will emerge.

The letter sent by Mr Rees-Mogg and his group says, essentially, that this country must have "full regulatory autonomy" by March 2019—it must have the ability to change British rules and laws once we leave, without being a "rule taker". But what arrangements are we then going to reach with Euratom that do not transgress the red line laid down by Mr Rees-Mogg? The Minister may say that Mr Rees-Mogg is but a Back-Bencher in the other place, but he seems to hold sway over government negotiating positions. That is why we have to assume that, actually, the Government are not going to be able to negotiate a sensible agreement with Euratom. Within government collectively, it transgresses so many of the red lines that have been laid down, one way or another, that if we are not careful, we will have to fall back on the ONR picking up this responsibility.

I respect the ONR and the evidence it gave to the Commons Public Bill Committee, which was everything you would expect of a robust regulator. My reading is that by March 2019, it could just about have enough people to do the inspections according to IAEA standards, but not to Euratom standards. But the other question is: what about the agreements that have to be reached with a number of very powerful countries? There are no guarantees at all that we could do that.

The reason we are debating and struggling with these amendments is that there is a real concern that not only the legality of the industry post-2019 is at stake here, but public confidence too. The noble Earl, Lord Selborne, who made a very good speech yesterday, talked about confidence in the industry. I am a passionate believer in this industry and I take my noble friend's point that it is about not just research, but the fact that we have a highly skilled group of people working in it. Yes, we are experienced in decommissioning, but we now have the possibility of a renaissance in new nuclear. After having thrown away the lead we had, we can get some of that back, develop a supply chain and use the skills of our people, but we need public confidence to do that. The problem is that the Government's position is putting that at risk because there is no confidence whatever that they can reach an agreement with Euratom and none that they can reach Euratom standards in March 2019. That is a very serious position to be in.

1.30 pm

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Henley) (Con): My Lords, I am not sure whether I heard the noble Lord set out his own party's policy more widely on Brexit, but perhaps that will be for another day. He can then assist the Committee, but I leave that with him. I offer my congratulations and thanks to him, to the noble Baroness, Lady Featherstone, and the noble Lord, Lord Warner, for introducing their amendments. I think that it was the noble Lord, Lord Warner, who compared the response last night by my noble friend Lord Callanan to a Geoffrey Boycott innings. For those of my age and beyond, I will go for a sort of Ken Barrington type of response, so it will be long and slow. However, it is important that I get it all in to make sure that we have a proper response to the debate so that we can consider these amendments again on Report. It is also important for noble Lords to understand in this sort of Ken Barrington response that I am going to give—

Lord O'Neill of Clackmannan: We want wisdom, not Wisden.

Lord Henley: The noble Lord knows that he always gets wisdom from me. I want also to say that I am not necessarily going to respond to all the points in the course of this debate because an awful lot of them apply to later amendments. Nevertheless I will give a fairly full response, but I shall start by making a pretty fundamental point, made by my noble friend Lady Neville-Rolfe. It is that we are where we are. My noble friend supports this Bill because, as she said, it is very important that we have plans in place for when we leave Euratom. We are going to leave Euratom at the same time as we leave the European Union in March of next year. That was dealt with in the notice of withdrawal Bill, now the European Union (Notification of Withdrawal) Act 2017. The legislation has been through both Houses of Parliament and has the support of the party opposite and others.

What I want to make clear to the Committee is that we are determined to continue to have a constructive and collaborative relationship with Euratom and with all our other international partners. The withdrawal of the United Kingdom from Euratom will in no way diminish our nuclear ambitions, and I make that clear

to the noble Lord, Lord Broers, and others. Maintaining the continuity of our mutually successful civil nuclear co-operation with Euratom and international partners is going to be a key priority for us. As a member of the International Atomic Energy Agency, we are committed to have in place nuclear safeguards. I should remind the Committee that these have nothing to do with safety. Nuclear safeguards are reporting and verification processes by which states demonstrate to the international community that civil nuclear material is not being diverted into military or weapons programmes. The United Kingdom has been a member of the IAEA since its formation back in 1957.

Under the Euratom treaty, the civil nuclear material and facilities within member states are subject to nuclear safeguards measures conducted by the European Commission on behalf of Euratom. Euratom also provides reporting on member states' safeguards to the International Atomic Energy Agency, which conducts nuclear safeguards globally. Nuclear safeguards measures include reporting on civil nuclear material holdings and development plans, inspections of nuclear facilities by international inspectors, and monitoring, including cameras in selected facilities. I repeat that nuclear safeguards are distinct from nuclear safety, which covers the prevention of nuclear accidents, and nuclear security, which covers physical protection measures. Those are the subject of independent regulatory provisions and we shall move on to them in due course.

As was made clear by my noble friend last night and I make clear again today, the European Union and Euratom are uniquely legally joined. Euratom shares a common institutional framework, making use of the same institutions; namely, the Council, the Commission, the European Parliament and the ECJ. For example, the European Commission has an active role in shaping and enforcing Euratom rules and it currently plays a central operational role on safeguards in the UK. As was further made clear by my noble friend last night, Euratom is also subject to the jurisdiction of the ECJ.

When the Prime Minister formally notified our intention to leave the European Union in June, she also commenced the process for leaving Euratom. That notification was debated and authorised by Parliament through the European Union (Notification of Withdrawal) Act 2017 which, as I have said, had the full support of both Houses of Parliament. The United Kingdom will therefore withdraw from Euratom in 2019 at the same time as withdrawing from the European Union. That is why we need the legislation before us now to be in place.

The United Kingdom's current nuclear safeguards regime operated by Euratom will cease to function in the United Kingdom as a result of our withdrawal from Euratom. The Nuclear Safeguards Bill will ensure that we have the right regime in place for the Office for Nuclear Regulation to regulate nuclear safeguards. I reassure the Committee that the Government are meeting the challenges that clearly lie before us. We have already made great progress in the work that we are doing to secure continuity for our nuclear industry by establishing long-term arrangements to secure nuclear safeguards. The Queen's Speech on 21 June last year included our intention to take up the powers that will set up a domestic nuclear safeguards regime, and that is what this Bill seeks to do.

Lord Fox: My Lords, perhaps I missed them, but what are the long-term arrangements that have already been established?

Lord Henley: My Lords, will the noble Lord bear with me? I said that I was going to play a fairly long innings and I want to explain these matters in full. There is no point in the noble Lord interrupting at this stage. I am going through this carefully and slowly in order to explain what we are going to do to make sure that we have the right things in place for when we leave Euratom and the EU in March of next year.

Our intention is for the new domestic regime to exceed the standard that the international community would require from the United Kingdom as a member of the IAEA. It will be run by the Office for Nuclear Regulation which, as the Committee will know, already regulates nuclear safety and nuclear security. We will also be agreeing a new voluntary offer agreement with the IAEA. I believe that we all recognise the special contribution—

Lord Warner: I am sorry to interrupt the Minister, but can he say what discussions have actually taken place with the IAEA to get to that point of an agreement before March 2019? What is the plan of meetings for those discussions that have taken place and are planned to take place?

Lord Henley: My Lords, discussions have already taken place with the IAEA. We will continue with those discussions to make sure that we are in the right place at the right time. If the noble Lord will bear with me, I will continue with my speech and set these things out in the proper manner.

Lord Warner: I understand what the Minister is saying, but none of us has moved amendments this morning that in any way suggest that we would not be leaving Euratom by next year. We have accepted that for the purposes of this debate. We are not slow learners: we do not need to be taken rather slowly through the arguments that we went through last night.

Lord Henley: My Lords, I am sorry if the noble Lord feels that he is not a slow learner. At times, I have felt that he and other noble Lords have been a bit slow on these things. That is why I am trying to spell it out very carefully and very slowly and I will continue to do so. I hope to make it clear so that the Committee and the House will understand that we will have the appropriate civil nuclear safeguards regime in place by next year, which is of paramount importance for us at that stage. We have had already considerable discussions with Euratom. There will be further discussions with the IAEA. I will not go into the details but I can no doubt write to the noble Lord in due course.

In a sense, this is an amending Bill. As noble Lords will be aware, it will amend the Energy Act 2013 by creating new powers so that we can put in place regulations that offer detail on the domestic safeguards regime, such as accounting, reporting, control and

[Lord Henley]
inspection arrangements. It also creates the limited power that I referred to earlier which we will get to in later amendments, allowing us to amend the Nuclear Safeguards and Electricity (Finance) Act 1978 and others. That power will mean that references in that legislation to existing international agreements can be updated once new international agreements have been reached. We will discuss that in greater detail later on.

I have listened carefully to what has been said on the agreements that we have before us on Amendments 1, 2, 12, 16 and 17. These amendments taken as a group cover the fundamental issue of the United Kingdom's future relationship with Euratom and our strategy pertaining to this. I fully appreciate the sentiment and the intention behind these amendments. I shall try to address them all.

On Amendment 1, the new clause proposed by the noble Baroness, Lady Featherstone, would require Ministers, when negotiating and concluding the withdrawal agreement, to have regard to the desirability of associate membership of Euratom, and require the Government to report periodically to Parliament the progress to that end. Noble Lords will have heard many times before that there is no such thing as associate membership of Euratom. I made that clear at Second Reading. It is important that discussions on this matter focus on the actual treaty. The concept of associate membership does not exist in the treaty. Given the frequency with which the point comes up, I start my response by reading out exactly what the Government said to the BEIS Select Committee on this point in the autumn:

"There are two different articles in the treaty that deal with the relationship between Euratom and third countries. One of them is Article 101, which enables the community to enter into agreements with third states. That is the one that has been used in the research and training context with Switzerland. That requires a qualified majority vote. The other one is Article 206, which enables the community to conclude an agreement establishing a formal association involving reciprocal rights and obligations. That is the 'association with' part, not being an associate member. That requires unanimity."

It is indeed the case that the Ukraine and Switzerland each have a form of association agreement with Euratom, but those agreements cover only research and training activities. Neither covers nuclear safeguards activities. These countries are not associate members of Euratom. Wanting to maintain a close relationship with Euratom is this Government's stated objective so we need no persuading on that point. We have already stated very clearly in Statements to the House that the Government will be seeking a close and effective association with Euratom as part of the next phase of negotiations with the EU. We have made clear the desirability of this aim and that it forms part of our negotiation strategy.

I fully recognise the importance of providing clarity on the progress of the Government's plans for withdrawing from Euratom and our ambitions in respect of a future relationship with Euratom, which the noble Lord, Lord Warner, asked about earlier; it is relevant to Amendments 2 and 16, which I will deal with later.

1.45 pm

Lord O'Neill of Clackmannan: The Minister referred to Article 206 and the agreement that has been arrived at with Switzerland and Ukraine in respect of training and research. Does that provision afford any opportunity for other areas to be incorporated in an agreement with Euratom? Could it be the portal for enabling us to be alongside Euratom in the way that the Ukrainians and the Swiss have been able to obtain for their preoccupations with training and research?

Lord Henley: My understanding is that it will allow them to do that. I am not aware that Article 206 could be used further as the noble Lord suggests. If I am wrong, of course I will write to him, but it might be a matter of interpretation. I should remind him in respect of Article 206 that I stressed when I read out the Government's response to the Select Committee that any agreement required unanimity. That is obviously quite a big "if" in these matters. If there is anything further I can add, I will write to the noble Lord.

Lord Hunt of Kings Heath: The Minister is being very helpful. It is the first explanation we have had as to why the Government are leaving. He talked a lot about the influence of the EU over Euratom's activities, which is no doubt something that we can test and explore. But I do not understand what "close association" means. The Government clearly could not go for a formal association because the relationship would be one in which the EU would set the rules, and we know that the Government have drawn a red line against that. Does "close association" mean that we would basically subcontract the inspectorate from Euratom to work under the auspices of the ONR, with the ONR as the regulator? Does it mean that, despite everything that the Government have said, we hope that we can simply replicate Euratom rules and that it will somehow oversee it, which seems unlikely? Until we know what the Government want to get out of Euratom, it is difficult to know whether the Bill will meet the circumstances if no close association at all is agreed.

Lord Warner: Can I amplify something from what the noble Lord, Lord Hunt, said? If the Minister looks at my Amendment 2, he will see that the suggested new subsection (1)(a) refers to,

"a report on the progress of discussions with Euratom on the scope and conditions for a form of association with Euratom".

It does not talk about associate membership. Listening to what he said about what the Government aspire to sounded remarkably like seeking,

"a form of association with Euratom".

In clarifying the Government's intentions for the noble Lord, Lord Hunt, will the Minister explain the difference between what the Government want and the wording in my amendment? I am quite happy to change the wording if it helps the Minister.

Lord Henley: I was coming to the noble Lord's amendment to make quite clear our ambitions for that future relationship and how we see it developing, before I was interrupted first by the noble Lord, Lord Hunt, and then by his noble friend Lord Warner interrupting him. I will now deal with how we want to

ensure proper clarity on where we are going. The information I will provide to the Committee particularly relates to Amendments 2 and 16 from the noble Lord, Lord Warner.

The noble Lord will remember that we made a Written Ministerial Statement on 11 January. I am sure that he knows it off by heart by now. It included a commitment to continue to provide quarterly updates—it is information that noble Lords particularly want in this matter—addressing the progress on the wide range of issues relating to Euratom exit. That will include progress on those negotiations, but also on how they will develop into our future relationship with Euratom, as well as progress made by the ONR on establishing the United Kingdom's domestic safeguards regime. I cannot tell where those negotiations will take place. The noble Lord will have to bear with me. What he wants, as far as I understand it from his Amendment 2 and the other amendments, is a guarantee that information will be provided by the Government. All I am saying is that we have made one Written Ministerial Statement—actually, we have made more than one—and we will continue to do so. That reporting commitment goes far further than the proposed amendment, by keeping Parliament regularly updated on the key issues that have been raised. I hope the Committee will welcome the fact that we will continue to provide further updates on those. The noble Lord, Lord O'Neill, asked for one. There will certainly be one before the Easter Recess.

I turn to Amendment 12 on our future relationship with Euratom. The Committee will be aware that in her speech on 22 September 2017 in Florence my right honourable friend the Prime Minister set out her desire for an implementation period after the United Kingdom has ceased to be a member of the EU. This is now well understood in the EU and I do not think that the amendment is consistent with this position. It remains the Government's intention to ensure continuity for the nuclear industry and to avoid the possibility of the cliff edge that noble Lords referred to for the industry on exit day.

I hope that the Committee will not need to be reminded that the UK will not be a member after 29 March next year, whether an implementation period can be agreed with the Commission or not. That much is clear. If it is not, I will repeat from page 1 of the letter that the Prime Minister sent to President Tusk:

> "I hereby notify the European Council in accordance with Article 50(2) of the Treaty on European Union of the United Kingdom's intention to withdraw from the European Union. In addition, in accordance with … Article 50(2) as applied by Article 106a of the Treaty Establishing the European Atomic Energy Community, I hereby notify the European Council of the United Kingdom's intention to withdraw from the European Atomic Energy Community. References in this letter to the European Union should therefore be taken to include a reference to the European Atomic Energy Community".

In other words, there can be no question of separately attempting to prolong our membership of Euratom beyond the point at which we leave the EU. That is a very different matter from having an implementation period, which is something we are aiming at. That is a period after we have left the EU and Euratom, during which we continue to be covered by the EU acquis. By "acquis" we mean the regulatory framework that applies to EU member states. In exchange, the Government expect that the United Kingdom would be able to continue to benefit from its current access to the EU's markets for the duration of the implementation period.

Again, I must emphasise that any agreed implementation period is not a way of delaying our departure from Euratom. It is a way of making the transition smooth, rather than sudden. My reason for asking noble Lords not to press their amendments is simple: the amendment does not seek to establish an implementation period after exit; it seeks a transitional period before exit. My honourable friend the Minister for Business and Energy set out on 7 February that there can be no question of separating the situation for Euratom from that of the wider EU. The two are, as we know, uniquely and legally bound. Again, I made that clear at earlier stages.

Finally, I turn to Amendment 17, which seeks to require the Government to lay a strategy for maintaining existing arrangements once the UK withdraws from Euratom and for this to be considered by both Houses before the main substantive provisions of the Bill can be brought into force. As I have said, the Government have made it absolutely clear that they will seek a close and effective association with Euratom in the future. As was mentioned in the Written Ministerial Statement, the Government set out the principles on which our Euratom strategy is based, including to aim for continuity with current relevant Euratom arrangements, to ensure that the United Kingdom maintains its leading role in European nuclear research, to ensure that the nuclear industry in the UK has the necessary skilled workforce, and to ensure that on 29 March 2019 the United Kingdom has the necessary measures in place to ensure that the nuclear industry can continue to operate. In respect of our future relationship with Euratom, we will also seek a close association with Euratom's research and training programme, including the Joint European Torus and the International Thermonuclear Experimental Reactor projects. We will also want continuity of trade arrangements to ensure the nuclear industry can continue to trade across EU borders, and to maintain close and effective co-operation with Euratom on nuclear safety.

The Committee will be fully aware that the nature of our future relationship with Euratom is part of the next stage of negotiations, which is yet to begin. An implementation period may well be agreed and we hope that it is, but there are no guarantees. In any case, without such a period the United Kingdom will legally leave the EU and Euratom in March 2019. The Bill and the regulations made under it are crucial to make sure that we can establish that domestic nuclear safeguards regime to meet international safeguards and nuclear non-proliferation standards when Euratom's safeguarding arrangements no longer apply in the United Kingdom. From that point, the United Kingdom will be responsible for its safeguards, including having its own state system of accounting and control.

Lord Rooker: In that case, are we not all wasting our time? Could the Minister say whether the International Atomic Energy Agency has already agreed in the discussions that have taken place that the contents of the Bill lead it to believe that the safeguards office will be able to demonstrate the independence it requires? If not, we are wasting our time.

Lord Henley: The noble Lord never wastes his time, nor does he waste the time of the Committee, but I can give an assurance that discussions continue with the IAEA, which is perfectly happy that we will be able to meet the appropriate safeguards regime to meet its standards by March next year. We will discuss that on later amendments. Processes have taken place in the ONR and it is engaged in recruitment. We will meet its standards—standards similar to those met by the Americans as fellow members of the IAEA. All that will be in place; that is the point behind the Bill. It is why I do not think these amendments are necessary—we will no doubt discuss them in much greater detail on Report. I hope that the noble Lord and the noble Baroness, Lady Featherstone, who is about to respond, will be happy and feel able not to press their amendments.

Baroness Featherstone: I thank the Minister. I listened carefully to his arguments in response to the amendments. I think that our work is not done; I did not hear a meeting of minds at this point. What I did hear was a universal view from across the Committee that surety and certainty are not there. We will probably want to come back on this on Report. For the moment, I beg leave to withdraw the amendment.

Amendment 1 withdrawn.

Amendment 2

Tabled by ***Lord Warner***

2: Before Clause 1, insert the following new Clause—

"Review of withdrawal from Euratom

(1) The Secretary of State must, in consultation with relevant interests, by 31 December 2018, lay before both Houses of Parliament—

(a) a report on the progress of discussions with Euratom on the scope and conditions for a form of association with Euratom that does not extend to full membership but which minimises the changes to current arrangements for nuclear safeguards; and

(b) a report on the legislative changes that would be necessary to introduce arrangements described in paragraph (a).

(2) The report under paragraph (1)(a) must cover—

(a) the future application of Euratom safeguarding standards;

(b) the future of nuclear research and development activities within a Euratom framework;

(c) aspects of future working with Euratom members in relation to the civil nuclear supply chain so far as this depends on UK membership of Euratom;

(d) the supply to the United Kingdom of medical radioisotopes and their use and disposal so far as this depends on UK membership of Euratom."

Lord Warner: I listened carefully to what the Minister said. I did not hear anything which suggested that there was not still an existential threat to the UK civil nuclear industry. There were some useful nuggets to help me redraft my amendment to make it more compliant with the language that the Government seem to be using—so I shall read *Hansard* carefully—but I can promise the Minister that I shall be back on Report with an alternative amendment.

Amendment 2 not moved.

House resumed.

Air Quality

Statement

2.02 pm

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, with the leave of the House, I shall repeat as a Statement an Answer given to an Urgent Question in the other place by my honourable friend the Parliamentary Under-Secretary of State for the Environment on the air quality plan. The Statement is as follows:

"In July last year, we published the UK plan for tackling nitrogen dioxide concentrations. Yesterday, the High Court handed down judgment on the challenge to that plan, and the judge dismissed two of the three complaints considered during the case in relation to England. Specifically, he found that there is no error in the Government's approach to tackling nitrogen dioxide concentration exceedances in areas with some of the worst air quality problems, and that the national air quality modelling and monitoring that underpin the plan fulfil our legal requirements. In relation to the five cities identified in 2015 as having particularly marked air quality challenges—those being Birmingham, Nottingham, Derby, Southampton and Leeds—the judge found that the Government's approach to tackling these exceedances was 'sensible, rational and lawful'.

The courts have asked us to go further in areas with less severe air quality problems, where we have previously considered it sufficient to take a pragmatic, less formal approach. I had already written to those councils in November. That was followed up by officials asking them to provide initial information on the actions they were taking by 28 February. However, in view of the court's judgment, we are happy to take a more formal approach with them following that judgment. I have already written to the local authorities asking them to attend a meeting on 28 February to discuss that information and their plans, and whether there are any additional actions they can take to accelerate achieving compliance with legal limits to nitrogen dioxide concentrations. We will follow up on this in March by issuing legally binding directions requiring those councils to undertake studies to identify any such measures. As required by the court order, we will publish a supplement to the 2017 plan by 5 October, drawing on the outcome of the authorities' feasibility studies and plans.

As set out in the 2017 plan, this Government are committed absolutely to improving air quality, and we have pledged to be the first generation to leave the environment in a better state than we inherited it. Later this year, we will publish a comprehensive clean air strategy, which will set out further steps to tackle air pollution more broadly".

2.05 pm

Baroness Jones of Whitchurch (Lab): My Lords, I refer the House to my involvement with the charity ClientEarth and thank the Minister for repeating that Answer. Surely he recognises that this court ruling is a damning indictment of the Government's handling of the air quality issue. Let us be clear: yesterday, the judge ruled that the Government's 2017 air quality plan was "unlawful" and went on to say:

"It is now eight years since compliance with the 2008 Directive should have been achieved. This is the third, unsuccessful, attempt the Government has made at devising an AQP which complies with the Directive and the domestic Regulations".

He was so critical of the Government's response that he is now considering direct court supervision of the Government's future plans.

Meanwhile, the Government issued a completely misleading press release yesterday claiming that this was some sort of victory. I am sorry to say that the Minister's Statement today has similar shades of complacency. This is an issue about which there is, quite rightly, huge public concern. We have previously heard of the estimated 40,000 premature deaths a year from heart attacks, strokes and respiratory problems. This is a public health crisis.

Are the Government planning to appeal against this judgment again? Alternatively, will they now take the advice of their own officials and implement a network of clean air zones in the 33 towns and cities which are projected to have continuing illegal levels of pollution? Can the Minister explain the difference between the action that he is now proposing and what was presented to the court and has already been rejected by the judge? I suspect that the court will want a great deal more than the outcome of feasibility studies in the non-compliant cities by October this year.

There has been real concern around this House that the Government are not taking this issue sufficiently seriously. I hope that the Minister can now convince us that a major rethink is going on in the department and that the Government will finally come back with solid proposals that will deliver a proper legal deadline for clean air zones in the shortest possible time.

Lord Gardiner of Kimble: My Lords, I think that all your Lordships want clean and cleaner air. That is why the Government have invested considerable sums of money, amounting to £3.5 billion. I can go through some of that expenditure in detail, but much of it is in support of things such as cleaner buses. For instance, retrofitting school buses in Manchester has resulted in a 92% reduction in emissions; the level of nitrogen dioxide fell by 27% from 2010 to 2016 and by 10% from 2015 to 2016. So progress is being made, but we want to do more. That is why, across the piece, we are going to bring forward our clean air strategy.

However, I want to be clear to the noble Baroness that the judge acknowledged that very considerable time and effort had been invested by both Ministers and officials. The judge also said, in relation to the five main cities where there is a considerable problem, that what was being brought forward was lawful. I do not want to trade elements of the judgment, because we should take it seriously. That is why, instead of requesting the 33 local authorities to undertake measures, we will be requiring and directing them to do so, because we want to make progress.

It is interesting that, of those 33 areas—which is really what the judgment came down to: what we are going to do about those 33 areas where we need to achieve compliance—10 are projected to come into compliance next year, 13 in 2020 and the final 10 in 2021. In looking at this, a lot of what can be done could be done comparatively cheaply—for instance, the rephasing of traffic lights, including at roundabouts. There are a number of ways in which we want to work with the individual local authorities concerned. The reason we have requested and required the leaders to come to the meeting next Wednesday is precisely so we can get what we all want, which is cleaner air for everyone.

Baroness Bakewell of Hardington Mandeville (LD): My Lords, I thank the Minister for repeating the reply to the Urgent Question. In the "Conclusions" section of the hearing referred to earlier on the air quality plan, Mr Justice Garnham said:

"In its application to the 45 local authority areas, it does not contain measures sufficient to ensure substantive compliance with the 2008 Directive and the English Regulations".

The Minister has stressed that the Government are fulfilling their legal requirements under the UK plan for tackling nitrogen dioxide concentrations, but I put it to him that those legal requirements fall a long way short of what is required to improve air quality in the 45 cities—never mind the 33—that were the subject of the court action taken by ClientEarth. The residents of those 45 cities deserve better for their children and elderly. Air pollution costs the UK economy £20 billion every year. Sick and vulnerable people, the elderly and children are particularly at risk. The health problems resulting from exposure to air pollution have a high cost to NHS services and business. As an asthmatic, I find that I am severely affected by poor quality air.

The Government's success in banning the use of microbeads in wash-off cosmetic products could be extended to assist with the air pollution in the country. Research suggests that chemicals in everyday consumer products, including perfumes and paints, have been revealed as a major source of air pollution, comparable with emissions from the transport sector. This research suggests that these products emit significant quantities of petroleum-based chemicals, rivalling cars and other vehicles as the top source of urban air pollution. What steps are the Government taking to tackle this source of air pollution?

Lord Gardiner of Kimble: My Lords, the clean air strategy we are bringing forward is designed to deal with all elements of air pollution, because we think that is very important. I should have said to the noble Baroness, Lady Smith, that we are not intending to appeal; we want to implement what the judge has said. We are working actively, in different ways, with all the cities involved, helping them to tackle their NO_2 exceedances, and that is an issue for the whole United Kingdom. Wales, which was a separate party to the action, has conceded that it needs to do more and will be bringing forward a new plan in July. There are exceedances in Scotland and Northern Ireland—in fact, 22 of the 28 countries of the EU are in exceedance—so this is an issue we all need to grapple with very seriously. I am confident that my honourable friend Minister Coffey is dealing with this with rigour and drive.

Baroness Redfern (Con): My Lords, over the decades the UK's air quality has improved, thanks to the concerted efforts at all levels, but we all today, listening to other noble Lords, agree that more needs to be done. Poor air quality is the largest environmental risk

[Baroness Redfern]
to public health as well as to the environment, damaging agricultural crops and forests, and people are rightly concerned. Will the Minister say whether more could be done to inform the general public, with more detailed information or a campaign, to enable them to make informed choices to help tackle the sources of, and to avoid exposure to, air pollution?

Lord Gardiner of Kimble: My Lords, I think that what my noble friend has said is really important. We are working with local authorities and businesses. One thing we all have to wrestle with is how to manage our lives differently in terms of the things we do and air pollution. Whether it is particulate matter with domestic wood and coal burning, there is a range of things we are all going to have to address. I agree with my noble friend that more needs to be done. With the Department of Health, on things like awareness of air pollution events, we need to ensure that vulnerable people are safer. All these are important points, but the work we are doing and that we need to do in collaboration is urgent and we need to get on with it.

Lord Haskel (Lab): My Lords, the Government's proposal to satisfy the judge means air quality will not comply with EU limits until 2028. I am not sure that everybody else would agree with the judge that that is reasonable. I draw the Minister's attention to the report from the Secondary Legislation Scrutiny Committee which came out today, and I declare an interest as a member of that committee. The committee is very concerned about the oversight and enforcement of these regulations, and it draws attention to the fact that the SI speaks of a new "advise and challenge" body. How will the Government enforce this and ensure that there is oversight of whether these targets are met?

Lord Gardiner of Kimble: My Lords, this is a joint venture between government and local authorities to achieve the requirements that have been set for us in terms of EU compliance and, obviously, continued compliance following our departure. Of the 33 areas—this is the area where the judgment came in, where we are required to direct the local authorities—as I have enumerated, the plan is for all 33 of them to be compliant by 2021.

DfID Projects: Women and Girls

Question for Short Debate

2.17 pm

Asked by ***Lord Loomba***

To ask Her Majesty's Government what priority they give to women and girls, including widows, when developing and implementing Department for International Development initiatives and projects.

Lord Loomba (CB): My Lords, I am not surprised by how difficult it is for the Department for International Development to decide what priorities it should consider when developing and implementing initiatives and projects which relate to women, girls and widows, especially when we hear about the abuse by aid workers that took place in Haiti. I am sure that Oxfam sent their aid workers to Haiti in good faith. However, instead they abused the vulnerable people and let Oxfam down badly. I do not have to explain the consequences of the Haiti incident. However, noble Lords will all be aware that it is not bad news only for Oxfam; it has also destroyed the confidence of the public and many donors who support NGOs such as Oxfam. Everybody knows that around 7,000 donors have already withdrawn support for Oxfam.

This has been a very difficult week for gender equality and women's rights, especially as the media has brought out evidence of historical abuses that have been swept under the carpet for many years. It has saddened me to have to hear the chief executive of Oxfam, Mark Goldring, apologise for Oxfam's negligence in the Haiti scandal. The Department for International Development supports and closely works with Oxfam and other charities. I am pleased to hear that Penny Mordaunt has stated that no charity is too big, or its work too complex, for DfID to withdraw its support. Showing that we mean business may be the only way to ensure that people in power do not abuse the powerless. This needs to be sorted out and proper checks and balances put in place to stop such occurrences in the future.

The vulnerability of women and girls comes in many shapes and forms but none are more vulnerable than widows, who suffer in silence as abuse after abuse is meted out to them. Here I declare an interest as the founder and chairman trustee of the Loomba Foundation, which helps widows and their children around the world. In 2015 the Loomba Foundation commissioned and published a piece of intensive, country-by-country research, the *World Widows Report*, which highlights the depths of despair to which many widows are driven, especially in developing countries.

The report revealed the shocking figures that there are 259 million widows and 585 million of their children across the world who suffer in silence. More than 100 million live in poverty, of whom 38 million live in extreme poverty and struggle to survive every single day. Many of these widows experience targeted murder, rape, prosecution, forced marriage, property theft, eviction, social isolation and physical, psychological and sexual abuse. The children of widows experience forced child marriage, illiteracy and loss of schooling, forced labour, human trafficking, homelessness and rape.

The ground-breaking report, the first of its kind, illustrated that discrimination against widows is a deep-rooted feature of gender discrimination all over the world, although its form and impacts differ from place to place and from culture to culture. Importantly, the report also demonstrates that four of the first five United Nations sustainable development goals are very unlikely to be achieved unless more is done to help widows and their children, making focusing on their issues even more of a priority. Let us not forget that the plight of widows is a humanitarian issue.

In 2016, the then UN Secretary-General, Ban Ki-moon, in his message on International Widows Day—which, incidentally, was established by the Loomba Foundation in 2005 and adopted by the United Nations in 2010 as a UN-designated day of action to promote the fundamental freedoms and human rights of widows and their children around the world—highlighted the significance of the SDGs for widows, saying:

"The 2030 Sustainable Development Agenda with its pledge to leave no one behind has a particular resonance for widows, who are among the most marginalized and isolated".

DfID's recent report to Parliament highlights,

"the cross-Government action that the UK has taken to improve gender equality, tackle sexual violence in conflict, and protect vulnerable people in conflict zones from sexual exploitation and abuse",

in six countries especially, and yet, as the *World Widows Report* and the recent revelations about alleged cover-ups in Haiti show, much needs to be done to strengthen the work DfID is doing and to ensure that, first and foremost, its work and money are getting to those who need them the most, and that we are on target to achieve the SDGs by 2030. DfID's report also recognises the huge challenges faced in countries such as Somalia, where, it says:

"The President stated at the start of his term that he was committed to tackling sexual violence and reiterated his zero tolerance approach to sexual violence … These commitments have not yet translated into actions".

Nevertheless, I commend DfID for the difficult work that it does, sometimes in the hardest of circumstances.

Finally, I ask the Minister that DfID should consider supporting grass-roots women's rights organisations and NGOs working on the ground, such as the Rotary India Literacy Mission, which, alongside the Loomba Foundation, is helping a pan-Indian initiative to provide vocational skills training to 30,000 widows in India—1,000 in each state in the country. As a UN-accredited NGO, the Loomba Foundation has also provided education to more than 10,000 children of poor widows and supported 60,000 of their family members. More recently, just last week, the Loomba Foundation also completed an empowerment project for more than 5,000 widows in the holy city of Varanasi that was launched by PM Modi two years ago.

This type of work is key to ensuring that women, girls and widows are not left behind and, alongside strong legislative reforms which are enacted—and indeed, acted upon—will ensure a better future for them.

2.26 pm

Lord Smith of Hindhead (Con): My Lords, I thank the noble Lord, Lord Loomba, for initiating this important debate. Undeniably, women around the world suffer disproportionately in comparison to men from discrimination and what can be described only as tortures and traumas. Therefore, we must do all we can stop the suffering of women and girls and I see no more integral principle in helping to achieve this than ensuring that priority is given to them at both development and implementation level. This should apply to the delivery of any initiatives by any country and we should actively encourage other countries to do this, but certainly we should be doing this when it comes to our international development plans, over which we have full control.

That is why I am proud that the UK is leading by example in this area. We are doing this via our national action plan, which places women at the epicentre of DfID's humanitarian, security and peace programmes. We are doing this via our support of the gender declaration, which aims to make sure that woman have equal access to the benefits of global trade, and supports women in business. We are doing this via our participation in the women, peace and security agenda, which formally recognises that men and women experience conflict differently, and that women have a vital role in conflict resolution, prevention and recovery. It also works to ensure that gender justice replaces gender inequality at all levels—including, importantly, at government and strategic levels.

Research has established that when women have a seat at the negotiating table, security and peace last longer. Greater peace and security leads to better business, which leads to more prosperity, which in turn leads to better education, healthcare and lifestyles. It also leads to better delivery of other development initiatives. Frankly, it leads to better and safer lives and a better and safer world. Making sure that these types of opportunities are available to women and girls is, however, only part of the problem. Making sure that women and girls can access these opportunities and thrive within them is quite another. We need to change the violent and oppressive social norms which control female populations. We need to educate more women and girls academically and on their rights over their own body and their right to access birth control, and we need to protect them from violence and abuse. I know that the Government are acutely aware of all these things and are working tirelessly on them.

We know that girls in the developing world who receive an education will marry later, will have fewer and healthier children and will be more likely to be economically productive. Can the Minister tell the House how plans are progressing to get more girls into schools and to educate them on their rights, promoting empowerment and confidence building among female students and teachers? Does he agree that teachers have an incredibly important role in changing the trajectory of female representation in all levels of society, by encouraging more girls to think about their possible life options and making sure they understand that they may have careers and that their lives are more than biological—more than simply marrying and having children? I believe that teachers have tremendous power and influence in this area.

Can the Minister tell the House how the Government are encouraging more females into teaching in developing countries? Can he also update the House on efforts to educate men and women, young and old, about the devastating effects of FGM, breast ironing and other so-called religious practices that are nothing short of abuse? Throughout the world, schools can be the most effective tools for eliminating a multitude of abuses being done to children and girls. What work is being done with schools to give staff the training to recognise the signs of abuse and partner them with organisations that can provide access to healthcare, family planning, counselling, legal assistance and safe spaces?

What improvements are being made in developing countries to make it clear that crimes such as FGM, child marriage, violence and slavery are illegal and that perpetrators will be brought to justice, so that a clear message is sent out that cycles of abuse and torture have a better chance of being disrupted and, in time, broken entirely? Finally, specifically on the Rohingya refugees and those currently seeking refuge in Bangladesh,

[Lord Smith of Hindhead]
how are the Government supporting women and girls whom we know are suffering from gender-specific violence, and how are we supporting women in this particular case to participate in the conflict's resolution?

2.32 pm

Lord McConnell of Glenscorrodale (Lab): My Lords, I thank the noble Lord, Lord Loomba, for facilitating this opportunity for us to address the issue of the priority given to women and girls by the Department for International Development. His record, particularly on the issue of support and recognition for widows, is exemplary, and his dogged determination to raise the issue of widows internationally has seen great results. It is a pleasure to follow him here today.

Like many other noble Lords, I find that my head is filled with images that I am unable to forget after meeting young women and others in difficult circumstances over the years. There was a young mother who I met in Liberia; she had been sold by her family to the "soldiers" who were active in the civil war there. She was subsequently raped and had a baby at the age of 15. She was being supported I think by Save the Children. On my visit the person with me asked her what was good about having a baby, in an attempt to lighten the conversation. The mother told us with blank eyes that there was nothing good about having the baby in her life, because of the circumstances.

I met a young woman in Iraq three years ago in a refugee camp just outside Erbil. She had come from Syria aged 11. She spoke confidently about how her family was surviving the trauma of leaving Syria and living in the refugee camp, and all the other things that had happened to them. Yet when she was asked by me about her school results in the refugee camp, she started crying because the one thing that gave her dignity and hope for the future—her education—was the thing that was suffering the most. I also met young women in the Philippines who lived in Muslim Mindanao, where the civil war is hopefully now coming towards an end, having raged since the 1960s. They were three times more likely to leave school before the end of primary schooling than children even in other poor parts of the Philippines because they lived in a conflict-affected area.

All over the world, women and girls suffer the most from conflict and underdevelopment. They suffer from FGM and child marriage, which is effectively the sexual abuse of minors by another name. They suffer from a lack of maternity care; from lacking access to those drugs that can help protect mothers and their children from HIV/AIDS; from not having access to primary schools; or from having to leave school before they get into higher education. Girls all over the world feel the rough end of underdevelopment, and specifically of conflict.

I have chosen to speak today in part because I was inspired by a visit last week to the Gambia, where I spent the February Recess. While I was there, I spent a day visiting three projects which reminded me that in the midst of all that misery, despair and violence, there is hope as well when the right circumstances are generated. I visited one project, Women's Initiative Gambia, led by an inspirational director, Isatou Ceesay. She is not only encouraging young girls across the Gambia to have more confidence, skills and opportunities but, on the day I was there, had a workshop for women who spend their lives trying to get round the rough streets of the town in their second-hand wheelchairs. In this country, those wheelchairs would be discarded—but they discarded them for another purpose. They were having a workshop on profit and loss accounting, because the project was setting them up in business on their own, to give them an independent life and an income in the future. In order to make sure that those businesses were successful and that the women did not just come back to the project a few years later, they were getting taught accounting to make sure that their businesses made a profit and were able to take them forward. None of the women in the room had any formal education, but they were learning profit and loss accounting through symbols and pictures. It was inspirational to see the independence of the individual put at the heart of a development project. I thought that absolutely correct.

Further down the road in Siffoe I visited another project, Young People Without Borders, and was shown around by another Isatou, who is the vice-president of the local youth Parliament in that area. That initiative was started to encourage young people from the Gambia to stay there, rather than take the back way to the Mediterranean and go across it in a boat in which they might well sink and die before they get to Europe. They stay in the Gambia, feel some empowerment locally and make a contribution to their local community. The community garden was providing healthier food for local children and business opportunities for women in the area. Again, it had the right approach, with a two-year limit on the participation of local mothers in the project, on the basis that they would leave at the end of the two years and take the savings they had made from selling the food and vegetables with them. They would then use the money to establish a business and create a more independent life.

In relation to the sustainable development goals, those projects really brought home to me the fact that when we talk about women and girls, we tend to think of SDG 5 in relation to gender equality. But the importance of support for women and girls, particularly support that leads to independent living, real choices and opportunities, should run through every one of the sustainable development goals—in particular SDG 8 on sustainable development and economic empowerment, with real opportunities to make a living, look after your family and have some choices. It should also run through SDG 16 because, as the noble Lord, Lord Smith, has just said, it is women who bear the brunt of conflict but who make the best peacebuilders. That is why under SDG 16 we should have a constant focus on getting women to the negotiating table and involved in post-conflict reconstruction, and in ensuring that the violence women experience in conflicts around the world is minimised and, if possible, brought to an end.

I make a plea to the Government to have, as I have said before in your Lordships' Chamber, a clearer strategy to ensure that the sustainable development goals run through all our development priorities in the Department for International Development and other

departments. They should also ensure that the priority given to women and girls runs through every one of the SDGs.

2.39 pm

The Lord Bishop of St Albans: I too thank the noble Lord, Lord Loomba, for initiating this debate. I also pay tribute to his work, especially among women and widows.

The poet William Ross Wallace wrote in 1865 that those who rock the cradle rule the world. The contribution that women make to the well-being of their communities and beyond has been overlooked far too frequently, whether by history or by institutions. As we celebrate the centenary of women's suffrage, we recall the injustices that women in our own society have faced as we work to combat current injustices at home and, of course, overseas.

Much has been said in recent days—indeed we have already heard reference to it—about the ways in which the behaviour of aid workers and some charitable organisations has fallen short in respecting and valuing women, although let us not think that has been true of everybody. Many fine people over many decades have worked with charities and it is a great pity if they got caught up in some of the tragic stories that we have heard. Nevertheless, those things should not have happened, we need to address them and I am glad they are being addressed. As all major organisations, including my own, know very well, it is crucial that measures are in place to ensure that vulnerable people are protected and kept safe, and I hope that the lessons learned from this experience will spur us on as we work for the future and will not distract some of our best charities from the work they are doing.

Mindful of this, even as we are increasingly aware of our own wrongdoing and weaknesses, we must not stop using our influence and resources around the world to improve the lives of others, an essential ingredient of which is our work to empower women and girls. I know from my visits to various parts of the world that in many areas one of the most important grass-roots organisations delivering health and education is the Church. The Church, including the Mothers' Union, has worked very closely with DfID programmes. For example, Girls' Education in South Sudan is a programme funded by the department which focuses on improving the equality and quality of education in partnership with the education department of the Episcopal Church of South Sudan. This includes practical work such as building separate toilets for girls, giving them dignity kits and setting up a girls' dormitory to prevent them dropping out because of the burden of housework and cooking. The dormitory provides accommodation, all meals and a mentor from the Mothers' Union to live with the students. I am most grateful that the department has funded this project, where community and church involvement has helped development work have a much greater impact.

Women and girls around the world, especially in conflict and post-conflict regions, have specific needs which the Department for International Development's initiatives and projects should address. In these contexts, women, especially widows, carry the daily material, emotional and physical burdens of conflict while also often contributing to de-escalating violence and sowing the seeds of peace. Women on the Frontline, a priority programme of the Archbishop of Canterbury's reconciliation team, has found that convening safe spaces for women to share experiences and expertise has had huge benefits for communities. Leading this programme in South Sudan in December moved some women from utter despair about the future of their country to a renewed sense of the possibilities for society there. This hope and capacity to imagine a better future is crucial for post-conflict development, and I would be interested to know what priority the department plans to give to projects which create spaces for women to empower one another.

I would also be interested to know what the department is doing to support work which empowers women and girls across communities and ethnic boundaries. Women's microfinance, credit and savings initiatives are important not only for essential economic development but where they cross ethnic tribal, and community boundaries, they make it harder for conflict to recur or flourish. What is the department doing to ensure that aid transcends, rather than deepens, divisions?

The aid that the UK provides to countries around the world makes an enormous difference. The peace and prosperity of our neighbours must remain a key priority for this and all subsequent Governments, and providing support for the specific needs of women and girls will be essential to achieve this goal.

2.44 pm

Baroness Sheehan (LD): My Lords, I too thank the noble Lord, Lord Loomba, for initiating this timely debate. It is timely for two reasons, first because International Women's Day will soon be with us, and secondly because the events of recent days disclosing shocking revelations about the sexual exploitation of women and possibly girls by two of our most respected UK charities, Oxfam and Save the Children, have rocked the aid community. I thank noble Lords who have drawn attention to that. Women and girls have for some time been an important focus of humanitarian and development assistance, and yet the very men entrusted with the delivery of help and succour abused that trust and brought their organisations into disrepute. So, at the outset of my contribution to this debate I seek every assurance from the Minister that in cleaning the Augean stables, investigations into who knew what and when will be comprehensive—that means encompassing the Charity Commission and DfID—as well as being open and independent. That must be the minimum requirement if we are to retain the public's trust, successfully defend the attacks on the 0.7% of GNI that is dedicated to international aid and ensure that the vast majority of aid workers can hold their heads high.

Nowhere on earth do women have as many opportunities as men, but for girls and women in the poorest countries that inequality is amplified many times over because in the battle for scarce resources women are at the back of the queue whether it be for education, economic empowerment, health outcomes or nutrition. If we are serious about improving conditions in developing countries, women's economic empowerment is crucial because study after study

[Baroness Sheehan]
shows that when women have money at their disposal the whole family benefits: the elderly, the young, the disabled and, I am sure, widows too. However, economic empowerment can come only with education. A UN Women report tells us that a 40-year study using data from 219 countries found that for every additional year of education for women of reproductive age, child mortality decreased by 9.5%. However, girls are more likely than boys to be completely excluded from education. Girls' education is a key driver if we are to deliver many of the sustainable development goals, as emphasised by the noble Lord, Lord McConnell of Glenscorrodale. Will the Minister give us an update on the progress of the second stage of DfID's Girls' Education Challenge fund, which aims to get more marginalised girls into education? Will he also give us an update about the replenishment of the Global Partnership for Education? Will he explain why the UK reduced its contribution to that fund?

I now turn to older women and women with disabilities. The UK Government have committed to improving the disaggregation of data, initially by sex, age, disability and location, to establish which groups are the furthest behind. How is that work progressing? Have we removed the upper age cap on reporting violence against women as stated in the sustainable development goals, because research from the Fundamental Rights Agency shows that physical and sexual violence against women continues long after the age of 49? How will the Government ensure that the rights and needs of older women living with disabilities and ageing issues are taken into account in their upcoming disability summit in July? What steps are the Government taking to ensure the implementation of the sustainable devolvement goal commitment to leave no one behind fully takes into account older women and widows?

Like the noble Lord, Lord Smith of Hindhead, I commend DfID's excellent work and leadership in its UK National Action Plan on Women, Peace and Security, I could not help but notice that the Conflict, Stability and Security Fund features large in peacekeeping programmes, prevention of and protection from violence against women and girls programmes, sexual exploitation and abuse programmes and much else besides. However, I am concerned that the CSSF and its programmes are nowhere to be found in the public domain. There is no website, yet I believe one was promised some time ago. If I am wrong about that then I stand to be corrected, but if I am not then when can we expect to be allowed access to this deployment of public money?

The crisis in the aid sector these last two weeks has shown how much reputational damage can be done unless there is complete disclosure of activities, so I urge the Minister to take this issue up with the Secretary of State as a matter of urgency. I would very much appreciate a letter from the Minister on the subject.

We will not end extreme poverty until we break down the deep-seated barriers, often cultural, that hold girls and women back. In particular, stigma against marginalised groups such as widows, the disabled, the elderly and those who have been victims of sexual violence or HIV/AIDS must be tackled. Does the Minister agree with me that to break the cycle of deeply ingrained intergenerational norms we need innovative and creative thinking to bring about fundamental change in the way that girls and boys, families and communities think, feel and act toward girls?

Is DfID making full use of appropriate popular culture, using engaging storylines that confront real-life issues such as early forced marriage, violence and barriers to education? Experience has shown that such an approach provides much-needed role models and inspiration to girls. It gives voice to their desire to stay in school, stay safe and healthy, have economic opportunity and participate fully in society.

2.52 pm

Lord Collins of Highbury (Lab): My Lords, I also start by thanking the noble Lord, Lord Loomba, for securing today's debate and pay tribute to his tireless commitment to these issues.

In the United Kingdom we have seen successive Governments of different political persuasions championing international women's rights on issues including girls' education, preventing sexual violence in conflict and family planning. However, as recent events have highlighted, the struggle for gender equality is far from over. In everyday life, countless women and girls experience violence and inequality and are denied the right to make decisions about their life and body—even more so during times of conflict or natural disaster. In recent months, as the noble Lord, Lord Smith, mentioned, harrowing accounts have emerged of systematic and widespread sexual violence inflicted on Rohingya refugees fleeing Rakhine State in Myanmar. Countless women and girls have been raped and the perpetrators, acting with impunity, have walked free. As my noble friend Lord McConnell said, gender equality and the advance of women's and girls' rights manifestly make a substantial contribution to efforts to meet all the SDGs in tackling poverty reduction, improving health and education and securing peace and security.

Violence against women and girls is a horrific crime in itself, but also has wider ramifications for other aspects of women's lives. Intimate partner violence, or the threat of it, can be used by men to control their partner's access to work or money, and a lack of money can make it harder for a woman to leave a violent partner. Violence against women and girls can also prevent women accessing their sexual and reproductive health and rights; men can use violence and coercion to limit a woman's access to contraception.

Women's rights are under threat, from the Trump Administration's "global gag rule" on reproductive rights to efforts to relax the laws on child marriage in Bangladesh. The UK Government have rightly prioritised women and girls in their international development and foreign policy. It was the UK leading the way that helped to secure SDG 5 to achieve gender equality and empower women and girls by 2030. The UK has also shown global leadership on issues such as preventing modern-day slavery and trafficking, of which women and girls make up 70% of reported victims.

As we have heard in this debate, last month the Government announced through the National Action Plan on Women, Peace and Security that it would be putting girls and women at the heart of its work to end

conflict in nine countries including Iraq, Nigeria and South Sudan. As the Minister, the noble Lord, Lord Ahmad, put it:

"We know that when women and girls participate in political processes, conflict resolution and mediation their contribution helps to build a more sustainable peace".

That is why our international development activities are so vital to all communities, particularly our communities in this country. Pushing for peacekeeping missions to include more women and supporting efforts to end sexual abuse by peacekeepers are also part of the plan. I hope the Minister will ensure that at the 5 March summit, to which we are inviting all NGOs, this issue is also addressed by them so that they can focus on changing culture as well as examining their policies and procedures, because that is the sort of change that will ensure that women are able to live their lives to the full.

In the plan the Minister championed girls' education, which I know is a crucial part of DfID's activities in transforming the lives of those caught up in conflict and promoting global stability. I know DfID is targeting the poorest countries to provide 12 years of education for girls. What work is being done to replicate any successful policies from those schemes to improve access specifically to technical and vocational education as a means of moving into employment for girls and women?

I pay tribute again to the excellent work of the noble Lord, Lord Loomba, in raising the plight of widows. I hope the Minister can explain what work his department is doing to look at rural women and older women and at what can be done to remove the specific barriers to training and employment that affect these groups and deny them the opportunity for economic activity.

As has been mentioned in this debate—I know the Minister himself is committed to this—women's groups and activists, who are often the best at bringing about change, are fighting back against gender inequality. They have been successful in changing laws on child marriage and female genital mutilation, and challenging social norms in their communities. That is why Labour is committed to establishing a new social justice fund to get funding directly to civil society activists in developing countries, including women's groups, who are fighting these problems on the front line. We must work with like-minded Governments but we also need to ensure that all aspects of civil society, including trade unions, church groups and women's groups, are able to stand up and argue the case for full women's emancipation.

2.59 pm

The Minister of State, Department for International Development (Lord Bates) (Con): My Lords, I join noble Lords in paying tribute to the noble Lord, Lord Loomba, for securing what has become an annual debate. He managed to put international widows on the agenda with the UN community by securing their own day. We recognise his contribution to achieving that and he is mirroring it in your Lordships' House by putting this debate firmly on the agenda. We look forward to it and the issues that it raises.

It has been a wide-ranging debate and the noble Lord was right to begin, particularly at this time, by reminding us of the sexual exploitation and abuse allegations that have been made against some of our most important and respected charities. He summed it up perfectly when he talked about people in power abusing the powerless. That is exactly what has been going on, and that is what we need to ensure that we tackle.

My noble friend Lord Smith talked about the role that women can play in peace and security-building, the challenges of tackling practices such as FGM and the situation facing the Rohingya. The noble Lord, Lord McConnell, humanised the debate by bringing in some difficult encounters that he had had with young women in countries such as Liberia, Iraq and the Philippines. I was also grateful for his account from the Gambia, because it offered some hope for the future.

The right reverend Prelate the Bishop of St Albans reminded us of the important work which the church does in many such societies and gave the example of the Mothers' Union. As we mark the centenary of women's suffrage, he helpfully reminded us to remember with humility our journey towards gender equality in this country. The noble Baroness, Lady Sheehan, drew our attention to women with disabilities and older women and the challenges which they face. Finally, the noble Lord, Lord Collins, rightly stated that we cannot limit our conversation about gender equality to sustainable development goal 5: it is integral to all the goals, and a challenge to us as to what more could be done in technical and vocational education and social and cultural change.

Gender equality is a top development priority and as such a priority for the UK. Achieving gender equality and empowerment of all girls and women is the right thing to do and is in our national interest. It is fundamental to building prosperous economies and peaceful and stable societies, and to achieving the sustainable development goals.

In recent decades, the world has made significant progress towards gender equality. However, as my noble friend Lord Smith reminded us, girls and women are disproportionately affected by poverty. Globally, 63 million girls are out of school; one in three women is subject to physical or sexual abuse in their lifetime; women make up only 23% of representatives in national parliaments; and nearly half of the 245 million widows worldwide are living in poverty. Again, I pay tribute to the work of the Loomba Foundation in advancing the cause and caring for widows in our society and around the world.

UK gender equality is providing leadership which drives global commitments and results. I recognise that this did not originate in 2017, as the noble Lord, Lord Collins, said: the UK has been consistently advocating such measures back to the days of Clare Short and the formation of the Department for International Development. In 2016, we initiated the UN Secretary-General's High-Level Panel on Women's Economic Empowerment, which delivered unprecedented commitments from Governments, businesses and development institutions to give more women safer, more productive job opportunities. In 2017 we hosted

[Lord Bates]
a Family Planning Summit which secured global commitments to giving an additional 120 million women and girls access to modern contraception.

Since 2011, DfID's work has been driven by our strategic vision for girls and women. Our work has been underpinned since 2014 by the UK's International Development (Gender Equality) Act, which means that we mainstream the consideration of gender equality across all our programming. The results we have achieved through UK aid-funded programmes are making a difference.

DfID focuses on the areas which are the most critical for empowering the poorest women and girls: quality education and decent job prospects. Since 2011, UK aid has helped more than 5 million girls attend school and improved access to financial services for more than 36 million women in the poorest countries.

At the same time, we help tackle the barriers preventing women and girls achieving their potential. We know that women, particularly more vulnerable women such as widows, face more barriers than men to secure stable livelihoods because they are less likely to have education, training, property rights and access to the labour market. That is why, from 2015 to 2017, UK aid reached 9.8 million women with water, hygiene and sanitation programmes, enabling them to attend school or engage in economic activity where they once would have been prevented doing so by undertaking household chores such as collecting water.

The help we give women and girls to live free from all forms of violence and abuse so that they are safe in the home, at school and in the workplace is one reason why the recent allegations against those charities have had such a devastating impact on confidence—because preventing violence against women and girls has been so much at the core of what DfID and the UN agencies have been about. The fact that we should uncover these things happening in crisis situations is unforgivable.

I was asked by the noble Lord, Lord Collins, and the noble Baroness, Lady Sheehan, what we would do at the 5 March meeting which we will be hosting for NGOs and charities, and whether we would co-operate with the two inquiries now under way by the Charity Commission and by the International Development Select Committee. Of course the answer to that is absolutely. We will make our own internal inquiries as well, as I mentioned earlier this week.

We strive to help the most vulnerable and marginalised women and girls at risk of being left behind, including widows, but also women with disabilities and those living in conflict and crisis. We are investing in improving even further our ability to reach the most marginalised. In order to know who is at risk of being left behind and why, DfID is investing in data which can be disaggregated on the basis of sex, age, disability status and geography, as the noble Baroness, Lady Sheehan, urged us to do. This will be very helpful in shaping programmes for the future. We are working with partners, including the UN and the World Bank, to improve gender statistics more generally, and are producing world-leading research and evidence on how best to support the most marginalised women and girls as a global public good. Through DfID's research and innovation programme, What Works to Prevent Violence against Women and Girls, we have found that in South Sudan intimate partner violence is the most common form of violence experienced. Even during conflict, the most dangerous place for a woman can often be in her own home. That cannot be right; it must be the focus of our interventions.

UK world leadership on gender equality is a powerful feature of global Britain, with values at its core. UK public interest is at a high this year with celebrations of the centenary of many women's suffrage here, to which the right reverend Prelate referred. In March, the Secretary of State will launch a new strategic vision for gender equality, and I will ensure that this debate is brought to the attention of the Secretary of State as we finalise the draft. This will set the agenda for stakeholders across the world, making sure that we all build on the gains that we have made and accelerate progress to make discrimination and inequality a thing of the past for all women and girls, leaving no one behind and paying particular attention to the most marginalised and vulnerable.

Let me turn to some of the specific questions I was asked. The noble Lord, Lord Collins, asked about sexual and reproductive health. In 2015, the UK made a commitment under Every Woman, Every Child that, in humanitarian crisis situations, DfID calls for proposals that require the sexual and reproductive health and rights of girls to be considered. That statement has already been made, and we stand very much by it.

The noble Baroness, Lady Sheehan, asked about data disaggregation and whether it included older people. I think that I have already mentioned that it does—and more needs to be done. She asked a very specific question about the CSSF. I do not have the answer to that with me at the moment, but I shall certainly write to her on that matter. She also asked about the upper age limit of 49. Again, that is one that has just escaped the officials, so we will include that in writing, too. The Girls' Education Challenge is a programme that we are immensely proud of, in the effect that it has had in getting some of the most disadvantaged and vulnerable girls into school—and keeping them there, because we know what a profound difference that makes to development. It is now in its transition phase, whereby we learn from what has happened and seek to improve on it in a future programme.

My noble friend Lord Smith and the noble Lord, Lord Collins, asked about the Rohingya. The UK recognises the plight of Rohingya women and girls, and has provided counselling and psychological support that will reach over 10,000 women suffering from the trauma of their experiences, and over 2,000 gender-based violence survivors. My noble friend also asked about FGM, and of course we had an international day on FGM just a week or two ago. We are the largest donor regarding FGM, with a flagship regional programme of £35 million over five years and an additional £12 million commitment on Sudan.

I repeat our gratitude to the noble Lord, Lord Loomba, for securing this debate and thank noble Lords for their commitments. We shall ensure that this important work continues into the future.

Nuclear Safeguards Bill

Committee (1st Day) (Continued)

3.11 pm

Clause 1: Nuclear safeguards

Amendment 3

Moved by ***Lord Grantchester***

3: Clause 1, page 1, line 23, at end insert—

"(c) ensuring that inspections of nuclear material, facilities and equipment for the purpose of nuclear safeguards continue at the frequency and standard established by UK membership of Euratom."

Lord Grantchester (Lab): My Lords, Amendment 3 would amend Clause 1 by adding the requirement that the UK's nuclear safeguards regime must continue to the standards set by Euratom. Your Lordships' House heard throughout Second Reading that the inspections undertaken by Euratom were to a higher standard than those set by the IAEA, and it was the Government's intention that the ONR would be facilitated to continue the UK's safeguarding and monitoring at this level. The Minister stated that the UK's nuclear safeguards regime is currently provided primarily by Euratom and that there has been good progress in discussions with the EU about Euratom. Negotiations with the IAEA have similarly been constructive, and progress made with key partners such as the United States, Canada, Australia and Japan. The Minister stated that the UK needs continuity and must work to avoid any break in our civil nuclear safeguards regime to support the nuclear industry. This regime and the safeguards and agreements with the IAEA are critical for the continued operation of our civil nuclear industry. The UK's new domestic regime must be as robust as that currently provided by Euratom, and the Minister contended that it would exceed the standards that the international community expected of the IAEA.

The Government's intentions need to be fulfilled. Guarantees need to be kept and ambitions need to be achieved. The amendment would strengthen the Bill to ensure that the only standard under which the UK regime will operate will be consistent with the Minister's statements—that is, Euratom. The trouble is that we heard from the other place during its examination of the Bill that there is considerable risk that the UK's regime will not be able to operate at this standard from day one, from the date of March 2019, when the UK will leave the EU. The Minister contended that those standards were needed to ensure that the UK could have the essential nuclear co-operation agreements with key international partners already mentioned, to ensure uninterrupted co-operation in trade and the civil nuclear sector. The UK standards must be as comprehensive as the current Euratom regime to enable public confidence in continuing high standards.

3.15 pm

To answer the concerns widely expressed at Second Reading, the Minister has written this week to noble Lords. I am very grateful that the noble Lord has followed up on this commitment to provide further assurances; his letters have been very helpful. Yet in his letter, the Minister agrees that the ONR does not have the required number of staff at present to operate at Euratom levels and that the ONR assesses that it will take a good 12 to 18 months to upskill new recruits once they have been found. When pressed, the Minister has admitted that the ONR aim is to meet international standards as applied by the IAEA from 29 March 2019. This indicates that from day one it will not immediately be to the standard set by Euratom. The draft regulations published in January indicate that standards will be "broadly equivalent" as quickly and effectively as possible.

The amendment would bring certainty regarding standards. The UK would operate only to the high standards currently set by Euratom. The Government have four mechanisms by which standards could be maintained in the likelihood that the ONR will not be able to replicate Euratom standards. First, the Government could subcontract from Euratom to continue providing the inspections and monitoring currently done by its personnel after the UK leaves. Secondly, the Government can negotiate a standstill in safeguards by securing a transition period with Euratom as well as with the EU, during which time the ONR could be in a position to demonstrate equivalence to the standards set by Euratom. Thirdly, as your Lordships' House heard last night in Committee on the withdrawal Bill, the UK could continue its membership of Euratom separately from that of the EU. I agree with the Minister, who this morning said that there were severe difficulties around this area, and I shall come to that again in a minute. Lastly, the Government could achieve some sort of continuing relationship with Euratom, which they profess that they wish to set up, whether that is called associate or similar status, whereby there would be no gap in standards or in time between Euratom and that undertaken by the ONR. I agree with the Minister that "associate membership" will not be the terminology, as the Government have ruled that out from their negotiations. Many of those alternatives are explored in further amendments before the Committee.

I welcome the Government's commitment to undertake three-monthly reports to Parliament on the critical pathway to put all the necessary provisions in place. Your Lordships' House will then be in a position to monitor progress, and we have already discussed amendments to give effect to that this morning. This amendment would make sure that there was no drop in standards and that the UK safeguards regime will be to the high standard set by Euratom. The amendment would enable the Government and Minister to fulfil their commitments. I beg to move.

Lord Judd (Lab): My Lords, I strongly support my noble friend and the amendment that he has moved. As I said in our deliberations last night, we must never forget that the issues with which we are dealing have implications not just for us, our children and immediate future generations, but for hundreds and perhaps thousands of years ahead. We have to get it right. There can be no confusion or compromise; there has to be fool-proof action right through, with continuity. There can be no gaps. We must have from the Minister categorical assurances that the Government have in

[LORD JUDD]
place arrangements that will ensure that continuity when we leave. If we cannot have those assurances, the situation is impossibly grave, because anything can happen in even a short time if the adequate provisions are not there.

One very specific issue on this is that we know, from the Government's own statements, that for our next generation of nuclear energy we are highly dependent upon expertise from outside the UK, because we do not have the expertise ourselves. What I do not understand is how we can have adequate—indeed, fool-proof—inspection teams working, and how we can have the quality and experience necessary for those teams, if we do not have that quality and experience available to develop our own energy. There seems to be an illogicality here. This is why it is crucial that the Government again have absolutely watertight arrangements about which they can tell the House to cover what happens if we foolishly come out of Euratom.

I have not heard those absolute, categorical assurances, or even begun to hear what the real arrangements will be. This matter is deeply grave. I have great respect for the Minister; I know he is a thoughtful man who will take on board the point being made. It is therefore crucial that this afternoon we have cast-iron evidence that the Government really have the situation under control.

Lord Warner (CB): My Lords, I rise to support this amendment and congratulate the noble Lord, Lord Grantchester, on his drafting skill in producing words that will not inflame the Government or, in particular, the—misnamed—European Research Group and its red lines. The amendment in no way implies that we, the UK, will go back into Euratom, however much most people in this Chamber wish we would. The noble Lord has kept clear of that dangerous territory and I congratulate him on that.

Indeed, there is nothing in the amendment that goes against government policy. The Government say that they aspire to achieving the safeguarding standards of Euratom but by another method than the current set of arrangements. That is all that the amendment tries to do. Indeed, it may help the Government in securing accreditation by the IAEA when it comes to the ONR being recognised as up to snuff in its standards. That accreditation is essential, as many people have said today, for us as a country to secure nuclear co-operation agreements. This is a helpful and well-constructed amendment, which the Government would be well advised to accept.

Lord O'Neill of Clackmannan (Lab): My Lords, I support this amendment. It is not just a question of maintaining the standards that have been established but of putting us in a position where we will be able to meet and address new challenges. I happened to be in Tokyo on the day of the Fukushima disaster and tsunami. I was in the company of a group of nuclear engineers and no sooner had the messages come over the television than they were on their BlackBerrys, communicating with their international colleagues—because there is an international nuclear community—and working out the extent of the damage.

It was shortly after that, on our return, that the Nuclear Installations Inspectorate leadership was appointed to lead the international examination of the Japanese nuclear capability. We were seen to be at the forefront of that. That is a heritage that we want to maintain, and this amendment very succinctly addresses that challenge. It is important, therefore, that the ONR—the successor to the NII—is able to do that. We know that this will have implications for staffing, salaries and for the general financing—which we will come to later—but the point is that it would be desirable to have in the Bill a commitment to maintaining our current position, which is partly due to our membership of Euratom and partly due to the excellence of our inspection and monitoring capabilities.

It is incumbent on the Government, therefore, to give a commitment that they will seek to maintain the quality and standards that we currently enjoy and our capability in contributing to international nuclear safety. This is not something that should be in any way antithetical to what the Government seek to do; the amendment is no reflection on their commitment but it would enhance the Bill and I see no reason why, if not the wording, the spirit of this amendment could not be addressed. As I said in an earlier intervention, the point of Committee stage is to indicate areas of concern and, if the Government are prepared to accept the consensus around this Chamber on the matter, it is incumbent on them to return with the appropriate wording that enables us to proceed. In this instance, we have a very good blueprint from my noble friend Lord Grantchester, as my friend the noble Lord, Lord Warner, has said, for what is required. I do not think the Minister really has anywhere to hide on this issue and I would like to think he will be able to co-operate with us in enhancing the Bill to take account of the dynamic challenges that nuclear safeguards in the future will require.

Baroness Featherstone (LD): I rise from these Benches to support the amendment of the noble Lord, Lord Grantchester. Given the amount of discussion across the Committee about uncertainty and concern, this well-worded amendment gives the opportunity to reassure the Committee on standards and nuclear safeguards. I hope the Minister will feel able either to use these words or to simply accept this as a drafting amendment and return on Report with new government words.

3.30 pm

Lord Rooker (Lab): My Lords, the amendment can only be delivered by people, and it is the issue of people that I want to raise with the Minister, because I think that his letter is in fact quite worrying. I first go back to the evidence taken by the Lords EU Energy and Environment Sub-Committee on energy security on 13 September. We had two groups of witnesses, and the second group was essentially on Euratom, with witnesses from the Institution of Mechanical Engineers and EDF—which of course runs most of the nuclear power stations and is building one—and Dr Golshan, the deputy chief inspector at the Office for Nuclear Regulation.

Having been asked how we were going to be able to deliver what is needed by the IAEA, Dr Golshan, in answer to Question 37 asked by the noble Viscount, Lord Hanworth, said:

"I started off by saying that we are building capability and capacity and we are recruiting experts in the safeguards area … the extent to which we can equip ourselves depends on the scope of the safeguards arrangements that the Government are working towards. That, in turn, depends on the outcome of the negotiations with both IAEA and Euratom. We are working towards having a regime in place that enables the UK to fulfil its international reporting obligations to the IAEA and to meet the reporting requirements of our nuclear co-operation agreements. We see that as a much more realistic starting point that we can build upon and build in additional layers of assurance as currently provided by Euratom".

That was basically telling us, "We are not going to deliver". That is what that means. Dr Golshan concluded her answer to that question:

"To seek to replicate Euratom standards arrangements by the end of March 2019 will be highly challenging and, while we would work towards that, we want a starting point that allows the UK to meet its obligations".

Later on, in answering another question, Dr Golshan said:

"We currently have 10 staff in our safeguards function. I should not call it an inspectorate. We need another 12 to get to a level where we are able to provide the required reporting arrangements. If additional assurance layers are required we will need to staff to a higher level. Currently what we have, as I said, is based on the fact that we have been a member state of Euratom".

She went on to alert us to what would need to be put in place to meet the roles and responsibilities that will be placed on the ONR. In answering a question from the chairman, the noble Lord, Lord Teverson, she said:

"The first one is to have an IT system that allows us to collect and process data and then provide a report to the IAEA".

I have seen nothing about that because clearly a new IT system is required. Dr Golshan continued:

"That means the UK would meet its international obligations as part of the non-proliferation treaty. The second element is that we should be able to facilitate IAEA's activities in the UK. The third element is that we should have suitably experienced staff to undertake verification activities".

In a later question, Dr Golshan was asked about the staff and she said:

"The biggest risk that I see is our ability to recruit".

Of course, there has been free movement while we have been in Euratom and recruitment has not been a problem. Not everybody that is needed in the nuclear industry fulfils the Home Office requirement for getting into the country. We are not going to be able to build Hinkley, for a start, because we cannot get the steel erectors into the country. We need half the country's steel erectors on Hinkley at one point. We will not be able to get them in. They are not qualified in terms that allow the Home Office to let them in.

I am sticking to the point of what will happen about the staff because we were then told in the report, which was published only a few weeks ago, that the training programme to train people to become fully trained new inspectors lasted between 12 and 24 months. Therefore, my first question is: why have six months been lopped off that figure in the Minister's letter? What has happened to change that timescale between now and when the committee received the evidence? Have more resources been put in? Have the criteria changed? That is quite a big change, bearing in mind the timescales we are working to. We do not have a lot of time. In addition to the training lasting from 12 to 24 months, the committee was told that we need more staff anyway because the existing staff are not inspectors. The Minister's letter flags that up and refers to 11 safeguards officers, all of whom will undertake training to become inspectors by March. The Minister then chose to put the next sentence in bold type. I assume that that was his choice to reinforce his assessment that the ONR will be in a position to deliver the international standards. The international standards mean lower standards than we have now. That is the assumption because they are not the Euratom standards.

The Minister went on to say that the ONR will require a team of 30 to 35 people, which was implied in the answer given by Dr Golshan that I cited earlier when she said that the ONR would need more staff. The ONR is recruiting but the fact of the matter is that a far more interesting choice of jobs in this industry is available in the rest of Europe than in the United Kingdom, notwithstanding the fact that I understand that a quarter of Euratom's inspections take place in the UK, so there is quite a big capacity there. But, of course, we have not been doing that. We did not need to recruit or train people because we are members of Euratom.

The Minister went on to tell us that since the evidence was taken back in September and October—the report says the end of October—the ONR has managed to recruit the princely sum of four individuals. Where did they come from? I would like to know. Are they from the UK? Some 98% of its staff were from the UK or had dual nationality when the evidence was given. Where did the four come from? Why is it only four? If this matter is being dealt with urgently does that figure reflect salary levels or other matters relating to the job such as promotion prospects or seniority? Can the training programme cope with upskilling the safeguards officers to become safeguards inspectors?

The issue here concerns the staff but the Minister's letter did not really address that issue. First, we are told there are only four. That is not enough. They cannot be trained in time, and in the Minister's letter someone has lopped six months off the period given to the Lords Select Committee. Why is that? There must be a reason for it. I presume that someone reads the evidence given to your Lordships' Select Committees from representatives of industry and other sectors. I would like to know the answers to those questions because if there is confusion about the number of staff, their training and recruitment at this point in time, we are heading for real trouble. That is clearly the case. Therefore, I hope the Minister has come to this debate prepared. I know that we are in Committee, so I apologise for the detail of my questions, but that is what this stage is for. We need some answers on this issue before we move on to the next stage.

Lord Teverson (LD): My Lords, I thank the noble Lord, Lord Rooker, for having gone through all that. That session of the committee which I chair was an eye-opener. That is why I tabled my Amendment 10, which we will consider in the next sitting of the Committee. The amendment is about labour mobility, which is an absolutely key factor in terms of not just

[Lord Teverson]
safeguarding but the nuclear industry as a whole. I look forward to continuing that debate on that occasion and very much agree with the comments of the noble Lord, Lord Rooker.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Henley) (Con): My Lords, I hope that I can respond to and deal with the various points that have been made. I am very grateful for all the contributions that have been made, particularly from my former noble friend, the noble Baroness, Lady Featherstone, who stressed that she wanted reassurances. I think that was the gist of what the noble Lord, Lord Rooker, said as well. He was seeking reassurances on when the ONR would be ready and whether we would meet the appropriate standards under the IAEA and so on.

I will refer back to the letter that I sent to all noble Lords, to which the noble Lord referred, and remind them of that. I also remind the Committee that we have committed to a domestic nuclear safeguards regime that is equivalent in effectiveness and coverage to that currently provided by Euratom. That is the commitment that we have made and I repeat it to the noble Lord, Lord Grantchester. That means a level of inspections and other regulatory arrangements—it is not just inspections—that goes beyond the normal international standards as applied by the IAEA that would be expected from the United Kingdom: for example, additional assurance and verification activities at additional facilities.

It is crucial that we meet all those international standards following our withdrawal from Euratom. Compliance enables the United Kingdom to discharge international commitments and would also underpin international nuclear trade arrangements with key partners such as the US, Canada, Japan and Australia. It is right therefore that the ONR focuses its efforts on ensuring that the United Kingdom is able to meet those standards immediately on withdrawal from Euratom and seeks to move to Euratom standards as soon as possible thereafter. The important thing is that we get to the IAEA—I hope I have got the letters in the right order; it is difficult to remember sometimes—as soon as possible thereafter.

Lord Rooker: We all have the same problem.

Lord Henley: I am grateful to the noble Lord, Lord Rooker, and I will not refer to his socks, which might have been distracting me.

I also say to the noble Lord that we will be ready; the ONR is sure that it will be ready and we are working closely with it to ensure that it will be in a position to regulate the new civil nuclear safeguards regime following our withdrawal from Euratom. The ONR is in the process of expanding its safeguards function by recruiting and training additional inspectors, building additional institutional capacity and developing necessary IT systems.

The ONR requires a multidisciplinary team to be able to deliver safeguards responsibilities. The staff essential to its safeguards function include safeguards inspectors as well as nuclear material accountants and information management and reporting specialists—so a whole range of different specialists. Current estimates—I set this out in my letter—suggest that the ONR would require a team of 20 to 25 staff, which would include at least nine safeguards inspectors, with the precise number depending on the exact requirements of the domestic regime set out in regulations. I remind the Committee again that we have made the regulations available to the House, and I am sure that noble Lords are studying them in some detail.

The ONR already has 11 safeguards officers in post, who are all in training to become safeguards inspectors by 29 March 2019. It is my assessment, and that of my honourable and right honourable friends in the department who have specific responsibility for this as the Ministers responsible, that, based on current progress, the ONR will be in a position to deliver to international standards on withdrawal from Euratom.

However, the speed with which the ONR is able to move from international standards to a domestic nuclear safeguards regime that is precisely equivalent in coverage and effectiveness to Euratom standards obviously depends on a wide range of factors. In particular, timing will depend on negotiations with the EU and negotiations on future co-operation with Euratom and the level of its involvement in the United Kingdom's safeguards. The ONR estimates that, to be able to deliver its functions—I emphasise its independence—to a standard equivalent in effectiveness and coverage to Euratom, it may require a team of around 30 to 35 staff, which would include around 20 safeguards inspectors.

The ONR is already—again, as I made clear in the letter—actively recruiting and interviewing further candidates to meet this level. I cannot give precise levels as to exactly where it is at this moment, but it is actively recruiting and interviewing. The first phase of recruitment last year was successful: four individuals were recruited and are currently in training to become safeguards inspectors. A further recruitment campaign is under way. Successful candidates will join the ONR's training programme, and ONR assesses—again, this is its assessment—that it will take 12 to 18 months to upskill new recruits to inspector level.

I hope that the publication of preconsultation versions of draft regulations in January, which set out more detail on the proposed domestic safeguards regime, indicates our genuine intention to deliver standards that are broadly equivalent to the Euratom regime as quickly and effectively as possible. However, the important point to get over to the Committee—

3.45 pm

Lord Judd: My Lords—

Lord Henley: Can I just complete a sentence before the noble Lord intervenes? The important point is that it will be able to deliver the standards that are broadly equivalent to the Euratom regime as quickly and effectively as possible. I give way now.

Lord Judd: I am very grateful. The Minister used the word "broadly", which is very significant. Can he tell us a little more about what he means by that?

Lord Henley: As I think I made clear at Second Reading, I am not quite sure whether the noble Lord, Lord Judd, has fully grasped the difference between safeguarding and safety. On safeguarding, the important point is that we meet our commitments to the IEA—

Noble Lords: IAEA.

Lord Henley: I will try to get it right. We will meet those without any problem at all. Those are the same as the commitments that the United States and other weapon states—an expression that the noble Lord probably does not like—have to meet, and we will meet them. Euratom's commitments are slightly different, and so that applies to ourselves and the French as the two weapon states within Euratom. They are marginally different. We will get to those in due course, but we will meet the appropriate standards under the IAEA by next year, just as we do now.

Lord Judd: Again, I am grateful to the Minister for giving way. Can he clarify one point? He said that he is not sure that I have grasped the difference between safety and safeguards. He is quite correct because I simply do not understand how there is a dividing line between the two. I just do not accept that that is the situation—the two are intimately related.

Lord Henley: My Lords, I could go back but I think that I would try the patience of the Committee if I repeated a great deal of what I said at Second Reading and at other points about safety. The ONR has been dealing with safety for many years and it will continue to do so. Safeguards are another matter. In effect, they relate to the transference of certain things, ensuring that they cannot be used for nuclear warheads or whatever. Safeguards are different from safety. This Bill relates to safeguards and that is what we are trying to get over to the noble Lord. We will meet our IAEA standards on safeguards under this Bill once we have the powers so to do.

I hope that that provides noble Lords—with the possible exception of the noble Lord, Lord Judd—with the appropriate assurances. I hope that the noble Lord, Lord Grantchester, will feel that the information I have provided is sufficient in stressing that we will have a domestic nuclear safeguards regime equivalent in effectiveness and coverage to that currently provided by Euratom. That is what the Bill is intended to do. We are leaving Euratom. We have to make sure that we have the appropriate safeguards regime in place, and that is what the Bill tries to do.

Lord Rooker: Perhaps I may come back on that point. We are in a very vulnerable position, are we not? As a country, we have not been in charge of safeguarding; Euratom has been doing that. It is quite clear that international staff, with free movement under Euratom, have been doing the work. We are hoping to create a cadre of inspectors who will upskill people from various offices, but I have no idea of the industry salaries and so on. We have recruited only four inspectors. Are they UK or EU citizens? I am curious and would like to know that. Are we applying any contractual arrangements to people once they have been upskilled?

Once they have been upskilled to carry out safeguarding, Euratom will be their world—not the UK. The career or job enhancement opportunities and so on will be marvellous for the individuals in question, but I am concerned about my country. Are we placing any restrictions on them? Are we going to say, "We'll upskill you and get you trained but, by gum, you'll have to work in the UK for five years"? I do not know whether that will be the case but if we do not do something like that, we will be laying ourselves open to the vagaries of the market. We are entering a completely new area here. We cannot recruit fast enough—we have only four inspectors so far. Upskilling these people places them in a very advantageous position. I am really supportive of that—I want them to be upskilled and better qualified, and to have the freedom to move to better jobs if they do not like what is on offer in the UK. Presumably they will not all be British. They might take advantage of getting skilled and then, because of how we have treated foreigners since the referendum, say, "Right, we're off to the rest of Europe". Therefore, are any restrictions being placed on upskilling and training these people?

Lord Henley: The noble Lord is enjoying himself, although I do not know why.

Lord Rooker: Answer the question.

Lord Henley: I am answering the question but the noble Lord is enjoying himself. The ONR is recruiting and will make sure that it has the right people to provide the appropriate safeguards regime on 29 March next year to meet IAEA standards. Obviously we are not going to impose restrictions on where employees go thereafter. Is this a new policy being developed by the party opposite, that once people are trained in any job, they cannot move on and have to stay? These people will be employed by the ONR, and it is then a matter for the ONR to make sure that they have an attractive career and wish to continue working for the ONR. I am sure they will find that it is an attractive career and will want to stay

I am equally sure that they will do the job very effectively and that the ONR will feel confident that, with its recruitment processes, it can provide the appropriate safeguarding regime to make sure that we meet IAEA standards by 29 March next year.

Lord Teverson: My Lords, I think it was the noble Lord, Lord Grantchester, who mentioned the requirement for information technology systems, which is always the other area that needs to be looked at. When we get to my amendment in the next Committee sitting, I will certainly come back on the points that the noble Lord, Lord Rooker, raised about churn, as that is important. However, are we also confident that we will have information technology systems in place? What nature will they take, in a very broad sense? Will they be Excel spreadsheets or something more involved?

Noble Lords: Oh!

Lord Teverson: It is amazing what you can do with Excel spreadsheets, and I suspect that most systems are based on something like that. I would be reassured if that were the case, but if it is rather more sophisticated, I start to get concerned.

Lord Henley: I know that Liberal Democrats live and die for Excel spreadsheets. They find them enormously exciting, although I do not understand that. However, the noble Lord makes a very good and serious point. This is not just about the appropriate individuals to be trained; it is also about equipment. Yes, again, the ONR is happy that it will have the appropriate equipment and IT systems in place for 29 March. The ONR has given a commitment that it will be ready to provide the right service, so that we can meet those IAEA commitments next year. It is very easy just to talk in shorthand about the number of people on the ground, but as the noble Lord, Lord Teverson, says, spreadsheets, which Liberals find very exciting, and other equipment are probably also involved. Yes, all of that will be ready—I can give those commitments.

Lord Judd: There is one other matter. Of course, one of the results of what has been in place, very successfully, under Euratom is the international nature of the inspection. We have to recognise that the implications of something going seriously wrong are not confined to British frontiers; there are implications for people—men, women and children—beyond our frontiers. How are we going to ensure that in the arrangements we make, we retain international confidence that we are taking, and are seen to be taking, that responsibility seriously, and are not judges in our own courts?

Lord Henley: The noble Lord talks about international obligations. The important thing to remember about the initials IAEA is that the first letter stands for "International". It is an international body, we have been signed up to it since 1957 and we continue to be so. It will offer those guarantees.

Lord Grantchester: I hesitated to respond to the Minister because I was not quite sure what he was saying. Is he saying he accepts our amendment, because he seems to be saying that we will maintain our standards to the Euratom standards?

Lord Henley: As all noble Lords will know—particularly those who have been on the Front Bench in government from time immemorial—the lovely word "resist" appears at the top of the brief. No, I am not accepting the amendment. It does not add anything to the Bill. All I am doing is providing the appropriate commitment that we will meet the right standards at the right time.

Lord Grantchester: My Lords, I am still confused by the way the Minister goes from one stance to another, saying that he will meet these standards but somehow feels it is inappropriate to have that on the face of the Bill.

I am not satisfied with the Minister's responses and I do not think the rest of the Committee is either. This is the key challenge to the Government—that they can and will do what they propose in order for there to be a credible nuclear industry in the UK, operating to Euratom standards. The noble Lord, Lord Fox, made a compelling remark earlier, saying that the Government have not appreciated the situation and undertaken a risk assessment of their handling of Euratom issues. On a corporate risk register—one axis being low and high impact, and the other axis being high and low probability—leaving Euratom must be placed at the worst quartile: high probability of an unsatisfactory outcome, coupled with high impact.

We will certainly be appreciating the Government's response across all the Committee's amendments, in order to determine the best framework to propose on Report. I beg leave to withdraw the amendment.

Amendment 3 withdrawn.

Amendment 4

Moved by ***Lord Warner***

4: Clause 1, page 2, line 15, at end insert—

"(3A) No regulations may be made under this section unless the Secretary of State has laid before both Houses of Parliament a statement certifying that, in his or her opinion, it is no longer possible to retain membership of Euratom or establish an association with Euratom that permits the operation of nuclear safeguarding activity through its administrative arrangements."

Lord Warner: My Lords, I hope this next amendment will not ensure that we descend into the "end-of-the-pier show", as we seem to be in danger of doing from time to time. I am very sorry that the Minister has taken the line he has on Amendment 3, and I have no expectations whatsoever that I will get a sympathetic response to Amendment 4.

I want to say a little about why I tabled this amendment. I am genuinely confused as to what the Government want their future relationship with Euratom to be—I simply do not understand. I understand that they want to withdraw from membership, but the Minister talks quite warmly from time to time about having some future relationship. I think "relationship" is probably a safe term to use: we do not talk about "associate membership" or "association", but a "relationship". He seems to want that relationship because Euratom provides a comfort blanket in all this. Many in this House are rather desperately looking for some kind of comfort blanket regarding what the situation may be at about 11 pm on 29 March 2019.

The Government's position is very odd. They are staunchly determined to say that they expect the ONR to be up to meeting the IAEA accreditation standards by that date. However, they are singularly silent about whether that accreditation will actually be achieved in time for us as a country to put in place a series of nuclear co-operation agreements by 29 March 2019. I hope that I can tempt the Minister to say something about that.

4 pm

I am grateful to the noble Lord, Lord Rooker, for denting the Government's comfort zone with a few hard facts about staffing issues, which is very practicable. I look forward to finding out more what the IT requirements are as well. In my not inconsiderable experience of government departments, trying to deliver IT systems within any kind of agreed timescale is not that great. I have dealt with NHS IT systems, while the noble Lord, Lord Rooker, dealt with the IT system governing rural payments, so we must be excused our scepticism about the ability of public agencies to deliver IT projects on time.

If, against all expectations, we get the ONR up to a satisfactory standard on time, what do the Government want the relationship with Euratom to be? Do they want a consultancy relationship? Do they want Euratom to lend or second them some staff? Do they want some help in designing the IT system? If the Minister could give us some detailed clarification about the relationship, I think that we would all give him less of a hard time because then we would understand what it is that the Government are trying to achieve in the relationship. He has left me with a clear impression that they do want to have some form of relationship, and that is why I have tabled the amendment.

I think that I am now pretty clear that the Government are not going to continue our membership of Euratom, so the amendment is defective in its drafting. However, its intent is to flush out what the Government want the relationship to be, and in particular what they want the relationship to be in the period running up to March 2019 and any kind of transition or implementation period after that. The Prime Minister seems to accept that in many of these areas there has to be some kind of implementation arrangement, and her tendency is to see the implementation period as one in which the status quo will continue for some time. In this sector, the status quo is Euratom, but this government department wants to be out of our membership of Euratom by March 2019. Given that, a legitimate area of interest for the Committee is to look at what the relationship with Euratom will be after that date during any kind of transition or implementation period.

I do not want to go in to bat like Ken Barrington or Geoff Boycott on the wording of this amendment, but I do want to know what the Government's intentions are. On that basis, I beg to move.

Lord Carlile of Berriew (CB): My Lords, I would like to speak to Amendments 14 and 15 tabled in my name, and in particular to the proposed new clause set out in Amendment 14. I would never insult the Minister by accusing him of being overly sensitive; nevertheless, he will have realised that there is a great deal of genuine concern about what is going to be delivered in relation to Euratom on 29 March 2019. I support what the noble Lord, Lord Warner, just said, which was in the same vein.

My suggested new clause would require the Government to answer certain criteria by that date. The criteria are set out clearly and they have been shown, in the debates on this Bill and on the withdrawal Bill yesterday, to be the ones that cause concern around the House and which the Minister has heard repeated time and again. In debating terms, this has basically been a one-horse race in relation to concern about Euratom.

Yesterday—and I will not repeat them—I cited some answers that had helpfully been supplied by the Minister to questions raised by the Society for Radiological Protection and by me as a result of that society's representations. What was clear from those answers was that the Government do not know what will be delivered or when. This afternoon, I will cite another piece of evidence that draws the same conclusions. On 12 February, just over a week ago, there was a meeting between 10 officials—nine from the Department for Business, Energy and Industrial Strategy, one from Public Health England and the two senior relevant officers of the Society for Radiological Protection. I have in my hand a record of that meeting, which I feel sure is accurate.

In that meeting, there was what was described as a "Euratom exit update". One of the officials, who was clearly a senior and responsible official—it is invidious to name officials, so I will not name him or her—noted that the Nuclear Safeguards Bill is currently going through the House of Lords. The official noted that,

"at current there has been minimal industry engagement, due to the short timescales to pass the bill. However"—

the official—

"did note that the bill is a skeleton, and more detailed consultation with industry and professional bodies would take place as the regulations are developed".

All I am asking for, in my new clause suggested in Amendment 14, is the key to the skeleton or the cupboard where the skeleton is kept.

The official noted that,

"discussions are going well internationally",

which is very welcome,

"with progress being made on bi-lateral agreements with the US, Australia, Canada and Japan".

We would certainly like to know more about that. The official then explained—and this is very important—that,

"as part of the EU exit process they"—

the 10 officials—

"are unable to pursue agreements with the various EU countries"—

I think "pursue" means seek—

"till the exit process is complete".

If that is right, it is extremely worrying. I am sure that the Minister can be supplied with a copy of the minutes of that meeting.

It was also noted that,

"there have been wider EU civil nuclear issues around legal ownership of fissile material and radioactive waste".

Contained in that single sentence is a host of problems that will have to be unravelled in great detail if there is to be proper nuclear safeguarding.

Having read those notes, with the welcome support of the noble Lord, Lord Fox, I tabled Amendment 14. It requires the Secretary of State to publish a report setting out the answers to all these questions before 29 March 2019. It requires the making of,

"regulations providing for the implementation of any agreements covered",

by the clause and a statutory instrument which should be approved by each House of Parliament.

There is an evidence base for the kind of quality assurance that any responsible Government would demand of any contractor to which they were letting a contract. As a Parliament, we are entitled to demand, respectfully but necessarily, a similar level of quality control for the Government before we lose the legislative opportunities available to us and throw this enormously important issue to the wolves—or to a skeleton.

Lord Teverson: My Lords, I will speak to my Amendment 9. One of the things I have tried to do in this amendment—I could not do it completely

[Lord Teverson]
satisfactorily because of where we are in the Bill—is to ask what are the key things we need in place before it is safe and practical for us to leave Euratom and the system we have. There were three specific areas that we needed to cross that finishing line before we entered out into this brave new world. They are listed and they are very clear.

The first is that we should have an agreement from the International Atomic Energy Agency that our safeguarding procedures and the body that we are talking about in the Bill are approved. We need that; without it, we are unable to move forward. Secondly, because we are one of the few nuclear weapon states in the world, we need a voluntary offer agreement with the IAEA that relates to our new status outside Euratom. Thirdly and very practically—we have had a description of the difficulties around this—we need active nuclear co-operation agreements that have been confirmed or agreed by the other side. Whether we can get grandfathering rights on them is very difficult in some instances—the one with the United States has been particularly highlighted in that degree—but we also need to have those in place for those nations where we have active nuclear trading of the type of products listed in the schedules of the Euratom treaty and under the international agreements of the IAEA.

The difficulty in drafting this amendment was that if we do not have these in place, what do we do? My solution to that was very simple: that we should seek temporarily—as the Minister said, we have already gone through the process of agreeing withdrawal from Euratom, rightly or wrongly—to withdraw the notice under Article 106a until we have those three areas of agreement in place and we can be certain that we can go ahead. It is my opinion that we can do that ourselves unilaterally. More certainly we would need to get the agreement of the 27 other member states. That would clearly be the right answer, in that we would continue to be a member until we had those in place.

I was unable to put that in the amendment because it was out of the scope of the Bill, apparently, so I have looked to move on. What we would have to do here is, effectively, to have a transition period. On that, I come back to my question to the Minister that I raised in the first grouping of amendments: do we know that there will be a transition period with Euratom, the negotiation on which, as I see it, is going ahead and will have to be agreed or not on 22 March—it is only a month away—and that we can indeed somehow satisfactorily subcontract all these responsibilities to Euratom and to the international agencies should one of these vital areas go wrong? That is an entirely reasonable question for which I would expect us to have a workable strategy to avoid that cliff edge, if that should happen for all sorts of reasons that, quite clearly, are not totally in the Government's control. From that point of view we need contingency and to understand the route map if those three areas are not fulfilled. I look forward to the Minister's response on them.

4.15 pm

Baroness Neville-Rolfe (Con): My Lords, the points made by the noble Lord, Lord Teverson, underline the desirability of an implementation period in this area as in other Brexit areas. For clarity, I want to ask a question arising from what the noble Lord, Lord Carlile, said. Are energy officials and Energy Ministers able to get on with this? The assumption that I have been working on is that the timetable is tight in this nuclear area and that discussions therefore need to go ahead with the IAEA, Euratom and the other nuclear states. Is that work in hand? Is there a plan for it? It would be helpful if the Minister were able to respond on that.

Lord Fox (LD): I want briefly to speak in support of Amendment 14, which bears my name. While avoiding repeating what the noble Lord, Lord Carlile, has said, I want to pick out subsection (2)(c) of the proposed new clause, which refers to, "relevant research projects". The noble Lord, Lord Broers, spoke eloquently in a previous debate about the importance of research in this area. As your Lordships and, I am sure, the Minister know, the UK benefits enormously from the long-term research funding and its membership of the Fusion for Energy programme, which flow through the Euratom relationship. I think the supply chain has been awarded some £0.5 billion to date and expects more, and the UK Atomic Energy Authority receives significant sums—around £50 million. On a broader level, as a leading participant in Euratom and the research element of it, the United Kingdom has been able authoritatively to drive research priorities. What does the Minister envisage our authority being following this process? Will it have risen or sunk as a result of our ability to drive and influence research in the nuclear field?

My noble friend Lord Teverson illustrated how hard and tough the Table Office has been on the wording of the amendments. In many cases—certainly, in other conversations—the Minister has ruled out of order a lot of what we have talked about. However, on Amendment 14, which covers some of these areas, the Table Office has been clear that this is in spec with the Bill and our debate today.

Lord Grantchester: My Lords, we have added our names to Amendment 4 in the name of the noble Lord, Lord Warner. It is Labour policy to remain a member of Euratom or to continue equivalent arrangements with it. The Conservative Government have been reckless to reject immediately the UK's membership of Euratom. Your Lordships' discussion in Committee last night on the withdrawal Bill highlighted how the Euratom treaty is distinct from the EU treaty. The Government state that, because there is an overlap of membership, with the same nation states as are in the EU, it is part of the same organisation. However, the two treaties are legally distinct, which has not been contradicted by the Government.

The Minister said this morning that both organisations are uniquely and legally joined. He needs to explain how they are so legally. It is reckless to make the theoretical and technical oversight of the European Court of Justice a defining reason, when the UK is far from ready to undertake its own safeguards regimes to the standard maintained by Euratom. The ECJ has never been called on to make a ruling.

Furthermore, the Government have committed to continue as far as possible through negotiations to be in close association with Euratom. They must be

exhaustive in their endeavours and report back to Parliament on the outcome. If it is no longer possible to establish an association, they must say so, with reasons.

Amendment 9, in the names of the noble Lords, Lord Teverson and Lord Fox, and the noble Baroness, Lady Featherstone, map out further agreements to be pursued before withdrawal. It requires the Secretary of State to request "a transition period" so that the UK,

"can continue to benefit from existing nuclear safeguard agreements",

with the approval of the IAEA, that the ONR is the approved UK safeguarding authority. My noble friend Lord Hunt of Kings Heath has spoken to Amendment 12 on the transitional period. It must be recognised that approvals of nuclear co-operation agreements are sequential to the recognition by the IAEA that the UK safeguarding standards are sufficient. Although these NCAs may be progressing, their ratification will necessarily take some time and may spill over into any transition period. We endorse the sentiments behind Amendment 9 as crucial to maintaining the UK as a credible internationally recognised nuclear state operating to international standards.

Amendment 14, in the name of the noble Lord, Lord Carlile, would insert a new clause stating that before leaving Euratom the Government must publish a report detailing agreements reached with Euratom to ensure compliance with international non-proliferation agreements and lay appropriate regulations to give effect to their implementation. We understand and are in unison with the importance noble Lords on all Benches place on the highest standards, the nearest equivalence, the closest association, with any necessary transition period, to replicate the regime currently operated under Euratom. We support the amendment of the noble Lord, Lord Warner, that says the Government must keep Parliament informed regarding the ongoing UK status with Euratom. The noble Lord, Lord Teverson, has also said that it is far from clear where we will be in March 2019, when timing is such a critical issue.

Baroness Vere of Norbiton (Con): My Lords, I thank noble Lords for the opportunity to address this important set of issues around the UK's future relationship with Euratom. As my noble friend Lord Henley said, the EU and Euratom are uniquely legally joined. Noble Lords will be aware that when we formally notified our intention to leave the EU, we also commenced the process of leaving Euratom. I repeat my noble friend's assurances, however, that the Government want to maintain the continuity of our mutually successful civil nuclear co-operation with Euratom and other international parties when we leave the EU.

The first half of the proposition of Amendment 4 —that,

"it is no longer possible to retain membership of Euratom"—

has already passed. On 29 March 2017 the Prime Minister notified President Tusk of the United Kingdom's intention to withdraw from Euratom. We are withdrawing from Euratom but we want a close relationship with it in the future. I believe that it would be deeply irresponsible of Parliament to pass an amendment which, quite explicitly, prevents us from using the powers in this Bill until we have attempted to do exactly the opposite of what the Article 50 letter says we are doing. That leaves the second half of the proposition: that we achieve, "an association with Euratom" that means that it is Euratom rather than our own regulator, the ONR, that carries out safeguarding in the UK after we leave the EU. To reiterate the point made by my noble friend, while the Euratom treaty allows for the conclusion of association agreements that allow third parties to participate in some Euratom activities, these agreements have so far been limited primarily to research and training activities.

This amendment would require us to have explored every avenue and concluded that,

"it is no longer possible",

before we make regulations to enable the UK's own domestic regime. That presents enormous timing difficulties and will introduce a risk of the one thing I believe everyone agrees we must avoid—being left with nothing in place from day one of Brexit. I do not believe that the industry would support such a position. We simply cannot await the outcome of the future relationship discussions before we use the regulation-making powers in the Bill. Of course, it may all happen very quickly but, then again, it may not. It would be deeply irresponsible to put ourselves in a position where we cannot exercise the powers in the Bill.

Lord Warner: I am sorry to interrupt the Minister's debut on the Bill. I am trying to make clear that I am not asking the Government to stop proceeding with the Bill; all I am asking them to do is to set out on a piece of paper the nature of their future association and relationship. The Front Bench keeps avoiding that issue. I do not use the words "associate membership", I use the word "association". I am willing to change it to "relationship". What I am trying to get the Government to do is set out how they see their relationship with Euratom—because they have acknowledged that they will have a relationship with it in some way—and what that relationship will cover. If we could get some clarity from Ministers on that, we would not be having these endless discussions about the issue.

Baroness Vere of Norbiton: I thank the noble Lord for his intervention. I am on paragraph 11. I have many more paragraphs to go and I hope that in those paragraphs I will be able to keep him very happy indeed.

I understand and share the sentiment of wanting to maintain a close relationship with Euratom. The noble Lord, Lord Warner, mentioned this relationship and it could indeed include any of the things that he mentioned, but they are subject to the negotiations. However, we have already stated very clearly that the Government will seek a close and effective association as part of phase 2 of the exit negotiations with the European Commission. What we cannot accept is that the regulations must await a definitive outcome of talks which are by their nature uncertain in both timing and result. It is therefore vital that we continue to work to enable the set-up of a domestic safeguards regime, and to have ready the bilateral safeguards and nuclear co-operation agreements that we will need to function as a responsible nuclear state from day one of exit.

This approach will reassure the international community that the UK remains committed to nuclear non-proliferation, and will provide clarity to industry

[Baroness Vere of Norbiton]
that it will continue to be able to move vital materials, parts and expertise once we leave Euratom. There can be no question of waiting until we know the outcome of the negotiations on our future relationship before we can put in place our own arrangements. The implications of not having the right systems operating from when Euratom safeguards arrangements no longer apply are too serious for industry and for our position within the international civil nuclear community.

Lord Teverson: Can we actually make this clear? I have not heard anyone in this Committee saying, "Please, Her Majesty's Government, do not do anything until this thing is finished". We are not asking for anything to be delayed, we are saying, "Please get on with it", but we need some information on the way; we have to have some idea of the destination, and Brussels wants some idea of the destination by 22 March and then in October. If it does not happen, what are the contingency plans? We are not asking for anything to not happen now. I do not think the Minister understands that. Did I hear anybody say that?

Lord Warner: I put in this provision about regulations only out of sheer frustration because one cannot get any information out of the Front Bench about what that relationship will be. I am not seriously going to stop the Bill proceeding but there is a very high level of frustration across the Committee that the Government cannot explain in any way what relationship they are aspiring to. For example, do the Government want to talk to Euratom about seconding some inspectors to the ONR for a period of time to get it over the hurdle of the transition to a UK regulator? That is the kind of specific thing which it would be quite sensible to discuss. No one is going to stop that. We just want to know what the Government are trying to do.

4.30 pm

Baroness Vere of Norbiton: I thank both noble Lords for their interventions. I will make a little progress because I think I will be able to make them both a little happier—although I am fairly sure that I will not get all the way.

I recognise the importance of providing Parliament with clarity on our future relationship with Euratom. The Written Ministerial Statement of 11 January includes a commitment to provide quarterly updates on progress.

I turn now to Amendment 9, in the name of the noble Lord, Lord Teverson, which would require the Secretary of State to seek a transition period in the event that the UK is unable to secure new international agreements with the IAEA and nuclear co-operation agreements—or NCAs—with key third parties by 1 March 2019. I will address NCAs first. It may be helpful for me to set out that the UK does not itself have any requirement for NCAs to be in place for trade in nuclear-related items to continue—but some of our key trading partners do. In the US it is a legal requirement; in Japan, Canada and Australia it is a very strong policy commitment. That is why those four NCAs are our priority. It is quite right to stress how important this is: an NCA must be in place before such trade with these countries can take place. Each of these four countries recognises the importance of putting in place bilateral NCAs to ensure uninterrupted co-operation and trade in the civil nuclear sector, following the UK's withdrawal from Euratom.

There are also a number of countries, in addition to the four priority ones, with which we wish to discuss our ongoing nuclear co-operation to ensure that appropriate arrangements are in place to allow continuity of trade. But in those cases—

Lord Carlile of Berriew: I am grateful to the Minister for giving way. I suspect that she is now on paragraph 15, but she is not answering this debate, which is about whether Her Majesty's Government are prepared to provide specified information to Parliament on certain criteria. What she is telling us would all be very interesting if we had not heard it many times before, but it is a dissertation on the roles of different organisations. Can we please have an answer to this debate? It is 4.32 pm on a Thursday and I would have thought that it could be answered in a few paragraphs—maybe numbers 47 to 50.

Lord Teverson: I was happy with the answer that the Minister was giving about NCAs.

Baroness Vere of Norbiton: With the greatest respect, I did not interfere in the writing of the speech of the noble Lord, Lord Carlile, and I will crack on a bit further to answer the points raised by the noble Lord, Lord Teverson, as I too think this bit is very interesting. We are talking about these additional countries because we are obviously going to have to set up NCAS with them, too, for trade to continue. I assure noble Lords that discussions on the four priority NCAs started a while back and are progressing well. They are on track to be completed before the UK leaves the EU. I can also assure noble Lords that this Government, as part of their planning process, have factored in the time necessary to seek parliamentary ratification of the agreements both in the UK and in third countries. This will enable the NCAs to come into force from the moment that Euratom arrangements no longer apply to the UK.

I turn now to the UK's discussions with the IAEA. Noble Lords will be aware that the UK began formal discussions with it some months ago to conclude new safeguards agreements that would replace those between the UK, IAEA and Euratom when the Euratom arrangements are no longer applicable. These discussions, which began some months ago, as my noble friend Lady Neville-Rolfe mentioned, have been constructive and fruitful, and substantial progress has been made. I can be a little more specific: formal negotiations started last September and there were several rounds of preliminary meetings before that. There have been two rounds of negotiations so far, which have made substantial progress. I hope that that is helpful.

The amendment asks that the IAEA should recognise the ONR as the approved safeguards authority in the UK, as mentioned by the noble Lord, Lord Teverson. I will make it clear that the IAEA's focus in respect of the UK's safeguards lies with the voluntary offer agreement and additional protocols rather than with the domestic legislation underpinning the domestic regime or the

UK Government's arrangements for fulfilling their commitments. However, as I have set out, the Government have already held productive and fruitful discussions with the IAEA on the UK's future safeguards agreements and understand what the IAEA requires of us in setting up the system. It is not necessary to consult on the detail of legislation or on the ONR's readiness to implement the new regime with the IAEA.

As my right honourable friend the Secretary of State for Business, Energy and Industrial Strategy set out in his Statement to the House in September last year, the Government are seeking new agreements with the IAEA that follow exactly the same principles as the existing ones. This will ensure that the IAEA retains its right to inspect all civil nuclear facilities and to receive all current safeguards reporting, ensuring that international verification of our safeguards activity continues to be robust.

In addition to this, the Secretary of State set out on 11 January the Government's intention to update the House on our overall progress with Euratom, including on the EU negotiations and other important matters such as international agreements. I trust that these reports, the first of which we expect to provide in a few weeks' time—indeed, just before the Easter Recess—will reassure noble Lords that significant and substantial progress is being made. Indeed, noble Lords will be able to see it for themselves and will no doubt bring it back to the House to discuss, should they wish.

Amendment 15, tabled by the noble Lord, Lord Carlile of Berriew, inserts two new subsections and seeks to require that, by 29 March 2019, the Secretary of State must present to Parliament a substantially detailed report, along with draft regulations implementing any agreements reached with Euratom relating to safeguards, and have such regulations approved by both Houses. Amendment 14 seeks to prevent the substantive provisions of the Bill coming into force until regulations under Amendment 15 to implement safeguards agreements with Euratom have been approved. While I have sympathy with the noble Lord's aim of ensuring robust parliamentary scrutiny, the process set out in Amendment 15 would not be appropriate. As we have already discussed in our deliberations on this Bill, I am confident that there are appropriate processes in place to ensure proper parliamentary scrutiny of the substantive powers in the Bill. Noble Lords can be assured that the regulations establishing a UK safeguards regime under the powers in the Bill will be subject to the draft affirmative procedure.

I turn now to the report proposed in this amendment. We have been open about our strategy for withdrawal and our future relationship with Euratom. In the Written Ministerial Statement on 11 January, we outlined a twofold approach under which we are seeking a close association with Euratom through our negotiations with the European Union. I refer noble Lords to the Written Ministerial Statement. It goes into some detail about our specific objectives in relation to a close association with research and training, continuity of open trade arrangements and close and effective co-operation on nuclear safety. This is a very broad ambition of ours, and it goes much further than the nuclear safeguards that we are specifically talking about today. Simultaneously with these discussions about our broader relationship with Euratom, on which we will report to your Lordships' House every three months, we are putting in place measures to ensure that we can operate as an independent and responsible nuclear state from day one.

As noble Lords will be aware, we are planning negotiations on a possible implementation period. The Government have confirmed that they intend to include Euratom matters. This implementation period will start after the date that we leave the European Union. This must be taken into account. We are being open with our plans for a domestic regime, and we have been clear on our intentions for the new domestic regime. As made clear in the Written Ministerial Statement, the Government intend to be able to put in place a robust regime equivalent in coverage and effectiveness to that currently provided by Euratom. To put this more clearly, and for the avoidance of doubt, we would be meeting IAEA standards on day one and working our way to Euratom standards as soon as possible thereafter. A key but inevitable difference will be that reporting and assurance activities would be carried out by the ONR rather than Euratom.

The approach of using a domestic body rather than a supranational one to operate a domestic safeguards regime is common among other non-Euratom countries, such as the US and Canada, whose safeguards regimes consist of a state regulator, with the IAEA providing independent international verification. This approach necessitates some differences in the approach of the regime but we do not consider it to necessitate a reduction in standards. To be absolutely clear about independence, it is the international oversight provided by the IAEA and the inspections carried out by its inspectors that underpin the independence of nuclear safeguards around the world. As I have already mentioned, we have committed to providing Parliament with quarterly reports on progress from across the Euratom programme. These reports will include a section on ONR capacity and readiness as well as on research, which was mentioned by the noble Lord, Lord Fox.

Before I close, I want to return to the comments made by the noble Lord, Lord Carlile, about the meeting that he attended with officials. I want to flesh out the Government's consultation strategy on this because I fear he thinks it is narrower than is truly the case. The Government continue to have discussions with the nuclear industry on the future of the nuclear safeguards regime. In addition to official-level engagement, Richard Harrington, the Minister for Energy and Industry, held a representative industry stakeholder forum in September. There have been further forums since then and the next one will take place on 5 March. The Government have provided the industry with pre-consultation drafts of regulations that we propose to make, and in late February we held a technical workshop on the draft regulations with key nuclear operators.

I hope my explanations have provided sufficient reassurances to noble Lords, and that the noble Lord feels able to withdraw his amendment.

Lord Broers (CB): My Lords, I would like to catch the Minister before she sits down, if that is possible. The noble Lord, Lord Fox, and I have mentioned research and development. Resources to sustain that

[Lord Broers]
research and development come through Euratom. Have the Government said anything about how these resources are going to be sustained in future?

Baroness Vere of Norbiton: I thank the noble Lord, Lord Broers, for that comment. I did have a little more flesh on that particular bone so I shall share it now. On the question of research, the Government's objectives are set out in our recent future partnership paper, *Collaboration on Science and Innovation*. We are seeking a close association with the Euratom research and training programme, including the Joint European Torus and International Thermonuclear Experimental Reactor, or ITER, projects. The Government have already guaranteed our share of the funding for the Oxfordshire-based JET fusion reactor until the end of 2020, demonstrating our commitment to continued collaboration.

Lord Teverson: My Lords, I found part of the Minister's statement extremely useful and I thank her for that, particularly on the NCA question.

However, there is an issue on which I would like clarity; I think it is very straightforward, and I ask this in a very positive tone. It is the Commission and the EU 27's offer and negotiating position on transition that the whole of the Euratom acquis is also included in the broader EU transition agreement. Are the British Government in line with that, and will they go down that route as well? I do not hear that we are rejecting it. We have potential issues with the initial situation over residents and people on the EU side, but are the Government saying they are going to have the Euratom acquis as part of the transition that will be agreed, whether that is until the end of 2020 or the two years? If they were saying that, it would take a lot of pressure off what we are talking about as long as the IAEA was happy with it. That seems a very straightforward question and I presume there is a government policy on it. In the response today to Barnier's negotiating position I did not see any contesting of the Euratom side of it, so I presume we are going ahead and agreeing that transition in March.

Baroness Vere of Norbiton: I thank the noble Lord, Lord Teverson, for that interesting question. If it is okay, I shall write to him, because I should like to find out more information about what we are allowed to say at this time.

Lord Warner: I beg leave to withdraw the amendment.

Amendment 4 withdrawn.

Amendment 5

Moved by ***Lord Hunt of Kings Heath***

5: Clause 1, page 2, leave out lines 18 and 19

4.45 pm

Lord Hunt of Kings Heath: My Lords, we come to the end of our discussion today, and I hope that the Minister will be able to accept these amendments. As the noble Lord made clear in the debate before last, nuclear safeguarding primarily involves reporting and verification processes by which we as a country demonstrate to the international community that civil nuclear material is not diverted into military weapons programmes, so the definition of what is meant by "civil activities" is rather important.

In Clause 2, page 2, new Section 76A(5) of the 2013 Act as inserted by the Bill will allow the regulations to specify what and what not are to be treated as civil activities. The memorandum that goes with the Bill explains the reason the Government think that the power is necessary to enable further clarification of the regulating power already provided. The Government say that the phrase "civil activities" has a natural meaning, but this power enables the Secretary of State to provide greater certainty about what are and what are not civil activities. This in turn refines the purpose test contained in Section 76(1)(a) and provides enhanced certainty about when nuclear safeguard regulation can be made.

This is important, and the Delegated Powers Committee described the term "civil activities" as a concept central to the nuclear safeguards regulations. However, it says that it is not convinced that the term has a natural meaning. It takes it that it refers to non-military activities and says that if that is correct, there is no reason why that should not be made clear in the Bill. It recommends that it should be defined in new Section 76A of the 2013 Act rather than leaving it to be dealt with exclusively in regulations. My Amendments 5 and 6 essentially do just that, and I hope that the Government are prepared to accept them. I beg to move.

Lord Fox: My Lords, this may be an opportunity for the Minister to play an uncharacteristic square drive. I support the amendment and, with the authority of the Delegated Powers Committee behind it, I should have thought this is an opportunity to send us away with a song in our heart before the next helping. I cannot speak for the noble Lord, but I guess that if the actual definition of civil nuclear needs amendment, there is plenty of conversation to be had. I hope that the Government are able to accept the amendment.

Lord O'Neill of Clackmannan: For someone of my age and generation, it was always fashionable to attack the Wilson Governments of 1964 and 1966. In the light of the Blair Middle Eastern excursions, which I have to say I supported at the time, history now favours Wilson on the basis that he did not send any troops to Vietnam. Equally importantly, those of us who in those days were marching against nuclear weapons often forgot that one of the great achievements of the Wilson Administrations was their sponsorship of the non-proliferation treaty. At the heart of the amendment is a degree of clarity and a redefinition of civil activities. It would be useful to have a clear and explicit definition, which is why this amendment deserves support. It is not against the Bill; it is not going to harm Brexiteers or frighten the horses. It is a straightforward amendment—and, at this late stage of the afternoon, for God's sake give us something!

The Minister has hidden behind what are quite clearly inadequate ministerial briefs. The noble Baroness, Lady Vere, went on and on. I was reminded of the story about Lord Willie Ross, when he was shadow Secretary of State for Scotland at a time when Labour was in opposition. He dismissed the speech of the then

Secretary of State for Scotland, saying that there were three things wrong with it—first, that he read it; secondly, that he read it badly; and, thirdly, it was not worth reading in the first place. I absolve the noble Baroness of the second charge, but the first and third points are still relevant. We are not on the same side as the Liberals, I have to say; it is only the Conservatives who get into bed with the Liberals. This is an amendment that we are quite happy to support, but do not let us have this obfuscatory nonsense that we have been getting. Give us something that makes today's efforts worthwhile—if not, we will be after you at the next stage, and we will win because we have the majority in the House of Lords.

Lord Rooker: With the Liberals.

Lord O'Neill of Clackmannan: With the Liberals.

Lord Henley: We have had rather a lot of history lessons. I am grateful to the noble Lord, Lord O'Neill, for reminding us of the late Willie Ross. I remember his technique when in opposition of calling Divisions just for the sake of having one, so that he could go out to have a cigarette—but that was in another world and another time, and now we have to go further away to have a cigarette than is possible in the time it takes to have a Division.

The noble Lord also reminded me of the first ever committee I was on, many years ago. I remember with great pride when the Chief Whip approached me and asked me if I would go on the Joint Committee on Statutory Instruments. Many noble Lords will remember being asked to go on to such a committee, either in this place or the other place, and feeling that it was a great honour and how important it was. JCSI did a very good job and was very important, but not nearly as important—and I think we are all very grateful for it—as the Delegated Powers and Regulatory Reform Committee, which can look at the merits of the legislation. We are very grateful for its reports. We have taken note of exactly what it has said in relation to the amendment. We will look very carefully at those recommendations and I hope to be able to give a positive response in due course. I do not think that I can give that response at the moment because the words that are being queried—"civil activities"—have, as someone put it, their natural meaning, and we would accept that. But it might be that a change has to be made. I put it to the noble Lord, Lord Grantchester, that we will look very carefully at this matter and between now and Report we can have further discussions and see whether amendments are needed.

With that, I hope that the noble Lord will be prepared to withdraw his amendment. At that point, going back to the cricketing analogies that we had earlier, we might at this stage draw stumps.

Lord Rooker: I want to break the rules and come to the defence of the Box. It is quite unfair to attack the briefs that Ministers have. The briefs may be poor not because of those who prepared the brief but because of the policy behind it. We should not level an attack at the civil servants in the Box.

Lord Henley: I am very grateful to the noble Lord, Lord Rooker, for making that point. I followed the noble Lord into Defra some years ago. He and I know exactly what all those who have served us in the Civil Service do for us and how well they do it. If briefs ever fail, it is the failing of Ministers, and Ministers—including the noble Lord, Lord Rooker, and other noble Lords I see in this Chamber—know that it is our fault and we take responsibility for it. On this occasion, I think that everything we have said and done has been absolutely marvellous and wonderful and we will continue to argue our case.

May I now make my second attempt to draw stumps, if the noble Lord is prepared to withdraw his amendment?

Lord Hunt of Kings Heath: My Lords, it has been a long 24 hours for many of us, so I am delighted to say that is the nicest thing that the noble Lord has said to us. I take it that the Government will, in essence, be bringing an amendment back on Report. I am very grateful, and I beg leave to withdraw the amendment.

Amendment 5 withdrawn.

Amendment 6 not moved.

House resumed.

Space Industry Bill [HL]

Message from the Commons

A message was received from the Commons requesting that the Bill be returned because the privilege amendment made to the Bill in the Lords was not removed in the Commons. The Bill was returned to the Commons.

Space Industry Bill [HL]

Returned from the Commons

The Bill was returned from the Commons agreed to with amendments.

House adjourned at 4.56 pm.