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PARLIAMENTARY DEBATES  
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# HOUSE OF LORDS

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The first time a Member speaks to a new piece of parliamentary business, the following abbreviations are used to show their party affiliation:

<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

No party affiliation is given for Members serving the House in a formal capacity, the Lords spiritual, Members on leave of absence or Members who are otherwise disqualified from sitting in the House.

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# House of Lords

Tuesday 28 April 2020

1 pm

Prayers—read by the Lord Bishop of St Albans in a Virtual Proceeding via video call.

## Arrangement of Business

Announcement

1.05 pm

The announcement was made in a Virtual Proceeding via video call.

**The Lord Speaker (Lord Fowler):** My Lords, may I say this in introduction? From today, our virtual proceedings will be streamed live on parliamentlive.tv. It is important that the work of holding the Government to account continues, and it is right that those outside the House are able to follow our work. An enormous amount of work has gone into the building of this new virtual House, and it means that the important work of the House can continue. It has also brought about another important change. Before the spread of the coronavirus, average daily attendance in the Chamber was approximately 450; in line with the clear public health advice, last Wednesday only 19 Members attended in person. I place on record my sincere thanks to all the staff of the House and the digital service who have worked to make this possible, and my gratitude to Members for working from home.

Virtual proceedings in the House will now begin. I remind Members that these proceedings are subject to parliamentary privilege, and what we say is available to the public in *Hansard* and to those listening, and now watching. I remind participating Members that their microphones will be set to mute and that they should unmute their microphones shortly before we reach their place in the speakers' list. Members are asked not to use the group chat function.

The virtual proceedings on Oral Questions will now commence. I will call each Oral Question in the normal way. I will then call on the Minister to make the initial response. I will then call the Peer who asked the original Question to ask their supplementary question, in the usual way. The Minister will again respond, and I will then call, in turn, noble Lords asking supplementary questions, as listed on the speakers' list.

Please ensure that questions and answers are short, and I apologise in advance if it is not possible to ensure that everyone gets in to ask their question. I ask each speaker to ensure that their microphone is unmuted prior to asking a supplementary question. Each speaker's microphone will be returned to mute once their supplementary question has finished. In accordance with the guidance agreed by the Procedure Committee, if Members are not listed it is not possible for them to ask a supplementary question or to take part in proceedings. I call the noble Lord, Lord Moynihan, to ask the first Oral Question.

## Olympic and Paralympic Games 2021

Question

1.07 pm

Asked by **Lord Moynihan**

To ask Her Majesty's Government what plans they have to extend funding to ensure the continuation of existing training and racing programmes for potential Olympic and Paralympic athletes until the 2021 Olympic and Paralympic Games in Tokyo.

The Question was considered in a Virtual Proceeding via video call.

**The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran)**

**(Con):** We continue to work with UK Sport and sports bodies to support our athletes and sports in the run-up to the Tokyo Games in 2021. We want the Tokyo Games to be a resounding success and will work alongside everyone involved to help achieve this. The forthcoming spending review will address the budget needs to do this beyond the current funding cycle.

**Lord Moynihan (Con):** My Lords, the Answer given will be welcomed by the world of British Olympic sport. Will my noble friend also take into account the wider concerns of some British Olympic and Paralympic sports governing bodies, which, like the British Olympic Association and the British Paralympic Association, are facing serious financial loss, and the need to reassure them on the availability of funding for their programmes to prepare the very best possible British teams for Tokyo?

**Baroness Barran:** I thank my noble friend for his question. We are working closely across the sector to understand the impact of Covid-19 on income generation. My colleague the Minister for Sport is involved in this on a daily basis.

**Lord Faulkner of Worcester (Lab):** My Lords, I am sure the Minister will agree that the London 2012 Olympics were one of Britain's greatest success stories of the last decade. We recall that pride in our NHS was, very presciently, the theme of the opening ceremony choreographed by Danny Boyle. Will she encourage her department to work with the Japanese organising committee and the IOC to ensure that Tokyo 2021 celebrates the restoration of public health worldwide and recognises the generosity of athletes in all sports everywhere, such as the runners in Sunday's virtual London marathon, who are making such a difference in the present emergency?

**Baroness Barran:** The noble Lord makes a very important point. I think there is a strong feeling that Tokyo in 2021 will do exactly as he suggests. It will be a great moment to bring our nation and the world together in celebration of the restoration of health, and I share his gratitude to everyone who is going above and beyond, in many different ways, to address the current situation.

**Lord Addington (LD):** Does the Minister agree that the success story of British sport in the last couple of decades has been based on certainty and funding? Will she give a guarantee that all programmes, not only the Olympics, will at least have certainty about what they are going to receive so that they can plan properly? The worst thing that could happen is for somebody to have their funding cut or reduced half-way through.

**Baroness Barran:** I absolutely agree with the noble Lord that certainty in funding has been critical to our sporting success. As I mentioned earlier, we are working with all sporting bodies to understand the particular pressures within their sport and what we can do to support them.

**Baroness Grey-Thompson (CB):** Live sport is a lifeline for many people as spectators, but it is also massively important for giving athletes competition opportunities. I read with interest that the ECB has been nominated as the organisation to lead on opening sports events. What process was undertaken to get to that stage, and what other organisations are being talked to? We do not want to rush opening live sport, but for athletes to qualify for next year they have to have a competition opportunity.

**Baroness Barran:** The noble Baroness is quite right. No process was undertaken and no formal appointment has been made. Rather, an offer was received at a working level from the ECB relaying some thoughts from the sector. This was warmly welcomed. There is real emphasis on ensuring that this is a hugely collegiate effort to bring back sport, whether competition or training. Ministers and officials are continuing to work with the full range of sporting bodies.

**The Lord Speaker:** Lord Griffiths of Burry Port? Lord Campbell of Pittenweem.

**Lord Campbell of Pittenweem (LD):** Does the Minister appreciate that not everyone can win medals and that for many competitors the mere fact of selection for the British Olympic team is the high point of their sporting careers? Will support be available for them, not just for those identified as likely medal winners?

**Baroness Barran:** The decisions about where the funding allocation goes are entirely for UK Sport to take, and it takes a number of criteria into account in making those decisions.

**Lord Mann (Non-Aff):** My Lords, indoor climbing is one of the new sports for the Tokyo Olympics where we have a big chance of success in winning medals. Are the Government in close contact with the governing body so that, as we move forward into the summer, those who require access to specialist equipment will have their considerations borne in mind when decisions are made?

**Baroness Barran:** As I mentioned earlier, my honourable friend the Minister for Sport is working across the full range of sports to make sure that specific needs are taken into account, but I will share the noble Lord's specific concerns with my honourable friend.

**Lord Blunkett (Lab):** Given the possibility of greater social contact facilitated by testing and tracing, will the Minister talk to her colleagues about how Paralympians, both with their trainer and, in the case of blind people, with those who, for instance, run with them, would be facilitated in coming together rapidly as the situation improves, to be able to train in a way that makes their participation possible next year?

**Baroness Barran:** The noble Lord makes a very good point, which I will raise with my honourable friend. Obviously, all decisions that are taken on the resumption of training or participation will be entirely consistent with public health guidelines, but the interests of Paralympians are incredibly important within this.

**Viscount Waverley (CB):** My Lords, competitive sport can bind the nation together. However, does government recognise that the essential training and preparation before an event go hand in hand with the event itself? While the equestrian sport, for example, features high up in past medal tables, and is strong in terms of gender and disability equality, will government reflect that, along with other similar sports, it attracts significantly less funding support at the expense of more media-exposed sports such as track and field?

**Baroness Barran:** The noble Lord is right about training and preparation. We recognise the unique challenges in equestrian sports with regard to maintaining grounds and keeping horses fit for competition. However, we are working with UK Sport to ensure that the right funding and support is there so that we can have a speedy return of all sports.

**The Lord Speaker:** My Lords, I fear that the time allowed for this question has elapsed; I apologise to the two Members who were unable to get in. We now move to the second Oral Question, from Baroness Hayter of Kentish Town.

## European Union: Future Relationship Question

1.17 pm

Asked by **Baroness Hayter of Kentish Town**

To ask Her Majesty's Government what progress has been made in the negotiations on the future relationship with the European Union.

*The Question was considered in a Virtual Proceeding via video call.*

**The Minister of State, Cabinet Office (Lord True) (Con):** My Lords, last week, the United Kingdom and the EU had a full and constructive negotiating round. It was conducted remotely by video conference and there was a full range of discussions across all the issues on the basis of extensive legal texts provided by both sides. We now need to move further forward in a constructive fashion.

**Baroness Hayter of Kentish Town (Lab):** I thank the Minister for that. As he said, there were 40 sessions of negotiations last week, but I am afraid that we heard from both sides about the difficulties and the lack of progress. There was even a slight hint of bad faith—this at a time when there are dire consequences to our trade and finance because of Covid. Given that the Government's chief negotiator is not a Minister and so is not answerable to Parliament, can this Minister, the noble Lord, Lord True, confirm that the Government are genuinely prioritising a deal, as envisaged in the political declaration? Will he give serious consideration to releasing the legal texts that he has mentioned to assist the House in its work? Can he also say whether the Prime Minister's original Brexit blueprint has in any way changed in the light of the new economic circumstances?

**Lord True:** My Lords, there were several questions there, but it is always welcome to hear from the noble Baroness. The Government are determined to reach a constructive and amicable relationship with the EU, to maintain that and to reach an amicable agreement. These negotiations have only just begun. There were good areas of convergence in the first discussions, as well as areas of disagreement; that is normal in a negotiation. On legal texts, we have always said that we would consider whether it is appropriate to publish certain documents during the course of negotiations and whether it is useful to make them available more widely. However, those decisions will be taken at the appropriate time.

**Lord Bowness (Con):** Can my noble friend the Minister explain why, in the name of flexibility, the Government are refusing even to consider an extension to the transition period given that we do not know what situation we will be in next week, never mind the situation we will be in by December this year? Secondly, can he say whether, in the interests of flexibility, the Government will seek to join European Union Ministers in discussions on co-ordinated steps to open up tourist traffic with the rest of the European Union, of which we are still part?

**Lord True:** My Lords, as the Prime Minister said yesterday, various decisions on future arrangements under the Covid crisis will be considered in due course. On my noble friend's main question, there is a clear mandate from the British people to leave the European Union. We have left the European Union and Parliament has enacted that the transition period will end on 31 December. The Government are conducting themselves in accordance with the direction of the British people and the direction of Parliament.

**The Lord Speaker (Lord Fowler):** Lord Hope of Craighead. No? I call the noble Baroness, Lady Ludford, then.

**Baroness Ludford (LD):** On what basis do the Government believe that they will have full access to EU security operations and databases such as Europol and the Schengen Information System, an ambition that has been labelled as "cherry picking on speed" by a spokesman for one of the parties in the coalition

Government of Germany, which will have the EU presidency from July? Are the Government relying on a belief that the EU will compromise on its legal rules on data protection, human rights and the European Court of Human Rights or, in the words of Mr Gove yesterday, that they will set aside their principles?

**Lord True:** No, my Lords, the Government are negotiating in good faith. We are in the first stages of this negotiation and that is the course we will continue to pursue. I have rather more confidence in the good faith of both sides than is implied in the question put by the noble Baroness.

**Lord Liddle (Lab):** My question concerns the border and customs controls that are due to be put into place on 1 January next year between Great Britain and the EU and Great Britain and Northern Ireland. Given the Government's rejection of regulatory alignment in goods and their refusal to accept the principle of the level playing field on which Brussels insists, when these controls come in, they are likely to be onerous. What steps are the Government taking to prepare business for these extensive border and customs controls at the end of this year and how do they expect businesses to cope with these new requirements, given the devastating consequences of the Covid crisis? Is that not in itself an argument for seeking an extension?

**Lord True:** No, my Lords. That is again a lengthy question with various premises in it. The Government are confident that we will have appropriate arrangements for UK borders in place for the end of the year, but I remind the noble Lord that our objective is a free trade agreement with the European Union. I hope very much that that will be the outcome of the negotiations.

**The Lord Speaker:** I call the noble Viscount, Lord Ridley. No? I call the noble Baroness, Lady Deech, then. No? Then I call the noble Lord, Lord Wallace of Saltaire.

**Lord Wallace of Saltaire (LD):** My Lords, seven months ago the Government presented to Parliament the political declaration setting out the framework for the future relationship which did not talk about a free trade area, but rather about,

"an ambitious broad, deep and flexible partnership"

including

"foreign policy, security and defence and wider areas of co-operation."

The paper presented to us by the Government in February set out a much narrower free trade agreement, as the Minister has just said. It says nothing about a wider partnership. Should we now accept that the declaration made last October is no longer a reference point for the Government's negotiations?

**Lord True:** My Lords, the Government have set out their negotiating objectives before Parliament and in talks with the European Union. The Government are seeking to negotiate in good faith on the basis of those documents.

**The Lord Speaker:** Baroness Ritchie of Downpatrick? Lord Dubs.

**Lord Dubs (Lab):** My Lords, the Minister will accept that business has gone through a long period of pain and what it wants is certainty. Surely, giving us an almost unreachable deadline will only add to the uncertainty affecting business. We will not get out of the current pandemic unless we drop the idea of having this deadline now and concentrate on the real issues that matter to the country.

**Lord True:** My Lords, I understand where the noble Lord is coming from, but we have seen many deadlines moved over the last few months and years. My view, and the Government's view, is that business profits from certainty. The deadline that has been set out by Parliament is a certain date around which business can plan, and we intend to maintain it.

**Lord Polak (Con):** My Lords, Mr Barnier said that the EU would not agree to an economic partnership without a long-term solution on fisheries—publicly grandstanding, not negotiating. A future fisheries agreement should not leave the UK at a disadvantage compared with the likes of Norway and Iceland. Does my noble friend agree that, with the right attitude on both sides, it is possible to deliver a trade deal before the end of the transition period, a deal formed on the back of the clear democratic vote just last December?

**Lord True:** Yes, I certainly agree with my noble friend, and the Government believe that that will be possible. The Government are asking nothing of the European Union that it has not agreed in free trade agreements with other nations. On fisheries—I should declare an interest as a descendent of six generations of fishermen—the Government's position is that Britain will be an independent coastal state; we will make our own arrangement but we will negotiate with all parties, as is done with Norway, on the future use of what will be our waters.

**The Lord Speaker:** My Lords, the time allowed for this Question has now elapsed. I just mention in passing that it is rather intervening to hear announcements that noble Lords are “now exiting”. If they could stay until the end, I would be grateful.

### Overseas Development Assistance: Gender-based Violence *Question*

1.28 pm

Asked by **Baroness Anelay of St Johns**

To ask Her Majesty's Government what plans they have to use Overseas Development Assistance during the COVID-19 pandemic to support the protection and safeguarding of girls and women from gender-based violence.

*The Question was considered in a Virtual Proceeding via video call.*

**The Parliamentary Under-Secretary of State, Foreign and Commonwealth Office and Department for International Development (Baroness Sugg) (Con):** My Lords, we are deeply concerned about the surge in gender-based violence during the Covid-19 pandemic. DfID is reprioritising

our programming and working with global partners to prevent violence. We must ensure that women and girls have access to the vital services they need, and we are urging all Governments to make the prevention and redress of violence against women and girls a key part of their national response plans.

**Baroness Anelay of St Johns (Con):** What measures are being put in place to ensure that DfID will maintain, and indeed increase, the quality and quantity of its excellent work to protect women and girls, against the background of this month's forecast by the Office for Budget Responsibility that the UK economy will contract by 12.8% this year, thus shrinking the money available in our 0.7% pot?

**Baroness Sugg:** My Lords, we must of course recognise the challenges that are going to be faced by economies all around the world. We are considering carefully what that means for our 0.7% aid commitment, but we are proud that the UK is keeping that commitment; it is more important than ever. Given that we are in the early stages of the Covid-19 outbreak, we do not yet know the exact implications, but we will ensure that we use all possible financial levers to support our response. As my noble friend says, we must maintain and indeed increase the quality and quantity of our work to protect women and girls.

**The Lord Speaker:** Baroness Lane-Fox of Soho? Baroness Helic.

**Baroness Helic (Con):** My Lords, fighting sexual and gender-based violence remains the most chronically underfunded sector in the humanitarian appeals of the United Nations. What consideration has been given to allocating a specific minimum percentage of the DfID budget to fighting sexual and gender-based violence not only during emergencies but as part of the regular allocation of funds?

**Baroness Sugg:** My Lords, DfID does not currently favour earmarking specific overseas development aid as that limits its flexibility to respond to unseen priorities, a case in point being our Covid-19 response. However, I agree with my noble friend that there is more the UK can do to prevent all forms of violence against women and girls. That is why we have made the largest single investment in preventing violence against women and girls of any bilateral donor, through our new What Works to Prevent Violence Against Women and Girls Programme.

**Baroness Massey of Darwen (Lab):** My Lords, does the Minister agree that as well as providing services, sexual and reproductive health programmes are also important in empowering women to be more comfortable about their bodies and to resist violence? Will she therefore tell us how much DfID is allocating to sexual and reproductive health programmes for women?

**Baroness Sugg:** I agree with the noble Baroness. Particularly in the face of Covid-19, with overwhelmed health systems trying to cope with the disease outbreak, sexual and reproductive health services will be even harder to access, putting even more lives in danger.

We are working with our partners to support them to continue to reach populations, and to make sure that every woman and girl can continue to realise her right to choose.

**Baroness Sheehan (LD):** I congratulate the Minister on her appointment as the UK champion for She Decides. ODA is increasingly being spent in unusual ways. For instance, the FCO's prosperity fund has investments to develop ideas from industry and the bond market. How can this displacement of ODA from front-line UK NGOs battling the funding challenges that Covid-19 has brought be justified?

**Baroness Sugg:** My Lords, I thank the noble Baroness for her congratulations; I am delighted to become a She Decides champion. I agree that it is important that we fund NGOs on the front line delivering the response to Covid-19, and that is what we are determined to do.

**Baroness Hodgson of Abinger (Con):** My Lords, small organisations and those working at grass roots are able to deliver most help to victims of domestic violence. Given the rise of gender-based violence during this crisis, can UK aid be directed more to supporting small organisations giving such vital help to victims? Can our posts overseas help with identifying the best organisations in-country to support?

**Baroness Sugg:** I entirely agree with my noble friend. In the UK we have many excellent small charities that deliver these vital services, including in respect of gender-based violence. DfID has a small charities challenge fund which was developed to ensure it can support these charities, and its posts on the ground are working to help identify them. A review process is ongoing. Applications that will address the impact of Covid-19 are being prioritised and a further round will be opened in the next few weeks.

**Baroness Greengross (CB):** My Lords, widows often face extreme forms of violence due to being older and widowed. They also face particular discrimination and lack access to various rights, including property rights. Overseas development assistance spending on addressing gender-based violence does not make specific reference to older women or widows. During this period of isolation to stop the spread of Covid-19, older women face increased risks of domestic and gender-based violence. There are 962 million older people living in low and middle-income countries. Those aged 60 and over account for more than 95% of the deaths in Europe from Covid-19. Will the Government make specific amounts of aid and help available to older women, and indeed to widows of all ages?

**Baroness Sugg:** My Lords, as the noble Baroness says, older people will be disproportionately impacted, and sadly that includes widows. We are working with our humanitarian partners to ensure that the most vulnerable, including older women and widows, are reached and supported.

**Lord Collins of Highbury (Lab):** I want to pick up the theme of the secondary impact of Covid-19, particularly the lessons we may have learned from

things such as Ebola. It is not just the increase in domestic violence but the isolation of women and girls and their access to education—all those things are big secondary impacts. One thing we are clear about is that a health-only response will not be sufficient. We need to engage and promote behavioural change and social change measures. That means supporting civic society and civil society. I congratulate the rapid response facility on its efforts, but access to that is a bit limited at the moment. Can the Minister tell us more about how we will reach and build civil society to ensure that women, and particularly women's groups, can protect and advocate for themselves?

**Baroness Sugg:** I agree with the noble Lord that we must address both the primary and secondary impacts. I am particularly concerned about education. Ensuring that vulnerable girls can continue to learn and return to school after this crisis is vital. I also agree with the noble Lord that we must do what we can to support civil society and NGOs. He referred to the rapid response facility. We are also reprioritising our programmes within countries and working with civil society and women's rights organisations to deliver those programmes.

**Lord German (LD):** My Lords, I draw attention to my interests declared in the register. Are organisations currently doing other programmes for ODA able to pivot their activities towards gender-based violence? In so pivoting, will they prejudice themselves when applying to continue the work they are currently doing?

**Baroness Sugg:** The noble Lord is right to point out that we are working really closely with our partners on doing exactly that: pivoting to programmes relevant to Covid-19. Of course, other programmes will also continue, and we will work closely with partners to make sure that they can continue their vital work.

**The Lord Speaker:** Baroness Blackstone. Baroness Blackstone? Baroness Uddin. No? In any event, the time allowed for this Question has elapsed, so we will move on.

## Agriculture: Dairy Prices *Question*

1.38 pm

*Asked by The Lord Bishop of St Albans*

To ask Her Majesty's Government what assessment they have made of the impact of changing dairy prices on farmers.

*The Question was considered in a Virtual Proceeding via video call.*

**The Lord Speaker (Lord Fowler):** The Minister, Lord Gardiner of Kimble. Lord Gardiner? We have no Minister. Is the Whip able to answer this Question?

**Lord Foulkes of Cumnock (Lab Co-op):** Perhaps the Whip can explain why there is no Minister.

**Lord Ashton of Hyde (Con):** I will come in, as the Chief Whip. I am very sorry, but the answer is that I have no idea why my noble friend Lord Gardiner is unavailable. I apologise to the House. Something technical has obviously gone wrong, and I can only ask your Lordships' forgiveness on this occasion. There will be a thorough inquiry into this, and I apologise to the House.

**The Lord Speaker:** Thank you, Chief Whip. Can you stay on the line and at least field the questions that will come? The right reverend Prelate needs to ask his supplementary.

**The Lord Bishop of St Albans:** Thank you very much. I cannot thank the Minister for his Answer because he has not given me one, but he will be aware that some dairy producers are unable to change contracts and are finding it extraordinarily difficult to access business support grants. What changes have Her Majesty's Government made in the past month to cut red tape and save some of our dairy farmers who are going bankrupt?

**Lord Ashton of Hyde:** I should first declare an interest. I am not a farmer, but I own a farm and my tenant is a dairy farmer. Obviously, these are difficult circumstances. Dairy farmers have a particular problem. I know that there is a great difference depending on where dairy farmers sell their milk. For example, if they are selling their milk to supermarkets, that is okay, but those selling to other enterprises that are not functioning in the same way have different problems. I know that some have had to pour milk down the drain. I will take the right reverend Prelate's specific question away and make sure that I get him a sensible answer because I do not know the details at the moment, I am afraid.

**Lord Campbell-Savours (Lab):** Perhaps the noble Lord, Lord Gardiner, can give me a written answer to my question. I understand that Meadow Foods pays more to its farmers in Cheshire than those in Cumbria for milk. Furthermore, it cannot give any guarantees that the price in Cumbria will not fall further, thereby threatening the viability of the industry. How can the industry survive under such conditions without the Government temporarily—I repeat, temporarily—setting a national minimum price for milk, as happened under the old Milk Marketing Board? I suggest a price of 25p per litre.

**Lord Ashton of Hyde:** The noble Lord makes a very powerful point. I will ask my noble friend Lord Gardiner to answer that specifically. He raises an important issue about differences between parts of the country. I have just seen a message that my noble friend is having technical difficulties; I think we knew that anyway.

**The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con):** Can noble Lords hear me?

**The Lord Speaker:** I can now, yes. Do you want to take over now?

**Lord Gardiner of Kimble:** I would very much like to. I apologise to noble Lords. I have been on to PICT for an hour now and therefore on the telephone.

**The Lord Speaker:** I think we will probably move on because I doubt the Minister heard the last question.

**Lord Gardiner of Kimble:** Lord Speaker, would you like me to give the right reverend Prelate his Answer?

**The Lord Speaker:** Yes, okay.

**Lord Gardiner of Kimble:** My Lords, I declare my farming interests as set out in the register. Dairy farmers are crucial in ensuring that food supplies remain resilient in this difficult period. While prices for most dairy farmers are largely unaffected, some have been impacted by the closure of the food service sector as a result of Covid-19. Defra is working closely with the NFU, the AHDB and Dairy UK to support farmers during this period of disruption.

**The Lord Speaker:** We have had the supplementary from the right reverend Prelate, so we will move on to the noble Baroness, Lady Bakewell of Hardington Mandeville.

**Baroness Bakewell of Hardington Mandeville (LD):** My Lords, dairy farmers desperately need certainty for the price of milk. It is estimated that 20 million litres of milk would normally go into the food service sector. Only 20% of this market is still viable due to lockdown. The national dairy herd is nearly 2 million, with an estimated 80,000 cows likely to be culled if financial support is not forthcoming. Once herds have been culled, it will take a long time to rebuild capacity. Farmers want to be ready to meet demand once restrictions are lifted. The financial support legislation promised on 17 April has yet to be laid. Can the Minister say when this lifeline will come forward for legitimate inclusion in statute?

**Lord Gardiner of Kimble:** My Lords, it is very important for me to say that the easing of competition law for the dairy sector—a statutory instrument, which is widely supported by the devolved Administrations and industry—will be retrospective to 1 April. That will ensure that the competition rules are relaxed for the dairy sector temporarily to allow retailers, suppliers and logistics services to work together. This has allowed the dairy industry to redirect some of its supplies to retailers. Clearly, Defra is working very closely on this. It is an issue that affects, as has been said, those farmers who are supplying the food service sector, and we are working with others to ensure that the situation improves for those farmers affected.

**Baroness Neville-Rolfe (Con):** I declare my interests as set out in the register. As has been said, the dairy industry is under huge pressure in the current crisis as coffee shops, cafés and canteens are closed, so I really welcome the move to lift the sale restrictions on liquid milk in supermarkets so that we can all drink more at home. But does my noble friend accept that the horticulture industry is an even more immediate difficulty? This would be eased if garden centres could reopen soon. Will he kindly press the case within the Government?



**Lord Gardiner of Kimble:** My Lords, I very much hope in the fullest extent that I will be answering a Question on garden centres tomorrow. I am of course sympathetic to the interests of the horticultural sector. We are working on that and a more fulsome explanation may come tomorrow.

**Lord Macpherson of Earl's Court (CB):** My Lords, I draw attention to my interests in the register. Some of the dairy producers who have been hit hardest are specialists who work with artisan cheese manufacturers serving the restaurant trade. As he considers further measures, will the Minister work with the large supermarkets to help small businesses to find new routes to market?

**Lord Gardiner of Kimble:** My Lords, that is a very helpful suggestion. From the calls that I have been having with the Secretary of State and retailers it is clear that a lot of work is going on. One of the advantages of the temporary easement of competition law is to ensure that there is available capacity in the supply chain for processing milk into other dairy products such as cheese and butter, but I will very much take away the point the noble Lord has made.

**Baroness Jones of Whitchurch (Lab):** My Lords, does the Minister understand the urgency of the problem and the need to act quickly? As we have heard, a cohort of dairy farmers are currently pouring milk away and their businesses are close to collapse. They need reassurances that their businesses will not go to the wall. They are only a minority of farmers but obviously they are still an important group. Given the importance of the UK dairy sector to our food sustainability in the years to come, what guarantees are the Government able to give that that group will be protected? There have been a lot of talks, but they need underpinning with guarantees—that is really what is being called for at the moment.

**Lord Gardiner of Kimble:** I understand what the noble Baroness is saying, and it is why we are working with the banks on this part of the dairy sector in particular. In fact, Defra has had priority discussions with the major banks to ensure that they are clear that farmers, milk buyers and milk processors are eligible for the coronavirus business interruption loan scheme. The Agriculture Bill will provide us with opportunities for further work on a range of initiatives to improve the position of milk producers. However, I understand absolutely the noble Baroness's point about urgency. That is why we are in urgent discussions with, and are working with, farming bodies and organisations.

**The Lord Speaker:** My Lords, I am afraid that that brings Question Time to an end. I apologise, particularly to the last group of questioners, for the fact that it was a rather eventful set of questions one way and another. However, these things happen, and we will have a wash-up session in which we will examine the lessons of what happened, particularly in that last section.

I remind noble Lords that there will be a Private Notice Question at 2.15 pm from the noble Baroness, Lady Thornton, on the membership and attendees of the Scientific Advisory Group for Emergencies, and that,

some time after 5.15 pm, a Ministerial Statement made in the House of Commons on Monday giving an update on the economy will be repeated in the House of Lords.

I am very grateful to noble Lords. There have been one or two problems with today's transmission, but I think that things will get better as we go along. I thank all noble Lords for taking part, and I also thank the Chief Whip for coming in to answer Questions, which is not really part of his job.

1.51 pm

*Virtual Proceeding suspended.*

## Arrangement of Business

### *Announcement*

2.16 pm

*The announcement was made in a Virtual Proceeding via video call.*

**The Senior Deputy Speaker (Lord McFall of Alcluith):** My Lords, Virtual Proceedings of the House will now begin. I remind Members that these proceedings are subject to parliamentary privilege and that what we say is available to the public both in *Hansard* and to those listening. I remind participating Members that their microphones will be set to mute and that they should unmute their microphones shortly before we reach their place in the speakers' list. Members are asked not to use the group chat function.

The Virtual Proceedings on the Private Notice Question will now commence. I will call the Private Notice Question in the normal way. I will then call the Minister to make the initial response, and I will then call the noble Baroness who asked the original Question to ask her supplementary question in the usual way. The Minister will again respond, and I will then call in turn those noble Lords asking supplementary questions as listed on the speakers' list. Please ensure that questions and answers are short. I apologise in advance if it is not possible for everyone to be called. I ask each speaker to ensure that their microphone is unmuted prior to asking their supplementary question. Each speaker's microphone will be returned to mute once their supplementary question has finished. In accordance with guidance agreed by the Procedure Committee, if a Member's name is not listed, it will not be possible for them to ask a supplementary question or to take part in the proceedings.

## Scientific Advisory Group for Emergencies

### *Private Notice Question*

2.18 pm

*Asked by Baroness Thornton*

To ask Her Majesty's Government whether they will publish details of the membership and attendees of the Scientific Advisory Group for Emergencies (SAGE) that have been advising the Government during the Covid-19 pandemic.

*The Question was considered in a Virtual Proceeding via video call.*

**The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con):** Good afternoon, my Lords. SAGE is not a membership body. Only the Government's Chief Scientific Adviser and the Chief Medical Officer can talk on behalf of SAGE. The Government's Chief Scientific Adviser, Sir Patrick Vallance, who chairs SAGE, said yesterday morning that he would publish the names of participants who were happy to be named in the coming days. This will allow for full transparency on who is contributing to the scientific advice being given to the Government.

**Baroness Thornton (Lab):** My Lords, I understood the Minister to say that we would indeed know the attendance and membership of SAGE—although I have to say that the technology was defeating me slightly. I am sure that he agrees that getting through this pandemic depends on transparency and trust: trust between people and the Government, and between government and opposition parties; transparency in explaining why decisions to lock down are necessary, why we need to stay in lockdown and, when appropriate, how the Government plan to ease restrictions. Will the Government publish the scientific advice on which their decisions are based? How does the Minister propose that public trust in the independence of SAGE should be restored after the last few days of speculation?

**Lord Callanan:** My Lords, I certainly agree with the noble Baroness about transparency. I can give her a commitment that the minutes of the SAGE meetings will be published at the end of the pandemic in line with normal procedure. The Chief Scientific Adviser has agreed that the names of those participants who wish to be named will be published in the coming days.

**Lord Fox (LD):** My Lords, almost to the day, 34 years ago the Chernobyl nuclear disaster kicked off. In retrospect, the Soviet expert scientific committee was shown to be slow to react, driven by political apparatchiks rather than scientists. We saw the same in Wuhan. We are told by the newspapers that, of the 23 members of SAGE, 13 are paid advisers. Does the Minister agree that, to get the best advice, scientific committees such as SAGE should be left to independent scientists and should not include political advisers?

**Lord Callanan:** I agree. As I said in my Answer to the noble Baroness, Lady Thornton, SAGE is not a membership body. The number of participants varies from meeting to meeting. There have been over 100 participants in all of the 29 meetings that have taken place on the Covid pandemic. It is up to the Chief Scientific Adviser and the Chief Medical Officer to invite the appropriate academics and advisers to each meeting. The number and names of participants vary from meeting to meeting.

**Lord Lucas (Con):** My Lords, does my noble friend agree that science is a matter of doubt, not certainty, and that it is therefore extremely important that the Government understand the way in which scientists have reached their conclusions, just as it is important that scientists understand in detail the way that the Government are thinking?

**Lord Callanan:** I agree with my noble friend that transparency in the process is important in helping to maintain the public's trust and to grow understanding of the disease, while also helping to explain how the advice to the Government is being formed during this difficult time.

**Viscount Waverley (CB):** On the one hand, the relaying of professional opinions—and, importantly, how those opinions have been arrived at—to decision-makers via trusted channels that have immediate access does, I believe, have merit. However, will the Government dispel any doubts that crucial considerations by those professionals are not in any way interfered with, influenced or diluted for political expediency, and that the distinction between observation and participation is being strictly adhered to?

**Lord Callanan:** SAGE is an apolitical body. It helps the Government's Chief Scientific Adviser to fulfil his role to ensure that the Government have access to the best possible science advice in a rapid and timely manner. As I said earlier, the participants at SAGE depend on the nature of the emergency, but it typically includes leading experts from within government and leading specialists from academia and industry.

**Lord Harris of Haringey (Lab):** My Lords, on the "Today" programme this morning, a Government Minister was asked why, in trumpeting the number of items of PPE equipment that he claimed had been delivered to the front line, a pair of gloves was counted as two items. He responded robotically with the mantra, "We are following the scientific advice." I cannot believe that SAGE has opined on pairs of gloves, but this demonstrates that Ministers are using SAGE as a sort of human shield. That makes it all the more important that SAGE and its discussions are as transparent as possible. Will the noble Lord tell us whether the Government will bring forward the publication of a full note of the discussions of each meeting, ideally within 24 hours of the meeting finishing? If not, will he tell us why this is impossible?

**Lord Callanan:** I agree with the noble Lord that transparency, including on the evidence informing the views of SAGE, is important in helping to maintain the public's trust and helping to grow understanding of the disease. As I said earlier, and as is normal procedure except in cases of national security, the minutes of SAGE will be published at the end of the pandemic.

**Baroness Walmsley (LD):** My Lords, the Government have said that they are following the science, but SAGE does not include people from three very relevant sciences: public health, social science and molecular virology. Why not? Does the Prime Minister read the full minutes of SAGE? If not, who briefs him? Is it the Chief Medical Officer or is it Dominic Cummings, whose understanding of the deliberations may be very different?

**Lord Callanan:** As I said earlier, SAGE does not have a specific membership. The people attending SAGE vary depending on the subjects under discussion; something like 100 participants in total can be called on. BEIS holds a central list of appropriate experts in

the different sciences, academia and industry. They are brought into particular meetings when their expertise is required, and that is the call of the Chief Medical Officer and the Government's Chief Scientific Adviser.

**Lord Krebs (CB):** My Lords, as the Minister will be aware, the process of providing scientific advice is set out in the Government's chief scientist's guidelines. Three key principles of these guidelines are: an open and transparent approach; a full acknowledgement of uncertainty; and to draw on a wide range of expert advice. What is the Minister's assessment of how well these guidelines are being applied during the Covid-19 epidemic?

**Lord Callanan:** The Government's Chief Scientific Adviser is confident that the role of SAGE is clear, that the business is conducted in an appropriately transparent and open manner, that the group is scientifically rigorous—having, as I said, more than 100 scientists ultimately feeding into it—and that it is totally independent of political interference.

**Lord Hain (Lab):** Is the Minister aware of the criticism of SAGE's composition from Professor Anthony Costello, a former director of WHO? As he points out, it does not include front-line experts on the pandemic, such as those in public health, primary care and intensive care. If it had done, maybe SAGE would have recommended to the Government community testing and contact tracing of the kind that has been very successful in other countries and that we simply have not implemented either on the scale needed or early enough.

**Lord Callanan:** The committee includes many of the experts in all those fields. They are brought in, as recommended by the Chief Scientific Adviser, when their expertise in particular fields is required. There is a large, centrally held list of experts in all the appropriate fields. Of course, SAGE meets on other issues than Covid. On the advice of the Chief Medical Officer and the Chief Scientific Adviser, the appropriate experts are brought in to advise the Government when that is required.

**The Senior Deputy Speaker (Lord McFall of Alcluth):** We cannot hear the noble Lord, Lord Marlesford, so we will move on.

**Baroness Healy of Primrose Hill (Lab):** Today, the media reported—*[Interruption.]*

**Lord Callanan:** Sorry, can the noble Baroness please repeat her question? I do not know whether there is a problem with my connection but I could not quite hear her.

**Baroness Healy of Primrose Hill:** Today, the media reported that face coverings will now be recommended for the public, yet they were ruled out last week by SAGE. This raises the question of why advice continues to change constantly.

**Lord Callanan:** The noble Baroness should really direct that question to the Chief Scientific Adviser. This is a changeable pandemic. The science is changing and is being updated. Scientists will respond to the advice as necessary. Of course, the politics are driven by that scientific advice. She should not necessarily criticise the scientists if, in the light of new information, they decide that a new approach is needed. We should be responsive to that and thank them for their help.

**The Senior Deputy Speaker:** Did I hear the voice of the noble Lord, Lord Marlesford, during the previous question?

**Lord Marlesford (Con):** You did. I want to comment on the question about Dominic Cummings. Does my noble friend the Minister agree that anyone who has worked in No. 10 knows that the better informed the Prime Minister's personal staff can be on background policy decisions, the more use they are to the Prime Minister?

**Lord Callanan:** I totally agree. It is entirely right that No. 10 advisers—and, indeed, advisers and officials from other government departments—attend, to understand better the scientific debate and the decisions that then need to be taken. Surely we should all welcome a proper understanding of the science helping to drive the ultimate political decisions.

**The Senior Deputy Speaker:** My Lords, the time allowed for this Question has elapsed.

2.31 pm

*Virtual Proceeding suspended.*

## Business of the House

### *Timing of Debates*

3 pm

*Moved by Baroness Evans of Bowes Park*

That until 21 May 2020:

(1) debates on statutory instruments taken in a Virtual Proceeding shall be time-limited to 1½ hours; and

(2) this time limit may be varied by the unanimous agreement of the members taking part in any such Virtual Proceeding at the commencement of proceedings.

**The Lord Privy Seal (Baroness Evans of Bowes Park) (Con):** My Lords, this time last week, the House agreed that certain types of business could be taken in a Virtual Proceeding. So far, we have had virtual Oral Questions, debates, Statement repeats and PMQs and, generally, they have worked well. From next week, we will begin taking legislation in this way. Following discussions through the usual channels, my noble friend the Chief Whip has scheduled a small number of debates on statutory instruments to take place virtually. The House has already agreed in principle to doing so.

[BARONESS EVANS OF BOWES PARK]

Today's Motion will, until Whitsun, time-limit the SI debates that we take virtually to one and a half hours each. This will make timings more predicable for Members taking part and the IT professionals who will support them, and we thank them all for their hard work in helping us get this far.

All the virtual business that we have taken so far has been time-limited in some way. This time limit is identical to that which routinely applies to SI debates in the House of Commons. The Motion also provides a mechanism by which the time limit can be adjusted for specific debates should that be required. Noble Lords will need to sign up to speak in these debates. While this is not our normal practice for SIs, it is necessary so that the Parliamentary Digital Service knows which Members to admit to the Virtual Proceedings. Of course, any noble Lord is able to sign up to speak in them.

I should make it clear that these Virtual Proceedings are not empowered to approve SIs on behalf of the House as a whole. Those SIs debated virtually will need to come to the Floor of the House for approval in a similar way to how SIs are debated in the Moses Room before being decided in the Chamber at a later date.

I am pleased to say that our Virtual Proceedings will be broadcast to the general public via Parliament TV from today in the same way as are our physical proceedings. This is one week earlier than was anticipated. I put on record our thanks to all those who have worked so hard to make that happen. I beg to move.

*Motion agreed.*

### Business of the House *Timing of Debates*

3.02 pm

*Moved by Baroness Evans of Bowes Park*

That the debate on the motion in the name of Lord Addington, which is set down to take place in a Virtual Proceeding on Thursday 30 April, be time-limited to 3 hours and that the time limit may be varied by the unanimous agreement of the members taking part in that Virtual Proceeding at the commencement of proceedings.

*Motion agreed.*

### Business of the House *Timing of Debates*

3.03 pm

*Moved by Baroness Evans of Bowes Park*

That, in the event of a debate on a motion relating to the United Kingdom's Convergence Programme being set down in a Virtual Proceeding on Tuesday 5 May, the debate be time-limited to 1½ hours and that the time limit may be varied by the unanimous agreement of the members taking part in any such Virtual Proceeding at the commencement of proceedings.

*Motion agreed.*

## Prisoners (Disclosure of Information About Victims) Bill *Second Reading*

3.03 pm

*Moved by Lord Keen of Elie*

That the Bill be now read a second time.

### **The Advocate-General for Scotland (Lord Keen of Elie)**

**(Con):** My Lords, this Bill will stipulate in statute an obligation on the Parole Board to ensure that the non-disclosure of information is always considered when making a release assessment. The Bill will put established practice on a statutory footing and respond directly to real-life issues that have caused immense pain to the families of victims of serious crimes.

The Bill, sometimes referred to as "Helen's Law", is a result of the work of Helen's mother, Marie McCourt, who has campaigned tirelessly for this change. I take the opportunity to pay tribute to Mrs McCourt's resolve. It is in large part thanks to her that we have reached this point.

Helen McCourt was a 22 year-old insurance clerk from the village of Billinge, near St Helens in Merseyside. On the evening of 9 February 1988, Helen disappeared while on her way home from work. The following year, Ian Simms was convicted of Helen's murder and ordered to serve a minimum of 16 years in prison. Ian Simms has since been released but has never revealed where Helen's body is and, despite extensive searches, her remains have never been found. This has compounded the unimaginable suffering of the McCourt family.

We will all appreciate the closure and comfort that can come from laying a loved one to rest. The McCourt family, and others like them, have been wilfully and cruelly denied this comfort. Mrs McCourt has campaigned for a change in the law to represent this, to acknowledge the added distress this causes for the families of victims, and there is wide public support for such a change.

I would like to take a moment to reflect on another case which has shaped the development of the Bill. In 2009, Vanessa George was convicted for multiple counts of sexual abuse against children at the Plymouth nursery where she worked. She did not stop at the abuse of the children but photographed these horrendous acts in order to share them with other depraved individuals. Her abuse of the trust placed in her by the families of the children she was meant to care for and protect is truly shocking.

The pain felt by the victims and their families has been compounded by the fact that the children she photographed cannot be identified from the images she produced, and she has hitherto refused to disclose their identities. Many families who placed their trust in Vanessa George do not know, and may never know, if their children fell victim to her cruelty. She was released by the Parole Board after serving 10 years in prison.

When considering the release of an offender like Vanessa George or Ian Simms, the Parole Board must always take into account this withholding of such significant information. That is why we are legislating, through this Bill, to directly address this current gap, and to seek to bring some small solace to victims and families.

Clause 1 will amend the release provisions that apply to life sentences for murder and manslaughter, and sentences of imprisonment for public protection for manslaughter and the offence of taking or making indecent images of children. This places a statutory obligation upon the Parole Board to consider a non-disclosure of information about a victim's remains or the identity of a victim in an indecent image when making a public protection decision, being a decision to release, about such a prisoner.

Clause 2 of the Bill effectively replicates what Clause 1 achieves but in relation to the release provisions that apply to an extended determinate sentence which has been imposed for manslaughter or the offence of taking or making indecent photographs of children. Functioning in the same way as Clause 1, it will place a statutory obligation on the Parole Board to consider the non-disclosure of information about the location of a victim's remains or the identities of a child or children featured in indecent images when making a public protection decision, including a decision to release.

In order for the Bill to apply, the Parole Board must not know the location of a victim's remains or the identity of a victim in an indecent image but must believe that the prisoner has information about this that they have not disclosed to the board. This is the essence of the prisoner's non-disclosure, and it is this that must be taken into account by the board when assessing whether a prisoner can safely be released on licence.

Furthermore, the Parole Board must particularly take account of what, in its view, are the reasons for this non-disclosure. This subjective approach will enable the board to differentiate between circumstances such as when, for example, the non-disclosure is due to a prisoner's mental illness, and cases when a prisoner makes a deliberate decision not to say where a victim's remains are located.

Subjectivity is fundamental to the proper functioning of the Bill. It is for the Parole Board, as an independent, court-like body, to decide what bearing such information has on the risk that a prisoner may present and whether that risk can be managed safely in the community. The Bill reflects the established practice of the Parole Board but goes a step further and puts a legal duty on the board to take the non-disclosure into account.

While, as I have set out, the measures in this Bill may seem relatively small or technical, I cannot stress enough the importance of this Bill and the support it has from victims and families. The crimes of the likes of Ian Simms and Vanessa George are harrowing, and families affected by these crimes deserve the peace of some element of closure, whether that is the opportunity to lay a loved one to rest, or the certainty of whether or not they were abused. This Bill offers families and victims a chance to achieve that.

I hope that the "Helen's Law" Bill will attract support from all sides of the House and enter into the statute book as soon as possible. I beg to move.

3.10 pm

**Baroness Kennedy of Cradley (Lab):** My Lords, I add my voice to the tributes paid to Marie McCourt. Her campaign to secure this legislation was formidable and supported by her local Member of Parliament, my honourable friend the Member for St Helens North, whose 10-minute rule Bill tabled in support of Marie's campaign back in 2016 informed the legislation we have before us today.

The Bill has been a long time coming—in the other place it was noted that it has taken over three years, two general elections and two Prime Ministers for the Government to offer their own variation of Helen's law—but thanks to the campaigners' persistence and the Government's constructive approach to this legislation, the Bill is now before us. It rightly has an enormous amount of cross-party support.

The first part of the Bill, introducing a new statutory obligation on the Parole Board to consider the non-disclosure of information about a victim's remains when making a public protection decision, is a welcome step forward. It is not a "no body, no parole" Bill, so it is not everything the campaigners wanted, but it sends a clear message to Parole Board panels that the Government's view is that a refusal to give information that can ease a relative's pain, such as non-disclosure of remains, should be a significant factor in their decision-making.

In taking this legislation forward in practice, will guidance be issued to Parole Board panels on this new duty? For this legislation to work, it is vital that Parole Board panels view this new duty as a critical part of the eligibility criteria and not as a peripheral addition. How will the Government ensure that this happens? Even though it is not a "no body, no parole" Bill, that is the aim of this legislation, so will the impact of the legislation be subject to its own review?

I move briefly now to the second case that has shaped the Bill and to which the Minister referred: the horrific crimes of Vanessa George, who was convicted of multiple counts of sexual abuse against children at the Plymouth nursery where she worked. I pay tribute to my honourable friend the Member of Parliament for Plymouth, Sutton and Devonport, who has spoken out on behalf of the distressed parents of George's child victims. To protect their children, the parents rightly wanted to stay private, so the support of their local MP has been critical, especially as he has ensured that this Bill includes a statutory obligation on the Parole Board to consider the non-disclosure of information about the identity of a child or children featured in such images.

It is tragic that this legislation is not in place in time to deliver for the victims in the George case. She has refused to disclose to the authorities the identities of the children she photographed, but she has been released, so already distressed parents not knowing whether their children were abused will continue to live in fear, pain and concern for their children. At this point, we must acknowledge that for Marie McCourt, too, the timing of this Bill is heartbreaking, as Helen's murderer has been released, as the Minister said, without providing information on her whereabouts.

[BARONESS KENNEDY OF CRADLEY]

It would be remiss not to mention in this Second Reading that much more needs to be done to support victims in the parole process. Can the Government give assurances that the needs and experiences of the victims will be put at the heart of the root and branch review of the parole system which the Government have promised?

The way in which victims give evidence to the Parole Board needs to be modernised. It is daunting for a victim or their family member to travel, sometimes hundreds of miles, to give evidence in the prison holding the abuser or murderer in question. Making victims go through the necessary security to read out their statement seems an undesirable way to treat them. Can the use of video conferencing from a local court be adopted as standard practice for Parole Board panels?

There is also a lack of support and help for victims in compiling and presenting their evidence to Parole Board panels, which should be addressed. Support and clear advice in plain English is particularly important if you are a young person having to give evidence.

Sadly, many of the parents involved in the George case found out about her release on Facebook or via the local paper. I am sure every effort was made to contact the parents in this instance, but in general the change of contact details over time and the opt-in approach of the victim contact scheme cause issues. Again, technology should be developed to modernise this scheme so that victims can opt in and opt out at any time and update their contact details easily. The Government should also consider changing the law so that victims are automatically included in the scheme unless they opt out. Will the Government consider that option?

Finally, measures to increase the transparency of how decisions are made and how the Parole Board works are to be welcomed. In this area, simple changes can take place without the need to wait for a review or legislation. For example, victims should be given the high-level summaries of decisions without having to apply for them.

Today's Bill is a welcome and positive step in the right direction, but we have to do more to support victims in the parole process, and put mechanisms in place to make sure that the aim of the Bill becomes a reality and gives victims and their families the information they rightly seek.

3.16 pm

**Baroness Bull (CB):** My Lords, it is a privilege to speak in support of a Bill that is perhaps largely technical but one that has been shaped by and responds to the most profound and challenging of human experiences. I commend the Government for their manifesto commitment to the Bill and for progressing it to this stage, despite the circumstances in which we find ourselves. Like the noble Baroness, Lady Kennedy, I pay tribute to honourable Members in the other place who have championed its cause over several years, in particular the Member for St Helens North, Conor McGinn, and the Member for Plymouth, Sutton and Devonport, Luke Pollard. Despite elections, changes of leadership, Brexit, Dissolutions and Prorogations, they have not allowed this issue to be sidelined.

I join in the tributes, which I know will continue, to Marie McCourt, whose tireless campaigning not only attracted nationwide support, but, as importantly, helped other families in similar situations to her own to realise that they were not alone. Her loss was unfathomable; her courage, tenacity and resolve over many decades is remarkable.

The Bill will be vital in helping bereaved families come to terms with their grief and to deal with what for most people will, mercifully, remain unimaginable. It will also be important in restating the Government's commitment to the safety of our communities and their willingness to take steps, as and when they are necessary, to evolve institutions whose core function is to protect society.

The Bill enshrines in law what is already the practice in parole boards, which is to fully consider the failure by the prisoner to disclose information about the victim's remains, or the identity of child victims of indecent imagery. Given this, on the surface it might appear to change little. However, it will make decisions more consistent and fair across the system. Importantly, it responds to the pleas of victims' families, demonstrating that they have been heard. It means that the Parole Board no longer has discretion to disregard non-disclosure in making its decisions—a distinct change, and one that Parliament alone will have the power to reverse.

The Bill can also be seen as part of a wider and necessary process to increase the efficiency, transparency and accountability of the parole system. The review of Parole Board Rules, presented to Parliament in February 2019, made welcome improvements, including enhanced engagement and communication with victims, the new reconsideration mechanism, and standard practice documents to ensure a more robust, transparent and consistent approach to decision-making.

The review also recognised the importance of ensuring a fair hearing for prisoners with mental health needs and learning disabilities, and noted the need for explicit provision in relation to

“the procedure that should be followed in cases where the prisoner is found to lack mental capacity to participate in the parole process.”

I would welcome reassurance from the Minister that he is content that the need for this explicit provision for prisoners lacking mental capacity is adequately addressed in new Section 28A(2), which states:

“When making the public protection decision about the life prisoner, the Parole Board must take into account ... the prisoner's non-disclosure; and ... the reasons, in the Parole Board's view, for the prisoner's nondisclosure.”

At Second Reading in the other place, the Lord Chancellor and Secretary of State for Justice said:

“This subjective approach will allow the board to differentiate between circumstances in which, for example, the non-disclosure is due to a prisoner's mental illness.”—[*Official Report, Commons, 11/2/20; col. 747.*]

Is the Minister fully confident that this provides adequate protection for prisoners with mental health issues and effectively balances the imperative for justice with respect for human rights? I would also be grateful if, in winding up, he could give some indication of the timetable for the tailored review of the Parole Board, and for the root-and-branch review promised in the manifesto and reiterated at Second Reading in the other place by the Parliamentary Under-Secretary of State for Justice.

Amidst a crisis such as the one we currently face, it would be easy to put to one side numerous other pressing problems that afflict society. This makes it doubly commendable that the Government have moved forward with the Bill, fulfilling a manifesto promise and, more importantly, demonstrating a strong commitment to victims of crime and their families. It is a reminder that, while Covid-19 and the suffering it is causing is front of mind in many of our deliberations, other sorrows and tragedies continue to play out in communities, families and the lives of individuals. The Bill will never take away their loss but, in putting the support of victims and their needs at the centre of the justice system, it may help grieving families to achieve some kind of closure and finally to lay loved ones to rest.

3.21 pm

**Lord Garnier (Con):** My Lords, I have read the debates on the Bill in the other place, and I can well understand the alacrity with which it was approved. I can also understand the sense of outrage and distress felt by those close to the victims of killers, be they convicted of murder or manslaughter, when they are denied knowledge of where their loved ones have been abandoned by the criminal. To be denied a funeral because the person responsible for the death will not tell the relevant authorities where the remains are unquestionably adds to the distress and grief of the family.

We know of the cases which have been the catalyst for the Bill. There will be, I have no doubt, examples of the heinous behaviour that predated the Moors murders in the 1960s. More recent cases have been cited and in all of them, the simple recitation of the killer's name is enough to reawaken the revulsion and hideous sense of loss that these foul people have aggravated by refusing to disclose the whereabouts of their victim's body. For the parents of children who may have been sexually abused, the horror they have to contend with in not knowing whether the convicted sex offender abused their child is only to some miniscule amount mitigated by their child being alive and with them at home. Imagine the fear these parents must harbour that later, in adolescence or adulthood, their child will be traumatised by remembering or coming to realise what happened to either them or their classmates many years before.

The Bill is designed to mark in public policy the revulsion that right-thinking members of society feel for these serious offenders who, not content with killing or abusing their victims, add to the pain and suffering of their victims' families and friends by keeping secret information which, if they had a scintilla of remorse or empathy, they would give up to the police. No doubt there will be some killers and sex offenders who take a perverse pleasure in prolonging the agony caused by their crimes by refusing to say where they have abandoned the body of their victim, or withholding the identities of those whom they have abused.

The Bill, as has been explained by my noble and learned friend and by the noble Baronesses, Lady Kennedy and Lady Bull, concerns the obligations of the Parole Board when it considers whether an offender merits release from prison. It places a statutory duty on the board to consider circumstances where the offender

does not disclose the sort of information I have referred to as part of its assessment of whether they should be released from custody. The board is already subject to non-statutory guidance to the same effect so the Bill, when enacted, will promote that to a statutory duty. Although I understand the welcome the Bill was given in the other place and congratulate the Members of Parliament who have campaigned on behalf of victims and their families to bring it into law, I am not sure that the approach adopted by the Bill goes far enough.

The Parole Board has always had the power to consider the release date of long-term prisoners and, although its decisions are in certain circumstances amenable to judicial review, its procedures are essentially held in private. The public and the media do not attend its hearings and its reasoned decisions are not, as a rule, published. Decisions about the liberty of the subject, especially concerning the future of offenders imprisoned for very serious violent or sex crimes, should be made in public, or at least the reasons for the Parole Board's decisions, be it to release or not, should be available to the public. I can see that there may be certain facts or details about the victim and the case as a whole that may need to be kept confidential but, by and large, the default position should be for open justice.

I have a further concern about what is proposed by the Bill. I am not convinced that it is right to revise this aspect of the criminal justice system by guidance, even when that guidance is imposed through the medium of a statutory duty. In my judgment, if a prisoner is to be faced with a longer period in custody, it should be through a statutory arrangement, but that arrangement should not be administrative. Rather than telling the Parole Board that it must take into account that an offender has not provided certain details about their offences, it should be a discrete criminal offence, subject to appropriate defences, for a convicted defendant not to inform the police or other proper authority where or how a victim's remains were disposed of.

The trial of the defendant for this additional offence would take place in open court before the same judge who presided over the murder, manslaughter or sex offence trial or, if the offender had pleaded guilty to the killing but none the less refused to say what had been done with the body, before the same judge sentencing for the original offence. The trial of the offence of non-disclosure could take place immediately after the finding or plea of guilty of the killing or sex crime, or later, depending on the facts of the case. There might, for example, need to be a delay while a co-defendant who had pleaded not guilty to the murder, manslaughter or sex abuse, as the case may be, was tried before dealing with the offence of non-disclosure.

The trial of the allegation of non-disclosure should not just be before the same judge who tried the murder or sex abuse case; the judge should try it without a jury. That would be quicker, of course, but would also avoid any deliberate or unwitting bias against the convicted killer or sex offender in the mind of the jury which had only just reached a guilty verdict, or of a new jury which will know of the first and highly prejudicial conviction. It would also enable the judge to be sure that the facts proved to his satisfaction in

[LORD GARNIER]

the first trial could, where relevant to the issue of non-disclosure, be available without re-proof in the non-disclosure trial. There would be a reasoned and dispassionate judgment which explained what the judge had found and why the facts applied to the relevant law led to the verdict of guilty or not guilty.

If there were a verdict of guilty, the judge could then first sentence the defendant for the original offence and, secondly, impose a consecutive sentence for the crime of non-disclosure. If sentenced to life imprisonment for murder, the defendant would be told that the minimum tariff for the murder would be, for example, 25 years and that the determinate sentence for non-disclosure was five years, to run consecutively from the end of the tariff, making a total of 30 years before release on licence could be considered. If the offence merited an extended determinate sentence, the judge would add the two sentences together, making sure that the overall number of years was neither unduly lenient nor manifestly excessive and that the two sentences would run consecutively and not concurrently.

There is no doubt a good deal of procedural and legal detail that will need to be thought through, but I suggest that the scheme I have advanced, if only in outline, better fits the purpose intended but not achieved by the Bill before us. I ask the Government to see whether what I have proposed might not better deal with the very real concerns of those who have so enthusiastically and rightly supported this Bill.

3.28 pm

**Lord Kennedy of Southwark (Lab Co-op):** My Lords, I first welcome my noble friend Lord Ponsonby to the Opposition Front Bench and make it clear that I fully support this Bill and its aims. I pay tribute to the campaigners, including, as we have heard, the McCourt family, led by Marie McCourt. They have sought this change to the legislation and, along with the families of the victims of Vanessa George, have enabled this to happen. It is thanks to them that the Bill is here. Hopefully, when it soon becomes an Act of Parliament, it will be able to give some comfort to the families of victims in future.

I also pay tribute, as have other noble Lords to my honourable friends in the other place—the Members for Plymouth, Sutton and Devonport and for St Helens North—for their work campaigning with the families of victims, which has helped bring this legislation forward today. I also pay tribute to the Government for bringing the legislation forward, for putting it in their manifesto and following that through—we are all very pleased it is here. The Bill is fairly short, of course. It has two clauses that amend the Crime (Sentences) Act 1997 and address the release of prisoners under the Criminal Justice Act 2003. The noble and learned Lord, Lord Garnier, made a number of points. He is a respected lawyer and I am sure that the noble and learned Lord, Lord Keen, will respond to those points. These detailed questions of law need to be addressed and I hope we will get a response to them.

In respect of the crime of murder, as we have heard, the Bill brings into force provisions which have become known as Helen's law. The noble and learned Lord, Lord Keen, referred to that in his opening remarks.

In responding to the debate, will he set out in more detail for the House how this process will work, compared to the guidance given to the Parole Board previously, and this new statutory obligation to consider the non-disclosure about a victim's remains? Would the Parole Board always have considered this question—I think it probably would—or might it not have considered the non-disclosure of victim's remains because it had the discretion not to consider that matter?

Will the noble and learned Lord also address the situation where someone is convicted of the crime of manslaughter but is given a determinate sentence of some years in prison? Does he believe that the issue would not in effect arise, in that someone who was convicted of the crime of manslaughter and had refused to disclose what happened to the body would expect to receive a life sentence from the court, as opposed to an ordinary determinate sentence or an extended determinate sentence, which are, of course, covered in the Bill? For anybody given an ordinary determinate sentence, one would assume that the victim's remains had been recovered, due to the nature of the crime they had committed attracting that type of sentence.

Will the noble and learned Lord, Lord Keen, address the fact that the Bill requires the Parole Board to consider the issue but does not prevent it deciding that someone is still suitable for release? In such a case, will he confirm that the powers of the Secretary of State in these circumstances have not changed but will stay as they are at present? Will he also set out where we are in respect of people convicted of murder but who do not admit their guilt and, in some cases, protest their innocence? What happens to them? Are they, in effect, in denial and not allowed to be considered? It would be interesting to find out.

My noble friend Lady Kennedy of Cradley made an important point about contacting victims and their families to seek their views before somebody is considered for release. Again, I hope the noble and learned Lord can address that point. It is very important because people move away over what can be a period of many years and contact with them can be lost. The possibility of their finding out through the media, including social media, is not something we would want to see in the future.

The Bill is important in helping the families of victims come to terms with the hurt and the grief. In that sense, the Government should be congratulated on bringing the legislation forward. On the other side, there is the issue of the mental health of some prisoners, and that of human rights, which must be a concern for all of us at all times. These are of course rights that murderers deny their victims and their victims' families, but human rights are still important. Perhaps the noble and learned Lord can address that in his remarks. I look forward to his response in due course.

3.35 pm

**Lord Hastings of Scarisbrick (CB):** My Lords, I remind the House of my interest in the register as founder and chairman of Crime Concern, which gave birth to Victim Support. All of us agree that the Bill is much needed and timely. It may be simple in the paragraphs contained in it, but it is profoundly essential. It is a dignity measure for victims—a measure that



strips bare those vindictive and harsh offenders who wish to hide behind their crimes and the mask that an illusion will eventually pass over our concerns. These vulgar and violent crimes cannot and should not be forgotten.

I am conscious that the seriousness and importance of this legislation reflects a great effort on the part of the Ministry of Justice and the Government to tighten the law. We cannot disagree, given the cases involved that have set the boundaries for the Bill, that it is vital and necessary. When the Minister comes to wrap up the debate, will he indicate whether the Government have an interest in bringing forward any further legislation to tighten up other aspects of the law on the release of prisoners? Whether they are appropriate or not, there may be further dimensions for consideration by the Parole Board, or even by those with wider sentencing or probation powers.

Yesterday, we heard in the other place that just 33 prisoners have been released out of the proposed 4,000 in the decision of the Ministry of Justice on 4 April. This would imply that the release procedure has gone wrong somewhere. We know that a few offenders were released and then recalled. It also suggests that the promise of release for good reason, as agreed by many in this House and the other place, as well as by public campaigners, means that sometimes too many people are allowed to languish for too long in our system. That is itself an element of injustice. How will the Government fulfil their responsibility, set out on 4 April, to release prisoners who pose no harm to wider society, in particular as they have done not only for pregnant women prisoners but for those with disabilities, of great age or who are suffering from other illnesses? Can the Minister comment on that aspect or, if it is not in his brief, will he write to the House? This is a matter of dignity. While the Bill is about dignity for victims, the entire criminal justice system needs to have that element of dignity about it.

My noble friend Lord Hogan-Howe, who is not in his place today, and I have been looking at a number of cases involving miscarriages of justice relating to offenders that are of serious concern. We are here to pass a vital Bill because it will place further duties on the Parole Board and on the structure of how considerations of parole and possible release are brought forward. What consideration is the Ministry of Justice now giving to beefing up the need for enhanced legal aid to support those in need of better consideration of their cases? What thought is being given to the Criminal Cases Review Commission, which seems to have been consistently weakened over decades so that its ability to bring forward cases of genuine need—to see that justice is done—is now much reduced? In particular, perhaps I may highlight what seems to be the number of IPP prisoners who are languishing while being held in our prison system, given that the current number is around 2,400. They are serving indeterminate sentences with no notice of release.

I am raising these issues because the Bill is about justice for victims but, at the same time, we should not make others the victims of injustice by allowing miscarriages of justice to be disregarded. I hope, as would we all, that as the Bill passes on to the

statute book—as it should, so that families, in particular the McCourt family, get some sense of peace at long last because the right thing has been done—we do not allow the wrong thing to continue simply because it does not make for a good headline. I ask instead that justice is comprehensive and that the Ministry of Justice takes account of all those affected by the criminal justice system.

3.39 pm

**Lord Balfe (Con):** My Lords, I would not imagine that there is anyone in this House who does not support this Bill; we extend our sympathy to those who sadly gave rise to it and our congratulations to those in the other House who have brought it this far. I fully support the Bill, but I have some questions, which I will address to the Minister and the House.

The briefing note says that the Bill puts into statute already established guidance for the Parole Board. The delegated powers memorandum says that where “the offender has not disclosed the location of the victim’s remains, the Parole Board must take that into account in determining that prisoner’s suitability for release.”

I do not think that anyone could disagree with that, but it leads to the question: why is this necessary? Why do we need to guide the Parole Board—unless we believe that maybe it has lost its way?

If we are going to have greater transparency for the Parole Board, which I think is a good thing, we also need to know—from the Minister, I hope—when the review that was indicated in the Conservative Party manifesto is expected to report and to lead to some changes. It could be argued that part of the problem is, first, the personnel on the Parole Board, and, secondly, the omerta that surrounds much of its proceedings. Both of these things I have no answer for, but they need to be looked at.

I note that the Bill does not extend to Scotland and Northern Ireland. Is it envisaged that within the devolved Administrations settlement it will be discussed with them, with a view to then bringing matters into line?

The provisions for reviewing convictions also probably need to be looked at. As has been mentioned, some people in prison maintain very rigidly that they are innocent. They may be guilty but have convinced themselves that they are innocent, or they may think that they have been wronged. I am not against a tough system on release, but there has to be an adequate system for reviewing the convictions of those who maintain their innocence—at least the evidence should be looked at again. It is in no way a comparable series of offences, but one thinks of Guildford and Birmingham and the way in which miscarriages of justice were carried through in the past. It is possible, in a very febrile atmosphere, that a conviction might be upheld; the Parole Board may meet in secret but trials are conducted in public, and it is possible for people to be carried away.

The noble and learned Lord, Lord Garnier, mentioned wilful non-disclosure. There is a certain amount of wilful non-disclosure, but we also need to be careful of what I think of as “mind-blanking”: in other words, the psychiatric condition where people just cannot face the fact that they have done something, or their mind goes completely blank. There is a condition where you just forget everything that has happened.

[LORD BALFE]

I have often thought that Ian Brady, who led the police and the judicial authorities a merry dance for many years over the location of the Moors murders bodies, had probably forgotten where they were. But it was an excuse for him to get a day out from time to time, and maybe he realised that he was never going to be released. I have never been convinced that he actually knew where the bodies were. I may well be wrong, and I am certainly not suggesting that he should ever have been released, but it is possible for people to completely blank out things in their lives.

I also have a slight reservation about the child abuse provisions. Is it possible that people could name the wrong children? I think it is, particularly if the crime was some time ago. The offender is presented with a list of children who may have been in that nursery. He then thinks, “Well, if I name some, it will help me to get out, but I can’t really remember whether it was X or Y. I think it was X, so I’ll name X”—but if they are wrong, that also has a very severe impact on the child who is wrongly named. I do not have the solution, but I think the question needs looking at.

My final point is that there is a need for the Parole Board to see some psychiatric evidence and to have some independent people before it. I am certainly not advocating a legal aid bonanza of prisoners being able to hire QCs and have full hearings, but I think provision should be made for the Parole Board to call independent expert witnesses, particularly in areas such as mind blanking and the like, to advise it. We probably need also to look at the membership of the Parole Board and the degree of secrecy within which it is able to work.

Can the Minister say when it is envisaged that this law will come into force? I note that the decision is left to the department. Does he have any idea when the department will aim to bring it in?

3.46 pm

**Lord Adonis (Lab):** My Lords, we all share the distress of the victims of the appalling crimes which have given rise to this Bill, and I associate myself with all the remarks that have been made in that regard. However, the key speech of this debate was made by the noble and learned Lord, Lord Garnier, about how much the approach taken in the Bill changes things in practice. As he rightly said, all the Bill does is impose a statutory duty in place of the current requirement on the Parole Board to consider these matters in any event.

That being the case, will the Advocate-General tell us what difference in practice the Bill will make to the operation of the system? The noble and learned Lord, Lord Garnier, made the point very well that, given the public importance of these issues and the huge emotive and personal importance to the relatives of the victims, having a process in open court and creating a new statutory offence seems a more logical and justifiable way forward.

Perhaps I could ask a related question. Since it appears that this Bill does not change the way the Parole Board operates, might it be possible for relatives of the victims in question to address the Parole Board? Given that in the Bill Parliament is seeking to highlight one particular factor among others which the Parole

Board must consider when deciding on release and the significance of that factor, might victims be allowed to address the Parole Board directly? Can the Minister say whether that was considered by the Government—and, if it was considered, why it has not been allowed?

3.48 pm

**Baroness Finn (Con):** My Lords, I wholeheartedly support this important Bill and pay tribute to those who have worked so hard to bring it to Parliament. Justice delayed is justice denied. Since Helen McCourt was tragically murdered in 1988, her mother Marie has been searching for justice and peace, and while Helen’s law will at least help bring justice to others, this Bill must be only the start of putting victims’ views at the heart of the criminal justice system.

This Bill is a critical step in the right direction, yet if we stop here our criminal justice system will continue to let down the victims of crime. I believe passionately in the rehabilitation of offenders and declare my interest as a member of the development committee of the superb charity Clean Break. But victims of serious crime should always be on our list of priorities. I welcome the fact that the Bill puts victims first by placing a statutory duty on the Parole Board to ensure that there is proper consideration of whether there has been a failure to disclose the location of the victim’s remains in the case of murder or the identity of a child when it comes to taking or making indecent images of children. This is a positive and welcome move and it is hard to understand how any convicted criminal can claim to be rehabilitated if they continue to withhold such information. Failure to do so shows a lack of understanding, remorse and compassion. It shows that they are not willing to do what it takes to redress wrongs and accept responsibility for what they have done.

However, we should also consider what else we can do to support victims. Justice is not a single moment in time; it is a process of rehabilitation that victims too have to go through before they can come to terms with what has happened to them and take back control of their lives. My concern is that this Bill will not fundamentally change current practice and that families in such cases will continue to have to rely on the discretion of the Parole Board. There are too many concerns about the lack of transparency and accountability in the Parole Board’s processes, and some serious question marks hang over its duties in relation to responsibilities towards victims.

Never has there been a more courageous, compassionate and passionate advocate for victims’ rights than my noble friend—I am very proud to call her a friend—Lady Newlove. Not only did she and her young family have to come to terms with the most base and horrific of crimes, but she has lent her voice to support others. However, even she has been let down by the system. Unbeknown to her and her family, the perpetrators of the crime that left her a widow and her daughters without their father have variously been recommended for parole, early release and a place in open prisons with home visitation privileges at the weekend. Why was she not told? Does she not have an inalienable right to feel safe and secure?

Noble Lords might be aware of the victim contact scheme. This is supposed to allow for a victim whose offender is sentenced to 12 months or more to be kept informed of the progression of the sentence and any associated parole. However, victims have told of being contacted by the scheme only to be informed of Parole Board decisions that have already been made. One victim even discovered a decision on Twitter before being informed by the scheme.

Let us take the case of John Worboys, the black cab rapist, recommended for early release from his life sentence by the Parole Board. More victims of Worboys's heinous crimes had to bravely come forward for the Parole Board to reverse its decision. Why were the victims not part of the Parole Board hearing in the first place, or at least fully aware of it? Instead, they were forced to come forward by fear itself to stop what was nothing less than the undermining of the justice that they thought had already been done.

That tells us that, for the victims of crime, sentencing and conviction are just the beginning of justice. If sentences are altered or shortened, or the terms and conditions of release are changed, victims have a right to know and a right to their say. It is not okay that my noble friend Lady Newlove and her family were not told that the subjects of their own personal nightmares could be walking the streets of their home town without their knowledge.

My noble friend has called for a victims' advocate unit to level the playing field. Her point is that, once a victim's impact statement has been read, victims cease to exist as the process of justice continues to wind its course. Victims should be given training and legal aid so that they too can continue to hold the courts and the Parole Board to account, continue to advocate for their needs as victims, and get access to any information they need about the terms of parole or release or the location of offenders.

Alongside a victims' advocate unit, we also need comprehensive reform of the Parole Board. This is the same Parole Board that released John Worboys, even though he remained a danger to society, released Garry Newlove's killers without telling his family when and where, and released Helen's killer, even though he had it in his gift to bring peace to the victim's family but declined to do so. It is time to embed the rights of victims alongside those of offenders, recognising that the Parole Board's decisions impact both.

Everyone deserves a second chance, and so too do victims of crime—a chance to rebuild their shattered lives, to restore confidence, self-esteem and self-worth, and to try again to live the life that was taken away from them. Justice needs to focus far more on the rights, wishes and needs of the victims. For that reason, and notwithstanding some serious concerns about the Parole Board's decisions, I support and welcome the Bill and commend it to the House.

3.53 pm

**Lord Mann (Non-Afl):** My Lords, I am regularly nervous when legislation on criminal justice emerges from the Home Office via politicians. Much of it over the last 20 years that I have participated in through debate and discussion, and have voted on, has struggled to pass the test: does it do what it is meant to do? I will

not repeat the very eloquent argument put by the noble and learned Lord, Lord Garnier, but the question of whether something that goes in the right direction and is done in the right spirit does what it is meant to do is fundamental; otherwise, in several years' time we will find that a piece of legislation is not fit for purpose, and has no purpose other than to placate a general and valid viewpoint and a demand from individuals and society.

I hope that the Minister can persuade me, and other noble Lords, that this Bill will do what it says on the tin. The noble Lord, Lord Balfe, raised the question of Ian Brady. However, Brady was in Broadmoor: would this legislation have applied to him? That case scarred the whole of the north of England. In some ways, it still does to this day, particularly regarding Keith Bennett, so horrifically unfound and his mother unable to be reunited with her son before her death. The case captured the anger of whole segments of society that the law was not doing what it should. Will those determined by the law to be unfit for prison and put in special hospitals—I live just a few miles from another one, Rampton, which has had equally notorious cases—be covered?

The question of whether the law goes far enough in the right direction is also very important. I have had the honour—but not the pleasure—of being involved in detail with the independent child abuse inquiry. I have been a witness and will be again in the near future. I spent four weeks representing people in the Nottinghamshire strand of the inquiry. I sat, both inside and outside sessions, with those who had survived the most horrific abuse, often as small children. I tried to work through what it was that they actually wanted. Of course they wanted a conviction, if they could get one, but what else were they after? What was the key thing, above all else? I was able to dissect the cases of the 30 individuals I was representing. We had some successes: one case got reopened and someone got 19 years in prison; we had a celebratory party to see him off. Criminal justice and the sanction of prison was important, but at the heart of what those victims of child abuse wanted was the truth. The conclusion I drew was that the fundamental motive and critical thing to look for is power relations. Is the law sufficiently well framed in these cases? I would accept an argument from the Minister that currently it is not.

How do we deal with the misuse of power relations? In the Brady case, and in others that have been cited, it seems clear that the misuse and retention of power, by refusing to give information that victims require, is part of the criminality involved. When it comes to the images of child abuse that have led to a rather modest inclusion in the Bill, again, the fundamental question that has to be asked every time is: what is the power relation—the misuse of power? It seems to me that this opens up a healthy area for consideration, whether through amendments to this Bill or other legislation. Be it the murderer, the rapist or the child abuser, of whatever kind, misuse of power is the fundamental question, which the current law does not adequately address. It addresses acts, which can be properly adjudicated on, but the concept of power and how it is misused is much more difficult—as is, therefore, the question of silence and the refusal to give information. I hope that the Minister will give some consideration as to whether this Bill can be extended.

4.01 pm

**Lord Naseby (Con):** My Lords, I live in Bedfordshire and represented Northampton for the best part of a quarter of a century. The prison serving that community is Bedford prison, which has difficulties made worse by the overcrowding that it has always had. Ironically, the situation we find ourselves in today with coronavirus has brought this issue into my focus; it is a heavily overcrowded prison. The argument and discussion that took place during the short debate last Thursday, in which I took part, concerned which prisoners should be put on temporary release and how many. The question was debated fully and, I think, successfully.

This Bill deals with the same subject of prisons. I have read it. A comment was made that it is only a short Bill, with three clauses. I remember chairing the Maastricht Bill, which was one clause longer at four clauses. It took 25 days to reach Committee stage, so the length of a Bill is not necessarily a determinant of its importance. I have a few questions, as a layman and someone who takes a public interest. The first question, which arises from the debate last Thursday, was raised by my noble friend Lord Balfe behind me. I note that the Bill applies only to England and Wales. Is there any difference between England, Wales, Scotland and Northern Ireland in what takes place currently, and is it the intention that those other two important parts of the United Kingdom are to follow suit?

Secondly, I have listened in particular to my noble and learned friend Lord Garnier and it is not entirely clear to me why the Government have so far rejected the concept of “no body, no release”. Is it based on the evidence that has arisen from Australia, or on mental health concerns in that area? I hope that the Minister who spoke in the other place—I have read the whole of that debate—was correct to say that

“there is a danger that if we proceed too far along that path”

—of no body, no release—

“we could inadvertently create an artificial incentive for people to mislead the authorities and to feign co-operation or remorse.”—  
[*Official Report*, Commons, 11/2/20; col. 747.]

I would have thought that part of the skill of life for those who work in interrogation is to pull out an answer from whoever they are interrogating. However, the Minister may be right; personally, I have my doubts, but I hope he is correct.

My third question concerns the Parole Board. From listening to my noble friends and other noble Lords, one realises that the assessment as to why an offender is withholding information is, in essence, subjective. Again, it ends up as an assessment of risk. I am used to risk—I have been in the commercial world for the best part of 50 years. Some risks are relatively low; some relate to areas in which, by definition, the risks are quite high. We know that ourselves today, in dealing with the coronavirus. Murder, manslaughter and the other area we have discussed this afternoon are high-risk areas and I wonder whether such cases can be left to the interpretation of a body such as the current Parole Board.

I understand that there is to be a review of the Parole Board. Obviously, if that is the case, then somebody, somewhere, is uncomfortable with the current situation. The inference is that, somehow or other, the

Parole Board has to be made more accountable and transparent. Certainly, transparency is vital in today's society, as the public really do take an interest. Unless we have that transparency, the public will turn against us as the legislators.

My fourth question concerns the case of Vanessa George. I have read only the evidence and the discussions from the other place. Coming to it fresh, for the first time, I have to ask the Minister: does he really think that, for one reason or another, the wrong decision was made regarding her release?

I come to my fifth question—it is my last, although I also have one comment to make. Is the review still likely to take place, bearing in mind the challenge we are currently facing with coronavirus and the huge challenge of Brexit, which has to be dealt with in less than 12 months?

Lastly, I turn to an area which I am perhaps more comfortable in, namely the future of the word incentivisation. From reading the reports and the discussions from the other place, this does not seem to be part of people's judgment. I have worked in the commercial world. I have lived in India and Sri Lanka; much of the law of those countries is determined by a combination of Buddhism and Hinduism. In the 50 years that I have worked in the commercial world, I have always taken a keen interest in incentives. Based on that experience, it seems that if incentives are correctly targeted, they can achieve a major positive response, which is sometimes way beyond what was expected or forecast. I simply ask my noble friend on the Front Bench: what are the incentives for the convicted person to provide the key information that they are withholding? Or, to put it another way, what other incentives, other than those that are there already, could we think about using, to try to find an answer to this very challenging area of the law?

4.09 pm

**Baroness Barker (LD):** My Lords, on behalf of my colleagues on these Benches, I welcome this Bill. I was due to speak on it before the Recess, as was the Minister, the noble and learned Lord, Lord Keen of Elie. In the intervening period, I had the opportunity to talk to Helen McCourt's mother, Marie McCourt. She is an amazing woman. One cannot but be moved by her tenacious diligence in pursuing this matter over 32 years and, I would say, doing so without personal malice, which is really remarkable in the circumstances.

I will perhaps strike a slightly different note from other noble Lords. I believe that the Parole Board's work is very necessary and very difficult and that it is one of those public bodies that tends to come in for undue criticism, as the reasons for the decisions it makes, and indeed some of the limitations under which it works, are not always fully understood. While much of the criticism of it is legitimate, it can also sometimes find itself on the end of concerted campaigns.

That said, this Bill has some merit—although I quite understand the questions that have come from around the Chamber about how much of a difference it will make. I believe it is right that we do not adopt a no body, no release rule. I do so for two reasons. First, there are people who will perhaps lack mental capacity and be unable to give the information that at some

point they may well have known. Secondly, there are miscarriages of justice and we cannot therefore bring in an absolute rule.

I listened carefully to the speech by the noble Lord, Lord Mann. My family lives on the edge of the Pennines. I remember as vividly as yesterday 1987, the appalling effect that had on the people of the area and the terrible effect it had on Keith Bennett's family. We do not want to put the wrong sort of incentives in place.

I understand the Bill, the two different sets of offences to which it applies and the approach the Government have taken in strengthening the obligation on the Parole Board to take matters into account. I want to reflect on a point made in another place. I understand that, at the point of sentencing, a court would have to have taken into account the fact that the person had not disclosed. Having said that, I bow to the superior knowledge of the noble and learned Lord, Lord Garnier, and I would like to reconsider some of the points he made. I think we will get to a point at which we discover that this Bill is not tough enough, and at that point we might well wish to follow his proposals.

One of the questions I have for the Minister is: given that there will be a slightly stronger obligation on the Parole Board to take these matters into account, how will the effect of this Bill be monitored? How will we know whether it is working? I have a great deal of sympathy with victims' families who make the point that this is usually only one indicator of a more general lack of participation in the rehabilitative programmes that exist in prison.

For example, Ian Simms, who has been mentioned—the killer of Helen McCourt—has never taken part in any kind of rehabilitative classes. He has never attended a Parole Board hearing at which Helen's family have been present. They are therefore left to wonder on what basis the Parole Board has come to a conclusion that he is safe to be let out. That is another question I have to put to the Minister. How confident are the Government that this law will strengthen the Parole Board's overall remit to determine that somebody has given absolutely no indication of rehabilitation and therefore that they still pose a serious risk on release?

We have focused today on the two cases that have directly given rise to this law, but there are others. I wonder if the Minister, in summing up, could say just how many people in the criminal justice system he thinks this is likely to apply to.

My final question to the Minister is this. When this law reaches the statute book—I sincerely hope that, with cross-party support, it does—will it be open to victims' families to apply for judicial review of decisions to release that have already been made, or will it not?

It is fair to say that we all wish that this law could be made a great deal stronger. I am not sure that it is possible, to use the words of the noble Lord, Lord Naseby, to incentivise people for whom the withholding of information is an act of powerful callousness that some of us may find hard to credit. All we can do is give as many different tools as possible to those who seek to erode the ability of such people to go on meting out continuing punishment to the families of their victims. I hope that this Bill is passed.

4.17 pm

**Lord Ponsonby of Shulbrede (Lab):** My Lords, this is a short Bill, with just three clauses, but it should not be underestimated because of its length. Unsurprisingly, today's debate has been much more wide-ranging than the scope of the Bill itself. The Bill is the result of a campaign led on behalf of Helen McCourt; I was pleased and touched to hear about the engagement of the noble Baroness, Lady Barker, with Mrs McCourt. It is a variant of the Bill originally introduced in 2016 as a 10-minute rule Bill by my honourable friend Conor McGinn.

As we all know, Helen was murdered. She disappeared in 1988. The location of her body has never been disclosed by her murderer, who has now been released from custody. The purpose of this Bill is to put into statute the already-established Parole Board guidance when making release decisions about serious offenders. I believe that it is right to take into account the refusal of a serious offender to disclose the whereabouts of the victim's body. Offenders who refuse to disclose this information pose an ongoing risk to the public. Indeed, it is a form of ongoing control and abuse by the perpetrator of the victim's family and friends.

Supported by a number of noble Lords from across the House, the noble and learned Lord, Lord Garnier, suggested a way to go further in addressing this method of control, if I can put it that way. His idea was interesting. My question for the Minister concerns the level of monitoring that there will be on the impact of this Bill to see whether it will be possible to take further steps along the lines of what the noble and learned Lord outlined.

The Bill also puts into statute two requirements on the Parole Board when making release decisions. The first, as we have heard, is for offenders who are convicted of murder or manslaughter, where the Parole Board must take into account whether the offender has refused to reveal details of the location of the victim's body. As we have heard, this is a subjective decision for the Parole Board because it must take into account whether this non-disclosure is the result of a psychiatric disorder or a deliberate decision to withhold information; a number of noble Lords, including the noble Baroness, Lady Bull, and the noble Lord, Lord Balfe, made this point. An interesting point was also made about perverse incentives if one were to go too far down the road of requiring identities to be revealed or requiring a no body, no release-type measure. There is an interesting balance to be struck, which has been addressed in both this House and the other place. Ultimately, it will be for the Parole Board to make that judgment.

My noble friend Lady Kennedy of Cradley asked a number of questions about transparency and keeping victims up to date with decisions on prisoner release. She made a good point about video conferencing in our courts, which we are seeing evolve as we speak. That is developing on a number of fronts. Can the Minister say whether the Parole Board is investigating its use, either for parole hearings or for incorporating victims into the process of the parole hearing? This is a fast-moving area and people should be open-minded about the new technologies which are being used so much at present.

[LORD PONSONBY OF SHULBREDE]

Other questions were on the status of any future victims Bill and how that might lead to greater transparency, properly taking into account people with psychiatric problems, and on reviewing the operation of the Parole Board. On the latter, I understand that various papers have been written, but can the Minister tell us more about the Government's ambitions for properly reviewing the work of the Parole Board?

We have all lost people who are dear to us and many of us will know victims of crime, but the circumstances of Helen McCourt's death put the suffering of her family at a different level. Other families have experienced similar tragedies. I hope that this Bill will at least show that people have listened to Marie McCourt. Local MPs have taken up these matters; hundreds of thousands of people have signed a petition to support this Bill; all political parties have supported its objectives, and the Government and now Parliament have listened. I hope that the outcome of the Bill will be to strengthen the role of the Parole Board and to give better explanations and outcomes for victims' families.

4.23 pm

**Lord Keen of Elie:** My Lords, I thank noble Lords for what has been a worthwhile debate on this important Bill. I hope that families and victims affected by the sort of circumstances referred to will have taken some comfort from the fact that the Bill has made this much progress and has received support from around the House, albeit some noble Lords may feel that it does not go far enough and some may feel that it should look to issues other than those addressed.

The noble Lord, Lord Ponsonby, whom I welcome to his place on the Front Bench, used the word "balance", which is an important term in the present context. There has to be a balance of a number of issues and interests. I shall seek to address the points raised by noble Lords in as straightforward and clear a way as possible in the time allowed.

The noble Baroness, Lady Kennedy of Cradley, referred to the guidance to the Parole Board. Certain guidance exists at present, but we ensure that that guidance can never move away from the issue addressed by this Bill by enshrining it in statute. There is a question about the status of victims and their views in the context of the Parole Board hearings, and the whole question of how technology may be brought to bear to improve these hearings. The processes of the Parole Board are the subject of review at present, and no doubt these issues will be taken into account.

A number of noble Lords asked about the timescale for that review. In the present circumstances, I can go no further than to say that it will be brought forward in the course of time. I know that that is not terribly helpful in itself. However, I hope that noble Lords will appreciate that we are concerned to ensure that the review is brought forward as soon as reasonably possible, but that there are other pressures on government at present.

On the observations of the noble Baroness, Lady Bull, again, I concur with her observation that to move from a discretion in guidance to a statutory obligation is itself important. It ensures that there is a clear consideration mechanism to be brought in these cases.

We are confident that the provisions of the Bill are sufficient and effective to apply in the contexts of non-disclosure, psychiatric conditions and mental illness. Again, the noble Baroness raised the question of review by the Parole Board, which I have sought to address.

My noble and learned friend Lord Garnier suggested that the Bill does not go far enough. I am reminded of the reference made by the noble Lord, Lord Ponsonby, to balance. I will make two observations. We agree that Parole Board decision-making should be transparent and as open as possible, particularly for victims and their families. However, there are good reasons why parole hearings are held in private. Deeply personal and sensitive issues are discussed regarding the offender, the nature of the offence, the victim and the arrangements for the possible release of an offender, including, for example, where they might or might not live, and the licence conditions that apply. Therefore, the parties must be able to speak candidly, and the prospect of information being made public that could compromise the integrity of evidence has to be borne in mind.

We have taken steps to improve the transparency of the parole process. In May 2018 we amended the rules to allow the board to provide summaries of its decisions, in order to provide victims with an indication of what the position had been. That has improved transparency. In July 2019, the new Parole Board rules were introduced. This created a reconsideration mechanism that can be employed by the Secretary of State, and which has been in one of the cases referred to here.

The second issue that my noble and learned friend Lord Garnier raised was a new offence of non-disclosure. We have to remind ourselves that in sentencing, one is concerned with two elements, punishment and prevention, and the Parole Board's consideration is of course prevention. Where an offender's main offence is murder, for which a life sentence is imposed, any additional sentence for a separate offence—for example, of non-disclosure—would have to be served concurrently to the life sentence, because it would be a sentence of immediate custody and could not be deferred to commence at the point the judge sets as the minimum tariff for the murder. Therefore, if a separate concurrent sentence were imposed at or shortly after the time of sentencing for the main offence, it would in all likelihood be completed well before the minimum tariff for the original sentence had been completed. In fact, there is no need for a statutory offence, because courts may consider the common law offence of preventing the lawful burial of a body, which is itself punishable by a maximum sentence of life imprisonment.

Therefore, provisions do exist, but in reality it is more reasonable for the sentencing judge to take account of the non-disclosure when deciding on the length of the tariff, and to increase the tariff accordingly when non-disclosure is seen as an aggravating feature of the crime. We can therefore accommodate this under current sentencing policy, and I do not consider it necessary to introduce a new statutory offence. However, clearly, we will keep the application of the Bill under review—a number of noble Lords raised that point. It would be usual for the implications of the legislation, once it has commenced, to be considered after a period of three years. That gives time for implementation by the Parole Board,

for the results to be identified and for improvements, if any, to be contemplated; that will take place in this case as well. On the commencement of the Bill, it is certainly the intention that it should be brought into force as soon as reasonably possible after it receives Royal Assent, which would normally be a minimum of two months after Royal Assent. I do not anticipate that being deferred for any material period, and I am not aware of any reason why it would be, so we would hope to see the Bill in force reasonably swiftly.

I turn to the observations of the noble Lord, Lord Kennedy of Southwark, who asked about a short determinate sentence in the case of manslaughter. There, the person would never come before the Parole Board and the Bill, when it becomes an Act, would therefore not apply to them—so I seek to give him that reassurance.

There was also the question of when somebody maintains that they are not guilty, a point raised by other noble Lords as well. That matter clearly comes before the Parole Board. It has to make a judgment about the circumstances and come to a view about whether such conduct is deliberate. It may be a psychological problem or a mental health issue. That is why we cannot have an absolute rule of, “no body, no parole”, as has been suggested on some occasions. Quite apart from anything else such a rule, while it would not take account of somebody who is suffering a mental illness or who simply has a psychological commitment to denial at all costs, would also potentially be in breach of Article 5 of the European Convention on Human Rights. That allows for punishment and preventive elements in a sentence but would not allow for a non-co-operation element. So there are very real concerns that an absolute rule would be subject to successful legal challenge, which is one thing we do not want in this context. Indeed, if there were to be such a challenge it would merely heap further uncertainty on families and victims of crime in circumstances where we can, if we look forward, avoid that.

The noble Lord, Lord Hastings, raised a number of points on sentencing policy. I am not going to address sentencing as it is not the purpose of the Bill, so it is not appropriate to go there. He also raised release from prison during the Covid emergency and referred to the provision for releasing up to 4,000 prisoners—I stress “up to”—who would be due for release within two months. There have certainly been only limited releases under that provision. However, the whole purpose of that policy was to provide head room within the prison population; that is, to allow for capacity demands to be met within it. They have in part been met because, due to the closedown resulting from the Covid pandemic, courts have not been sitting, trials have not been taking place and people have not been committed to prison as a result of sentences. That has reduced the head count within the prison estate by about 2,500. So it is a question of balancing these issues. We must of course have the means to reduce the prison population if that is urgently required, but we are not going to do it as a matter of course. We do not seek to release 4,000 prisoners just because that figure was the upper limit set in the provisions that were referred to. It is there as head room and will be used if required. If it is not required, it will not be used.

Reference was made to the unfortunate administrative error that led to the release of six prisoners who should not have been released. I commend the prisoners in question, who all returned as soon as the administrative error had been identified. One was then re-released, as it were; the other five were not. But to that extent they co-operated.

The noble Lord, Lord Balfe, asked me a series of about 20 questions. I will seek to address some of them. He asked why we need guidance for the Parole Board. It is appropriate that the Parole Board, like any body of that kind, should work within the boundaries of guidance. It is not that we do not trust it or rely on it but, like any such body, it would like to have a rulebook so that it knows the boundaries within which it operates. As I say, we will bring forward the review when we can.

Will the provisions extend to Scotland and Northern Ireland? I believe that the noble Lord, Lord Naseby, also raised this point. These are devolved issues and it is not for us to legislate for Scotland or Northern Ireland in these areas. However, my understanding is that both those legislatures are addressing this issue and they may in turn bring forward their own legislation in these areas. I would add only this: if somebody was convicted in Scotland but then transferred into the English prison establishment and became subject to the Parole Board in England, the provisions of the Act would apply to them. That is the only exception. Otherwise, we would leave it to the devolved Administrations to discharge their provisions as they think fit.

The noble Lord, Lord Adonis, referred to the observations of the noble and learned Lord, Lord Garnier. I hope that I have addressed those to some extent. Clearly, there is the issue of the interests of victims being considered, and I anticipate that that will form part of the ongoing review into the operations of the Parole Board. I take the point that was made by a number of noble Lords about the introduction of technology to improve that whole process. As we see it accelerating in the courts, why should we not see it accelerating with other bodies? Those developments that just a few months ago people thought would take five to 50 years, are taking five to 50 days to implement, which shows what can be done when it is demanded.

The noble Baroness, Lady Finn, talked about a lack of transparency at the Parole Board; I hope I have addressed that to some extent. There is also the question of the Victim Contact Scheme. No doubt experience indicates that that can be improved, and we may have to look at whether it is an opt-in scheme or an opt-out scheme and how it can best be developed with modern technology to ensure that victims and their families are aware—not after the event but before the event—of these processes. I acknowledge the concern expressed on that point.

The noble Lord, Lord Mann, asked what happens when someone is committed to Broadmoor, for example. Their release would be determined under the provisions of the Mental Health Act and would go before the First-tier Tribunal for determination. If they were then referred back into the prison system, ultimately they would become subject to the parole process and to the Act; otherwise, their release from Broadmoor, or from another institution of that kind, would be under the Mental Health Act and not these provisions.

[LORD KEEN OF ELIE]

The noble Lord, Lord Naseby, raised a number of points that I hope I have addressed to some extent. In particular, he asked why we rejected the “no body, no release” point. I have sought to reassure him as to why it is appropriate that we should not accept that particular way forward. There is the question of incentivisation, and one of the purposes of the Bill is to make it very clear, not only to the Parole Board but to prisoners, that this is an issue they will have to face when they reach the preventive stage of their sentence and are seeking to be released into the community. But let us remember that there are evil and manipulative people out there, and they will not cease necessarily to be evil and they will not cease to be manipulative, no matter what legislation we seek to pass. We have to be realistic about that. It is unfortunate, but it is true.

The noble Baroness, Lady Barker, who I acknowledge took helpful and appropriate steps to engage with the McCourts after this Second Reading was deferred, raised the question of “no body, no release” as well, and I concur with the point that she made. She also asked how we would monitor the Bill. As I indicated, it is usual after a period of three years for us to look to review the workings of the Act once it is in force to ensure that it is achieving its necessary objectives.

Finally, the noble Lord, Lord Ponsonby, asked a number of questions. On a victims Bill, I cannot express a view as to how and when such a provision will come forward. On the operation of the Parole Board, we know that it will be the subject of further review, but I cannot fix a date for when that review will be available.

As I indicated at the outset, this is a short but fundamentally important Bill and I hope that I have dealt as far as I can with the specific questions raised by noble Lords, which can of course be taken forward for discussion in Committee.

**Baroness Barker:** Will the Minister please write to me about whether this legislation once passed can be used by the families of victims to consider judicial review of decisions to release that have already been made?

**Lord Keen of Elie:** I can answer that now. The Bill will be retrospective to the extent that it will apply to all those currently serving a sentence of imprisonment who are due to come before the Parole Board. If in those cases the Parole Board were to make an error of law by not applying the provisions of the Bill, that would leave it susceptible to administrative action by way of judicial review. But it will not allow families or victims to come forward and seek to judicially review a decision already implemented by the Parole Board for the release of an individual. I hope that makes clear the point the noble Baroness raised. I commend this Bill to the House.

*Bill read a second time.*

*House adjourned at 4.41 pm.*

## Arrangement of Business

### Announcement

5.16 pm

*The announcement was made in a Virtual Proceeding via video call.*

**The Deputy Speaker (Baroness McIntosh of Hudnall) (Lab):** My Lords, Virtual Proceedings of the House of Lords will now begin. I remind Members that these proceedings are subject to parliamentary privilege and that what we say is available to the public both in *Hansard* and to those listening and watching. I remind participating Members that their microphones will be set to mute, and that they should unmute their microphones shortly before we reach their place in the speakers’ list. Members are asked not to use the group chat function.

I will call the Statement and the Minister will repeat the Statement in the usual way. I will then call the Front-Benchers and the Minister to respond. After that, we begin the period of Back-Bench questions, which has been extended to 30 minutes. I will call each Back-Bench Member on the speakers’ list to ask a supplementary question and the Minister to answer. I ask each speaker to ensure that their microphone is unmuted prior to asking a supplementary question. Each speaker’s microphone will be returned to mute once their supplementary question has finished. In accordance with guidance agreed by the Procedure Committee, if Members are not listed it is not possible to ask a supplementary question, nor take part in proceedings.

## Economy: Update

### Statement

5.17 pm

*The Statement was made in a Virtual Proceeding via video call.*

**The Minister of State, Cabinet Office and the Treasury (Lord Agnew of Oulton) (Con):** My Lords, I shall now repeat a Statement on coronavirus that was made yesterday in the other place by the Chancellor of the Exchequer. The figures have changed since then, and this Statement contains more up-to-date figures. The Statement is as follows:

“Mr Speaker, thank you for giving me the opportunity to update the House on our economic response to the coronavirus. Let me say at the outset that I am grateful to Members from all sides of this House, including the new Shadow Chancellor, for their contributions to the debate.

We should be in no doubt about the seriousness of the economic situation. The Office for Budget Responsibility has published a scenario showing that the coronavirus will have very significant impacts, both at home and in the global economy. More than 1.5 million new claims have been made to universal credit; over 4 million jobs have now been furloughed. Survey evidence suggests that a quarter of businesses have paused trading. These are already tough times. There will be more to come. While our interventions have saved millions of jobs and businesses, we cannot save every job and every business. I understand, and I share, people’s anxiety but, right now, the most important thing we can do to protect our economy is to protect the health of our people.

As my right honourable friend the Prime Minister said this morning, we are making progress; we are beginning to turn the tide. But if we lose control of the virus again we risk seeing a second spike, which we all



want to avoid. So the goal of our economic strategy is to provide a bridge over what will be a sharp and significant crisis by keeping as many people as possible in their existing jobs, supporting viable businesses to stay afloat, and protecting the incomes of the most vulnerable—in other words, to maintain the productive capacity of the British economy, so that once we are able to refine the public health restrictions, we can, as quickly as possible, get people back to work, businesses reopening, the self-employed trading again.

The OBR has been clear that if we had not taken the actions we have, the situation would be much worse. The IMF has said that our approach has been “aggressive” and “right”.

Taken together, I believe our response has been one of the most comprehensive of any country around the world. Working closely with the Bank of England, business groups, trade unions, banks, charities and many others around the country, we have developed a plan to protect public services, people, and businesses. Let me address each of those areas in turn.

Public services like the NHS are on the front line of the fight against coronavirus, and I repeat today that whatever resources our NHS needs, it will get. At the Budget in March, I announced the coronavirus emergency response fund, initially allocating £5 billion. We have now provided over three times that initial amount, with the NHS and other public services receiving £16 billion so far.

We are also providing extensive support for people’s jobs and incomes. Our most important and far-reaching policy is the Coronavirus Job Retention Scheme, to keep people in employment. The scheme launched on schedule last week and I am pleased to report that the first grants have just been paid. Around half a million firms have already applied for help to pay the wages of over 4 million furloughed jobs, jobs that might otherwise have been lost. HMRC is also on track to deliver the self-employed income support scheme, as promised, in early June, and we will publish detailed guidance this week. Alongside these new interventions, we have strengthened our existing safety net, with increases to universal credit, the local housing allowance and statutory sick pay. We have reinforced our social fabric, too, with £750 million for the charity sector.

Of course, the best way to support people is to protect their jobs, and that means supporting businesses. Our plan to help businesses means the following: almost half of all business properties in England will pay no business rates at all this year; almost 1 million business premises can now receive cash grants of between £10,000 and £25,000; 2.3 million businesses have been offered a VAT deferral, saving on average £30,000; another 2.7 million people will be able to defer their self-assessment payments; over 58,000 people and businesses have put new tax deferrals mechanisms, such as the time to pay arrangements, in place with HMRC; up to 2 million employers will be able to access the statutory sick pay rebate, with up to £48,000 per firm; £16 billion of lending has been issued through the Bank of England’s financing facility; and over 20,000 coronavirus business interruption loans have now been approved. Of course, that is on top of our furlough scheme, with payments now arriving.

Taken together, our plans are protecting millions of people and businesses across the country through a set of interventions in the economy on a scale we have never attempted before, and they are working. However, I know that some small businesses are still struggling to access credit. They are, in many ways, the most exposed businesses to the impact of the coronavirus and often find it harder to access credit in the first place. If we want to benefit from their dynamism and entrepreneurial spirit as we recover our economy, they will need more support to get through the crisis.

Some businesses will not want to take on more debt, which is why our focus has been on grants, tax cuts and tax deferrals. However, for others, loans will be part of the answer. Today, we are announcing a new micro loan scheme, providing a simple, quick, easy solution for those in need of smaller loans. Businesses will be able to apply for these new bounce-back loans for 25% of their turnover, up to a maximum of £50,000, with the Government paying the interest for the first 12 months.

My right honourable friend the Economic Secretary and I have been in close talks with the banks and I am pleased to say that these loans will be available from 9 am next Monday. There will be no forward-looking tests of business viability or complex eligibility criteria, just a simple, quick, standard form for businesses to fill in. For most firms, loans should arrive within 24 hours of approval, and I have decided, for this specific scheme, that the Government will support lending by guaranteeing, to the lender, 100% of the loan.

Let me address this point directly. I have heard some calls for the Government to underwrite all our loan schemes with 100% guarantees. I remain unconvinced by the case for doing that universally. We should not ask the taxpayers of today and tomorrow to bear the entire risk of lending almost unlimited sums to businesses that may, in some cases, have very little prospect of paying those loans back, and not necessarily because of the impact of coronavirus. So I am not prepared to provide 100% guarantees on all our schemes. Instead, these new bounce-back loans carefully target that extraordinary level of state support at those who need it most, and the £50,000 cap balances the risk to the taxpayer with the need to support our smallest businesses.

Right now, the most important thing for the health of our economy is the health of our people. We are making progress in our fight against the virus, but we are not there yet, so our strategy is to protect people and businesses through this crisis by backing our public services and NHS with increased funding, strengthening our safety net to support those most in need, and supporting people to stay in work and keep their businesses going. Our response is comprehensive, coherent and co-ordinated. It is, I believe, the right approach. I hope that I can continue to rely on the support and advice of all honourable and right honourable Members as I commend this Statement to the House.”

My Lords, that concludes the Statement.

5.26 pm

**Lord Tunncliffe (Lab):** My Lords, I am grateful to the Minister for repeating yesterday’s Statement and to the entire Treasury team, Ministers and officials, for their continued work in response to coronavirus.

[LORD TUNNICLIFFE]

As the Chancellor said in his Statement, these are tough times. The Minister read out the number of new universal credit claimants, as well as the staggering figure of 4 million furloughed jobs. He also warned that things are likely to get worse before they get better. Even if the figures do not grow, they are clearly worrying in the economic context. We have seen the projections of the OBR, the statistics in relation to business confidence and the analysis of a variety of economists and think tanks. However, throughout all this we must remember that behind the numbers and statistics are real lives and hard struggles to keep households running and businesses afloat.

Yesterday, the shadow Chancellor asked what steps the Government are taking to convert initial universal credit loans into grants to ease the burden on new claimants. She noted that the issue appears to be with the IT system behind universal credit, rather than a lack of political will. In response, the Chancellor listed a number of benefit reforms introduced by the DWP. However, he failed to answer the particular point on the IT problem, so I hope the Minister can comment. For the avoidance of doubt, do the Government agree that initial universal credit loans should be converted into grants if the IT problems can be overcome? If the answer is yes, what is being done to solve those IT problems?

Turning to the wider economic response, we welcome the many measures announced thus far and have, I hope, played a constructive role on occasions such as these. My honourable friend the shadow Chancellor has had multiple meetings and exchanges of correspondence with the Chancellor; I hope she receives a speedy reply to the questions attached to her latest letter.

The announcement of so-called bounce-back loans, which will be 100% guaranteed by the Government, is a welcome step. We are grateful to the banks for getting the scheme up and running so quickly and hope it will ease some of the concerns and cash-flow issues of SMEs across the country.

Problems remain for those firms seeking more than £50,000 of support. Many will rightly question why they are not able to access funds as quickly or easily. I therefore hope that the Minister can offer assurances that the Government are looking at ways to make the main coronavirus business interruption loan scheme faster and less cumbersome. The long-term cost of not improving the system could be significant. That said, we appreciate the speed at which the Treasury has worked to formulate its response to Covid-19, and that the calls from SMEs, backed by the Labour Party, for swifter access to business loans have been heeded, at least in part.

While we accept that the initial government response had to be reactive, I hope the Minister can comment on what is being done to shift thinking towards a more proactive, whole-economy view, whereby sector-specific problems are identified earlier. It is vital that further coronavirus support schemes are designed and rolled out when they are of most use, rather than when the situation on the ground has become critical. Specifically, is cross-departmental work being undertaken to produce a whole-economy view? If the answer is yes, who is responsible? If the answer is no, why not?

One example of this concerns pubs and restaurants. These businesses play a vital role in communities across the country, both in the pleasure they bring and the employment they support. However, they face perhaps the greatest uncertainty of all. They are likely to be the last to reopen and, assuming social distancing remains in place for some time, their capacity, and therefore their earning potential, will be much reduced. This raises a number of questions.

The Minister will know that Section 82 of the Coronavirus Act 2020 affords increased protections for commercial tenants, in the event of their being unable to pay rent. However, these protections will lapse at the end of June unless extended by a negative SI. Will the Government be extending this provision and, if so, until when? He will know that the equivalent protections in Section 81 for residential tenants run until the end of September, offering greater certainty. Further, can the Minister confirm whether the Government are looking at what forms of additional support may be provided for such small businesses, even once they have reopened? If firms are having to operate differently because of government guidelines, they should surely not have to accrue debt as a result.

Finally, if the earning potential of pubs and restaurants is limited for an extended period, what protections can the Government put in place to ensure that landlords do not begin to seek other tenants, such as fast-food chains or takeaway restaurants, which are likely to be perceived as safer options? There are many other examples of where long-term, proactive thinking is required, so I hope the Minister will make himself available for further exchanges in the future.

**Baroness Kramer (LD):** My Lords, the bounce-back loans are clearly welcome, but I am going to press for more help for the self-employed who have fallen through the gaps in all the various rescue packages, especially the independent contractors who take much of their income in dividends and the newly self-employed. When we come out of lockdown, self-employment will be critical. It is a path for those who will have lost their jobs because of the pandemic and cannot return to them, and we will need innovation. As the Government know, a lot of innovation is embedded in these self-employed individuals, and I hope they will look again, because they must support this sector.

We all kept a minute's silence today for key workers who have died, but many such key workers are very low earners with insecure work. Will the Government show their respect for these individuals by reviewing their funding of both social care and local government to ensure that those workers are properly paid, with proper employment rights, in recognition of the vital role they play and the vital contribution they make to all of us?

At the end of lockdown, public sector net debt will be at a historic high—certainly by the end of the pandemic. As the Government grapple with paying that debt down, will the noble Lord take action to tax the digital companies that have so far managed to pay very little tax in the UK though they now dominate large sectors of our economy? Indeed, they are doing well in the pandemic. I do not say that as an insult, but it increases the tax they should be contributing. Indeed,

there are others who are, frankly, doing well out of the pandemic. Quite a number of traders have made windfall profits. Does the Minister agree that the Government should look for these companies to pay windfall taxes?

**Lord Agnew of Oulton:** My Lords, first, I will address the questions from the noble Lord, Lord Tunnicliffe, on universal credit. I am not aware of specific IT problems, but if the noble Lord is aware of any and would like to write to me, I will certainly investigate them. However, the point that my right honourable friend made yesterday is that we have responded to this crisis by introducing a number of measures to support those in receipt of universal credit—the £20 increase, the increase in housing allowance rates and the relaxation of the minimum income floor—and they all help. There is additional support for the vulnerable through the hardship fund and things such as the mortgage holiday. Therefore, we are very focused on those at the bottom of the income hierarchy and, as ever, we will keep a careful eye on developments.

Nobody is more concerned than the Chancellor at the speed at which the CBILS loans are going out, but the speed is picking up. As at 24 April, 20,000 were approved, worth £3.3 billion—double the amount of the previous week. As at 17 April, only 10,000 had been approved. Therefore, the pace is increasing and we are confident that that will continue.

The noble Lord is right that it is very easy to get drawn into the day-to-day crisis and to lose focus of what the long term will look like. We have to be honest: at this stage it is impossible to tell. We know that this is the biggest crisis that this country has faced in 80 years, and we also know that the Chancellor's response to the crisis in economic terms has been a potential 15% of GDP, which is a staggering sum of money. We know, too, that we are likely to come out of this with a debt level higher than that following the Second World War. These are all very important factors. How we go about dealing with that debt will probably depend on a number of factors, such as the speed at which the infection rate comes down and whether we are able to observe social distancing well in an unlocked economy to which people will have to adjust.

One reason for the steep decline in the number of deaths over the last couple of weeks has been the effectiveness of social distancing. I have sat in on a lot of the Prime Minister's morning meetings over the last few weeks. At the beginning of this process, there was real concern that the population would not be keen to observe social distancing. However, people have done a magnificent job and we know the sacrifices that it has involved. I assure the noble Lord that these things have all been thought about but I do not think that we are yet in a position to set out a detailed plan. We know that in the next few days the Prime Minister will announce more details on exiting the lockdown.

The noble Lord is absolutely right that the entertainment, hospitality and pub sector has been terribly hard hit and is likely to be vulnerable going forward. We have created specific support for the sector, with the business rates relief and a 100% holiday for retail, hospitality and leisure businesses, worth approximately £11 billion. There are also retail, hospitality and leisure grants worth up to about £5 billion. Therefore,

we are very much focusing on the sector but I think that it is too early to give a more specific view of the future.

Turning to the questions raised by the noble Baroness, Lady Kramer, I completely agree that the self-employed make up a vital sector. I have been self-employed—or the equivalent—for most of my working life, so I absolutely relate to the pressures that that sector is under. I respectfully do not agree with the noble Baroness about accepting dividend income as a part of people's earnings. That method of income was chosen by people for the very simple reason that they would not have to pay the national insurance premium. However, they will be eligible for the bounce-back loans, as well as the other layers of support.

I absolutely accept that key workers, particularly those working in care homes, are not well remunerated. Our track record over the last few years of moving the minimum wage upwards as fast as we have done is an indication of our support for this very important group of people. We absolutely recognise—

**The Deputy Speaker (Baroness McIntosh of Hudnall) (Lab):** We appear to have lost the Minister temporarily. Are you still with us, Lord Agnew? I think that in the circumstances—

**Lord Agnew of Oulton:** My Lords—

**The Deputy Speaker:** Can the Minister confirm that he has concluded his remarks before I move on?

**Lord Agnew of Oulton:** Yes I have, Madam Deputy Speaker.

**The Deputy Speaker:** We now come to the 30 minutes allocated for Back-Bench questions. It would be appreciated if questions and, indeed, answers could be kept concise so that as many people as possible can contribute. I call Lord Vaux of Harrowden.

5.41 pm

**Lord Vaux of Harrowden (CB):** My Lords, while they are obviously very welcome, the bounce-back loans and other measures can be only a short-term fix. Many businesses that are currently allowed to operate are not doing so at the moment and others—garden centres, for example—could operate safely. Does the Minister agree that it would be better if businesses which could operate safely did so to minimise the damage to the economy? What help, financial and practical, can the Government offer to businesses which adapt their operations to enable a safe return to work as soon as possible?

**Lord Agnew of Oulton:** I am afraid the noble Lord rather broke up on me. Madam Deputy Speaker, did you hear the question?

**The Deputy Speaker:** I heard it, but I am not sure that I could repeat it. If the noble Lord, Lord Vaux, could give the salient points very briefly, that would be helpful.

**Lord Vaux of Harrowden:** Certainly. Many businesses that are currently allowed to operate are not doing so while others that could operate safely are not currently allowed to do so. Does the Minister agree that it would be better if businesses that can operate safely do so? What help can the Government offer to businesses to alter their operations to enable a safe return to work as soon as possible?

**Lord Agnew of Oulton:** I share the noble Lord's concerns about businesses that could be operating. I think we are seeing a gradual return to work. Businesses have now worked out how to manage the requirements of social distancing. Putting the health of the nation first is the Prime Minister's priority, but if we look at the existing rules, a business can ask its employees to come in if they are not able to work at home effectively, if the employee is fit and well and is not living with someone who is self-isolating for fear of infection or who is on the official medically vulnerable list and if they are able to avoid crowded public transport, which may mean more flexible working hours. The key point the noble Lord makes is that businesses can adapt to provide reasonable social distancing measures in the workplace. That is already in the rules; I expect to see further clarification.

**Baroness Neville-Rolfe (Con):** My Lords, these are troubling times, and I am glad the Government have taken bold steps, including the new bounce-back scheme, to deal with the problems that confront us. One of my major concerns is that companies will have reassessed their strategies over the past few weeks so that when the furloughing scheme comes to an end we could be faced with redundancies and unemployment on a scale probably not seen since the 1930s. Are the Government planning ahead for such devastating prospects?

**Lord Agnew of Oulton:** The noble Baroness is right; we face a very uncertain few months and we do not honestly know how businesses will react as we come out of furlough and lockdown. We are looking at the long-term implications. The early indications are that there is optimism. While I think that an inverted-V bounce is probably too optimistic, I think a lot of restricted spending will be unleashed into the economy. It is worth remembering that under the furlough arrangement employees are receiving 80% of their normal earnings without the cost of commuting or eating out in cafes or whatever when they are working. I stress that we are looking at all future scenarios.

**Lord Hain (Lab):** My Lords, I ask that, after the lockdown is lifted, the Chancellor not impose again the savage cuts in the public sector that we have seen over the last 10 years. These left England short of 10,000 doctors, 40,000 nurses and 110,000 adult social care workers, fatally damaging the battle against the coronavirus, especially in care homes, as we have seen so tragically. After World War II, with much higher levels of debt and borrowing than followed the 2008 banking crisis, both Labour and Conservative Governments built the National Health Service, millions of homes and a welfare state, and saw much higher growth than since 2010. Surely there must be no return to this past disastrous austerity decade.

**Lord Agnew of Oulton:** I assure the noble Lord that we are looking at all options. He makes a good point about the shortage of doctors. As the Chancellor has repeatedly said, we will give the NHS all the support it needs. Noble Lords might recall that in the Budget a few weeks ago—it seems like another era—substantial additional funding was announced for the public sector, and we will of course have our spending round, albeit delayed, in the next few months.

**Lord Fox (LD):** I draw attention to my interests as listed in the register. Implicit in the question from the noble Baroness, Lady Neville-Rolfe, is the point that the managers of the 4 million-plus people being furloughed will start to think about whether they have a future in the business as soon as next month. A huge wall of cash will be required when these workers come out of furloughing and go back into work. That cash will endanger jobs. The flexibility that they do not have at the moment in the furloughing scheme will be very important. The furloughing scheme needs to unwrap in stages, rather than hit a brick wall. Will the Minister acknowledge that this cash drain will be potentially catastrophic for jobs? Will the Government take on this issue and do something about it?

**Lord Agnew of Oulton:** The noble Lord broke up a little. I think I got the—

**The Deputy Speaker:** We seem to have some difficulty with the participation of the noble Lord, Lord Agnew. I wonder whether it would be advisable for us to pause for a moment to see whether we can establish a better connection.

**Lord Agnew of Oulton:** Would you like me to dial in?

**The Deputy Speaker:** If that would establish a better connection, it would be very much appreciated, Lord Agnew. We will pause until you are able to do that.

**Lord Fox:** May I re-ask my question, given the circumstances?

**The Deputy Speaker:** Yes. As the Minister was not able to hear, the noble Lord should indeed ask his question again.

**Baroness McIntosh of Pickering (Con):** Will the noble Baroness be able to stop the clock, if questions are being repeated?

**The Deputy Speaker:** I will seek clarification on that point, but I anticipate that we will be able to do that. Now we have the noble Lord, Lord Agnew, again—splendid. Would you kindly say a few words so that we can be sure that everyone can hear you?

**Lord Agnew of Oulton:** Yes. I can repeat the bit of the question in which the noble Lord, Lord Fox, was worried about a wall of cash when the furlough ended, but I caught only about a third of what he said.

**The Deputy Speaker:** I will ask the noble Lord, Lord Fox, to repeat his question so that we can start again.

**Lord Fox:** I reiterate that I declare my interests as set out in the register. The point at which furloughing ends is of great danger for jobs because it will cause a huge drain on cash in businesses. Those businesses have to decide whether or not they will continue to employ people as soon as next month. They need to know that the Government understand this issue and will set up a more flexible way of unfurloughing workers so that they can do it gradually. Can the Minister acknowledge that this is understood and undertake to tell businesses what will happen very soon? They need to know.

**Lord Agnew of Oulton:** I will try to offer some reassurance to the noble Lord. The most important thing to say is that the Chancellor has demonstrated enormous flexibility and dexterity over the weeks of the crisis. As the saying goes, if the facts change, he will change his mind to deal with the emerging situation. I am perhaps a little more optimistic than the noble Lord on the current position; even in the last 10 days we have seen increasing numbers of people going back to work as businesses have responded to social distancing and worked out simple things, such as how to rearrange offices. We are seeing this in the traffic stats of the volumes of people commuting. While I accept that there could be something of a big bang, I am hopeful that it will be more of a gradual return to work. If the noble Lord is right and we see that as an approaching problem, I am confident that the Government will react accordingly.

**Lord Forsyth of Drumlean (Con):** My Lords, I draw attention to my interests in the register. I congratulate the Chancellor and Treasury Ministers on the welcome bounce-back scheme, which is a lifeboat to many small enterprises. It shows that we have indeed got a listening Chancellor, in that he has moved very quickly to the representations which have been made. Could my noble friend say what estimate the Government are working on in terms of the numbers of unemployed people they expect to see in the third quarter of this year and how that is related to the length of the lockdown?

**Lord Agnew of Oulton:** My Lords, I do not have that figure as I do not believe that that calculation has been made yet. It will depend very much on the timing and speed of exiting lockdown. The sooner we can exit, the less damage will be done, but we must balance against that the Prime Minister's overriding concern for the health of the nation, not overwhelming the NHS and the nation's morale if we were to get a bad second spike of the disease. It is a bit too early, but we will of course keep noble Lords informed of our thinking as it develops.

**Lord Bilimoria (CB):** My Lords, I am sure the Minister is aware that Germany, as part of its bazooka €1.1 trillion package, is guaranteeing 100% of loans of up to €500,000 to its small and medium-sized companies and of up to €800,000 for those with up to 250 employees. The Swiss have given out 98,000 loans—six times more

than the UK, and their economy is one-eighth the size of ours. They guarantee 100% up to 500,000 Swiss francs, delivered within 24 hours. As the Minister just told us, we have granted 20,000 loans under the CBILS, totalling £3.3 billion out of £330 billion. I reiterate what the noble Lord, Lord Forsyth, said; we are really grateful to the Chancellor for what he is doing, acting so swiftly six weeks ago with the vast range of programmes which now include the bounce-back loans. However, does the Minister agree that we desperately need our own 100% guaranteed CBILS loans up to £500,000? Yes, some checks would have to be made, but the Chancellor said in the Statement that he does not agree with that because he thinks the ordinary taxpayer should not bear the entire risk. However, surely it is better to do this now, to have companies existing and surviving now, rather than not having them and having instead the unemployment that will be created. We need to go from bounce-back to bazooka.

**Lord Agnew of Oulton:** I take on board the noble Lord's point. Comparisons with other countries need to be done carefully so that one is comparing apples with apples. For example, the Swiss have not used a number of the other levers of support that we have used; this has been their main lever. Also, their furlough scheme requires employers to contribute one-fifth of the payments to the scheme, whereas in our country the furlough scheme removes that burden from businesses. In terms of the macro position, as I mentioned earlier, the Chancellor has announced support of up to 15% of GDP, which is a colossal sum of money, and he continues to be open-minded, which he demonstrated yesterday with the bounce-back loans, as to what further help the economy might need.

**Lord Oates (LD):** My Lords, the unprecedented economic impact of the current crisis means that the recovery will inevitably be a long-term effort. Does the Minister agree that at the heart of that effort must be a green recovery strategy, and in support of such an approach will the Government accelerate plans to decarbonise the economy, focusing on job-rich opportunities such as the replacement of fossil fuel boilers and the installation of home energy measures? Finally, I note that the Minister did not address the key question raised by the noble Lord, Lord Tunnicliffe, about whether the Government supported in principle UC grants instead of loans, and I would be grateful if he would also address that point in his answer.

**Lord Agnew of Oulton:** I thank the noble Lord. Yes, I absolutely agree that the greening of the economy remains an absolute cornerstone of the future. It is worth remembering that we have done a lot more than most G20 countries in the last 10 years and it has become an increasing part of our strategy. I was delighted to discover only a few weeks ago that the contracts for difference prices on electricity generated by offshore wind turbines had reduced the cost over two years by, from memory, something colossal like 15% to 20%. We are moving to a point where this green energy generation is becoming viable in its own right. I am very optimistic about that and confident that decarbonisation will remain at the heart of it.

[LORD AGNEW OF OULTON]

In terms of the specific question about transferring UC loans to grants, that is not the Government's position at the moment. In my answer to the noble Lord, Lord Tunnicliffe, I mentioned other areas of support available for vulnerable people such as the mortgage holiday and the hardship fund. We have already allocated £500 million of that fund to support 3 million people. We have moved to protect individuals from eviction and given a lot of support to rough sleepers. I do not want the noble Lord to feel that we are in any way dismissive of the question, but at this stage the policy is to retain the loans system.

**Lord Blencathra (Con):** My Lords, I warmly welcome the new bounce-back loans scheme, but would my noble friend not agree that these schemes are necessary only because our banks, which were first with their noses in the trough in 2007 for taxpayer bailouts, are adopting the usual position of failing to support British businesses? Will the Chancellor consider a special tax on their profits when all this is over?

**Lord Agnew of Oulton:** The noble Lord is a little harsh on the banks. I accept that there was some bad practice in the lead-up to the crash 12 years ago, but there have been dramatic changes in governance and lending practices since then. There is also a levy on banking profits, which goes some way to deal with the issue that he just raised. I genuinely believe that any slowness in getting these loans processed at the moment is not through any intent on their part but that they have had to completely overhaul their lending systems to react at the speed at which we expect them to. However, I am always open to hear any examples of bad practice, and if my noble friend would like to write to me, I give my assurance that I will follow it up.

**Baroness Falkner of Margravine (Non-Aff):** My question concerns universities and support for the higher education sector, and I refer to my interests as set out in the register. I accept that, as the noble Lord has said, not every business can be saved, but universities are not traditional businesses. However, they are absolutely fundamental to our long-term recovery as we try to climb out of this deep recession. Universities are going through a short-term demand-side shock due to the collapse in international student numbers. We have been hearing in the media that the Treasury is unconvinced about providing support for them, but I would say to the Minister that it needs to hold urgent talks because they are also fundamental to their location—to their places and to their areas. The impact of universities going bankrupt will be profound across the community. Will he undertake to ensure that the Treasury takes a look at the proposal put forward by Universities UK, that, conditional though it might be, that support is essential?

**Lord Agnew of Oulton:** The noble Baroness is right to say that universities play an extremely important part both in our society and in our economy, but it is worth reassuring her that they are eligible in aggregate, as business in their own right, for some £700 million-worth of coronavirus support. That support is available to them now. Very active discussions are going on, particularly about the loss of foreign students, because

of course they pay a higher tariff and thus have in the past provided good cash flow for universities. It is worth making the point that universities have always been jealous of their independence, and if they need government support now, I hope that there will be a bit of humility on the part of those vice-chancellors who take very large salaries from their organisations. I would expect there to be some conversation about that if there is to be any support.

**Baroness McIntosh of Pickering:** Perhaps I may I impress upon my noble friend the Minister the plight of small and medium-sized businesses, particularly those in the tourism, hospitality and retail sectors. My noble friend will appreciate that many in the hotel and tourism sectors have already lost what is the main part of their season, from Easter, and in addition they have a great number of staff who are on zero-hour contracts. Many have chosen to take council tax payments in lieu of business rates but are also faced with commercial mortgages, on which they cannot get any form of mortgage payment holiday. Will my noble friend ensure that the Treasury directs some support particularly to those in the hospitality, tourism and retail sectors whose cash flow is at rock bottom?

**Lord Agnew of Oulton:** I share my noble friend's concern for these particular sectors, and I understand absolutely where she is coming from. It is worth reiterating the specific support which has already been made available. I refer to the 100% holiday from business rates which is estimated to be worth £11 billion just to English businesses, as well as the grant system. Some 203,000 properties are eligible for a £10,000 grant and 120,000 properties are eligible for a £25,000 grant which in aggregate comes to around £5 billion. I also refer to the bounce-back loans which were announced yesterday since they will be some which these businesses can take advantage of. However, I repeat that I share my noble friend's concerns.

**Lord O'Neill of Gatley (CB):** My Lords, I would like to thank and congratulate the Chancellor and his advisers in the Treasury for speed and agility of their economic policy response. I recall that in his response to our debate on 18 March, the Minister described my proposal for a version of a people's QE as the most radical of any that had been proposed that day, yet within two days the Government announced what was essentially half of what I proposed, particularly that which related to the furloughing scheme. I have had, and continue to have, many concerns about aspects of the loan scheme which relate to a couple of questions which have already been asked by other noble Lords. Will the Minister consider taking back to the Chancellor and the Treasury the following idea and question?

Why not, as I proposed specifically that day, link the two together and make the business support conditional on not gaming the furloughing system, and, along with that, further consider replacing aspects of the loan-based system with something more grant or equity related, where the Government could take a secondary type of equity stake, which would allow for small businesses in particular to plan for this uncertain future—especially ones such as those in hospitality. For them, the idea of taking a loan when they read

and hear that a vaccine could still be 18 months in the future would, generally speaking, be a completely undesirable option. However, for the Government to directly support them in a way other than encouraging debt would be likely to be much more substantive and less damaging to the long-term outlook for the economy.

**Lord Agnew of Oulton:** I thank the noble Lord for his question and indeed for his perspicacity in the statements he made on 18 March, and on them becoming policy very shortly afterwards. In that light, if the noble Lord would like to write to me with his ideas, I assure him that I will follow that up with the Chancellor of the Exchequer and see what more we can do. I completely agree that we will need a more flexible and nuanced system as we move into the next phase of this crisis.

**Lord Flight (Con):** May I add my congratulations to the Chancellor and the Treasury team for the dexterity with which they have brought in imaginative measures? My specific question, where I declare an interest as chairman of the EIS Association, is on whether the Government would consider introducing for the short term an increase in the size of the value of EIS tax credits? I believe that this would stimulate substantial private investment in SMEs; indeed, some £20 billion has been invested as a result of these EIS measures in the past. EIS has played a vital role encouraging the SME sector in this country.

**Lord Agnew of Oulton:** I thank my noble friend for his question and I will certainly take it back to the Treasury. It is worth remembering that the combination of the EIS, SEIS and VC schemes are pretty generous for investors, with the tax reliefs that they get. I suspect that, as an experienced investor, my noble friend Lord Flight will know that valuations will fall pretty dramatically for businesses looking for funding if they are early-stage. Therefore, there will be a lot of opportunities for the entrepreneurial investor over the next few months. None the less, I will certainly take my noble friend's suggestions back for further consideration.

**The Earl of Clancarty (CB):** My Lords, the Chartered Institute of Personnel and Development says that the lack of support for limited companies in the self-employed income support schemes is

“not just a crack: it is a gaping hole in the package.”

It is accepted practice for freelancers to pay themselves through dividends, contrary to what the Minister says. This applies to a wide range of workers, from musicians to builders to cleaners, whose work is particularly important at present. Like the noble Baroness, Lady Kramer, I ask the Government to take another look at this.

**Lord Agnew of Oulton:** I thank the noble Earl for his point; we discussed this in a Question last week. I know that in the Chancellor's response yesterday, he said that he had been in touch with some of the groups that the noble Earl mentioned—I think he mentioned the Musicians' Union, and so on. I am not saying that to take income by dividend is wrong; as I said last week, a dividend is defined as a surplus of profit of a

business after all its operating costs have been paid, and the tax is paid and retained profits kept for reinvestment. That is my point. But what has happened in the week between our conversation and today is that bounce-back loans are now available, and that is probably the route for those people whom the noble Earl is particularly worried about.

**Baroness Bennett of Manor Castle (GP):** My Lords, the noble Baroness, Lady McIntosh, referred to the difficulties of the hospitality sector. UKHospitality reports that 71% of its members have had claims for business interruption insurance refused, and that of course is another potential source of income. In answer to my question on small business insurance and coronavirus last week, the noble Lord, Lord Callanan, referred to issues around infectious diseases clauses. I want to ask the Minister today about general business interruption insurance. The New Jersey and Ohio legislatures are bringing through Bills which will basically say that insurance companies have to pay out on business interruption insurance for small companies. Will the Government consider doing likewise?

The noble Baroness, Lady McIntosh, also asked about those businesses paying council tax rather than business rates. Will the Government consider doing something to help them?

**Lord Agnew of Oulton:** I thank the noble Baroness. On insurance, I did not hear my noble friend Lord Callanan's response, so I do not want to conflict with what he may have said, but the key thing here is that when one takes out a general business policy, one has the option of an extension for pandemic cover. The problem is that I think most businesses did not elect to do that, so it would not be right then to impose that cover on insurers retrospectively through the route suggested by the noble Baroness.

On paying council tax rather than business rates, as I have mentioned before, we have put together a package of some 11 types of support for businesses, ranging from the very smallest to the largest, including such things as the deferral of tax liabilities. I believe that there are 1.3 million self-employed people on self-assessment. Deferring will provide that whole cohort with some £13 billion in cash flow. So a range of measures is there. It is important for noble Lords to look in the round at the support that we are offering.

**Baroness Altmann (Con):** In light of my noble friend stating that record levels of debt will result from this virus, and in light of the Bank of England purchasing significant amounts of conventional gilts, might he ask his colleagues whether they are considering liaising with the DMO to issue specific gilts for pension funds which have more than £1 trillion? That could be invested in mortality or longevity gilts, CPI-linked gilts and LPI-linked gilts to assist those defined benefit schemes that have significant problems in light of the current circumstances, to match their liabilities more accurately.

**Lord Agnew of Oulton:** My noble friend makes a very good point. It is certainly an idea that I will take back to the Treasury for further discussion. We issued

[LORD AGNEW OF OULTON]  
war loans in both of the last world wars and it took a long time to pay them off, but it is a way of ring-fencing the efforts that we will have to deploy to bring the country back from this awful business. So I thank my noble friend for her very sound suggestion.

**The Deputy Speaker:** My Lords, I regret that the time allotted for the Statement, although it was slightly extended, has now elapsed and the day's virtual proceedings are now complete and adjourned.

*Virtual Proceeding adjourned at 6.13 pm.*





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