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PARLIAMENTARY DEBATES  
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# HOUSE OF LORDS

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<b>Abbreviation</b>	<b>Party/Group</b>
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
Lab Co-op	Labour and Co-operative Party
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

Wednesday 25 March 2020

Noon

Prayers—read by the Lord Bishop of Rochester.

## Death of a Member: Lord Garel-Jones

*Announcement*

12.06 pm

**The Deputy Speaker (Baroness Morris of Bolton) (Con):** My Lords, I regret to inform the House of the death of the noble Lord, Lord Garel-Jones, on 24 March. On behalf of the House, I extend our condolences to the noble Lord's family and friends.

## Coronavirus Bill

*Committee*

12.06 pm

*Relevant documents: 9th Report from the Delegated Powers Committee, 4th Report from the Constitution Committee*

*Clauses 1 to 15 agreed.*

### Amendment 1

Moved by **Baroness Thornton**

**1:** After Clause 15, to insert the following new Clause—

“Monitoring body: effect of Schedule 12

- (1) The Secretary of State shall, within seven days of the date on which this Act is passed, appoint by order a body (“the relevant body”) to monitor the effect of Schedule 12 to this Act.
- (2) The relevant body must—
  - (a) advise Her Majesty's Government about the effect of Schedule 12;
  - (b) make recommendations to Her Majesty's Government about the amendment, suspension or repeal of Schedule 12.
- (3) The relevant body must publish a report in respect of paragraph 2(1) and (2) of Schedule 12 at least once every eight weeks during any period in which that Schedule is in operation.”

Member's explanatory statement

The purpose of this new Clause is to ensure that the impact of Schedule 12 (local authority care and support) is subject to monitoring and review by a body such as the Equality and Human Rights Commission.

**Baroness Thornton (Lab):** My Lords, the amendment would ensure that the impact of Schedule 12, which concerns local authority care and support, is subject to monitoring and review by an appropriate body. The amendment is about the voice of the people affected by Schedule 12 being heard in the process of the Government reviewing whether the system is working and whether they will keep it in place.

We on these Benches believe that that should be done by an independent body or organisation—that is, an independent voice that is not the Government or one of their organisations. The reason is that we know that this schedule will have an enormous impact on our social care systems. Given that those systems have already suffered a crisis in funding and resources—and will also be taking in volunteers to help—this is an important moment.

It is important for two groups of people in particular. Yesterday, I was struck by the remarks of the noble Baroness, Lady Grey-Thompson; as I said then, she made me realise that the impact of this Bill on the disabled is profound indeed. There are two groups that need to be represented and whose voices need to be heard. One is the elderly and housebound; for them, an organisation such as Age UK, or something similar, may be appropriate. The other is the disabled. Both groups of people will be physically and mentally affected by the schedule, but the disabled are a particular cause for concern because this is also about their rights. I gave the Minister notice of the fact that we want those rights to be suspended for a shorter period.

This amendment is about finding a way for affected people in those groups to have a voice. We all need to be very disciplined in this part of the journey through the Bill so I do not intend to speak for much longer; but I would like to say how impressed I am by the way that Age UK has been approaching this crisis, which, of course, has enormous implications for the people it seeks to champion, represent and campaign for. Age UK's chief executive Steph Harland said:

“Before this crisis began, we were already very concerned about the large numbers of older people who were disadvantaged and isolated. The reality is we're not at the toughest point of this crisis yet, and it's difficult to predict what that will mean for us as individuals, our charity, and the older people who rely on us and our partners across the country. What we know with certainty is it will get far more difficult than it is today and older people's needs will sky-rocket.”

She is quite right. This amendment makes the point that that voice needs to be heard, and the Government need to listen to it as part of their monitoring. I beg to move.

**Lord Scriven (LD):** My Lords, my Amendment 2 is also in this group and I want to speak briefly to it. I start by drawing the attention of the House to my interest as a vice-president of the Local Government Association. Amendment 2 is a probing amendment—a very friendly one, as I hope the Minister understands—regarding something that I foresee.

It is clear from discussions with my local government colleagues across the country that there are a number of issues in respect of which local communities are turning to their local authority as the nearest port of government, as they see it—one they recognise and have a relationship with. Some councils can deal with many of the things that people are turning to them for; others would like to but do not have the powers to do so. As this public health challenge becomes increasingly severe, the demands on local government will be immense. Local authority employees, who are doing a great job up and down the country, will not be immune from getting the coronavirus, which, as I said yesterday, will also affect services not related directly to it, such as refuse collection or environmental health; or they may not have equipment such as lorries or vans to deal with issues.

[LORD SCRIVEN]

They will need a general power of direction—some way to say to other organisations within their jurisdiction, “We can’t negotiate; we can’t plead with you. This is a crisis. We need you to act. We need to requisition certain items, personnel or services off you.” I ask the Minister this: if the Government cannot accept this amendment, what arrangements will be in place—or what regulations will come forward in a very speedy way—to enable local government to best deal with the issues that will inevitably come to rest on its shoulders?

**Baroness McDonagh (Lab):** My Lords, I want to speak in favour of Amendments 1 and 2, and later Amendment 6, which I think is trying to do the same thing. Like my noble friend Lady Thornton, I was struck by the remarks of the noble Baroness, Lady Grey-Thompson, yesterday when she talked about the suspension of the Care Act, and the NICE regulations. We have to review how these are going to work in practice. I know that the Government are dealing with something that is moving very quickly, but often, having heard an announcement that sounds great, we look at the detail and find that the announcement and what happens in practice are two different things. One issue that my noble friend Lady Thornton’s amendment would allow us to review is the protective equipment and clothing of local authority staff in social care environments and, more broadly, the health service.

12.15 pm

I want to make one specific point on this. In the last week, I have been contacted by many medical staff and charities. These fears are very broad. Many of us will have heard or read the recommendations from the Zhejiang University School of Medicine about protective clothing. I do not understand why the Government and NHS England have chosen not to procure those uniforms and protective clothing when there is now substantial evidence on this.

Doctors read data. They can see the data from Italy, where one type of protective clothing was used, and compare the number of fatalities there with the number in China. Will the Minister ask for some independent assessment of the protective clothing that we are using? The Government changed their stance on this only when independent universities produced data to show that modelling on the spread of the virus was wrong. I think the Chief Medical Officer and the Chief Scientific Officer have to put this out for independent study, because it is perfectly possible for us to procure this clothing now. This pandemic is costing the country billions. A cost that equates to \$10 per shift is perfectly affordable when lives are at risk.

**Lord Adonis (Lab):** My Lords, the objectives of my noble friend’s amendment are clearly correct. It proposes that we should keep under review the operation of the powers that are granted in key areas of the Bill because, as she rightly said, they could be extremely damaging and possibly catastrophic in certain sectors of society.

I have two concerns that I would like to probe. First, what my noble friend has done is select one of the many very serious areas that are affected by the Bill. My noble friend Lady McDonagh just raised another

to do with protective equipment. We could go into the arrangements for mental health in the Bill, which are extremely serious. We might want to keep under review—I believe we should—the arrangements regarding testing, because it looks increasingly clear that only if we can move towards some form of mass testing will we be able to get this crisis under control. My noble friend has selected just one area but, if there is to be a review of this kind, it needs to look at the operations of the Act at large.

I also have a bigger concern. What my noble friend seeks to do—perfectly understandably, because Parliament will not be sitting for the next month and, as I understand it, will sit only intermittently after that—is set up a body that would do what is surely our job as parliamentarians, namely to keep under review the exercise of the powers that we as Parliament are granting. This goes to the heart of a wider issue. It is proposed that Parliament will not sit in any form for the next month. We will be in complete recess. As I understand it—the Minister will correct me if I am wrong—there will not be provision for any committees to sit formally, not just in person but online or by using what is not even 21st-century technology but rather 20th-century technology to hold meetings.

Surely the right approach, which will be vital as we conduct our affairs in the weeks and possibly months ahead, is that we should keep under review both this crisis and the powers we are granting. When it is not possible to do this by meeting, we should do so electronically. We should do this regularly and in all the principal areas in which we, of necessity, are granting to the Government wholly exceptional powers that could have a very big social impact. I believe it is our duty to keep these under review.

**Baroness Hussein-Ece (LD):** My Lords, I too support the amendments in this group and the spirit in which they have been put forward. Many of us will have received briefings from various charities and organisations that are doing important work face-to-face with very vulnerable people. I declare an interest as my grandson is in lockdown in a residential unit for disabled children and children with epilepsy. As noble Lords can imagine, we as his family are very worried and concerned about the outcome of that. There are already staff shortages in that facility, as I am sure there are up and down the country.

I received a briefing from Barnardo’s and it resonated very much with what the noble Baroness, Lady Grey-Thompson, was asking about yesterday, so I shall ask about vulnerable children and children with disabilities, many of whom may possibly be falling through the cracks and will not have support networks if local authorities are rolling back some of their duties under the Bill. It makes sense that charities and other bodies could come together under a local authority directive or umbrella to make sure that children who are in care or leaving care or who have disabilities receive care. Those who would normally be attending school and would receive support in school will not be getting that support now, so there is huge concern about thousands of children up and down the country who face incredible disadvantages and possible dangers without these systems in place and without local

authorities functioning in the ways they normally would have done. Will the Minister tell us what measures can be put in place for the most vulnerable and at risk? Will the Government work with charities such as Barnardo's and many others up and down the country to ensure that vulnerable children are identified and receive the support that they need?

**Baroness Uddin (Non-Aff):** My Lords, I rise to support Amendments 1 and 2. I am pleased to follow the noble Baroness, Lady Hussein-Ece, and I echo her words. I am the mother of a 40 year-old autistic and disabled son, although he does not use any services. I have been inundated by charities telling me that they are very concerned, especially charities which are serving the needs of ethnic minority disabled and elderly people who do not necessarily feel that they have the voice that others have in connecting with local and national organisations. So I welcome the idea suggested by the noble Baroness, Lady Thornton, of an independent body and a voice. I echo that very much.

My second and final point is with regard to the concern expressed by the noble Lord, Lord Scriven, about the role of local authorities. Yesterday, I passionately and enthusiastically overran the guide time, for which I apologise to the House once again, because I had been inundated by groups saying that they were deeply concerned about burial issues. I noted that the Minister said that it would be up to the local authority. I am already deeply concerned that local authorities are incredibly burdened so, unless they are mandated to do so, they will not seek to talk to a wider range of groups. Yet again yesterday I was contacted in the evening by a number of organisations that say they are willing to work with the Government and local authorities to ensure the provision of extra burial places and storage facilities if the Government are looking for them.

**Lord Hain (Lab):** My Lords, I strongly support Amendment 1, which was moved by my noble friend Lady Thornton, and I hope that the Government will accept it. It is essential to have such a monitoring body covering local authority care and support. If we were in any doubt, surely the searing speech by the noble Baroness, Lady Grey-Thompson, yesterday should have convinced us. Is the Minister aware that organisations caring for the vulnerable and disabled are being hit by the triple whammy of increased operational costs, loss of income from increased vacancies and staff shortages exacerbated by the crisis and a lack of personal protection equipment?

In addition, for those in the third sector, fundraising has collapsed. Will the Minister ensure that all care organisations involved are contacted urgently and directly to offer practical government help? In care homes in lockdown across the country, staff are worried stiff. We certainly do not want to see scenes such as the one in Spain where a care home was discovered abandoned with all the residents dead. I should add that my wife is a trustee of the Leonard Cheshire Disability charity, which has many care homes across the country.

**Lord Blunkett (Lab):** My Lords, yesterday I had the privilege of being able to speak, so I will be brief. I support the amendment moved by my noble friend

Lady Thornton and the words of the noble Lord, Lord Scriven. Normally, he and I would be knocking bells out of each other but, on this occasion, we happen to be in total agreement.

I want to reinforce the point that in times of trauma, as we are at the moment, civil society is always critical to survival. That is true in war zones and it will be true in the weeks ahead. I have registered interests in a number of voluntary and charitable organisations, including the RNIB and the Alzheimer's Society. I want to stress the importance of monitoring. That is not in the sense of a suspicion that the Government will somehow abuse these powers deliberately but because the prioritisation that underpins this power of suspension of normal rights understandably presumes that it will not be possible to carry out the norms of support available.

We learned today that a staggering 250,000 people have already indicated that they are prepared to volunteer. I recently stood down as a board member of the National Citizen Service, among other voluntary commitments. Picking up on the point made by my noble friend Lord Hain, it would be useful if we were able to reinforce very quickly the fact that those organisations in civil society—this is true at the local level as well—are picking up this cudgel and are able, not necessarily to fill the vacuum but to reach out, particularly to the 1.5 million people who have been asked to isolate themselves completely for 12 weeks. I hope we will be able to revisit that when things are clearer in three or four weeks' time.

I very rarely speak about this, but I want to put on record what it must be like for someone without sight in a high-rise flat. They cannot even look out of the window to see the sun and the birds or make any contact. That is prison. Being able to reach out, even with local government's lack of capacity, through the voluntary sector and volunteers to make contact, provide support and ensure that, where someone has a crisis, their rights are being upheld, will be vital. I believe that the Minister gets all this. From everything I have seen and understood in a metaphorical sense, he and the team around him are tremendously hard-working and appreciate these issues, working as they are in incredibly difficult circumstances. Given that, I hope that there can be a positive response because, frankly, if we cannot mobilise in this way as well as monitor the rights of those who yesterday the noble Baroness, Lady Grey-Thompson, spelled out in a way that I could never manage, we will have let down those who need us most at this critical time.

**Baroness Watkins of Tavistock (CB):** My Lords, I hope noble Lords have noticed that my noble friend Lord Low has tried to speak twice, so when I finish, I am sure he will be given an opportunity to do so. When we are so short of people to oversee our proceedings, it is difficult.

I want to make two points. The first is that I am very supportive of the first amendment for two reasons. When I originally read the Bill, I assumed that the issue of local authorities having to decide who needs care in terms of the available resources was about the staff resources available, but it is clear that some among the population with severe disabilities are worried

[BARONESS WATKINS OF TAVISTOCK] that it is about the allocation of financial resources. That is a very important reason for us to monitor regularly whether it is about money or staff because, as a nurse myself, I know that if we are very short of staff, we will have to prioritise in some form in both the NHS and social care.

The other issue about which many of us have been written to was spoken to yesterday by my noble friend Lady Grey-Thompson. If people with dementia are rapidly discharged from NHS care into care homes, which clearly they should be if that is appropriate, we need to ensure that there is no retrospective charging for them and their families. That is another important reason for Amendment 1.

12.30 pm

**Lord Low of Dalston (CB):** I thank my noble friend very much for her support. I do not think I had tried to speak—maybe I gave the wrong signal in some way.

I very much agree with what my co-signatory to the amendment, the noble Baroness, Lady Thornton, said, but I do not wish to add to it. I am perfectly content that she covered what needed to be said.

**Baroness Kennedy of The Shaws (Lab):** My Lords, I too am very keen to support these amendments, particularly Amendment 1. Any form of monitoring has to be valued. It is important that we keep on top of those who might be suffering, particularly the most vulnerable. A new word in our dictionary is “intersectionality”. The situation is most problematic where people have multiple disadvantages and I want to mention a number of them.

I am particularly concerned about the healthcare that might be available in our prisons. I am concerned for staff and prisoners. Only this morning it was announced that a number of people in our prison system have the virus and are becoming ill. In many prisons they are being kept in isolation because of overcrowding. That means that there will be mental health issues, which many of our prisoners already have. Therefore, I strongly advise making mobile phones available to everyone in their cells, so that they can make contact with their relatives and have the opportunity to speak and get support.

I am also very keen that we think about releasing large numbers of prisoners. Those awaiting trial should be allowed to have bail and, if necessary, have ankle bracelets fitted. We should certainly let out the pregnant women in prison referred to this morning. We should also think about elderly prisoners—those over the age of 65—as well as those with underlying health issues.

This is a population invisible to us. Therefore, I ask that, in monitoring, we take account of that too. We have to find ways of making sure that our prisons do not erupt into a source of serious disease and serious unrest, as that makes for a double punishment.

**Lord Russell of Liverpool (CB):** My Lords, first, I strongly support the very sensible amendment moved by the noble Baroness, Lady Thornton. As I think we all know, and as the noble Baroness, Lady Grey-Thompson, said so eloquently yesterday, myriad people are very worried about what is going on and are

concerned that things will happen to them but their voice will not be heard. The Government have enough to worry about, so, from their point of view, it seems very sensible to have a review process in which an organisation such as the Association of Chief Executives of Voluntary Organisations acts as a sort of funnel, pulling together all the myriad concerns that many of us seek to represent today through a single forum which can communicate regularly with the Government—it would be a two-way process. It seems eminently sensible to make sure that the people who are most worried feel that they are being heard and that there is a dialogue.

Secondly, I support the amendment in the name of the noble Lord, Lord Scriven. The variety of powers that local authorities will be required to have—particularly in relation to children in care, children going through adoption or fostering, and child carers—is incredibly important. If they are worried, think what that is doing to the people they are caring for. Therefore, I feel that clarification in that respect would be enormously helpful.

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, I start by welcoming this amendment, which in its spirit and intention is utterly sensible, thoughtful and right. I would like to speak on it in a way that reassures the House that the intention of the amendment and the many speeches in the Chamber today are exactly aligned with the way government is thinking and in which we have sought to build the Bill.

I also echo the many noble Lords who have mentioned the speech by the noble Baroness, Lady Grey-Thompson. Who could not have been moved by both the emotional way in which she explained herself and the very real and tangible anxiety of people—particularly in the disabled community, but anyone who depends on local authority services—who must feel incredibly vulnerable and worried that their affairs may not be given the priority they deserve, and may feel exposed and anxious about the future? That testimony was incredibly powerful and moving. It was taken to heart.

I also say a big thank you to all those who have engaged with us as we have drafted the Bill at pace, both at a senior level from major organisations such as the LGA and smaller ones and stakeholders. I assure the House that we absolutely are listening to groups that have concerns about provisions for their stakeholders. We have our ears open. The Government’s whole “protect life” strategy is shaped around an absolute priority of trying to save the lives, affairs and futures of the most vulnerable in our society. These provisions are here not because we want to leave anyone behind but because we want to enable local authorities to make the decisions they need to in order to make a fair, pragmatic and sensible distribution and prioritisation. It is our hope that these provisions will never come into play and that the commitment of resources we have made into the local authority area will see a generous and sensible provision for all those most vulnerable in society.

I will take just a moment to outline a few provisions that are in place, to reassure the House that we are not in any way removing all safeguards. For instance,

I assure noble Lords that the Care Quality Commission will continue to provide independent expert regulation of health and care providers. It has already announced arrangements for a proportionate approach to ensuring standards of care over the coming period. We have published an ethical framework to provide support to ongoing response planning and decision-making. This sets out a clear set of principles and behaviours when challenging decisions on how to redirect resources where they are most needed and how to prioritise individual care.

We are working closely with the sector on additional guidance to ensure that procedures and prioritisation of needs operate in the best way possible during this period. The emergency Coronavirus Bill also contains provisions allowing the Secretary of State to direct local authorities to comply with the guidance we issue.

Legislation underpinning our crucial safeguarding arrangements to protect vulnerable people from neglect or abuse remains in place. That was a point that many noble Lords made very well yesterday. We are leaving all statutory duties relating to deprivation of liberty safeguards fully in place.

The noble Baronesses, Lady Hussein-Ece, Lady Thornton and Lady Uddin, all raised the question of carers. I assure the House that we totally agree with the intent of the amendment. We need to ensure that users and carers retain a clear voice in the coming period and are able to make their concerns known. Our guidance on the Care Act changes will cover this. A national steering group is leading the sector's preparations for Covid-19; it includes both user and carer representatives.

The noble Lord, Lord Adonis, quite rightly raised the question of commitment to democracy and oversight. I assure the House that we absolutely embrace the ongoing functioning of Parliament. While I cannot speak for the House authorities and their arrangements for Parliament, I can speak for the health department. We are introducing technology there, such as video data and home-working, at pace. We are seeing a generational transformation in working practices in the last fortnight. These arrangements have been embraced, and I expect them to be embraced in other parts of the workings of the House.

We will also continue to report on the eight-weekly cycle. The noble Baroness, Lady Watkins, and others emphasised the importance of monitoring. We will put in place structures for providing the correct kind of monitoring.

The noble Lord, Lord Blunkett, rightly emphasised the importance of civil society, which is absolutely key, while the noble Lord, Lord Hain, emphasised the importance of volunteers. I reassure the House that the Bill contains extensive arrangements for a volunteer army to be recruited in a safe, orderly and accountable way and for funding to be put in place for volunteers. The Chancellor has announced generous and important provisions for charities; the noble Lord, Lord Hain, is entirely right that they have seen their donations dry up. They need support and provision if they are to play an important role against this contagion.

I completely understand the intent of the amendment in the name of the noble Lord, Lord Scriven. We have spoken offline about his concerns, which I have taken back. I reassure him that we have worked closely with the LGA and, in its dialogue with us, its emphasis has been on financial commitment rather than changes in the law. We have made a substantial £1.6 billion commitment but we will keep the question of legal changes under review.

The noble Baroness, Lady McDonagh, mentioned PPE, which although it lies to one side of this amendment is of concern to us all. I reassure the Chamber that a massive global procurement programme is in place. Distribution of existing PPE stocks is happening via the Army. A hotline has been issued to all front-line workers in the NHS and social care. We are moving fast and impactfully on that situation.

Lastly, we should not overlook Wales. The Welsh parliament has considered every question of this Bill and has signed off its legislative consent Motion. I am extremely grateful to Vaughan Gething, the Minister for Health and Social Services in the Welsh parliament, for his support.

For those reasons, I ask the noble Baroness to withdraw her amendment.

**Baroness Thornton:** I thank the Minister for that comprehensive answer. I also thank all the House for its supportive remarks on this amendment.

I say to my noble friend Lord Adonis that the two things we are talking about—the accountability of Parliament and our need to monitor these things, and the voice of the users and people at the receiving end of care, or non-care—are not in conflict. We need to be doing both, of course.

The noble Baroness, Lady Hussein-Ece, was quite right to point to vulnerable children and their care. My noble friends Lord Hain and Lord Blunkett were also absolutely correct about the importance of civil society in getting us through this crisis.

My noble friend Lady Pitkeathley is not here, but she is listening to us. She texted me to say, “Thank you for mentioning carers”. Of course in all this, the carers—people who are at home, many of them quite elderly themselves—are caring for people who will be at the sharp end of what comes next. We should not forget that.

I found two things very useful. First, the noble Lord, Lord Russell, mentioned the NCVO's role in this, and he is absolutely right. Secondly, and finally, the Minister mentioned that the Government will produce guidance on the enactment of these clauses. This has to be done quickly but I put in a plea: that the voices we have talked about in this short but pertinent debate should be heard in the construction of that guidance, too. On that basis, I am happy to withdraw my amendment.

*Amendment 1 withdrawn.*

*Clauses 16 and 17 agreed.*

*Amendment 2 not moved.*

*Clauses 18 to 81 agreed.*

**Clause 82: Business tenancies in England and Wales: protection from forfeiture etc**

*Amendments 3 and 4 not moved.*

*Clause 82 agreed.*

*Clauses 83 and 84 agreed.*

*12.45 pm*

*Amendment 5*

*Moved by Lord Clement-Jones*

5: After Clause 84, insert the following new Clause—

“Statutory self-employment pay

- (1) The Secretary of State must, by regulations made by statutory instrument, introduce a scheme of statutory self-employment pay for those whose work has been impacted as a result of the coronavirus.
- (2) The scheme must make provision for payments to be made out of public funds to individuals who are—
  - (a) self-employed, or
  - (b) freelancers.
- (3) Regulations made under subsection (1) may define the meanings of “self-employed” and “freelancers” in subsection (2).
- (4) The payments to be made under subsection (2) are to be set such that the gross monthly earnings of an individual specified in subsection (2) do not fall below—
  - (a) 80 per cent of their gross monthly earnings, averaged over the previous 3 years (or if records do not date back 3 years, the monthly net earnings averaged for the period records are available), or
  - (b) £2,500,
 whichever is lower.
- (5) No payment made under subsection (2) shall exceed £2,500 per month.
- (6) Regulations made under subsection (1) may provide that payments made under subsection (2) must be paid back via self-assessment if the payments were made in error.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member’s explanatory statement

This amendment would ensure that the Government introduced a scheme of statutory self-employment pay.

**Lord Clement-Jones (LD):** My Lords, my right honourable friend Ed Davey prompted an important statement from the Chief Secretary to the Treasury yesterday. In doing so, he acknowledged the way the Chancellor and the Treasury have given support to businesses and employees so far, but emphasised that this will remain incomplete and inadequate until we see proper measures for the 5 million self-employed across the country who are excluded from current financial support for businesses and employees.

That is the motive behind this amendment, which seeks to replicate the Government’s support scheme for those in employment, both in the 80% of gross monthly earnings and in reference to their average earnings over the past three years, with a cap of £2,500. As my old friend Munira Wilson said when introducing a similar amendment in the Commons,

“5 million self-employed and freelancers feel that they have been completely overlooked.”—[*Official Report*, Commons, 23/3/20; col. 145.]

They are under real stress as a result of the coronavirus crisis. Freelancers and the self-employed are deeply worried, and the rather confused messages coming out of government about when they should go to work do not help.

In his response to my right honourable friend Ed Davey’s Question, the Chief Secretary to the Treasury, Stephen Barclay, used the phrase “further help is coming”. But while we all understand that there are complications, the Government must move as fast as possible to meet these people’s concerns, because in many cases they are simply running out of money. As my right honourable friend said,

“80% of the 5 million self-employed are sole traders. They are our neighbours, our friends, our family. The vast majority are not wealthy people. They are cleaners, taxi drivers, plumbers, hairdressers; they are musicians, tutors, journalists; and they are builders, electricians and child minders.”—[*Official Report*, Commons, 24/3/20; col. 208.]

Most of the self-employed have very modest incomes and are not well off. The majority have taxable incomes of less than £10,000 a year, compared with just 15% of employees on incomes that low. Without help, they will not be able to pay their mortgages, rent and bills, and will face financial ruin.

As the Minister may know, I have a particularly strong connection with the creative sector. Freelance work and self-employment is the predominant pattern in the sector. For instance, 73% of those working in the music industry are freelance. A Creative Industries Federation survey last week revealed that 60% of creative freelancers estimate that their income will more than halve in 2020 due to the coronavirus outbreak and that almost 50% of freelancers who responded to the poll had already had 100% of their work cancelled. They, along with 50 creative bodies, Equity, the MU and the Writers’ Guild, have called for an emergency fund that gives a time-limited and carefully targeted cash grant to the self-employed workers and freelancers who need it most.

Other European countries have put in place similar schemes; Norway, for example, has guaranteed temporary income protection for 80% of average self-employed earnings from the past three years, with an annual cap of the equivalent of £45,000. So have France, Belgium and Denmark. An urgent package of help is needed now, which needs to be at least the equivalent of that which has been offered to employees. As I said yesterday in relation to journalists, but it applies across the board for the self-employed and freelancers, they may be forced to ignore government guidance to stay home and plough on with what work is available or face real hardship.

In closing, I was surprised, when I asked the Labour Front Bench to support and sign this amendment yesterday, to be told that it was not a priority in light of the time available for discussion on the Bill. I am glad that they have now changed their tune, especially given the helpful statements of the Mayor of London and John McDonnell yesterday. I urge the Government to be generous and conscious of the necessary urgency in their response. I beg to move.

**Viscount Colville of Culross (CB):** My Lords, I put my name to this amendment, because I too am about the need for economic support for the self-employed,

freelancers and workers on zero-hour contracts. Yesterday, the noble Earl, Lord Courtown, told the House that compensation for these people must be part of a package that is comprehensive, co-ordinated and coherent. However, he was not prepared to put a timetable to that announcement.

As the noble Lord, Lord Clement-Jones, just said, this amendment will give support straightaway to the 5 million self-employed workers, four-fifths of whom fall below the £2,500 a month threshold suggested in subsection (4)(b) of the proposed new clause, which is about the medium wage. It would be in line with the job retention package for employees announced last Friday.

However, I cannot emphasise enough that the scheme needs to be enacted very quickly. Failure to do so is threatening the lives of workers and those they serve. The great fear is that many self-employed workers have to decide between self-isolating and having no money coming into the house. That is particularly so in the care sector. I talked to a support worker on a zero-hours contract at a private residential home in Somerset run by a charitable trust. At best, she works two 15-hour night shifts a week for minimum wage. Together with her husband's state pension, it is hardly enough to cover her rent and food bills as it is. Her husband is in bad health and vulnerable to the virus. Eventually, after some soul-searching, she decided that in the present crisis she could not threaten his health by continuing to go to work and has gone into self-isolation.

That support worker has done the right thing, even though she will now start running up debts that could take a long time to pay off. But this is a very real dilemma for many lowly paid self-employed people and workers on zero-hours contracts. There are real fears in the care industry that some workers who look after some of the most vulnerable people in this country will ignore any symptoms of the virus and continue going to work because they cannot afford not to. As a country, we cannot take that risk. I urge the Minister to accept the amendment. If he is not prepared to do so, at least will he tell the House when the Chancellor will come forward with a package of help for the self-employed, freelancers and workers on zero-hours contracts? Time is of the essence.

**Lord Adonis:** My Lords, the proposals that the noble Lord, Lord Clement-Jones, has put forward commend themselves to the House. Essentially, he proposes that the Danish system be introduced here. The Resolution Foundation published a paper this morning that applies considerable expertise and global knowledge to this issue and proposes something similar.

I slightly regretted that the noble Lord made party-political points towards the end, because I do not believe that there is any party-political difference on this at all. We are all looking to the Government—indeed, many Conservatives take the same view. I hope that we can address all these things as a House together and not make party points on them.

However, my concern about this amendment is exactly the same as on the previous one. What we are talking about here is one of the most important decisions

that the Government will take in dealing with this crisis. The noble Viscount was completely right about the social impact; 5 million gig workers in the economy, all of whom are self-employed but have been dependent on income from services that have been reasonably predictable in their provision, face their livelihoods being decimated at the moment. Unless provisions of this kind are put in place, they will face serious hardship. Unless a Statement is made today by the Chancellor, Parliament will not have the slightest impact on what is proposed, because we will have no opportunity to question Ministers about it—neither the Chancellor in the other place or Ministers in this place—and we will not get to give any views on this issue again until, I understand, 21 April.

That is not satisfactory. These issues are costing billions of pounds to the taxpayer and will have a huge social impact, but Parliament will be entirely irrelevant to the discussion and the announcement of those proposals. I therefore hope that the noble Earl can give us some indication of how Parliament will be involved in both the announcement and the assessment of the package in respect of the self-employed when it is made. It is not satisfactory that we will play no part in this for another month.

**Lord O'Shaughnessy (Con):** My Lords, the noble Lord, Lord Adonis, asked for a cross-party view so I will make a brief intervention. The economic and moral case for doing something for this group of people is unarguable. No one in this House or in the other place disagrees with that. Their needs are just as great as of those who have the good fortune to have employed jobs, and it is on all of us to make sure that we have a solution.

If it was possible to do what is in the amendment, it could have been done already. There are technical and potentially moral hazard issues why this specific amendment might not be right. I do not stand in judgment; I just know that there are technical issues, and I know that there is a great deal of sympathy for this kind of solution. However, I know that the Treasury has been looking at this and other solutions and that it has its concerns. However, the most important thing is not to agree today on the specific line-by-line items of a package. Exactly as noble Lords have said, this is about getting a sense from my noble friend about when this package of equal weight and power will happen.

There are economic and moral reasons for doing this but health reasons too. If you are young, financially insecure or both of those things, you are highly likely to be at the very wrong end of the economic consequences, but you are also likely to look at it and think, "I might not get this disease and I'm almost certainly not going to die of it, so I'll take my chances. I need to pay the rent"—or whatever it is. We simply cannot all be in this together if we have created a system which creates perverse incentives for certain groups. My noble friend knows that I am saying this with support for him and for the Government, but it is incumbent on us all to solve this so that we can act in unison to make sure that we deal with this health crisis together.

**Lord Blunkett:** I add my support by saying that those words from the noble Lord, Lord O'Shaughnessy, were very wise. On the people that we have addressed

[LORD BLUNKETT]

so far and who have been talked about publicly, I reinforce that it is quite right that we should seek, in whatever way we can, to provide the support that has just been described. However, there is a group that falls between those who have already been assisted in support to companies and the purely self-employed: the worker working for themselves in our economy.

There is a group of entrepreneurs, many of them with start-ups and some with continuing businesses, who cannot access what is on offer to those in slightly different circumstances because of this. If they are using serviced premises—I will give an example in this House in a second—and therefore do not pay business rates, they are not entitled to the help that is already been granted on business rates or the grants that have been put in place, all of which are extremely welcome. In addition to what we describe as the self-employed there is therefore a group of people with very small microbusinesses.

The hairdresser's in the Palace of Westminster—I make no declaration other than that I use it—is not unique but is a good example of someone running a small business which employs people but which cannot draw down on the help currently available for the reasons I have just described. It does not pay business rates in this building, and those with serviced premises that they rent do not pay them either. I hope that the noble Earl will be able to take back to his colleagues that there is this little additional gap that we should not have to come back to and say, “We forgot about those.” I am sure that is not the case but I just want to reinforce it.

**Baroness Bennett of Manor Castle (GP):** My Lords, I support the amendment and I stress, as others have, the extreme urgency in this. The noble Viscount, Lord Colville, told us a very moving story about a situation involving an older worker, but I invite the Committee to think about the situation of many young people, who are disproportionately represented in the gig economy in these sorts of roles.

In London and many other cities, young people live in shared households. There may be four, five or six people, each with one bedroom, probably not even with a living room, because what was once a living room is now a bedroom. What happens in that household when most people cannot pay the rent? What strains will there be in that household as people struggle to get by, with the most basic cooking facilities and the smallest amount of space? One can imagine the difficulties such people will be in. They need to be rescued, to know that they have security now, and that will give stability and certainty.

As many other noble Lords have stressed, this would ensure that that person would not have to continue to operate as a courier for food travelling around the country—I am trying not to mention a brand name—or as a care worker or in any other of the roles they might be fulfilling. This is in the interests of everybody's health, but also in the interests of people who do not have, as some in this situation will, the bank of mum and dad to rely on. It is those young people who do not have the bank of mum and dad that we really have to help.

1 pm

**Baroness Uddin:** My Lords, I add my support to the amendment, particularly on behalf of those who work for small satellite TV channels and ethnic minority newspapers. I have been inundated with hundreds of calls, particularly from journalists who work in this massive, £5 million industry as self-employed freelancers and who feel absolute fear and hopelessness about how they are going to manage in the lockdown. Many satellite channels rely on advertising which is now going to dry up, if it has not already. Newspapers are not being sold, so I want to add their concerns to our consideration of this amendment. I hope the Minister and the Government will look seriously at the Norway model, as the noble Lord, Lord Adonis, has suggested.

The Minister said earlier that we are looking into global procurement: I think we should look also at the global procurement of ideas to ensure that our people are served wherever they are working.

**Baroness Thornton:** My Lords, this has been another short but important debate and I absolutely agree with my noble friend Lord Adonis; first, about the Resolution Foundation paper that came out this morning, but also on his point about the 5 million gig workers. The noble Lord, Lord O'Shaughnessy, made absolutely the right point: it is absolutely not in our interest for these people not to have enough to live on and to feel that they have to go out to work, even if they are ill and they will infect people, because otherwise they will not be able to pay their rent. We are very pleased to support this amendment—indeed, we always would have supported it.

I shall make just two points. One is about financial support. I really think we need to know when the Chancellor is going to announce what further support can be provided, not only for those who are self-employed, which is very urgent, but measures to improve access to sick pay and deal with the issues of assisting millions of people through the universal credit scheme by increasing it, suspending sanctions and scrapping the five-week wait for a first payment. Those things are absolutely urgent and important.

The other point I take this opportunity to raise is about renters. I looked at the Bill again last night after having said that I thought the three-month pause on evictions was not adequate to protect people who rent because it would defer a crisis only to the end of the period, when landlords will demand total arrears payments for three months' rent. The Minister said that of course this could be renewed and turned into six months, but actually the Bill does not say that, so I seek reassurance. This is linked to income support because the people we are talking about are exactly the people who will not be able to pay their rent.

In the event of that, we need to be sure that individuals and families will not get served with eviction notices. Some people will have been given their eviction notices prior to this legislation, and the Government need to take account of that. Those people should not be evicted because they may have been given a month's notice two weeks ago and they may find themselves evicted right in the middle of the worst point of this crisis.

My final point is about people in shared ownership, which is part of what the noble Baroness behind me said: when you have people with shared ownership, that is an issue. In the housing association world, people with shared ownership apportion their outgoings partly to their mortgage and partly to rent to the housing association. Many housing associations have put up rent from April as a result of the freeze on rent increases being lifted, so how will these tenants and owners be protected in terms of the rent element of those costs? I do not necessarily expect the Minister to be able to answer that question right now, but there are hundreds of thousands of people in the housing association world who will also need our protection.

**Earl Howe (Con):** My Lords, I am grateful to the noble Lord, Lord Clement-Jones, and other noble Lords who have spoken to this amendment.

I will get straight to the point. The first thing that I ask the Committee to do is recognise the nature and scale of what the Government have done so far to protect the jobs and incomes of millions of people. The package of measures that we have already announced is unprecedented and is one of the most generous business and welfare packages by any Government so far in response to Covid-19. In the context of those measures, which have been broadly welcomed, the Government absolutely acknowledge the calls for more to be done in relation to the self-employed. I completely agree with what noble Lords have said about the vital role played by the self-employed in our economy and our national life. We have always said that we would go further where we could, and I can tell the Committee that we are actively considering further steps, which I will come back to.

We have already improved the welfare safety net to ensure that self-employed people and freelancers are better protected. We are temporarily relaxing the minimum income floor for all self-employed universal credit claimants affected by the economic impact of Covid-19 from 6 April for the duration of the outbreak. This means that a drop in earnings due to sickness or self-isolation or as a result of the economic impact of the outbreak will be reflected in claimants' awards. It ensures that the self-employed are supported by the benefits system so that they can follow Public Health England guidance on social distancing and self-isolation.

Freelancers and the self-employed will also benefit from the changes announced to the benefits system such as the £20 increase in the universal credit standard allowance, which will mean that claimants are better off by £1,040 a year and will benefit from the increases to the local housing allowance. I add that we are already making sure that benefits are easily accessible and more supportive for those who need to make a claim. Other changes announced by my right honourable friend the Chancellor, such as deferring income tax self-assessment payments due in July 2020, are designed to help self-employed people and freelancers through this period.

My right honourable friend the Chancellor has stated that he is committed to going further to support individuals and businesses, and will provide a further update on support for the self-employed in the coming days. That is an assurance that I can give today. I have

taken full note of the careful way in which the amendment has been drafted and the points articulated by noble Lords in support of it; they have been well and truly registered. An amendment to the Bill is not required for the Chancellor to provide further support for the self-employed, support that I emphasise is already planned and due to be announced shortly.

I emphasise again that everything is being done to ensure that everyone is supported to do the right thing for the good of us all. It would be wonderful for everyone if I were able to go further today, and the noble Lord, Lord Clement-Jones, will understand why I cannot, but I hope I have provided sufficient reassurance to enable him to feel comfortable in withdrawing the amendment.

**Baroness Kennedy of The Shaws:** Will agency staff be included in any thoughts that the Government are having about those who might be assisted but who are currently not covered? Many care workers and many people working in offices even here in London are supplied by agencies which do not consider themselves to be their employers but to be facilitators and mediators in creating opportunities to work. They are not able to claim those workers as people for whom they can have the special 80% arrangement. Might such employees be covered by the Government's thoughts?

**Earl Howe:** The noble Baroness makes a very good point and one that I was familiar with in my previous role as a Health Minister. She is absolutely right: agency workers form a key part of the health and social care network and in other areas of our economy. I can assure her that they will not be overlooked.

**Lord Adonis:** My Lords, the Minister did not deal with the point about why the statement on this crucial issue will not be made in Parliament and be subject to debate in Parliament.

**Earl Howe:** My Lords, as the noble Lord rightly said, Parliament will not be able to debate any package of measures for the self-employed which my right honourable friend may announce until it returns on 21 April. That is a statement of the obvious, but it does not preclude parliamentarians from making appropriate representations to the Government once Parliament reconvenes. It will not be too late to do so at that point. One reason why my right honourable friend the Chancellor has not yet made an announcement is his determination to make sure that any scheme for the self-employed—which would inevitably be more complicated, as my noble friend Lord O'Shaughnessy said—is workable, clear and, above all, fair, without any danger of moral hazard. The measures already announced for those in employment have been widely welcomed. We do not want anything different to happen for any further measures.

**Lord Adonis:** Is not the reason why Parliament meets precisely so that it can make representations to the Government?

**Earl Howe:** Absolutely. That is what I indicated that parliamentarians, including your Lordships, would be able to do once we return from the Easter Recess. I suggest that, at that point, it is not too late to influence the Government in any announcement that may or may not have been made.

**Baroness Bennett of Manor Castle:** Government figures say that there have been 477,000 new universal credit claims in the past nine days, and social media is full of accounts of some 30,000 or 40,000 people being in the queue just to apply. What steps will be taken to ensure that everyone can get access to the provisions to which the Minister has referred?

**Earl Howe:** I am aware that self-employed claimants will not be required to attend a jobcentre; universal credit can be claimed online or via the telephone. Self-employed people who are unable to work because they are directly affected by Covid-19 or are self-isolating will also be eligible for contributory employment and support allowance. As announced in the Budget, this is now payable from the first day of sickness rather than the eighth. I recognise that we are likely to see a wave of applications and that the system can cope with only a certain number at a time, but I am aware that the system has been geared up to expect that wave. I can only assure the noble Baroness that the officials and civil servants involved in this process are as keen as anyone else not to let anyone in need go without.

**Baroness Lawrence of Clarendon (Lab):** Those applying by making calls rather than going online are at the mercy of whoever answers the phone—if they are able to get through. While they are trying to apply there is a possibility that, because the system is so overwhelmed, they will not be able to get through to put their claims in. What happens to them? They are at home and not able to go to work because they are following the Government's guidelines, but there is a possibility of them not getting through. In the meantime, their family is suffering. With all the will in the world, not everybody will get through. The Government need to bear that in mind when they say that they have things in place.

1.15 pm

**Earl Howe:** The noble Baroness makes a very important point. She may be aware of instances where the system has broken down, and of course that is very regrettable. I hope that those affected will be able to bring that to the attention of the Department for Work and Pensions. We can only do what we can do. I say again that the willingness to ensure that the system works is most definitely there.

**Lord Blunkett:** I am in danger of being a pain here, but could the noble Earl acknowledge that he understood the point I was trying to make about micro-businesses? If they employ somebody, they may be able to draw down on the £2,500 per month assistance, which is very welcome. But if the business itself goes bust because it cannot draw down on the generous help that is available to larger businesses with rateable value, then those employees will not have a job to come back to.

**Earl Howe:** I fully acknowledge the noble Lord's point. I refer him to the various measures that my right honourable friend announced for businesses generally, but in particular for small and medium-sized businesses. They are more vulnerable generally than larger businesses. The job retention scheme was specifically designed to address this situation, as he rightly said, as were mortgage holidays. The business interruption loan

scheme is available to small businesses, particularly on finance facilities up to £5 million. That will enable more businesses to access the finance they need to assist cash flow. If it proves necessary for my right honourable friend to look at further measures, I have no doubt that he will do so.

**Baroness Kennedy of The Shaws:** Like the noble Lord, Lord Blunkett, I regret if I too am being something of a nuisance, but I recognise that this amendment seeks to deal with gaps, where people being short of funds would then create greater risks for others. I want the Government to keep in mind that this is our last chance for several weeks to talk about this because of the Easter break. I am seizing the moment to say in this House that there are people who have no recourse to public funds: asylum seekers. The Government should suspend the relevant policy immediately, so that people who face hardship, who have no recourse to public funds, who are often living in cramped circumstances and who are perhaps most vulnerable to the virus have opportunities to access funds.

**Earl Howe:** All I can do is assure the noble Baroness that the points she has made will be taken back to the department and considered.

**Baroness Uddin:** My Lords, I too regret another intervention, but how will people know what is going on if they are number 30,000 in the queue? How will they communicate with the Government or the necessary department? What are the Government doing to ensure that they communicate to these people how they should react and respond? Is everything being done that can be? Maybe some of those working in the gig economy who have nothing to do will be asked to join some of these telephone contact centres as paid employees. That might be of additional assistance to the Government.

**Earl Howe:** My Lords, as the noble Baroness knows, there are various avenues for individuals to utilise. One might be contacting their local Citizens Advice to enable it to make representations. They can contact their Member of Parliament to enable him or her to make representations on their behalf. They are not without the means to communicate if something does not work as it should.

**Lord Clement-Jones:** My Lords, this has been an extremely valuable debate. All sides of the House have demonstrated how important support for freelancers and the self-employed is. The Minister will know that he commands quite a lot of confidence in this House, so we take him at his word when he gives us an assurance, as he has, that the Chancellor of the Exchequer is determined to bring in a scheme that is workable and for precisely this cohort of people—5 million freelance and self-employed people. He has given an important assurance because, as the noble Lord, Lord Adonis, pointed out, we will not have the ability to question Ministers and Members in the Commons will not have the ability to question the Chancellor on the nature of any scheme. In a sense, we have it on trust that something will be done in the coming days. As the noble Viscount, Lord Colville, said, time is of the essence; indeed, “urgent” has been used across the House.

The noble Lord, Lord Adonis, also referred to the Resolution Foundation. Torsten Bell's interview on the "Today" programme this morning set out a clearly workable scheme along the lines that Norway, Denmark and so on have already introduced, so is it any wonder that there is frustration across at the House with the speed at which the Government are acting in this area? I take entirely the Minister's point that the nature and scale of what has been done so far is quite extraordinary—one is not trying to minimise that—but this is the next step that must be taken extremely quickly.

The noble Baroness, Lady Thornton, pointed out the issue of eviction and other noble Lords have pointed out problems with universal credit, not least concerning means testing, capital assets and so on. None of those mechanisms will fit the bill for freelancers and the self-employed so I urge the Government to move on this with all speed, otherwise they will let down a significant proportion of our working population. I beg leave to withdraw the amendment.

*Amendment 5 withdrawn.*

#### *Amendment 6*

*Moved by Baroness Bennett of Manor Castle*

**6:** After Clause 84, insert the following new Clause—

"Temporary modification of abortion legislation

Schedule (Abortion provision) contains temporary modifications of the Abortion Act 1967, and related provision."

**Baroness Bennett of Manor Castle:** My Lords, first, I want to follow up on a point I made yesterday and compliment the noble Lord, Lord Bethell, and through him the Government. I asked about MOTs; this morning, there was an announcement of a six-month extension, so thank you.

We have already heard some accounts of the terribly difficult situations that people around the country are in. I will begin with another, that of a woman in Lincolnshire with an autoimmune disease. Under the Government's recommendations, for her health and well-being and to protect our NHS resources, she should remain at home and self-isolate for 12 weeks. However, she needs an abortion. She also has at home a two year-old with a heart condition—another reason why she should not leave the house—but she must leave the house and go to a clinic or approved place to take the first of the pills for an early medical abortion under our current law. I am sure that every Member of your Lordships' House will agree that this is a terrible situation. It is also an utterly medically unnecessary situation.

Taking the pill at a clinic is not a medical necessity; the provision is in the 1967 Abortion Act—an Act that was passed 25 years before medical abortions were even introduced. In the next 13 weeks, based on the average figures, 44,000 women will have to travel to a clinic—to an approved place—to take that pill, which is utterly medically unnecessary. In countries such as the United States, Australia and Canada, it is possible for women to take both the pills necessary for an early medical abortion at home.

This amendment provides for—and I stress this—temporary modifications to the Abortion Act 1967. It provides for a woman to take both those pills at home,

as happens in the countries I mentioned, and it removes the two-doctor rule whereby two doctors have to sign off on an abortion. Only a small number of doctors and health professionals provide these services. We have discussed time and again in your Lordships' House just how much pressure our medical professionals and NHS services are under and how precious a resource those doctors are, most of whom do other services as well.

The amendment calls for allowing nurses and midwives, who are already professionally qualified and who do much of the work now, to certify these abortions to allow them to go ahead. One nurse, midwife or doctor would then report back to the Chief Medical Officer as usual. There are some points to stress about the general provisions of the Bill that perhaps we have not talked about very much. The Bill, and this amendment, would give the Government the power to switch provisions on and off as they wish. They can also do so regionally—again, we have not talked about this very much—or the nations can do so according to the needs of place and time. If, for example, there was a real problem with provision in the south-west, the Government could take a small-scale decision for a particular place and time to make sure that abortions are available for the people who need them.

The argument for having this provision—as with many such provisions—is that it is about protecting everybody. If 44,000 women have to make extra journeys, it means more chances for the coronavirus to spread. We would be playing into the virus's hands. We have all heard, seen and have been using the slogan "Stay at home. Save lives"; this provision allows that to happen. We would be protecting our precious medical professionals. The people who are increasingly operating remotely need to be able to operate through telemedicine remotely. We would be protecting NHS resources, which we know there is already enormous pressure on. If people are not able to secure an early medical abortion, they will seek surgical abortions, which will put much more pressure—absolutely unnecessary pressure—on the NHS.

I ask the Minister to accept and incorporate this amendment into the Bill. Doing that will not force the Government to do anything; it simply creates the possibility for the Government to act. As the noble Lord, Lord Adonis, who is not in his place, said, we will not be here for a very long time to make other legal changes. We would expect that to be the time of maximum pressure from the virus, so please can this temporary change be put in place to deal with this crisis?

**Baroness Barker (LD):** My Lords, I have attached my name to this amendment, which has support on Benches across the House. In moving this amendment, the noble Baroness described exactly what this is: a power that the Government could and should take unto themselves in order to use it if necessary. Why do we think it might be necessary? "We" includes the Royal College of Obstetricians and Gynaecologists, the Royal College of Midwives and the Faculty of Sexual and Reproductive Healthcare—all the providers and people within the health service who know this piece of work better than anybody else. Why do we need it? As of this morning, 25% of BPAS clinics are closed because they do not have the staff to open.

[BARONESS BARKER]

That means things are becoming much more difficult for women. Yesterday, women in York needed to travel two miles to secure an earlier medical abortion. As of today, they will have to travel 40 miles.

1.30 pm

Multiple NHS services are not providing. They have reduced staffing—we all know and understand that—and are having to reduce opening times. Some are not taking women unless they have a referral from a GP. Can noble Lords imagine what a GP's day is like in current circumstances? There has been a drastic decline in the capacity to provide surgical abortions, because operating theatres are being used for ICU and urgent cases. Women with serious underlying medical conditions are told to isolate for 12 weeks, yet, if we do not change this, 4,000 will have to make weekly journeys—increasingly long journeys in some parts of the country. This morning France introduced telemedical care for abortion to deal with the pandemic. Telemedical care just for this purpose is supported by all the organisations I mentioned earlier. Remote provision is ruled safe by the World Health Organization.

In this Bill, some of us have conceded points that we think to be fundamentally important to our way of life. For example, we have agreed that people will be incarcerated for mental health reasons on the say-so of just one doctor. I will not rehearse the discussion we had yesterday, but time after time there were speeches in which Members of the House said, “In normal circumstances I cannot do that, but I have to”.

This is the situation in week three. Imagine what the situation will be like in week seven when we are back—if Parliament comes back. This is necessary and urgent. It not only affects the lives of the women concerned but has a huge impact on NHS staff and the rest of society. I therefore strongly urge the Government to accept this proposal.

**Baroness Thornton:** My Lords, I attempted to put my name to this amendment. For some reason, presumably because the Public Bill Office staff are all working from home, it did not quite get through. The Government need to give this very serious consideration indeed.

**Lord Bethell:** My Lords, I completely recognise the good intentions of this amendment and the desire to protect women in an awkward situation at a difficult time. I also recognise the strong stakeholder views given to me by the royal college, Marie Stopes and others, but it is the Government's priority to ensure that women who require abortion services should have safe, high-quality care and that abortions should be performed under the legal framework already set out by the Abortion Act.

It is vital that everyone, regardless of their views on abortion, be assured that this Bill's provisions work alongside existing priorities of legislation, including abortion legislation. As I have described a number of times from this Dispatch Box, the powers in this Bill are solely and entirely to meet the needs of tackling this current pandemic. It is in that spirit that the Bill has moved so quickly through the House and that we have had such strong multi-party support for it.

The safety of women remains our priority, but it is vital that appropriate checks and balances remain in place regarding abortion services, even while we are managing a very difficult situation such as Covid-19. We have worked hard with abortion providers, including the Royal College of Obstetricians, and listened to their concerns, but there are long-established arrangements in place for doctors to certify and perform abortions, and they are there for good reason. We do not think that it is right that midwives and nurses are suddenly expected to take on expanded roles without prior consultation, proper training or guidance in place.

The coronavirus outbreak is a global issue. We are not the only country having to make difficult and uncomfortable changes. All over the world, clinicians and service users are coming to terms with extremely difficult workloads and workarounds to normal procedures. We are doing an enormous amount to help the NHS cope. We are doing this to protect life and to protect the NHS, but we expect doctors to work flexibly during this time. That means that certification can still take place in a timely way. It should not delay women receiving treatment. There is no statutory requirement for either doctor to have seen or examined the woman, as I described at Second Reading yesterday. Assessment can take place via telemedicine, webcam or telephone. Guidance from my department is crystal clear about that. The doctor can also rely on information gathered from other members of their multidisciplinary team in reaching a good-faith opinion. However, we do not agree that women should be able to take both treatments for medical abortion at home. We believe that it is an essential safeguard that a woman attends a clinic, to ensure that she has an opportunity to be seen alone and to ensure that there are no issues.

Do we really want to support an amendment that could remove the only opportunity many women have, often at a most vulnerable stage, to speak confidentially and one-to-one with a doctor about their concerns on abortion and about what the alternatives might be? The bottom line is that, if there is an abusive relationship and no legal requirement for a doctor's involvement, it is far more likely that a vulnerable woman could be pressured into have an abortion by an abusive partner.

We have been clear that measures included in this Bill should have the widespread support of the House. While I recognise that this amendment has some profound support, that the testimony of the noble Baroness, Lady Bennett, was moving and heartfelt, and that the story of her witness from Lincolnshire was an extremely moving one, there is no consensus on this amendment and the support is not widespread. Abortion is an issue on which many people have very strong beliefs. I have been petitioned heavily and persuasively on this point. This Bill is not the right vehicle for a fundamental change in the law. It is not right to rush through this type of change in a sensitive area such as abortion without adequate parliamentary scrutiny. For example, there has been widespread support for measures such as permitting cremations to proceed on the basis of only one medical certificate. We simply do not have the same widespread support to make similar recommendations on the certification of abortions. For that reason, I urge the noble Baroness to withdraw the amendment.

**Baroness Barker:** Can the Minister concede that we are tabling this amendment because of how the NHS and medical services are affected by the Bill. We are not asking for any change in the criteria for abortion. We are asking simply for the process of the administration of decision-making to change.

That is being done right across the whole of the health service. The Minister has explained that telemedicine is being rolled out at a surprising rate. I do not understand why an experienced clinician or a midwife cannot make the judgments that he was talking about via video. They see women all the time and they will be able to make the same judgments. I do not understand that. If the Government do not accept this proposal, I ask him to accept that they should at least be under an obligation to continue to meet very regularly with the Royal Colleges and the organisations involved in this situation day to day, and they should be willing to come back with the power to make this change under a separate piece of legislation—because if, in seven weeks' time, there is a clear pattern of women being failed, we cannot let it continue.

**Lord Bethell:** I completely recognise that the noble Baroness's intentions are totally and 100% benign. She has the interests of the women concerned at heart. That intention is completely clear to me and I utterly endorse it. Where there is a difference of opinion and where we have taken a huge amount of advice—we have worked with the scientific advice in the department—is in the fact that the changes being offered are a fundamental change to the way abortions are regulated and administered in this country. Those regulations and administration arrangements have been worked on for years and are subject to an enormous amount of consensus. Her point on monitoring the situation is exactly the one that the noble Baroness, Lady Watkins, made earlier. I commit the department to monitoring it. We will remain engaged with the Royal College of Obstetricians and Gynaecologists and other stakeholders. She is absolutely right that we can return to the subject with two-monthly reporting back, and it can be discussed in Parliament in the debates planned on a six-monthly basis.

**Baroness Uddin:** I say this with the sincerest due respect. The Minister will be aware that there are huge concerns about the power to have just one doctor decide whether a body should be cremated, especially in the light of the crisis becoming more intensive and critical.

**Lord Bethell:** The noble Baroness's concerns are noted.

**Baroness Bennett of Manor Castle:** My Lords, before I get to the procedural part I will refer the Minister to some of his own words. He referred to the Government's desire to ensure that everyone should have safe, high-quality medical care. In this area in particular, given that the option has been given to provide alternatives, that is something that the Government will be judged against, and I hope that he will be able to live up to his promise. However, it is with a heavy heart that I beg leave to withdraw the amendment.

*Amendment 6 withdrawn.*

*Clauses 85 to 88 agreed.*

1.45 pm

### **Clause 89: Expiry**

#### *Amendment 7*

*Moved by Lord Newby*

7: Clause 89, page 58, line 21, leave out "2 years" and insert "3 months"

**Lord Newby (LD):** My Lords, the Bill introduces across a whole range of public policy areas significant powers, some of them quite draconian. The noble Lord just said that the proposal in respect of abortion was unacceptable because it would have made a fundamental change. The truth is that we are making fundamental changes across the board. The proposed changes on mental health are, in my view, at least as fundamental as that on abortion proposed by the noble Baroness. Although the Minister might have reasons for not wanting to make that change, he cannot pray in aid that it was a fundamental change. This is happening across the whole of what we are doing and, frankly, that was not his best moment.

Because the changes being made in the Bill are so powerful, we believe that they need to be in place for as short a period as possible and that they need regular and effective review and renewal. Therefore, the amendments in my name raise two related issues. The first is how often that review should happen. Obviously, we welcome the fact that the Government have moved from a position where there was to be no review for two years to one where there will be a review after six months. However, we believe that the period should be shorter. The Civil Contingencies Act has a renewal date of 30 days. Some of the measures in the Bill could probably have been exercised under that Act and they would have been subject to that 30 days. We are not going as far as that, but the end of September is simply too late for Parliament to have its first chance formally to decide whether this very wide-ranging legislation should continue.

As to the form, we have several concerns. As the Bill stands, there is no role whatever for your Lordships' House in respect of the legislation's continuation and renewal. That is certainly unprecedented and completely unacceptable. The normal way of dealing with legislation that is time-limited and needs renewal is via the statutory instrument route, which obviously applies to both Houses equally. That was the case with the Anti-terrorism, Crime and Security Act 2001, the Prevention of Terrorism Act 2005 and the Terrorism Act 2006. The House of Lords and the House of Commons had exactly the same powers and they worked perfectly well. Your Lordships' House is an extremely responsible body.

An exception to the principle of the two Houses having the same powers in respect of legislation was the EU withdrawal Bill—subsequently the EU withdrawal Act. It was agreed that, although there would be a meaningful vote in the House of Commons, there would be a meaningless vote in the House of Lords. That was on the basis of the circumstances being exceptional, as we were following the democratic mandate of a referendum. I opposed it at the time on the basis that it set a doleful precedent, but that view did not prevail.

[LORD NEWBY]

Now, a second set of exceptional circumstances is being brought before your Lordships' House in a very short period. I believe that the more often we see exceptional circumstances occurring, the less acceptable it is, if your Lordships' House is to perform the function that it has done until now in respect of the renewal of legislation. We therefore propose that the former precedent of renewing a Bill by statutory instrument should be followed in this case.

However, in Amendment 12 we also suggest an alternative method of achieving the same involvement of your Lordships' House by proposing that it mirrors what is proposed in the Commons. Personally, I would prefer us to go back to the traditional SI route but, in a spirit of generosity, if the Government would prefer to do it the other way, we are, reluctantly, prepared to accept that.

The other amendments in this group have been tabled by the noble Lord, Lord Anderson, and the noble and learned Lord, Lord Falconer of Thoroton. They have our full support, and no doubt they will be spoken to more eloquently than I could, so I will not attempt that.

I would like to ask the Minister about a practical point, which I hope he will be able to accept. At Second Reading yesterday, my noble friend Lady Barker suggested that the Government should produce a grid to explain which clauses of the Bill have been implemented, and exactly how. That is a very good idea and I hope the Government can accept it, but could they go slightly further by having, as part of that grid, a list of all the other provisions introduced to deal with the coronavirus, but not necessarily under this Bill? I cite, for example, the power to close restaurants and all other places where people congregate, which was introduced under the Public Health (Control of Disease) Act 1984. That would be helpful not only for specialists, as it were, like us, but for those who want to find and then look at the legislative basis for decisions. For others, who just want to see where a particular provision that might affect them comes from, if the Government have a single source saying, "Here's the whole raft of provisions that have been made and this is exactly where you can find them", that would be extremely helpful for public information. Obviously, I hope the Government will agree to our more substantive amendments but, at the very least, I hope they can do this. I beg to move.

**Lord Anderson of Ipswich (CB):** My Lords, I support Amendments 11 and 12, which I think means that I support the idea of six-monthly reviews with debates in both the Commons and in the Lords. However, I rise to speak in particular to Amendment 10, tabled in my name. Regardless of how often the reviews take place or precisely who conducts them, surely one needs a degree of information from the Government. Clause 97 provides for that, but in an absolutely minimalist form. As I read it, all that is required is that the Government should explain which provisions have been switched on or switched off in the previous two-month period and that they should certify that they are content with the switching on and the switching off.

I have two points to make. The first concerns effective review in Parliament. As I said yesterday, my experience of reviewing exceptional counterterrorism powers suggests that one really needs at least some basic information from government on how the powers are being applied and how effective they are judged to be. There is also a point for the Government in this. Reports of this kind will provide them with an excellent opportunity to communicate to Parliament and to the wider public what they have done, why they have done what they have done, whether they believe that the measures are having some effect on the disease and, if so, why. I was encouraged to hear the Minister say yesterday in introducing the Bill that the Government would update Parliament regularly on how these powers have been used across the UK, but I suggest that that does not go far enough. In the Bill as written, things are not provided which go even that far.

My Amendment 10 is very modest, and deliberately so. I have sought not to invite the riposte that I am requiring some new power to collate or put forward statistics or that I would overburden an already burdened Civil Service. The Government will of course make their own assessments of whether these powers should be switched on or off and how effective they are. All I ask is that that assessment should be shared with Parliament in an appropriate way. It is a document that the Government will control, so it is very much up to them to decide in what form that communication should be made. If the amendment cannot be accepted, I ask the Minister at the very least to give an undertaking today that these reports will provide information about how the powers have been used across the United Kingdom, what measures may have been necessary to ensure compliance, and whether and why the various powers have been judged effective.

I have saved perhaps my best point until the end. Yesterday, the Minister raised by proxy the comments of my noble and learned friend Lord Judge, who sits beside me in spirit, if not physically. He contacted me this morning and has authorised me to say that if he had disregarded his own advice not to attend today, he would have supported my amendment. If I have not persuaded the Minister, I hope that the spirit of my noble and learned friend will have done so.

**Lord Hastings of Scarisbrick (CB):** I support the amendment of the noble Lord, Lord Newby, in great detail. In the debate yesterday, we spoke about the seriousness of the situation that the country faces. We are all deeply conscious of it; despite that, we must not be lulled into simply abiding by the pressure of the moment and not consistently thinking our way through the detail of what we are now putting into law. In his statement to the nation the other night, the Prime Minister referred to three weeks. Whether that stands or not is to be debated, but to go from three weeks to six months, as the Bill now provides, is a very long gap. It would be wise to agree to this amendment for three months, which on their return allows this House and the other place to consider the nature of what has been applied, whether it is appropriate and whether it should be retained or removed. That would be a sensible time to allow for national consideration; let us hope we have gone through it by then.

**Lord Falconer of Thoroton (Lab):** My Lords, I have tabled an amendment that in effect allows the Commons to sunset some clauses but allow others to go on before the two years are up.

If I may, I will put the timing into context. This is an important debate, because it involves identifying Parliament's role going forward. At the moment, there is a sunset clause in Clause 89 that will bring the whole Bill, and all the regulations made under it, to an end after two years, except that under Clause 90(2) a Minister has the power to extend any of the regulations beyond the two-year period, and he can do that by a statutory instrument that does not have to be approved by Parliament before it has effect. That statutory instrument can last for 40 days before Parliament gets a view on it, and those 40 days do not include periods of recess, dissolution or prorogation. Under the Bill, therefore, the two-year period is subject to extension, on Ministers' say-so, for a limited period. Even if we get to a point where the 40 days were up, they can produce another order and extend for another period.

We support the Bill, because the country needs the Government to have these powers, but we do so on the basis that it is subject to parliamentary control. That is the position in relation to the two years.

I support the idea of six-monthly reviews. At the moment, after the six-month period, if the House of Commons rejects a Motion that the Bill continue after six months, under Clause 68 the whole Bill and the regulations have to be brought out of force by the Minister. The way the Bill is drafted at the moment, it is an all-or-nothing provision. That cannot be right as a matter of practicality. As we move towards the end of the emergency, which we will, some of these provisions will be required—for example, the continuation of statutory sick pay, and preventing evictions, because people will not have got back on their feet financially. However, other powers should definitely go—for example, Ministers' powers to close down premises, events and gatherings—as the need for those powers goes.

It is wrong that there is no provision for Parliament to say, "We want some of these powers to continue, but not others". My anxiety about the current position of the Bill is that it can be extended over two years without proper parliamentary scrutiny, and can be brought to an end early—on the six-month basis—only on an all-or-nothing provision. Can the Minister assure us, first, that there will be no extension beyond the two years without parliamentary approval? Secondly, will he give an undertaking that if Parliament indicates by a vote that it wants some of the provisions to come to an end—and by Parliament, I mean the Commons—the Government will respect such a vote?

2 pm

**Baroness Ludford (LD):** As a signatory to the amendment moved by the noble Lord, Lord Anderson of Ipswich, I give it very strong support. I agree with everything that he said. He referred to his experience as the Independent Reviewer of Terrorism Legislation and to how valuable he found the transparency of reasons being given. That should send a very strong message to the Government about how important his amendment is.

**Lord Tyrie (Non-Aff):** I agree with everything I have just heard in support of these amendments. I hope your Lordships will allow me to say some of the things I would have said yesterday had I not been giving evidence to a Select Committee during the opening hour or two of the debate.

The UK is in lockdown. Of course, the pressure on the Government to act has been immense, but we are in very uncharted waters and tight sunset clauses are clearly appropriate. People are understandably fearful for their lives and their well-being, and the Government are right in response to that to try to flatten the peak to enable the NHS to cope and to address the fear that has grown in the wider public. The question now is not whether the lockdown was the right decision but for how long it can be sustained. These amendments bear directly on that question.

I have two proposals that I think the Government might want to consider. They have a bearing on whether the sunset clauses might find themselves exercisable. We need to be clear why we have arrived in this position. The epidemiological evidence on which the lockdown decision was taken was very well summarised in the Imperial College paper, which shows that it is needed to prevent an 80% infection rate and between 250,000 and 500,000 impending deaths. What the paper does not contain is an analysis based on wider health outcomes or on wider economic and ethical considerations, as it readily acknowledges. In other words, the full health economics of this huge decision have not been developed or set out at all by the Government.

If, as is widely held, maintaining such a policy indefinitely is unsustainable socially and economically, it must follow, in the absence of an early vaccine or treatment, that an alternative policy will have to be put together very quickly. In order to establish that sustainable policy, we first need a wider analysis of the effects of the lockdown than we currently have in front of us on the basis of health economics, and in particular of the effect on morbidity and mortality that will come as a consequence of the disruption to economic life. Extensive research on earlier sharp interventions suggests that these effects could be very large, and this may be true for both the full and the partial lockdowns discussed in the Imperial paper.

A second piece of analysis that needs to be undertaken—

**Lord Falconer of Thoroton:** I very much apologise for interrupting the noble Lord, who is making an incredibly valuable speech, but after my amendment there is one more amendment, which was put down by the noble Baroness, Lady Ludford. We must get to it and debate it by 2.30 pm, which is jolly unfair, in a way. Can we get to that amendment and then perhaps have the Second Reading speech?

**Lord Tyrie:** I gladly agree to what has been proposed from the Labour Front Bench.

**Viscount Hanworth (Lab):** My Lords, my colleague and noble and learned friend Lord Falconer has provided a cue that enables me to talk briefly about Schedule 8 to the Bill, which would allow a patient to be detained in hospital—or sectioned, as the phrase is—under the provisions of the Mental Health Act, on the say-so of

[VISCOUNT HANWORTH]

a single doctor. The Bill would also provide for a period of extension to be extended, if I understand correctly, by the decision of a single person.

To put these matters in context, we might look back to the late Victorian era, when a problematic member of a family could be incarcerated in an asylum at the insistence of that family. They could be left there for a lifetime, and forgotten by the family, who could thereby avoid the stigma of having mental illness in their midst.

That stigma has been alleviated, but it still exists. The sufferer of mental ill-health may be a fragile young person, whose aberrant behaviour has been in response to some dysfunctional family dynamics. To avoid the hazard of inappropriately sectioning a patient in such circumstances, it is now understood that a careful assessment is required, which must involve more than one expert and judgment. This is not a fail-safe procedure, and I have been told of its failure in some tragic circumstances. Sectioning a person under the Mental Health Act can injure a person for a lifetime. Therefore, I wish to sound a note of caution, if not alarm, at the provisions in Schedule 8 to the Bill.

This is one of only many hazards present in the Bill, and I wish to make a more general comment about such legislation. Some speakers in yesterday's debate expressed astonishment and admiration at the speed with which the Bill has been assembled to meet an unexpected crisis. However, it must surely have been sitting on the shelf for a considerable length of time. It is the product of the kind of contingency planning that we can expect of any competent system of public administration. There is no lesser need for contingency planning to cope with the public health crisis than there is for detailed military planning. However, whereas military planning is bound to remain largely secret, there is no need for such secrecy in the plans to address a public health crisis. The contingency planning that underlines this Bill ought to be permanently in the public domain, and its clauses ought to have been considered in detail, in the absence of any need to invoke them.

**Lord Parkinson of Whitley Bay (Con):** My Lords, I think the House might be keen for the noble Lord to conclude his remarks so that we can proceed at pace with this emergency legislation and hear other noble Lords' contributions.

**Baroness Bennett of Manor Castle:** My Lords, the Green group supports all the amendments in this group. I have two brief points to make.

Collectively, these amendments make this whole profoundly undemocratic, rushed but essential process that we have undertaken a little more democratic. Statistics show that in epidemics, death rates are lower in democracies than they are in autocracies. Those figures have been worked out over a range of epidemics. Democracy is an effective medicine. Your Lordships' House has heard me comment often on what I see as the weaknesses of our democracy, both here and in the other place, but this is the best thing we have got. Let us not handicap it further: let us adopt these amendments and acknowledge that they bring the opportunity for more scrutiny and better decision-making through the involvement of more people.

I want to address particularly Amendment 7, about three-month reviews, and the timeframe for this. It was actually about three months ago, it is believed, that the coronavirus crossed the species barrier. This whole thing biologically started three months ago, somewhere in China—probably Wuhan. Two months ago, diplomats were just being flown out of Wuhan. Think about how fast things have moved. Just last night, we had a report from Oxford University—an epidemiological study that basically blew through and potentially redrew our entire understanding of what is happening right now.

Where we will be in three months' time is utterly unknowable and may be massively different from where we are today. We need a proper, full debate in three months' time. With regard to the other amendment and the ability of the other place to amend this legislation, we need a debate there so that it can put in and take out parts of it if they are not working. We cannot leave this for six months. That is more than double the time this entire situation has existed from its first biological moment. Six months is too long.

**Lord Tyrie:** I agree with those remarks too. Is it your Lordships' will that I make my second point, or have people heard enough from me? I will do my best to be as brief as I can.

I said that there was one crucial piece of work to be done on wider health economics. A second piece of work that needs to be undertaken derives directly from the Imperial paper; we know that this is a very dangerous disease for the elderly but that it appears to have a very low casualty rate among young people without underlying respiratory conditions. There is no immediate prospect of effective treatment—reinforcing by implication the unsustainability of the lockdown—and no early prospect of a vaccine. It seems to me that it must be worth considering any means we can to get towards more normal economic life, and therefore not needing these amendments, by permitting young people, who are sharply less vulnerable to severe outcomes, to return to their workplaces.

Those who did this—it would have to be on a voluntary basis—would need to accept that a very high proportion of them might become infected and therefore have herd immunity develop among them. In an indefinite lockdown, massive direct financial support for the elderly would need to be maintained.

Understandably, the Government have not had time to assemble or publish elementary data for such an approach, but I do not think it would be appropriate to maintain this legislation without these sunset clauses or demonstrating an attempt to develop such approaches. The weakness of the data, in any case, is not an argument against developing such policies, any more than it is an argument against the suppression policy. Much of the data on which the current policy is based is very uncertain.

**Lord Parkinson of Whitley Bay:** If the noble Lord has made his second point, might he draw his remarks to a conclusion?

**Earl Howe:** My Lords, I am grateful to the noble Lord, Lord Newby, for introducing this group of amendments. It might be helpful if I start by putting the issues that he and other noble Lords have raised in the context of the Bill as a whole.

The powers in this Bill are extensive. They are there to support the efforts being made across the country to combat the outbreak of this disease. The purpose of the powers is to support public bodies and wider society in responding to a serious emergency. However, we have sought, in parallel, to provide an essential mechanism for controlling the use of those powers. A balance has had to be struck between protecting the public's health and safeguarding individuals' rights, and acting swiftly in response to fast-moving events while ensuring accountability and transparency.

A two-year lifespan for this Act has been chosen to ensure that its powers remain available for a reasonable length of time, with the option to extend the provisions in it by the relevant national authority. I underline to the noble Lord, Lord Newby, in particular that the Bill cannot be renewed after two years without a statutory instrument laid in both Houses, which must be agreed to by both. A reasonable worst-case scenario for this outbreak is that it could last for more than a year. We therefore judged that some of the provisions in the Bill may need to be in place for up to two years. We cannot guarantee that a period of less than 24 months will be enough; nor can we predict which powers will be required or for how long. That is why we may also need to extend some of the provisions beyond two years.

2.15 pm

We must bear in mind that very large parts of this Bill are designed to support people in this time of greatest need. Without being able to predict exactly what those needs might be, or for how long people might require such support, we have to provide at the very least a good degree of certainty that we stand with them. The sunset and expiry provisions of the Bill therefore provide that reassurance and at the same time enable us to ensure that these changes are in place only for as long as they need to be.

The measures proposed aim to protect the public and enable life to continue as normally as possible during any significant disease outbreak, but we want the right amount of checks and balances to operate. We brought forward a government amendment to the Bill in the Commons, Clause 98, that will enable the House of Commons to take a view every six months on whether the provisions of the Act need to continue in force. Ministers will report to Parliament every two months on how we have used the powers in confronting this awful epidemic. There will be a meaningful debate in both Houses after 12 months and an affirmative instrument will need to be made for any renewal after 24 months—as I mentioned earlier. Therefore, we are ensuring that the support that people need will be there, but we are also clear that there will be regular reports and debates in Parliament to ensure proportionate accountability—proportionate in the sense that the accountability mechanisms do not make the management of this outbreak harder.

On the specifics of the amendments, I recognise that they are very thoughtful and well considered and provide the opportunity for the Committee to consider why the Bill as currently drafted is the right way forward. I understand the concerns behind Amendments 7, 8, 9 and 12, tabled by the noble Lord, Lord Newby,

and the noble Baroness, Lady Barker. As they will know, these concerns were debated at considerable length in the other place on Monday; they were debated by policymakers and political leaders across the four nations of this kingdom. The conclusion that we and they have come to is that this is no ordinary emergency; it is an unprecedented threat on a global scale, and our response has to meet the scale of the challenge.

However, as the challenge is so great, there are many unknowns. For example, the epidemic might come in one or more waves, which might or might not be controlled by a vaccine. These things are as yet unknown, and the Government's clear view is that three months is simply not long enough to have measures in force and to be able to evaluate their impact.

Of course, we do not want to see people's lives disrupted for months at a time, so, if we can, we will suspend provisions so that we can alleviate some of the burden on the citizen. Equally, however, people want to know that the payments, reliefs and easements that they have come to rely on will not be switched off too soon. A two-year lifespan with the option to renew for six months gives people such certainty and gives us enough time to make serious progress on halting this epidemic. The requirements to report to Parliament for a one-year anniversary debate and for a six-monthly review all add up to a significant safeguard. Adding in the powers to suspend or revive burdensome but necessary provisions builds in an additional layer of protection.

I can also give the Committee an assurance that the Government will publish an accurate and up-to-date account on our website of which provisions we have in force and what plans we might have to review and/or change that status. The noble Lord, Lord Newby, proposed that the website report should be comprehensive. I believe I can give him that reassurance. There will be a comprehensive report on the workings of the Bill, both legislative and practical, and of all other actions that the Government have seen fit to take. This will be presented to Parliament every two months—I emphasise that we are committed to transparency. The grid he mentioned about the powers in the Bill being switched on and off will be published on the website. The least that the Government can do in these extraordinary circumstances is to make sure that the public and Parliament are fully informed of what is and is not happening.

Similarly, while I have a great deal of sympathy with the intention behind Amendment 11, tabled by the noble and learned Lord, Lord Falconer, I believe equally that the level of accountability, scrutiny and parliamentary control over the Government's use of delegated powers in the Bill is much greater than normal. It needs to be—these are far-reaching powers. It is right that the House of Commons should review this legislation and bring to bear on that debate the experience of their constituents. Of course, this House has every right to call for such debates too, but as it has noted many times in the past, that role does not need to be legislated for: the House can order its own business as it chooses. I therefore do not believe the noble and learned Lord's amendment is necessary.

[EARL HOWE]

The noble and learned Lord asked me to consider the possibility that Parliament should be able to turn off some powers and not others. What I say to that is that we owe it to those to whom we are accountable to use these powers to their full effect if we need to do so. I appreciate that giving Members of Parliament the opportunity to tweak the legislation, rather than make a binary choice, seems attractive and rational. The counterargument is that the package is an agreed, integrated whole that commands cross-party support in all four parts of the UK, and that consideration is one that I believe trumps that of the noble and learned Lord. We must strive to retain that unity of action and of purpose while at the same time acknowledging Parliament's role in making that judgment.

The Government have no intention of using these powers without accounting to Parliament, and nor can we do so. The requirement to seek Parliament's approval is not bound by procedure: we are always going to have to account for our actions. If Parliament is sitting we will use the draft affirmative procedure to seek any extension to these powers beyond two years and we will, of course, always respect any vote or view expressed in the House of Commons.

The noble Viscount, Lord Hanworth, and my noble friend Lord Tyrie made powerful points about the Mental Health Act. As a former Health Minister, I completely understand those points. These are exceptional powers and I re-emphasise that none of them will be introduced unless the advice comes from health experts and the scientists that they are necessary to invoke. If they are invoked, in relation to the Mental Health Act, I can assure both noble Lords that the appeals process will still apply, that we will use this temporary derogation only for as long as we have to and that we will account for its use.

I just want to reassure my noble friend Lord Tyrie that his other points have been well noted.

I therefore believe that, as drafted in the Bill, the scheme meets the balance of objectives that I outlined. Amendment 10, tabled by the noble Lord, Lord Anderson, and the noble Baroness, Lady Ludford, seeks to make a broadly similar point to the previous amendment: that the Government should explain themselves fully in how these powers have been, are being and will be used. Of course, that is exactly the purpose of the clause as drafted. I hope that the past few weeks have shown how willing Ministers across the UK have been in opening themselves up to scrutiny.

I took full note of the proposals made by the noble Lords, Lord Newby and Lord Anderson. At first blush, they do not seem at all unreasonable but I reserve the right to take advice on how far we can go. I do not think that the amendment will add to the wish, or indeed the obligation, on the part of the Secretary of State to explain why he has drawn the conclusions he has. However, for the record, I reiterate that the Government will provide evidence and explanation in justifying the conclusions set out in these two-monthly reports.

I hope that these remarks are helpful. None of us wants to see the wrong balance struck between the powers conferred on government and Ministers' accountability

to Parliament. However, we believe that the balance struck in the Bill is the right one, with the safeguards that we need to bring it about. I therefore urge noble Lords not to press the amendments.

**Lord Newby:** My Lords, I thank the Minister for his assurances about the website and the comprehensive information that it will contain. That is extremely helpful. On behalf of the noble Lord, Lord Anderson, let me say how grateful both he and I are for that half-assurance, which we think is more than half an assurance, on the justification that the Government are about to give on a two-monthly basis.

On the amendment in the name of the noble and learned Lord, Lord Falconer, I loved the Sir Humphrey argument that it could not be changed because everybody had agreed what was in it. Well, they agreed what was in it; no doubt the Scots and the Welsh did not, with the following breath, say, "But don't you dare suggest that parts of it can be disappplied, or give the Commons such a vote." It was an argument, but I am not sure that I found it completely convincing.

On the amendments that we put forward, the fact that there is an SI provision for the end of the two years only makes the case for having an SI provision after six months. The Minister did not seek at any point to explain why the Lords should be treated differently from the Commons. I see that the concern in the Commons was to get a better position from the Commons; our position is to make our arguments. I am afraid that I am not convinced by those arguments but, equally, I realise that this is not the point at which we should test the opinion of the House. I therefore beg leave to withdraw the amendment.

*Amendment 7 withdrawn.*

*Clause 89 agreed.*

*Amendments 8 and 9 not moved.*

*Clause 90 agreed.*

*Clauses 91 to 96 agreed.*

*Amendment 10 not moved.*

*Clause 97 agreed.*

*Amendments 11 and 12 not moved.*

*Clause 98 agreed.*

*Clause 99 agreed.*

*2.30 pm*

#### *Amendment 13*

*Moved by Baroness Ludford*

**13:** After Clause 99, insert the following new Clause—

"Powers within the Act: necessity and proportionality

All powers under this Act must be exercised in accordance with the Human Rights Act 1998 and the Equality Act 2010, especially with regard to the principles of necessity, proportionality and non-discrimination."

Member's explanatory statement

This amendment would require the powers in this Act to be exercised in accordance with the principles of necessity, proportionality and non-discrimination and to be compatible with human rights law.

**Baroness Ludford:** My Lords, my amendment is supported by the noble Lord, Lord Anderson, and I believe that the noble and learned Lord, Lord Falconer, is also in favour. It is pretty self-explanatory and should not cause the Government any problems in accepting it. Indeed, the Minister, in replying just now, talked about getting advice from scientists on what was necessary.

The Minister has made a declaration that the Bill is compatible with the European Convention on Human Rights, but the amendment would provide further reassurance. According to the long title, the Bill is to:

“Make provision in connection with coronavirus; and for connected purposes.”

That is quite wide. There are references to a test of necessity—or, variously, necessity and proportionality—in some provisions in the Bill but not in others. There is no consistency, for instance, even between Schedules 21 and 22.

Our Constitution Committee, which I thank for its report, says at paragraph 16 that

“there may be a need to resolve difficult legal questions concerning the proportionality and necessity of restrictions and directions, and of their compliance with the Human Rights Act 1998”,

and by “resolve” it means in the courts. It would obviously be preferable to front-load those tests by requiring the Government to observe them in exercising all their powers under the Bill, which is what this umbrella amendment would provide, rather than load up the courts.

In parallel with these tests, the Delegated Powers Committee report, which I thank the committee for, drew attention to the absence in some clauses of a reference to the coronavirus crisis as justification. That mainly concerns postponement of elections, but not exclusively. I am therefore doing precisely what the committee suggests in paragraph 9 of its report—I have given the Minister notice of these requests: I

“seek an explanation from the Minister about why these powers are not, on the face of each individual clause, explicitly linked to coronavirus”,

and

“look to the Minister to provide an ironclad assurance that the powers contained in the Bill will be exercisable in relation to the coronavirus outbreak only and in no other circumstances.”

Lastly, will the Minister clarify the situation with regulations? The ones issued last Saturday under the Public Health Act, on premises, are not abolished by the Bill, but the February ones, on persons, are. In a reply during Second Reading yesterday, the Minister said that the powers to enforce the Prime Minister’s instructions regarding essential travel and gatherings

“will be introduced by regulations under the Public Health (Control of Disease) Act 1984.”—[*Official Report*, 24/3/20; col. 1733.]

But I have learned from tweets by journalists that those will be introduced tomorrow, when we are not here. As I asked at Second Reading yesterday, how will these regulations mesh with the Bill and with regulations to be made under it? I beg to move.

**Lord Anderson of Ipswich:** My Lords, I signed Amendment 13 and I offer two sentences on it. The amendment will have no legal effect because, admirably, nothing in the Bill seeks to oust or modify provisions

of the Human Rights Act or the Equality Act. But if the Minister can confirm that there is no intention of departing from those important statutes, that would be a powerful signal to the sceptics and conspiracy theorists, both here and abroad, who might otherwise wrongly suggest that in enacting this unfortunately necessary legislation, we are abandoning some of the fundamental legal and moral principles that bind us together.

**Lord Falconer of Thoroton:** My Lords, as the noble Baroness, Lady Ludford, rightly said, we on these Benches support these provisions. I thoroughly endorse what the noble Lord, Lord Anderson, just said and it would be of enormous importance if the Minister gave the assurances that the noble Lord seeks.

**Baroness Kennedy of The Shaws:** My Lords, I too support the amendment and hope that the Minister will make appropriate noises about why this matters. Around the world, legislation is being passed in other countries that does not have these kinds of protections attached to it. We are seeing legislation going through in Hungary and, I am afraid, elsewhere, which will greatly erode the rights of the people living in those places. I strongly encourage the Government not only to say that the Human Rights Act and the Equality Act will be conformed to, but to ensure that those are firm instructions given to all those who will be exercising powers under this exceptional piece of legislation.

Earlier today, I sought to insinuate into this debate something about people in prison. I was surprised to find that there was no real reference to prisons in the legislation. But this morning it was mentioned that there is a problem inside the prisons—a number of people have already been diagnosed as having Covid-19—and so people are being confined to their cells. It was indicated that decisions might be made about releasing certain people from custody. Again, I ask that this is done in a way that conforms to the Equality Act and the Human Rights Act, and that real steps are taken with respect to fairness. I ask also that people in prison—who are not getting access to their families in the way that most people who are self-isolating can, through the internet and so on—are given the mechanisms to do that: to have virtual meetings and other mechanisms for contact with their families. At the moment, there is misinformation inside the prison system, and it is likely to cause a great deal of unrest. I urge the Government to be clear about the importance of conforming to human rights and equality standards.

**Lord Scriven:** My Lords, I am a signatory to this amendment. I shall say two things: first, it is pleasing that the powers within the Bill talk about applying them under human rights legislation; secondly, I am glad those rights are included, because giving two and a half hours of parliamentary scrutiny to a Bill with such wide powers, even though it is emergency legislation, is not the way to make good legislation.

**Baroness Bennett of Manor Castle:** My Lords, I am very pleased to speak after the noble Baroness, Lady Kennedy; I second what she said about the prisons and would add immigration detention centres to that. People who have been accused of no crime

[BARONESS BENNETT OF MANOR CASTLE] should not be being held in dangerous conditions that threaten their lives. Particularly with this amendment, we have been focusing a lot on the level of fear. We have heard a great deal of powerful testimony about how fearful many people are—people with disabilities, people who are already ill and sick, and people who are old and frail. Regarding the kinds of reassurances that have been asked for: people may not know the fine details of the rights legislation, but a simple reassurance from the Government that they will comply with something that guarantees people's rights will be terribly important.

**Baroness Kennedy of The Shaws:** My Lords, I am sorry to rise again and beg the indulgence of the Committee. One of the categories of people that I am concerned about are non-documented—essentially, illegal—immigrants. The idea that they might have Covid-19 but not seek medical help because they are fearful of what might happen with regard to their immigration status should be a matter of concern to us. I hope that the Government will make a statement to say that nobody will face detriment to their position by seeking help, and that deportation will not meet them at the end of recovery. Something like that has to be said, or we will see the virus spreading through this category of people.

**Baroness Uddin:** My Lords, I too beg the indulgence of the Committee. I have raised this point on a number of occasions; I am raising it now with respect to the powers within the Bill relating to necessity and proportionality, particularly as regards matters of dignity in death and what may happen in the unforeseen circumstances that thousands of deaths occur among the faith communities, and cremation may be decided upon due to the lack of burial spaces and storage facilities. I am suggesting that Schedule 28 affects our human rights obligations.

I am requesting, therefore, on behalf of the many hundreds of individuals who have written to me, including faith leaders and organisations, that the Government remove from paragraphs 13(1) and (2) in Part 4 of Schedule 28 the words

“have regard to the desirability of disposing”

and replace them with “dispose”, and then delete from paragraphs 13(1)(b) and 13(2)(b) the words

“in a way that appears”

so that the necessary guarantees are provided in the legislation, which will be required to provide assurance to the relevant faith communities.

**Lord Bethell:** My Lords, the noble Baroness, Lady Ludford, and all those who have signed up to this amendment have made incredibly important points that the Government utterly confirms. I reassure the Committee that this Bill is very clearly focused on the present danger of SARS-CoV and the Covid-19 disease. If there is any other virus—and even if this virus mutates—we will need a new Act or at least to amend this one.

The Government are 100% committed to protecting and respecting human rights. We have a long-standing tradition of ensuring that rights and liberties are protected domestically and of fulfilling our human rights commitments. That will not change. We have strong

human rights protections, with a comprehensive and well-established constitutional and legal system. The Human Rights Act 1998 gives further effect in UK law to the rights and freedoms contained in the European Convention on Human Rights. Nothing in this Bill contradicts that.

I reassure a number of speakers—including but not limited to the noble and learned Lord, Lord Falconer, the noble Lord, Lord Anderson, and the noble Baroness, Lady Kennedy—that there is nothing in this Act that allows the Government to breach or disapply the Human Rights Act or the Equality Act. The Bill itself is fully compliant with the Human Rights Act and the Government have certified this on the face of the Bill—in fact, I signed it myself in accordance with Section 19. Pursuant to Section 6 of the Human Rights Act, every exercise of power by a public authority under this Bill is already required to be compliant with the Human Rights Act. I further reassure the House that, at all times, this Government will act with proportionality.

I am advised by legal counsel that the amendment is potentially both unnecessary and unhelpful. If we accept it, it might imply that the Human Rights Act and Equality Act do not apply in this way in other Bills or Acts that do not feature this sort of provision. For that reason, I suggest that the amendment should be withdrawn.

**Baroness Ludford:** My Lords, I thank the Minister for what he said, which gave considerable reassurance—up to the last sentence or two. I was permitted by the Public Bill Office to table this amendment, so I am therefore slightly surprised at his reporting of the advice he has had from legal counsel. Obviously, I have to take note of what he said. No doubt they have greater legal minds than mine, although I note that the noble Lord, Lord Anderson, co-signed my amendment. I am a little taken aback by what the Minister said, but I none the less welcome the rest of his response. I beg leave to withdraw my amendment.

*Amendment 13 withdrawn.*

*Clauses 100 to 102 agreed.*

*Schedule 1 agreed.*

**The Deputy Chairman of Committees (Lord McNicol of West Kilbride) (Lab):** My Lords, paragraphs 2 and 3 of Schedule 2 were omitted from the Bill by mistake. The correction was published yesterday. The question is that Schedule 2, as corrected, be the second schedule to the Bill.

*Schedule 2 agreed.*

*Schedules 3 to 29 agreed.*

**The Deputy Chairman of Committees:** My Lords, there is an error in the Marshalled List. “Schedule 29” before Amendment 14 should instead read “After Schedule 29”.

*Amendment 14 not moved.*

*House resumed.*

*Bill reported without amendment.*

## Coronavirus Bill Report

2.46 pm

*Report received.*

## Windrush Compensation Scheme (Expenditure) Bill First Reading

2.46 pm

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

2.47 pm

*Sitting suspended.*

## Horizon Accounting System Question

3 pm

*Asked by Lord McNicol of West Kilbride*

To ask Her Majesty's Government, further to the judgment in *Bates v Post Office* [2019] EWHC 3408 on 16 December 2019, what steps they are taking to ensure that the directors responsible for the Horizon Accounting System are held to account.

**The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con):** My Lords, the Post Office board members who took the original decision on the Horizon case are no longer in post. While this is not a matter for BEIS, my officials have drawn the Horizon case and its implications to the attention of their counterparts in the Department of Health and Social Care, which oversees appointments to the boards of NHS trusts.

**Lord McNicol of West Kilbride (Lab):** I thank the Minister for that Answer. In the debates we have had in this House on Horizon and the Post Office case, across all sides of the House we have been shocked when we have started to get into the detail of what happened and the implications for individuals' lives. Some of those stories are quite harrowing, so I welcome the Government's recent announcement that they have committed to an independent review. When will a chair be announced for the review? Will Her Majesty's Government consult on the terms of the review? What is the timeline for the review to conclude? Finally, when will the framework document between BEIS, UKGI and the Post Office be published?

**Lord Callanan:** On the noble Lord's last point, I believe it was published this morning and is on GOV.UK; I will send him a link so that he can access that. With regard to the review, I am afraid I cannot yet give him a time on that. We are looking for an independent chair at the moment and finalising the terms of the inquiry. I will let him have more information as soon as I have it.

**Lord Addington (LD):** My Lords, probably one of the most shocking things is the amount of damage done to individual lives, made more so by the Post Office's refusal to admit even the possibility that something

had gone wrong. Can we give general guidance about when an institution should start to think, "Have we done something wrong with what we have put in place?" How will that be institutionalised or made a fundamental part of all management structures in future? That is probably the worst bit of this entire process.

**Lord Callanan:** The noble Lord makes a very good point. Everybody can make mistakes—we have to accept that things go wrong—but the refusal to admit that a mistake had been made and the dogged determination over many years, pursuing individuals who in retrospect had done nothing wrong, is one of the most disgraceful aspects of this affair. I am confident that the new management of the Post Office has learned the lessons—the hard way. How we reflect that in other management structures is something that all organisations should look at.

## Electric Vehicles Question

3.04 pm

*Tabled by Lord Borwick*

To ask Her Majesty's Government what steps they are taking to facilitate the use of electric vehicles.

*Lord Borwick had withdrawn his Oral Question.*

## Covid-19: Financial Markets Question

3.04 pm

*Asked by Lord Bates*

To ask Her Majesty's Government what steps they are taking to address short-selling on financial markets of shares in companies based in the United Kingdom impacted by the COVID-19 pandemic.

**The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con):** My Lords, short selling is a legitimate investment technique that contributes to orderly and open markets, supporting many consumers. As the recent Financial Conduct Authority statement makes clear, short selling is not responsible for recent market falls, and there has been a decrease in its activity in recent days. We continue to monitor activity in UK markets. It is our view that there should be a high bar for the FCA to impose a short-selling ban.

**Lord Bates (Con):** I thank my noble friend for that Answer and personally thank him for all that he and his department are doing at this time to support British business. However, can he understand the anger and concern felt by many? At a time when the British Government and British taxpayer are mounting an unprecedented collective national effort to stand together with businesses and save jobs, a small number of hedge funds are cashing in on the crisis by short selling stock in struggling businesses, pulling the financial rug from under their feet and those of their employees, and betting on the British Government and taxpayer to pick up the pieces. Can my noble friend confirm

[LORD BATES]

that short selling positions have tripled in London over the past week? Will he make it clear to those hedge funds that their actions may at present be legal but are far from moral at this time? Will he echo calls from the Governor of the Bank of England, Andrew Bailey, for those responsible to stop, and if they do not, will he urge the regulator to use the existing powers to ban the practice for the duration of the crisis, as other jurisdictions have done?

**Lord Callanan:** I thank my noble friend for his comments but taking short and long positions allows for the hedging of risks, and short selling can therefore benefit a wide range of investors, not just hedge funds, by helping them to manage the risk in their portfolios, particularly when the market is volatile. Many of these investors are ordinary investors, including pension funds for employees of companies and local government. However, I understand my noble friend's point, and the regulators are closely monitoring activity. I cannot comment on the figures that he quoted about the extent of short selling in recent days but overall, the FCA's reporting data shows that aggregate net short selling activity reported to the FCA is low as a percentage of total market activity and has in fact decreased over successive recent days.

**Lord Harris of Haringey (Lab):** My Lords, I refer to my interests in the register as chair of National Trading Standards and of the Fundraising Regulator for charities. The Minister just responded in quite strange ways to the profiteering by some hedge funds. Would he also like to comment on the profiteering that has taken place, with many retailers jacking up the prices of commodities that currently appear to be in short supply? I am sure he is also aware that many outrageous and unscrupulous scammers are going round, preying on all sorts of people, including some who are very elderly, by purporting to be offering Covid-19 cures or testing, and there are even people going around claiming to collect money for Covid-19-related charities which do not exist. What powers and extra support will the Government give to stamp down on all those practices?

**Lord Callanan:** I thank the noble Lord for his question. He is right to draw attention to the profiteering from a small number of retailers. We are aware of that and are looking urgently at what legal powers and frameworks are in place in order for us to do something about it. We will not hesitate to take any action that is required. With regard to his second point, I am afraid that, sad to say, a small number of unscrupulous and callous individuals will always seek to take advantage of any crisis.

**Lord Purvis of Tweed (LD):** My Lords, I think we are all very grateful to the noble Lord, Lord Bates, for tabling this question. The Prime Minister's comments at Prime Minister's Questions were welcome; he said that the Government are considering further legislative proposals to address the very point about profiteering. The gaming of the financial services sector is often hidden from the public eye but is just as insidious as those people who seek to make profit out of a national emergency. Perhaps the figures that the Minister referred

to reflect the fact that a number of weeks ago the European Securities and Markets Authority limited the capacity for short selling, which included the UK, and the UK Financial Conduct Authority quite rightly banned the short selling of 140 Italian and Spanish stocks, aware that this is a considerable issue. The noble Lord, Lord Bates, referenced other countries: South Korea has banned short selling for six months and limited buy-backs, and Spain has banned them for a month. If they are able to take preparatory action, it is quite right that the UK does so as well. The Minister referred to what a high bar might be; this emergency is a high bar to take precautionary action to ensure that the very many families and households who will suffer this emergency for months and potentially years to come will not see those within the financial services sector profiteering from their pain.

**Lord Callanan:** A ban has already been imposed on the short selling of stocks because regulators in their own individual countries have imposed bans. A small number of European countries like the ones he mentioned have imposed bans on short selling, and of course the London authorities have then reflected that in our own regulation. Most of the major trading houses have not yet instituted bans, but this is something that we are looking at closely. The FCA has the powers to restrict and prohibit short selling if that is required. We are keeping this under constant review and there is no evidence that it has contributed to the fall in the market. Moreover, as I have said, the level of short selling over recent days has in fact been declining.

**Lord Adonis (Lab):** My Lords, referring to the question put by my noble friend Lord Harris, do the Government still have the statutory power to regulate prices?

**Lord Callanan:** There are competition issues involved in doing that, as the noble Lord will be well aware of, given his experience. We have some powers in certain sectors and at the moment we are looking at this within the existing framework of legislation.

**Baroness Altmann (Con):** My Lords, I understand my noble friend's words about wishing to maintain orderly markets. While we are traditionally a country that supports free markets, I too echo the concerns expressed by my noble friend Lord Bates and others around the House today that in the current circumstances, which are exceptional, there are serious concerns about the orderliness of the markets. Those concerns are not only about short selling but also program trading and algorithm trading. There has been evidence over the past few months that some operators in the market have been behaving unscrupulously because they have advance information that is just a few nanoseconds ahead of others, which has led to enormous profits. Will the department consider looking at the implications of this for UK pension funds, which are currently struggling in the market environment that we are facing during this emergency, and will it consider whether some other measures might be necessary?

**Lord Callanan:** I know of the close interest that my noble friend takes in pension funds, so she will be aware that many of them also take advantage of taking both

short and long positions to allow for the hedging of risk. However, I can certainly assure her that we continue to closely monitor market activity, including short selling activity, and we are constantly evaluating our approach to ensure that it is the right one for consumers. Further, if it is required, we will not hesitate to take action.

**Lord Collins of Highbury (Lab):** My Lords, as the Minister and other noble Lords have said, these are exceptional circumstances and matters are moving very fast. However, the noble Lord seems to be unaware of the figures indicated by the noble Lord, Lord Bates. I know that it is the responsibility of the FCA to consider any measures that are necessary on short selling, but it is also a matter for the Treasury to consult. Can he advise us on just how frequently, in this fast-changing situation, we are liaising with the FCA so that we actually do take action when it is needed—and fast?

**Lord Callanan:** Perhaps it would be helpful to the House if I set out what powers the FCA has in this area. Under the short selling regulation, the Financial Conduct Authority has a range of powers which require the holders of net short positions in the issued share capital of a company to make notifications once the thresholds have been breached. It also provides the FCA with the power to suspend short selling or limit transactions where there are significant falls in prices. As I have said, this is being monitored constantly and as yet there is no evidence that it has contributed to the fall in market prices. It forms a relatively small proportion of trading activity at the moment and when studies were made after the financial crisis, again there was no evidence that short selling had contributed to the overall fall in the markets. Nevertheless, it is a situation that we are keeping under constant review and I know that the FCA is watching market activity very closely.

**Lord Faulkner of Worcester (Lab):** The Government obviously have no responsibility for what is happening in the American markets, but are they watching closely the reports of the short-selling activities in the financial sector, which are having an even more devastating effect than in this country? Are there any lessons that we should learn from the experience in America?

**Lord Callanan:** The noble Lord makes a good point. I am sure that the FCA and the regulators are closely watching what is happening in all markets. As I mentioned, when short selling, certainly in European markets, is banned in certain exchanges, we also limit trading in those countries. So, yes, it is something that we monitor closely.

**Lord Harris of Haringey (Lab):** The noble Lord will be aware that his right honourable friend the Prime Minister constantly evokes comparisons with the leadership shown during the Second World War. During that war, profiteering was considered a very serious matter, yet we have just heard that nothing is going to happen very quickly on short selling. Given that the Minister dismissed the activities of scammers preying on vulnerable people simply as something that happens all the time, and given that the aim is to try to get

everyone in this country to work together and to support each other, does he not think that the Government should take firmer action?

**Lord Callanan:** I certainly did not dismiss that activity; I said that it was appalling and callous, and obviously I wish that people would not indulge in it. However, criminal law and sanctions exist for activities of this sort. We have some powers in this area, and the department's officials are looking at this matter at the moment. If wrongdoing and illegal activity are proven, we will not hesitate to take the strongest possible action. I view this activity as appalling and I apologise to the noble Lord if I did not give that impression in my earlier answer.

**Lord Oates (LD):** My Lords, on the subject of irresponsible behaviour, perhaps I may refer to an issue that has been raised with me by medical personnel working long shifts. When they get home and try to sleep, they find that other people—perhaps because they are at home—are playing loud music, and this causes them real difficulty. Will the Minister join me in asking everybody to act responsibly and to understand that a lot of people are working shifts at the moment and need their sleep?

**Lord Callanan:** We are getting off the subject a little—I never cease to be surprised by noble Lords' ingenuity in moving the subject on to their favourite topic of the day—but I certainly agree with the noble Lord. This is an important issue. With many people, particularly in big cities, living in flats that are currently all occupied, often with young families, it is incumbent on all of us to be good neighbours. We need to bear in mind the limitations and difficulties posed for shift workers and those with young children and so on, who in many cases are finding it difficult to cope at home at the moment.

## Business of the House

### *Motion to Agree*

3.19 pm

Moved by **Baroness Evans of Bowes Park**

That, until 21 May 2020, and notwithstanding any prior resolution of the House:

- (1) only public bills sponsored by a Minister of the Crown shall be considered;
- (2) no motions for balloted debate shall be taken; and
- (3) no Questions for Short Debate shall be asked, except for balloted topical Questions for Short Debate on Thursdays.

**The Lord Privy Seal (Baroness Evans of Bowes Park) (Con):** My Lords, the Coronavirus Bill and the Contingencies Fund Bill will receive Royal Assent this evening, and that will be notified to both Houses tonight. This means that the House will no longer sit tomorrow or next week. Noble Lords who have tabled an Oral Question will receive a written response from a Minister.

[BARONESS EVANS OF BOWES PARK]

The House will return after Easter on Tuesday 21 April as planned. The usual arrangements for the recall of Parliament will apply, should the House need to meet before then. The previously announced adjournment for the VE Day bank holiday weekend will go ahead as planned.

When we return, we will make some changes to the way that our business is arranged. In light of the circumstances, and having consulted the usual channels, it has been agreed that, for the first three weeks after Easter, the House will sit only on a Tuesday, Wednesday and Thursday. So the House will sit on 21, 22, 23, 28, 29 and 30 April, and on 5 and 6 May, when we will rise for the VE Day long weekend. Further discussions will take place to inform what happens after that.

It has also been agreed that until the Whitsun Recess—until Thursday 21 May—we will not consider any Private Members' Bills, balloted debates or ordinary Questions for Short Debate. No Back-Bench Member will lose out. My noble friend the Chief Whip, who I am pleased to report is feeling better, will be in touch with those Members who had an agreed slot for their business to discuss alternative arrangements.

For the convenience of Members and those staff who have to come in, the House will sit earlier on Tuesday and Wednesday, at 1 pm on Tuesday and at 11 am on Wednesday. This will enable business to conclude at around 7 pm on both days rather than the usual 10 pm. Tuesdays and Wednesdays will be used as, they are now, to scrutinise the Government's legislation. Grand Committees will be scheduled only if absolutely necessary. Party debates and topical Questions for Short Debate will continue on Thursdays, so the Opposition parties, Cross-Bench Members and Back-Bench Members will retain the ability to initiate debates to maintain the House's key function of holding the Government to account. Oral Questions will continue as normal at the beginning of every sitting day, with a topical Question asked on each day the House sits. A new *Forthcoming Business* will be issued as soon as possible.

We will also have to think about how we conduct our business, not just what we consider and when. We will have to look carefully at what sensible adjustments can be made to our working practices and procedures. We will continue to work with the usual channels and the House authorities on these issues, but I can tell the House that a working group of senior officials from both Houses and the Parliamentary Digital Service has been set up to develop effective remote collaboration and videoconferencing. The Parliamentary Digital Authority is doing all it can to enable rollout to Members as soon as possible.

The social distancing measures we have put in place this week will need to continue for the foreseeable future. Noble Lords who do not need to attend the House should not do so, and that particularly applies to those in the vulnerable groups. We have all seen noble Lords in their 70s and 80s in their places this week. I simply say, as the Speaker said last week, that as parliamentarians we have a duty to show leadership and to heed the advice of the public health experts.

Finally, I am sure all noble Lords will join with me in putting on record our thanks to all those members of staff who have supported us so ably in recent days. On a personal note, I express my thanks to my fantastic team for all the help they have provided to me ever since I became Leader. I know that all staff will continue to work very hard on our behalf in the weeks ahead, and we are lucky to have them. I beg to move.

**Baroness Wheeler (Lab):** My Lords, I thank the Leader of the House for her Statement today and for the constructive usual channels discussions held away from the Chamber, including with my noble friends Lady Smith of Basildon and Lord McAvoy, who have, while working at home, continued to be active and involved throughout the week. It is vital that Parliament continues its essential role of scrutiny, particularly at a time of crisis, and this House must continue to play its part. It is right that the Leader of the House referred to the programme planned for after the Easter Recess, which has been discussed by the usual channels. It is also right that the business that the Government outline keeps to a more limited programme while ensuring opportunities for scrutiny of ongoing legislation, as well as preserving time for Opposition parties and groups. She will know that the leaders in the usual channels are all fully committed to keeping in close contact between now and when we return.

The Leader will know that Members across the House are very keen to see the introduction of changes to how we work in future, using new technology such as remote collaboration and videoconferencing. For example, committees can meet online, but there are many other ways in which we can fulfil our obligations and maintain social distancing, as a number of noble Lords have outlined in speeches this week. Many businesses are being far more innovative, and we should also be taking a lead on this. I underline that the working group the Leader of the House referred to needs to work with a sense of urgency so that new technological solutions to the current situation can be agreed and introduced as soon as possible, preferably in time for when we return from the Recess.

I also thank her for emphasising that the House returns on 21 April, as previously planned, as there was some confusion in the media, not for the first time, on this issue. Normal procedures will apply, even in this situation. However, should there be any significant change or action required, a recall of Parliament has to be an option.

I also thank the Leader of the House for her comments about the staff of your Lordships' House. I too thank all the staff of the House, including the cleaners and the security and catering staff, as well the House administration and party staff. Whatever decisions are made on the future working of this House, we must consider them, too.

**Lord Oates (LD):** My Lords, I, too, thank the Leader of the House for her statement, and I join other noble Lords in giving immense thanks on behalf of these Benches to all the people in Parliament who have worked so hard on our behalf. We understand the decision that has been made that the House should rise early, but there are some reservations in the country because we are facing the greatest national emergency in my lifetime.

I share to some extent the concerns highlighted earlier today, for example by the noble Lord, Lord Adonis. As he mentioned, we understand that the self-employed package will be announced on Friday. It is a big worry that there will be no ability for Parliament to scrutinise that. I also believe that other regulations and SIs will be laid on Thursday to put the powers in place to implement what the Prime Minister announced on Monday. Again, there will be no scrutiny.

There are also a whole series of other issues that people raised to do with PPE and testing which Parliament will not have a chance to scrutinise. Will the Leader of the House absolutely guarantee that Parliament will come back on 21 April, because the Leader in the other place seemed to suggest that there was a slight caveat to that? I really hope that it will, because it is very important that we are here. Could she also tell us whether it would be possible to arrange immediately a substantive debate on the emergency on that day, so that these issues can be discussed in detail?

I was pleased to hear what the noble Baroness had to say about remote working. My noble friend Lord Newby raised these issues in his Second Reading speech yesterday. He, my noble friend Lord Stoneham of Droxford, and a number of other Peers on all sides of the House have made many sensible suggestions. We know that Select Committees in the other place will meet virtually; indeed, I think one of them already has. Can the Leader of the House tell us that Select Committees, indeed any other committees of this House, can meet virtually immediately? If not, can we make very rapid progress on that?

There have been wider suggestions to do with how Members could ask Questions remotely. It should not be technologically impossible for them to also take part in debates remotely, and we should be ambitious about that. Given that a number of noble Lords have particular expertise on technological issues—I am not one of them—perhaps they might be consulted and be able to input into the committee which the noble Baroness mentioned. Can she ensure that that committee, and the House in general, has discussions with the various organisations that provide videoconferencing technology, as they may very well be willing to advise the House on how it could facilitate remote contributions? The noble Baroness, Lady Bennett, mentioned in the debate yesterday that her party's conference had been held using a service called Hopin. We should investigate all these things; there are technologies out there that we could use. The noble Lord, Lord Anderson, told some of us earlier how the Supreme Court locked up its building and moved immediately, and its cases are continuing remotely. I really hope that we can move on that.

As the noble Baroness, Lady Wheeler, said, it is really important that we use the time between now and when we return to do this. It just will not be on for us to come back and find that progress has not been made. We cannot have this Parliament, and this Chamber in particular, being represented only by those of us who are younger, or more closely located geographically, or who do not have underlying health problems. Now, more than ever, when the people who are most affected

are older people and those with underlying health conditions, not hearing from other representatives is a really bad thing.

I heed and understand the Leader's point about the example that we as a House need to set for the public and the advice for people aged over 70. However, in our debates over the last two days, we have had some excellent and important contributions from noble Lords and noble Baronesses who are over that age, and the only way they could contribute in that way was by being here. We should not berate them for coming here; we should berate ourselves for not having put in place processes by which they could contribute remotely. We must not lose their contributions.

3.30 pm

**Lord Adonis (Lab):** My Lords, I deplore the Statement just made by the Leader of the House. It is deplorable that in the middle of a national crisis the Government are proposing that Parliament should abdicate for a month. We should, day by day, be debating the situation, holding Ministers to account, reporting back to them the tribulations that millions of our fellow citizens are undergoing in this great crisis, and ensuring that the Government are held to account for their actions to deal with it.

In our debate earlier, we heard that there is still no package for the millions of self-employed people in this country who are facing potential destitution because their incomes have disintegrated. We are told that the Chancellor might make a Statement tomorrow, but not in Parliament because Parliament will not meet, and that it will not be possible to put questions to him or his representative in this House. When the noble Earl, the deputy leader of the House, appeared before us earlier, he said that we could make representations by other means. The whole way in which Parliament makes representations is by meeting.

This is a truly deplorable Statement. It is also out of line with how Parliament has handled previous crises. My noble friend Lord Harris said that the Prime Minister is fond of making comparisons with the Second World War. In 1940, Parliament met almost every week. There was no period of more than 18 days in which Parliament did not meet. It is true that coronavirus is contagious, which is why it is right that we look at modernising our working practices, including video conferencing, but it is perfectly possible for us to meet. No one can suggest that if it was possible for Parliament to meet weekly in 1940, it is not possible for us to meet weekly in 2020. Let us hope that the Government agree to a recall, so that we can debate the conditions which the country will go through in the next few weeks.

I wish to put on record that it is a dereliction of our public responsibilities for us not to meet for the next 28 days when the Government, by the consent of all of us, are imposing in effect a state of emergency on the entire country.

**Lord Purvis of Tweed (LD):** My Lords, I endorse the comments of my noble friend Lord Oates, with two supplementary points, the first of which the Leader may think has a degree of self-pleading because I live in Scotland.

[LORD PURVIS OF TWEED]

If this House is to function properly, there must be not only active Members who can physically participate, but Members from all four nations of the union. As with many people who have to work across the union, there will be Members of Parliament, in this place and in the other place, who by necessity have to travel across the United Kingdom to carry out the democratic functions, and rightly so, but it is harder for them. I hope that the Government will consider not excluding Members who cannot physically be here or cannot be here by virtue of geography. Thankfully I do not fall into the category of being over 70. Nevertheless, the point about geography is important.

Secondly, on the point made by the noble Lord, Lord Adonis, the Government will inevitably table a great many statutory instruments during this period, which we will have to consider after the piece. That is not desirable. It may be necessary in some regards, but it is not desirable. Will the Government be much more flexible over access to Ministers and in the provision of written material to Front-Benchers through the usual channels, so that lines are communication are much freer than they normally are? I know that Ministers in this House are frequently available and receptive but there is an extra burden on the Government at this time because, as the noble Lord, Lord Adonis, and other noble Lords have said, governing an emergency by executive authority alone is not the British way. If we are to carry on, we will do so through our democratic institutions.

Finally, on technology, I hope that the Government will speak to the other democratic institutions, not only here, with the House of Commons and our Parliamentary Digital Service, but to local authorities and our cities, which are undergoing similar challenges, the European Parliament, which has instituted new regulations for voting electronically, and others, so that democratic institutions across the United Kingdom can carry on functioning as best as they can.

**Baroness Bennett of Manor Castle (GP):** My Lords, I endorse the remarks of the noble Lords, Lord Adonis and Lord Oates. As I referred to in an earlier debate, the coronavirus has existed as an organism—as a species—for three months. When we talk about coming back in about a month's time, we are talking about 25% of the entire existence of this virus. Of course, it will be the worst 25%. We face massive challenges. We have essentially thrown out the rulebook in many areas in the past couple of days. It is extremely disappointing—an understatement—that we will not be here to ask questions to address this directly. I understand the remarks about access for Front-Benchers but those of us with smaller representation also have important questions to ask.

**Baroness Watkins of Tavistock (CB):** My Lords, I stand in support of the recommendations made by the Leader of the House. We cannot underestimate the public health challenge that we face. I am in day-to-day contact with, among others, very senior nurses, including Ruth May at NHS England. It is our duty to reduce the spread of the virus by taking this time out. For example, I live 260 miles away. I would come back next week if we were sitting, of course, but I would probably

stay in London for another weekend rather than return. We need to demonstrate that we will hold the Government to account. The Bill, which we should finalise this afternoon, will enable us to do that. I also believe that there is absolutely no reason why Parliament could not be recalled before 21 April if it were appropriate to do so.

**Lord Harris of Haringey (Lab):** My Lords, I recognise that the Statement was agreed by the usual channels; I therefore do not deplore it.

First, I support what the Lord Privy Seal said about the staff of the House, who have been put under enormous pressure during this period. We must be extremely grateful for their efforts and commitment. That is an extremely important message and anything said in these exchanges is certainly not intended to detract from it.

It is in the Government's interests to demonstrate that they are operating as transparently, openly and accountably as they can. On us coming back on 21 April, I am pleased that that guarantee has been given; I am sure that Parliament will be recalled before then if necessary. May I make a practical suggestion about accountability? This is an enormous crisis and there will be lots of decisions to be taken. Rather than simply having one topical Question per day, we should have two, or even three.

If that is not possible, there should be a firm commitment from the Government to a Statement at least twice a week, if not every day, when we return so that there is full opportunity for the Government to explain issues arising and report back on how their various measures are working. That would also allow the House—it will not be all of us since, as we have already seen, people are self-selecting and deciding who comes in; we should find ways to enable people who cannot be here for whatever reason to engage—to question and hold the Government to account. Above all, by being transparent, the Government will continue to have the nation's support in trying to deal with the coronavirus.

**Baroness Evans of Bowes Park:** I thank noble Lords for their comments. I will pick up on some of the points raised.

First, I assure noble Lords that the working group looking at digital technologies and how we can be more effective is very cognisant of the urgency and importance that the House places on it—I can see the Clerk of the Parliaments nodding. It will be taking this forward and, I am sure, would welcome any suggestions from noble Lords about technologies they have used such as apps, et cetera. This work will be taken forward over Easter with a lot of urgency.

As I said, we will come back on 21 April. We will be publishing *Forthcoming Business* so that noble Lords will be able to see what government business we have. As I said, Thursdays will be set aside for opposition and Back-Bench issues, so there will be ample opportunity for issues that noble Lords wish to raise.

In relation to Statements and UQs, I think we have had a Statement pretty much every day so far and, in light of the circumstances we will find ourselves in, I suspect that will continue. However, I hear what the noble Lord has said.

It is up to Select Committees to decide how to conduct their business, and they can work remotely if they wish. That is for Select Committee chairmen and their committees to decide.

I am grateful to the noble Lord, Lord Purvis, for acknowledging the engagement of Ministers in this House. I assure him that we will continue to do so. It is a responsibility that my Front Bench and I take extremely seriously. I assure the House that we will continue to do so when we return after Easter.

*Motion agreed.*

### **Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations 2020**

### **Judicial Pensions and Fee-Paid Judges' Pension Schemes (Contributions) (Amendment) Regulations 2020**

### **Justices of the Peace and Authorised Court and Tribunal Staff (Costs) Regulations 2020**

### **Automatic Enrolment (Earnings Trigger and Qualifying Earnings Band) Order 2020**

### **Local Elections (Northern Ireland) (Amendment) Order 2020**

### **Representation of the People (Electronic Communications and Amendment) (Northern Ireland) Regulations 2020**

*Motions to Approve*

3.42 pm

*Moved by The Earl of Courtown*

That the draft Orders and Regulations laid before the House on 20 January, 3 and 27 February, and 2, 3 and 10 March be approved.

*Considered in Grand Committee on 23 March.*

*Motions agreed.*

### **Contingencies Fund Bill** *Second Reading (and remaining stages)*

3.42 pm

*Moved by The Earl of Courtown*

That the Bill be now read a second time.

**The Earl of Courtown (Con):** My Lords, I bring this Bill to the House to ensure that the Government can continue to take the necessary steps to mitigate and limit the effects of the Covid-19 pandemic in the United Kingdom. The Government have already taken a series of extraordinary steps, making it clear that they will do whatever it takes to support public services, businesses, jobs and fellow citizens.

The Bill is simply about cash flow. Parliament provides authority to the Government to spend resources, capital and cash through the supply estimates process. The supply and appropriation Bill usually receives Royal Assent in July, allowing departments to access the cash to carry out their functions. Until that point, departments' cash is provided by the vote on account, which is also voted through Parliament. This gives departments roughly 45% of their previous year's allocation to carry them through until the voting of the supply and appropriation Bill in July.

It has become clear that this is not a usual year, and the cash included in the vote on account simply does not include the necessary cash for certain departments. Additional departmental spending is needed and it is clear that we must act now. Parliament has already recognised that in certain circumstances the Government need to act ahead of the usual process. That is why Parliament has historically approved the Government having access to a contingencies fund. This is currently limited to 2% of the previous year's cash spend. For 2021, this amounts to £10.6 billion. This would usually be adequate, but in these extraordinary times, through this Bill, the Government are asking Parliament temporarily to raise the limit to 50% of last year's cash spend.

It is worth being absolutely clear: the normal supply estimates procedures will still go ahead in the usual way, allowing full repayment of any advances that were required. This is an essential Bill to maintain cash flow in an extraordinary moment in the history of the United Kingdom. The Bill is only a short one, but it is vital in allowing the Treasury to provide cash advances to enable the delivery of the range of measures and support announced by the Chancellor of the Exchequer. It ensures that the Government can continue to take the steps necessary to fight the threat of Covid-19. I beg to move.

*Bill read a second time. Committee negatived. Standing Order 46 having been dispensed with, the Bill was read a third time and passed.*

3.46 pm

*Sitting suspended.*

### **Coronavirus Bill** *Third Reading*

3.56 pm

**The Lord Privy Seal (Baroness Evans of Bowes Park) (Con):** My Lords, I have it in command from Her Majesty the Queen and His Royal Highness the Prince of Wales to acquaint the House that they, having been informed of the purport of the Coronavirus Bill, have consented to place their interests, so far as they are affected by the Bill, at the disposal of Parliament for the purposes of the Bill.

*Motion**Moved by Lord Bethell*

That the Bill do now pass.

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, I offer profound thanks to all concerned. I thank the Bill team, who have put together a balanced, thoughtful Bill in an amazingly fast turnaround. I thank my own team at the Department of Health for their enormous support. I thank the team in the Leader's office and Whips Office who have worked to manage a remarkable programme in order to pass the Bill. I thank those in other parties who have worked in a collaborative, positive and supportive way during the whole process. I thank those who work in Parliament and in the House of Lords who are here today at considerable risk to themselves; they have displayed amazing commitment to this remarkable organisation by being here. I beg to move.

**Baroness Thornton (Lab):** My Lords, on behalf of these Benches, I thank the Minister for the way he has conducted the Bill. It has been a perfect exercise in consultation and work across the House. I thank not just the parties but other noble Lords who have taken part in this Bill for co-operating and working together in a way that has allowed us to scrutinise it as best we possibly could. I think we raised every issue that we could during its passage. It is important to have those things on the record because, as we move forward, we will need to know that we have asked those questions, and the Government will need to address them.

I thank my team, particularly my noble and learned friend Lord Falconer, who got drawn into this about a week ago, and my noble friend Lady Wheeler. I also thank the people in the office, who of course do all the work. In our case, that is Rhian Copple, who has done a brilliant job in keeping us informed and on the go.

I thank all my noble friends and noble Lords who are not here, but who gave us their views and have been patient. I know that they would have wanted to be here.

**Baroness Barker (LD):** My Lords, from these Benches I too thank the Minister, the Bill team and all the civil servants who have worked with them for the collaborative and inclusive way that they have conducted the Bill through this House. I thank Members on other Benches for their immense understanding and patience as at times we have had to rattle through some very difficult issues that normally, in other circumstances, we would not have dealt with in that way.

4 pm

I thank the staff of the House who, at some considerable personal potential danger, have enabled us to be here to do what, as I was saying the other day, is an extremely important thing for us to have done

and to continue to do: to scrutinise the legislation that will continue to come before us as the situation unfolds and, in so doing, to be part of the national programme of learning and understanding this virus and the new realities in which we are all going to have to live. This is not just an exercise in parliamentary posturing but an important part of adapting to a world that will inevitably be very different.

I think the point made by the noble and learned Lord, Lord Falconer of Thoroton, about the review of the Bill will turn out to be one of the most practically important parts of the discussions that we have had these last few days. I hope the Minister will bear that in mind and that he and his team will continue to stay in contact with noble Lords who have spoken on the Bill, as well as our colleagues who cannot be here but have taken part remotely, and the staff in our whips' offices, because the people who raised all the queries with us that we have then raised with him are going to take a continuing interest in the Bill and they are going to want to be part of an ongoing dialogue as the situation unfolds. In the meantime, I thank the Minister very much.

**The Lord Bishop of Rochester:** My Lords, from these Benches I echo everything that has just been said. Noble Lords and noble Baronesses who come in to Prayers will know that one of the prayers said by the duty bishop concerns the purpose for which this House is here—namely, the commonwealth, the common well-being, of our nation—and, in some senses, the way in which its business is to be conducted. I just observe that the debate on the Bill in which we have shared over these last two days has been an exemplary response to that, in a way; an example of how it can be done in good ways, with seriousness but in collaboration and with a real desire for the well-being of those for whom we and people in the other place are here. I rather hope that something of that spirit will thread through some of our other business as well when we return in due course.

4.03 pm

*Bill passed.**Sitting suspended.***Royal Assent**

5.30 pm

*The following Acts were given Royal Assent:*

Contingencies Fund Act,  
Coronavirus Act.

*House adjourned at 5.30 pm.*



