Vol. 804
No. 76

Wednesday
24 June 2020

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS
OFFICIAL REPORT

ORDER OF BUSINESS

Lords wishing to be supplied with these Daily Reports should give notice to this effect to the Printed Paper Office.

No proofs of Daily Reports are provided. Corrections for the bound volume which Lords wish to suggest to the report of their speeches should be clearly indicated in a copy of the Daily Report, which, with the column numbers concerned shown on the front cover, should be sent to the Editor of Debates, House of Lords, within 14 days of the date of the Daily Report.

This issue of the Official Report is also available on the Internet at
https://hansard.parliament.uk/lords/2020-06-24

In Hybrid sittings, [V] after a Member's name indicates that they contributed by video call.

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

Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
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.

House of Lords

Wednesday 24 June 2020

The House met in a Hybrid Sitting.

11 am

Prayers—read by the Lord Bishop of Newcastle.

Oaths and Affirmations

11.05 am

Lord Rooker made the solemn affirmation, and signed an undertaking to abide by the Code of Conduct.

Arrangement of Business

Announcement

11.06 am

The Deputy Speaker (Lord Alderdice) (LD): My Lords, the Hybrid Sitting of the House will now begin. A limited number of Members are here in the Chamber, respecting social distancing. Other Members will participate remotely, but all Members will be treated equally, wherever they are. For Members participating remotely, microphones will unmute shortly before they are to speak. Please accept any on-screen prompt to unmute. Microphones will be muted again after each speech. I ask noble Lords to be patient if there are any short delays as we switch between physical and remote participants.

Oral Questions will now commence. Please can those asking supplementary questions keep them short and confined to two points, and can Ministers' answers also be brief?

Schools: Disadvantaged Pupils

Question

11.07 am

Asked by ***Lord Blunkett***

To ask Her Majesty's Government, following the return of some children in England to face-to face learning, what further steps they intend to take to ensure that school closures do not have an unequal impact on the education outcomes of the most disadvantaged pupils in English schools.

The Parliamentary Under-Secretary of State, Department for Education and Department for International Trade (Baroness Berridge) (Con) [V]: My Lords, on top of £100 million to support disadvantaged children in accessing remote education, we have announced a £1 billion Covid catch-up package: £650 million will be shared across state schools, and a national tutoring programme, worth £350 million, will increase access to high-quality tuition for the most disadvantaged pupils. This one-off grant recognises that all pupils have lost time in education as a result of the pandemic, regardless of their income or background.

Lord Blunkett (Lab) [V]: My Lords, I pay tribute to all those in education who have done so much to care for and reach out to children over the last 14 weeks, but the statistics speak for themselves. The latest ones show that in private education 85% of secondary-age children have had an almost full timetable, while the equivalent figure in the state sector is just over 10%. That is not surprising, because of resourcing and pupil-teacher ratios. However, those are the very children who will need recovery and catch-up, particularly in post-16 education. How have the Government managed to do something quite remarkable—to avoid being praised by everyone in refusing to give additional resources to 16 to 19 year-olds in further education?

Baroness Berridge [V]: My Lords, just over 200,000 16 year-olds are educated through the further education sector. The grant-funded institutions and the Education and Training Foundation have supported colleges, which have done a superb job in moving their provision to remote education. There is of course a 16-to-19 bursary for young people who need that support. I assure noble Lords that we recognise that further support is needed for the further education sector and that it is not viewed by this Government as the poor relation of the higher education sector.

Baroness Stroud (Con) [V]: According to the *Times*, some studies have suggested that as much as two-thirds of the attainment gap between richer and poorer children at the age of 14 can be attributed to the effect of summer holidays. It is therefore clearly of paramount importance that we get our children and teenagers back into school as soon as possible. Does my noble friend the Minister agree that, now that the two-metre rule has been reduced, curtailing the summer holidays and splitting the school day in two to ensure that all students are able to return to classes daily would be important measures to address this crisis, as the initial lockdown was to protect our most vulnerable?

Baroness Berridge [V]: My Lords, the Government have been clear that we do not expect schools to be open throughout the summer holidays. Many teachers have been teaching since the February half-term. However, this is the third year running of our usual holiday activity clubs, which have funding of £9 million. We have made it clear to schools that the £650 million that will be allocated across state-funded schools can be used by them for interventions to help their students catch up. We have launched a Teach First toolkit to enable them to run summer provision if they choose to spend some of those resources in that way.

Lord Hastings of Scarisbrick (CB) [V]: My Lords, given the significant disadvantage of poorer black children, with attainment rates for black Caribbean boys eight points behind those of white boys, will the Government specifically and actively support supplementary school learning programmes not just across the summer months but to the year end for catch-up purposes? Will the department partner with charities such as Symphony, which voluntarily raised £30,000 in the last two weeks to support projects in Birmingham, Manchester and London using school and church halls?

Baroness Berridge [V]: My Lords, the £350 million allocated for a national tutoring programme is to be aimed at the most disadvantaged students. We are

[Baroness Berridge]
giving schools the flexibility to choose how to use this funding, including for online tutoring, and the Education Endowment Foundation has given guidance on the best online providers. However, we also recognise that there will be a need for one-on-one tutoring to take place physically in some schools, and part of that funding will enable that to happen in schools with the most disadvantaged pupils.

Baroness Blower (Lab) [V]: My Lords, will the Minister tell us what is being done to address the levels of child and family poverty in this country, which, prior to the Covid-19 outbreak, already led to unequal outcomes? Whatever the figures, I think we all accept that no child or family should live in poverty. Can she say what additional resources will be available in the medium to long term to address the significant damaging issue of adverse childhood experiences, which also, of course, impact very significantly on educational outcomes?

Baroness Berridge [V]: My Lords, narrowing the attainment gap for students on free school meals is obviously a long-term project but, since 2011, there has been a narrowing of the gap at every stage; we are keen to ensure that the pandemic does not widen that gap again. Through this crisis, we have therefore had breakfast clubs delivering breakfast at the request of over 1,000 schools. This project has been funded to £35 million. Also, working tax credits and universal credit have gone up by over £1,000 during the crisis; we are keen to ensure that those who need help the most get it.

Baroness Garden of Frognal (LD): My Lords, I am sorry that the Minister is not here with us in the Chamber. Many teachers and children have worked hard during lockdown with virtual lessons, but many disadvantaged children do not have the technology to join in and have lost out. The Minister has mentioned sums of money, but can she say how far the Government have got in actually supplying computers, tablets or other equipment to disadvantaged children, and what other provision is being made to help them catch up during the summer?

Baroness Berridge [V]: My Lords, I can confirm that, from the £100 million, more than 150,000 laptops and tablets have been delivered; we are on track to deliver the remainder by the end of the month. Tens of thousands of 4G wireless devices have also been delivered, which should enable children to access education where there is no wi-fi. More than 2,500 schools have applied to the department's fund to enable them to access Microsoft Education and Google Classroom. That will result in over a million students having an account and being able to access education in that way.

Lord Rogan (UUP) [V]: My Lords, there is widespread acceptance that coping with the adverse impacts of the lockdown on children's mental health will be a particular challenge when all pupils across the United Kingdom return to school later this year. This will include a need to ensure that each child's resilience levels are sufficiently strong to enable them to learn effectively. Can the Minister outline what discussions are taking place on a four-nation basis to ensure that teachers can use their professional judgment in delivering the curriculum without pushing these vulnerable pupils too hard and too fast?

Baroness Berridge [V]: My Lords, I can assure noble Lords that there are regular meetings across the four nations, both at ministerial and official level. We are concerned to ensure that the mental health of students is taken into account; the guidance on safeguarding has been updated specifically in relation to that. I make it clear to noble Lords that the £650 million will be given to schools because we know that schools know their students best. They will be able to use that funding for increased mental health support if they are not among the 59 schools that currently have a mental health support team. They can prioritise what their students need most to enable them to catch up educationally; that, of course, will involve recognising that students need good levels of well-being to access the curriculum.

The Deputy Speaker (Lord Alderdice) (LD): I call the noble Lord, Lord Baker of Dorking. No? Then I call the noble Baroness, Lady Bull.

Baroness Bull (CB) [V]: My Lords, UK household longitudinal study data shows that, in addition to the disparities in provision during lockdown between affluent and disadvantaged, private and state education, and the digital divide, there are significant regional disparities. Children in the north-east were particularly poorly served: 28% of pupils in the south-east received at least four pieces of online schoolwork each day, in the north-east this figure was just 9%. Can the Minister tell us what explanation the Government have for these regional differences and what steps they are taking to address them?

Baroness Berridge [V]: My Lords, I pay tribute to the teachers, school leaders and all staff who have delivered education over this period. In addition to online provision, we must not forget that many schools have recognised that their students learn best with work packs and have been delivering those, in many circumstances, door to door. Although the online figures may highlight disparity, we need to take into account the fact that the educational offer has also been provided in more traditional ways, not just by way of online resources—but we are concerned about those regional imbalances.

Lord Watson of Invergowrie (Lab) [V]: My Lords, a few moments ago, the Minister said in response to my noble friend Lord Blunkett that the college sector is not seen as the poor relation with regard to 16 to 18 year-olds. Last Thursday, the Department for Education issued a press release announcing that, as part of the £350 million national tuition programme involving schools, 16 to 18 year-olds in colleges would be funded to receive extra help to address the learning they have lost due to Covid-19. Yet, just two hours later, the

department issued another press release saying that, in fact, these young people were not included in the plans. Was that the result of a typo?

Baroness Berridge [V]: My Lords, the £1 billion package that has been announced is focused on schools. As I have outlined, there will be further support for the further education sector, but that sector is also involved with apprenticeship training; the Government have been clear that there will be guarantees to ensure that businesses can take on new apprentices, with a particular emphasis on small and medium-sized enterprises. There has been financial support to those providers, in addition to the further education sector which provides training for them. We have very clearly recognised that these young people are particularly vulnerable, and for those 15 year-olds who are in an AP setting, there is a specific sum of money to avoid them becoming not in education or training at this time.

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

Personal Protective Equipment

Question

11.18 am

Asked by ***Baroness Watkins of Tavistock***

To ask Her Majesty's Government what contingencies they have put in place to ensure adequate stocks of personal protective equipment for (1) a potential second wave of Covid-19, and (2) sustainable long-term infection control management in the United Kingdom.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con) [V]: My Lords, thanks to the efforts of my noble friend Lord Deighton and to brilliant British manufacturers such as Polystar, we have now massively expanded our national effort to buy PPE from around the world, to produce more PPE in the UK and to deliver PPE to the front line, where it is needed most. Despite the global challenge around PPE, we are now confident that we can meet the needs of health and social care over both the next seven and 90 days.

Baroness Watkins of Tavistock (CB): I thank the Minister for his reply. Could he be more specific? Based on the analysis of the maximum use of PPE in the NHS and social care community recently, how many days' worth of PPE supplies do Her Majesty's Government plan to hold permanently as a contingency for a potential second wave in the long term? Is it the Government's intention to work with the devolved Administrations to adopt a four-country approach to supply and distribution according to need?

Lord Bethell [V]: My Lords, we have contacted over 175 new suppliers and recently secured a further 3.7 billion gloves alone to meet demand. This approach will massively increase our stockpiling as we prepare the resources that we need for the winter ahead. We would like to have line of sight for 90 days' worth of PPE supply, and that is what we are working against at the moment.

Lord Browne of Ladyton (Lab) [V]: My Lords, in the last 10 years we have had three pandemic strategies, two national security assessments, a national biosecurity strategy and Operation Cygnus, and all have mandated the stockpiling of PPE, with advance purchase arrangements for what could not be stockpiled. The current NAO audit will reveal inadequate implementation of PPE plans, including logistics that needed to be rescued by the Army. Does the Minister appreciate that no one will trust or believe the Government about PPE unless stockpiles and logistics are openly reviewed, publicly reported on and independently audited? Will the Government put that in place now?

Lord Bethell [V]: The noble Lord is entirely right that public confidence is important here. I emphasise that huge progress has been made. We have signed contracts for over 2 billion items of PPE with over 20 UK-based manufacturers alone. The progress made on face masks, visors, gowns, aprons and so forth is enormous, and the accounting for that will continue through the usual channels of government procurement publication.

Baroness Ritchie of Downpatrick (Non-Afl) [V]: My Lords, to what extent are the Government engaged in the procurement of PPE in a collective effort with the devolved institutions, and what discussions are taking place to ensure that every region is well equipped with adequate PPE and will have long-term infection control in place over the next 90 days and beyond?

Lord Bethell [V]: My Lords, we have had regular engagement with the devolved Administrations and have discussed how we manage cross-border services. The balancing of stockpiles of PPE around the nation is something that we are very much focused on. We have moved from the supply of PPE to a few NHS trusts to nearly 55,000 individual users of PPE. This is a massive undertaking that has hugely expanded the scope of our PPE supply.

Baroness Blackwood of North Oxford (Con) [V]: My Lords, I was pleased to hear the Minister's ambitions for a 90-day stockpile. NHS Providers has now stated that most trusts are receiving the right PPE when they need it, but it highlights the need to move from a crisis day-to-day supply to secure access to 14 days' worth of all PPE. Obviously this is important for planning, restarting elective care safely and especially for patients being asked to isolate for surgery. When will a 14-day supply of PPE at trust level be achieved?

Lord Bethell [V]: My noble friend is entirely right that having adequate stocks on hand is important, but having line of sight is also important. Individual trusts are able to make their own decisions on whether they wish to have stockpiles on the premises or a flow of

[Lord Bethell]
supplies from their suppliers. At present we are working on supporting the trusts in their decisions on this matter.

Baroness Brinton (LD) [V]: At yesterday's Home Affairs Select Committee, Dr Jane Townson of the United Kingdom Homecare Association said that domiciliary and personal care workers are still struggling to get access to testing and PPE because the system is not designed for care at home, which means that infection control is almost impossible. Will the Minister undertake as a matter of urgency to review home care workers' access to testing and PPE to protect them and their clients?

Lord Bethell [V]: The noble Baroness is entirely right to emphasise the importance of getting home care workers adequate supplies. The expectation is that the majority of social care providers, including home care providers, would continue to access PPE via their normal wholesale suppliers, but we are rapidly overhauling the way in which PPE is delivered to care homes and domestic care supplies, including through emergency dispatches via the pilot e-portal and the national supply disruption response.

Lord Dobbs (Con): My Lords, it is not simply stockpiling but the ability to supply PPE as and when needed that is so important. Will my noble friend join me in welcoming and congratulating the private sector—firms up and down the country, big and small—which provided such tremendous support in meeting our recent PPE demands, demands not always recognised by Public Health England at the time? Can he assure us that we have learned the lessons and that we can rely on the experience, initiative and abilities of the private sector? Is he able to tell us that in future he expects, if he cannot guarantee, that all future PPE demands will be available from firms in Britain, rather than relying on sources from other, perhaps less reliable, countries?

Lord Bethell [V]: My noble friend Lord Dobbs is entirely right: British companies have done an amazing job of stepping up to this challenge. I pay testament to Survitec, Bollé, Jaguar Land Rover, Don & Low and Burberry, which have all made huge contributions, and to the 350 firms we are currently negotiating with to create a new domestic supply. Nearly 2 billion items of PPE have been supplied through UK-based manufacturers. The moment when we are exclusively and entirely dependent on UK supply is some way off, but this provides a critical cushion and helps to build resilience for these important products.

Baroness Coussins (CB) [V]: My Lords, the Minister will not be surprised that I want to ask once again about interpreters in the NHS. I appreciate that because of Covid-19 many hospitals are using interpreters by telephone, but there must still be many cases where the physical presence of an interpreter is needed, Covid-related or otherwise. No answer has yet been given to my Written Question of 12 May about who is responsible for providing PPE for interpreters. I would also like to be reassured by the Minister, who I know appreciates the importance of interpreters, that they will not be forgotten when it comes to stockpiling PPE to cope with a possible second wave, when interpreters are likely to be needed more often if the disproportionate level of infection among certain minority groups continues.

Lord Bethell [V]: The noble Baroness is entirely right to emphasise the disproportionate balance of infection among BAME people and the importance of interpreters in ensuring that they get the treatment they deserve. However, we are emphasising the use of telephone services because we want to keep people out of areas of potential infection. That remains part of the service that we deliver, and telephone arrangements are proving extremely effective. However, I take on board her point about providing PPE for those interpreters who are on site, and I will continue to press those in the department who oversee this important area of activity.

The Deputy Speaker (Lord Alderdice) (LD): My Lords, the time allowed for this Question has elapsed and we come now to the third Oral Question, from the noble Lord, Lord Wallace of Saltaire.

Data Strategy

Question

11.29 am

Asked by ***Lord Wallace of Saltaire***

To ask Her Majesty's Government what steps they are taking to promote a wider public debate about their future data strategy.

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con): My Lords, the national data strategy's development has benefited from extensive engagement and input across government, wider stakeholders and the public. Through the summer and autumn of 2019, the Government completed a public-facing call for evidence and in-depth public engagement, with 20 round-table discussions held across the country with over 250 organisations. The Government remain committed to publishing the strategy in 2020 and will seek further input from business, civil society and the wider public. Further plans will be announced in due course.

Lord Wallace of Saltaire (LD) [V]: My Lords, I am glad to hear that the publication date for the White Paper has not slipped as far as some feared it might under these circumstances. I trust that the Government recognise the importance of carrying the wider public with them in going through their digital transformation, which ought to improve the efficiency of government and provide a better service for citizens. Given public unease about privacy and the security of data, would it not be better if the Government were to reopen a public debate before publishing the White Paper to ensure that the public are not taken by surprise by the

proposals and that, as far as possible, the *Daily Mail*-type campaigns about how wicked and dreadful it is to take your data are not sparked off by having this sprung upon them?

Baroness Barran: There is obviously a lot of debate already in the public domain about the use of data. We have a number of examples, driven, sadly, by the Covid-19 pandemic, where data has been used to great effect and which I think the public are aware of. The Government have no plans beyond those I have mentioned to reopen the debate formally before the strategy is published.

Lord Desai (Lab) [V]: My Lords, data is supposed to be the new source of wealth—the new oil. Last time around, we wasted the North Sea oil money on propping up the unemployment created by Mrs Thatcher. Do the Government have any plan to harness the wealth creation capacity of the data? Will they set up a proper sovereign wealth fund, which could harness the money raised by the data under the nation's control?

Baroness Barran: Our plans for our data strategy are extremely ambitious. We see it as a crucial part of driving economic prosperity and social good. We believe that we have laid the foundations for that already and will announce more detail in due course.

Lord Clement-Jones (LD) [V]: My Lords, the Government's call for evidence on digital identity was issued in July 2019; it rightly emphasised the importance of public trust and the role that a successful approach to digital identity can play in the use of public data. That call closed last September, so is it not high time that we had some policy proposals in this crucial area, too—especially given the failures of the past, such as Verify—so as to ensure that, as techUK has suggested, we create a framework of standards that can be used by all players in this field?

Baroness Barran: The noble Lord is right that digital identity and having clarity on that is critical. The Government have been very open about having had some unavoidable delays, most particularly around the election and now, sadly, with Covid. Part of the work within the strategy will be to identify which areas and datasets to prioritise and focus on.

Lord Balfe (Con) [V]: Can the Minister give us an assurance that the Government will not let public data go into private hands and then be kept there in such a way that it cannot be accessed by other people within the public sector? There is a concern that private companies may get hold of public data and that it will then be lost to wider policy-making.

Baroness Barran: My noble friend's last point is spot on, in the sense of the value of good data to public policy-making. I think many of us are looking forward to that. Crucially, part of it must be that we uphold those principles of transparency, accountability, inclusion and, obviously, lawfulness. They will be part of the considerations that we look at.

Baroness Lane-Fox of Soho (CB) [V]: My Lords, one of the things that I found while digital champion for the UK was the shocking lack of data literacy within government. What plans does the Minister have to ensure that all people working as special advisers, Cabinet-level Ministers or those within their departments are equipped to understand the implications of the data strategy? Does she think that there should now be a more high-level "Minister for Data", responsible for unleashing the silo-based approach that has hitherto been used?

Baroness Barran: The noble Baroness makes an important point; I think it is one she has perhaps made previously, but it definitely bears repeating. We are clear in what we have said already that this will never be successful without raising data literacy skills, not only within government but across the nation. That is work in progress and her point about the importance of strong leadership, given the complexity and scale of this challenge, is well made.

Lord Stevenson of Balmacara (Lab) [V]: My Lords, there was press comment recently about the Centre for Data Ethics and Innovation's report on immunity passport technology. The Full Fact chief executive officer, Will Moy, asked whether this was

"a poor exercise in public reassurance"

or a "contribution to policy thinking". Which is it, and what is the current status of the CDEI? Is it an independent public body or part of DCMS?

Baroness Barran: I trust that the work in that report, and all the reports from the CDEI, is there to help us advance our understanding of these extremely complex issues. The department certainly finds the work of the centre extremely valuable in informing our thinking.

Lord German (LD) [V]: My Lords, the Government signed up to lowered personal data protection standards in their deal with the USA on handling serious crime and security. That has led to a major difficulty in producing an adequate solution for a deal on these matters with the EU. How will the Government now ensure that our personal data is protected to a high enough standard to be able to tackle serious crime and security issues across the UK and the EU?

Baroness Barran: I do not think the Government would accept that we have compromised our data security standards. We keep them under review at all times and this is obviously a fast-moving area. We remain confident that we can obtain a full agreement on data adequacy by the year end and are optimistic that that will be the case.

Lord Foulkes of Cumnock (Lab Co-op) [V]: My Lords, since the Government have unilaterally ended the daily media briefing, how do they now intend to publicise regularly, preferably daily, all the essential data about the pandemic?

Baroness Barran: The Government use a number of different media outlets, including social media. We take very seriously our responsibility to communicate across a range of media, so that anybody who needs that data and is interested in getting access to it can do so.

Viscount Trenchard (Con): My Lords, the EU has set out its data strategy and aims to become a global regulatory role-model for the digital economy. My noble friend Lady Morgan of Cotes set out a similar vision for the UK

"to lead the world in nimble, proportionate and pro-innovation regulation".

According to a recent survey, 50% of SMEs are still non-compliant with GDPR. What scope is there for the UK to diverge from the more cumbersome and expensive obligations of GDPR?

Baroness Barran: Our priority at this stage is to achieve full agreement with the EU in relation to data adequacy. As my noble friend knows, an enormous amount of data-related trade happens between the EU and the UK. We are anxious to secure that it should continue, albeit within an agile approach, as he rightly says.

The Deputy Speaker (Lord Alderdice) (LD): My Lords, the time allowed for this Question has elapsed. We now come to the fourth Oral Question. I call the noble Lord, Lord Farmer.

Covid-19: Wedding Venues

Question

11.40 am

Asked by ***Lord Farmer***

To ask Her Majesty's Government when weddings will be able to take place in venues which enable social distancing and comply with other COVID-19 precautions.

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, I am sure my noble friend would welcome that, following the Prime Minister's Statement yesterday, from 4 July, wedding ceremonies and civil partnership ceremonies will be able to take place in England. Venues should ensure that they are Covid-19 secure, with clear social distancing in place. People should still avoid having a large ceremony and should invite no more than 30 close family members and friends.

Lord Farmer (Con) [V]: My Lords, I do indeed welcome the announcement that my noble friend refers to. The Government are supporting commitment by lifting the ban on weddings, but marriages also need supporting. The Government were unable to express their commitment to do that in the Divorce, Dissolution and Separation Bill, but will not bring that Bill, when enacted, into force until autumn 2021. What commitment will my noble friend make that this Government will have enhanced support in place for marriages under strain by the time no-fault divorce is available?

Lord True: Well, my Lords, my noble friend has gone a bit wider than the Question before the House, but I can assure him that the Government are committed to supporting marriage. As the Lord Chancellor said in another place, the Government will work hard to co-ordinate and bring together the strands of policy of various departments and ensure we have a suitable family policy that is fit for the 2020s.

The Lord Bishop of Newcastle: My Lords, it is with great delight that we received news yesterday that weddings will once again be permitted. This will be an enormous joy to many couples and families all across England. As the Minister will know, hymns are most often a focal point of a wedding service. Given yesterday's announcement about live performances, can he give us any more detailed guidance about singing in churches, both choral and congregational?

Lord True: My Lords, I very much understand the point that the right reverend Prelate makes, but the scientific advice at the moment—not only in relation to churches, I may say—is that singing generally, because of its impact, carries the risk of spreading Covid, so it should be avoided in all public spaces.

Baroness Jenkin of Kennington (Con) [V]: My Lords, I understand that 80% of weddings are civil rather than religious ceremonies. What advice can the Government give to wedding venues faced with an avalanche of postponements and cancellation demands from couples who, on the one hand, are not prepared to compromise on the format with regard to social distancing, face masks, et cetera, and yet on the other have been led to believe by the CMA that they will get all their money back if they cancel their weddings?

Lord True: I would say to my noble friend that we have only just moved into a new phase, which people are welcoming, in which marriages can actually take place. For a number of months, weddings have not been allowed and managers have had to confront that question. I am afraid that the position must remain that venue managers themselves will have discretion over when they consider it safe to open. Also, the officiant at a wedding, whether in a church or a secular setting, needs to be content that it is safe to proceed.

Lord Low of Dalston (CB) [V]: My Lords, once weddings resume, there will no doubt be a huge backlog of demand for registrars that could easily stretch through to the end of next year. One way the Government should seek to ease that demand is by extending legal recognition to humanist marriages, which would mean that couples who want a humanist wedding would not also have to have a civil ceremony to gain legal recognition. Humanist marriages are already legally recognised in Scotland, Northern Ireland and the Republic of Ireland. Will the Government commit to acting now to bring about similar recognition here?

Lord True: No, my Lords. The current rules on marriage are set in primary legislation. This has not been changed and the Government have no plans to change it.

Baroness Warwick of Undercliffe (Lab) [V]: My Lords, I have a young friend for whom the cancellation of her wedding and the subsequent negotiations were a nightmare. That must have been true of thousands of others. Of course, I appreciate the decision that had to be taken, but cannot help but feel that there was a failure to be creative by allowing vicars and registrars to marry people in private gardens, and so on. There is a much broader question of the costs of weddings arising from the law not permitting marriages at home—unlike, for example, in the US. When will the Government, in these challenging times, make it easier and cheaper for people to marry at home or a place of their choice, especially to clear the backlog and let the people affected get on with their lives?

Lord True: My Lords, again, I understand the point. I do not want to add to my reputation for eccentricity by admitting that my wife and I delayed our marriage because the late Lord Callaghan unexpectedly delayed the anticipated election in 1978. I fully understand the frustration that many young couples face. On the noble Baroness's wider point, wedding venues are governed in legislation, and altering it is not currently on the Government's agenda.

Baroness Jolly (LD) [V]: My Lords, I understand the reasoning for yesterday's change in advice, but clearly some of the Government's advisers were not happy with it. In making the decision, did the Government carry out a risk analysis, and is it freely available? What will be the loss to the local economies as a result of a season of cancelled weddings? What impact will it have on the already beleaguered hospitality sector?

Lord True: My Lords, the announcement the Prime Minister made is fully guided by scientific advice, and I do not accept what the noble Baroness said. I remind her that this was an announcement to open up proceedings to permit weddings, so it should not provoke more cancellations—indeed, it should enable more weddings.

Baroness Altmann (Con) [V]: My Lords, I welcome the announcement yesterday—my daughter is due to be married in August. Do the Government have any plans to ensure that registration of marriages, which must be 28 days before the wedding, covers those who already have weddings booked, or might they be able to introduce emergency measures to make sure that those who have weddings already booked do not find they cannot proceed due to the difficulty in catching up on registrations of the marriage?

Lord True: My Lords, my noble friend raises an important practical point. The 28-day waiting period before weddings is set in primary legislation and has not changed, but if there are exceptional circumstances in which it is believed that the waiting period should be shortened, upon giving notice one can ask for consideration from the Registrar-General to do so. The impact of Covid-19 is identified as an exceptional circumstance, but each application will have to be considered as an individual situation.

Earl of Devon (CB) [V]: My Lords, I note my interest in a heritage wedding venue, where all 2020 weddings have been postponed. Wedding venues and, more importantly, their local vendors and suppliers face a long, uncertain struggle. Every garbled government announcement causes further uncertainty for the businesses and for those couples who are so desperate to wed. When will the Government provide a clear road map for restarting this key industry, which is such an important thread in our social fabric?

Lord True: My Lords, the Government have announced important measures to assist the hospitality industry from July and to enable weddings. I remind the noble Earl that we are still in a Covid emergency and the Government have to proceed cautiously.

Baroness Hayter of Kentish Town (Lab) [V]: I too welcome the decision and we wish all the couples well, including of course the young Ms Altmann. Will the Minister do what he can to ensure that all the deposits and costs lost because of cancellations are repaid to the couples, who obviously had no say over the loss of their weddings, an issue highlighted by Which? and the CMA? Secondly, I regret the Minister's rejection of any thought being given to permitting humanist marriages, which would obviously save the couples having to have a second, civil wedding. I urge him to take time to think again.

Lord True: My Lords, I said that the Government have no time for primary legislation on this matter, and that is the position. As for private commercial arrangements between citizens and venues, I cannot give any guarantee that the Government will interfere in those.

The Deputy Speaker (Lord Alderdice) (LD): My Lords, the time allowed for this Question has elapsed. That concludes the hybrid proceedings for the present.

11.52 am

Sitting suspended.

Arrangement of Business

Announcement

12.45 pm

The Deputy Speaker (Lord McNicol of West Kilbride) (Lab): My Lords, proceedings will now commence. Some Members are here in the Chamber, and others will participate virtually, but all Members will be treated equally. For Members participating remotely, microphones will unmute shortly before they are asked to speak. Please accept any on-screen prompts to unmute. Microphones will be muted after each speech.

[Lord McNicol of West Kilbride]
I ask noble Lords to be patient if there are any short delays as we switch between physical and remote participants.

Windrush Compensation Scheme
Statement

The following Statement was made on Tuesday 23 June in the House of Commons.

"Yesterday, we celebrated Windrush Day, which marks the 72nd anniversary of the arrival of the 'Empire Windrush' at Tilbury docks. The ship carried hundreds of people who had left their homes to build a new life in the United Kingdom, and to help this country rebuild following the destruction of the Second World War. These men and women built their lives, and went on to build their homes, in the United Kingdom. They, alongside many thousands of others who made similar journeys, and their descendants, have made an immeasurable contribution to the social, economic and cultural life of our country. When Britain was in need, they answered the call.

Yet as we all know, they were the very people who went on to suffer unspeakable injustices and institutional failings, spanning successive Governments, over several decades. I have apologised for the appalling treatment they suffered, and, on 19 March, I made a Statement after I received the long-awaited *Windrush Lessons Learned Review* from Wendy Williams. I have apologised for the appalling treatment suffered by the Windrush generation.

The review was damning about the conduct of the Home Office and unequivocal about the

'institutional ignorance and thoughtlessness towards the … race and the history of the Windrush generation'

by the department. There are serious and significant lessons for the Home Office to learn in the way it operates. I and the Permanent Secretary are currently reviewing its leadership, culture and practices, and the way it views and treats all parts of the community it serves.

These reforms are only the start. I was clear that when Wendy Williams published her lessons learned review, I would listen and act. I have heard what she has said, and I will be accepting the recommendations that she has made in full. I am committed to ensuring that the Home Office delivers for each part of the community it serves, and I will come back to update the House before the Summer Recess on how we will be implementing the recommendations. I look forward to discussing the plans further with Wendy this week.

We have been working tirelessly to support the most urgent cases and those most in need. In April 2018, the Home Office set up the Windrush task force to ensure that those who needed documentation immediately could get it. A month later, the Windrush scheme was launched, providing free citizenship to those eligible for it.

The Home Office has a dedicated vulnerable persons team in place to provide immediate support to people suffering with a range of vulnerabilities, including the financial hardships and destitutions that have been well documented. The team also administers the urgent and exceptional payments scheme, which provides immediate financial payments. To the end of March this year, the team has made 35 payments, totalling more than £46,000.

Work is continuing unabated to ensure that those who suffered receive the documentation and the compensation that they need. So far, more than 12,000 people have been granted documentation by the Windrush task force, including more than 5,900 grants of citizenship, and the compensation scheme continues to make payments to compensate the losses and impacts that individuals suffered as a result of not being able to demonstrate their lawful status. The scheme was set up and designed with the backing of Martin Forde QC, in close consultation with those who were affected by the scandal, and in February I announced that I would extend it until April 2023, to give those who need our help as much time as they need to apply.

We are continuing to process individual claims as quickly as possible. The first payment was made within four months of the scheme launching, and many interim awards are being made where parts of the claim can be resolved more easily and more quickly than others. But let me be clear: it is not a blanket one-size-fits-all scheme. It was deliberately designed, with community leaders and Martin Forde QC, so that the claimant is at the heart of each and every claim.

Cases deserve to be processed individually, with the care and sensitivity that they deserve, so that the maximum payment can be made to every single person. I simply will not call for targets when it comes to dealing with claims. These are incredibly personal cases—individual cases—that must be treated with the care, the dignity and the respect that they deserve.

I want everyone who has been wronged to get the maximum compensation to which they are entitled, and through this bespoke scheme, we are working to achieve that. This compensation covers a very wide range of categories—far more than any comparable compensation scheme. It covers immigration fees; it covers loss of earnings; it covers benefits; it covers homelessness; it covers destitution. Overall, it covers 13 separate categories. Assessing claims in this way is ultimately beneficial to those who are making them, but it takes time to assess them and it takes time to get it right. While claims are being processed in full, many interim and exceptional payments have been made to make sure that people have access to money—to the funds that they need now.

Clearly, I share the desire to see more claims completed. The rate of claims has already increased significantly in the past few months: as of the end of March, more than £360,000 had been awarded, and further offers have been made of approximately £280,000. I can confirm today that more than £1 million has been offered in claims so far, and more payments and offers are being made each week, but we can—and of course we must—do more. My determination to right the wrongs and the injustices suffered by the Windrush generation is undiminished, and I will do all I can to ensure that more people are helped and more people are compensated in full. If additional resources are needed, they will be provided.

Now is the time for more action. We all have a duty to help those affected by this terrible injustice. Individuals will benefit from the compensation scheme only if they are sought out and encouraged to apply. We are working extensively with community groups and leaders to raise awareness of the Windrush task force and the compensation scheme, including with vulnerable people through the vulnerable persons team. Anyone who needs help or support to make a claim will receive it. The Home Office has funded Citizens Advice to provide free and independent advice and support, and has hosted or attended more than 100 engagement and outreach events throughout the United Kingdom. As Members know, my door is always open, so I urge Members of the House to ensure that their constituents' cases or concerns are raised immediately with me and my team, so that they are progressed and resolved.

Throughout the coronavirus pandemic, I have made sure that no one is left behind. Working with community leaders, I have launched a digital engagement programme so that outreach can continue despite the current social distancing measures. The first virtual support event was held on 21 May, and on 19 March I announced a dedicated new communications campaign to promote the Windrush schemes, as well as a £500,000 fund for community organisations to run outreach, promotional and support activities to increase awareness.

We know, however, that there are a range of other issues and injustices affecting the Windrush generation and their families. Yesterday, I announced a new Windrush cross-government working group, which I will co-chair with Bishop Derek Webley. The group brings together community leaders with senior representatives from a number of government departments to address the challenges faced by the Windrush generation and their descendants, spanning programmes on education, work, health and much more. The Prime Minister and I spoke to members of the group yesterday to discuss many of the actions needed and to deliver solutions. The first formal meeting of the group will take place this Thursday. I look forward to taking the work of the group forward, alongside the inspirational co-chair, Bishop Derek Webley.

Northing can ever undo the suffering experienced by members of the Windrush generation. No one should have suffered the uncertainty, complication and hardships brought on by the mistakes of successive Governments. Now is the time for more action across the Government to repay that debt of gratitude and to eliminate the challenges that still exist for them and their descendants. Only then can we build a stronger, fairer and more successful country for the next generation. I commend this Statement to the House."

12.47 pm

Lord Rosser (Lab) [V]: The Windrush scandal is a national cause of shame, and the Wendy Williams review exposed the callousness and incompetence that caused such deep injustice. The Windrush generation and their families have made an enormous contribution to every aspect of our national life since the arrival of the "Empire Windrush" 72 years ago. However, many faced appalling racism, extending beyond abuse to a lack of fair access to the basic necessities of life, including housing and jobs. The Williams review has brought home the extent to which these issues, and the associated deep injustice, remain; injustices that have been highlighted by Black Lives Matter.

The Home Secretary has said that the Government are accepting all 30 recommendations in the Williams review, but we will have to wait until nearer the Summer Recess to find out how, and over what timescale, the Government intend to implement them. At the moment we are still at the stage of words, not actions, from the Government, which still have other reports, including the David Lammy review, on which they have so far failed to act. This Government are quick to set up reviews and working groups, but slow to act on findings and slow to right the wrongs identified.

In her Statement, the Home Secretary informs us that she has established another cross-government working group to address the challenges faced by the Windrush generation and their descendants. How does this further working group relate to the

"expanded cross-government Windrush working group, which will take a strategic view of a range of issues relating to Windrush and wider race inequalities"—[*Official Report*, 6/5/20; col. 551.]

announced by the Home Secretary on 19 March this year, to which the Minister made reference during our debate on the Windrush compensation scheme on 6 May?

On 6 May, the Minister, on behalf of the Government, said that the Home Office estimate was that the Windrush compensation scheme would cost between £90 million and £250 million, based on 11,500 eligible claims. At £250 million, that works out at just below £22,000 per head, and at £90 million, it works at below £8,000 per head. Is that still the Government's estimate of the number of eligible claims, and is that still the Government's estimate of the cost of the scheme? If it is, do the Government believe that an average compensation settlement, on the Government's figures, of somewhere between less than £8,000 and just below £22,000 represents a fair figure in the light of Wendy Williams's words that:

"The many stories of injustice and hardship are heartbreaking, with jobs lost, lives uprooted and untold damage done to so many individuals and families … They had no reason to doubt their status, or that they belonged in the UK"?

The impact assessment for the Windrush compensation scheme says:

"The Government will also mitigate the risk of litigation and associated legal costs, which is likely to be more expensive than compensation through the scheme."

In other words, the Government also regard the Windrush compensation scheme as likely to save them money. Could the Minister clarify whether accepting an offer of compensation under the scheme also means that the claimant can no longer take legal proceedings against the Government on this issue?

There is provision for an independent review by an HMRC adjudicator where a claimant is not satisfied with the outcome of their claim. Can the Minister confirm what appears to be the case—namely, that the Home Office can choose to reject the recommendation of an independent review?

The Government also said in the debate on the Windrush compensation scheme last month that

"the award levels take into account existing precedents and ombudsman-recommended payments."—[*Official Report*, 6/5/20; col. 548.]

[Lord Rosser]

What are the existing precedents, bearing in mind the way the Windrush generation were treated over so many years and the damning findings and words of Wendy Williams? Also, which ombudsman's recommended payments were being referred to?

The progress in dealing with claims to date has been painfully slow. Apparently just 60 people were granted compensation in the first year of the scheme's operation. The Home Secretary declines to apologise for the delay, but rather accepts it and simply implies that the pace is now increasing. Can the Minister say how many staff are involved in processing claims, expressed in full-time equivalents, and whether any of this work has been outsourced? The number of those who have received payment is small compared with the Government's estimate of eligible claims. Does the Minister think that the number of claims to date reflects a lack of confidence in a Home Office that Wendy Williams said showed "a lack of empathy"?

Can the Minister say what the average compensation payment to date has been? How many claimants have referred their claim to an independent reviewer? In how many cases has as an independent reviewer recommended a change to the original decision? Have such recommendations all been accepted in full by the Home Office?

The Home Secretary has said that she will come back to Parliament before the Summer Recess to provide an update on how the Government will implement all the Williams review's recommendations. That will be an opportunity for the Government to show that they recognise that the time for action is now. Not to do that would be to fail the Windrush generation yet again. I accept that I have asked a number of specific questions in response to the Statement. I would appreciate being given the information I seek and will be happy to accept a written response to the specific questions that cannot be responded to today.

Baroness Hamwee (LD) [V]: My Lords, one of the recommendations of Wendy Williams' review is that the Home Office

"devise, implement and review a comprehensive learning and development programme which makes sure all its existing and new staff learn about the history of the UK and its relationship with the rest of the world, including Britain's colonial history, the history of inward and outward migration and the history of black Britons."

I was struck by that when I read the review and three months on it has even greater resonance. I readily acknowledge that I am someone with gaping holes in her education that need to be filled. I, for one, need to learn what I need to learn, in the widest sense. It is not only Home Office staff who need that learning.

We all know the importance of leadership. The Home Secretary and the Permanent Secretary are reviewing Home Office leadership and culture. Can the Minister tell the House whether this has external facilitation? Does it cover the whole of the Home Office?

The Home Secretary says in her Statement:

"I have apologised for the appalling treatment suffered".

A sincere apology is not something made and then done with; it must be constant and its sincerity demonstrated by action. The Statement later refers to the challenges faced by the Windrush generation and their descendants. It is wider than that. As Wendy Williams wrote in her first recommendation:

"The sincerity of this apology will be determined by how far the Home Office demonstrates a commitment to learn from its mistakes by making fundamental changes to its culture and way of working, that are both systemic and sustainable."

Her seventh recommendation, which follows seamlessly, is for

"a full review … of the hostile/compliant environment policy and measures—individually and cumulatively."

It should be scrupulous,

"designed in partnership with external experts and published in a timely way."

That policy, whatever it is called—the hostile or compliant environment policy—is far-reaching and callous. It is racist.

The National Audit Office, in December 2018, commented on the department still showing a lack of curiosity about individuals who may have been affected and who are not of Caribbean heritage, on the basis that this would be a "disproportionate effort". "In the circumstances", the NAO reported, "we find this surprising".

We all need to exercise our imagination and put ourselves in other people's shoes when we consider what actions we may take, so I am pleased to hear that the Home Secretary will be accepting Wendy Williams' 30 recommendations in full. I do not know whether there is any significance in the future tense "will be accepting". We look forward to their implementation and to tangible outcomes.

When we first debated the report, I acknowledged that not all the implementation could be immediate. I also acknowledge that claims made to the compensation scheme must be considered and assessed. After all, some claimants may be claiming too little. But that does not mean that every "i" must be dotted and every "t" crossed before any payment is made.

The Statement refers to the urgent and exceptional payments scheme. I will resist going down the road of exploring whether the whole situation, and the claims, are exceptional, and whether they are urgent, given the age and current situation of many if not most of the claimants, brought about by their experiences, but I will ask the Minister whether the 35 payments totalling over £46,000 made to the end of March are the same as the

"many interim and exceptional payments"

that

"have been made to make sure that people have access … to the funds they need now".

The figures seem woefully small. Does the Minister have more up-to-date figures? We are used to reporting by government on a three-monthly basis and reasonably so, but I would have thought in this case that Ministers would have wanted to see how payments are going month by month, in respect of every category of payment.

I will also ask the Minister about further offers. I cannot make the amounts mentioned add up to anywhere near "over £1 million". Can she break that figure down? Can she explain "offered"? That suggests

conditionality. Are claimants expected to agree that an offer is accepted in full and final settlement? If so, what advice can they access before doing so, and is this in the spirit of the apology?

The Home Secretary said she

"simply will not call for targets."

I agree that these are "personal" and "individual" cases, as she said—or, indeed personal and individual people—to be treated with care and respect. However, I have asked in a Question for Written Answer—it was only last week, so I am not accusing the Minister of being slow in responding—what the Government's targets are for the number of claims settled in full and the number of interim awards made within different periods after the commencement of the scheme. Sometimes there is a place for targets, and stretch targets at that. To aim high in paying what must for many must be much-needed cash is, in my view, one of those targets.

Finally, the Home Secretary is committed to ensuring that the Home Office delivers

"for each part of the community it serves".

That is all of us, not only those with whom it has direct contact, but those on whose behalf it acts. We would all like to feel it acted in our name.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): I thank the noble Lord and the noble Baroness for those points. I join the noble Lord, Lord Rosser, in paying tribute to the Windrush generation, two days on from the anniversary of the arrival of the "Empire Windrush" at Tilbury docks. He referenced the Williams review, an excellent document that is moving in so many ways and which, most importantly, tells the stories of people.

The noble Lord asked about the timescale, the Government having accepted the recommendations. My right honourable friend the Home Secretary made clear yesterday that she will come to Parliament before the Summer Recess to set out in more detail the terms of the implementation of the recommendations. It is good news that she has accepted every single recommendation.

He also asked what the differences were between the various groups—the cross-government working group, the stakeholder advisory group and the Prime Minister's group. They complement each other. First and foremost, as he articulated, we need action. My right honourable friend the Home Secretary will be co-chairing a cross-government working group, with Bishop Webley as co-chair, and other community leaders who are equally driven to bring about the difference that we want. This is not a single-department issue; it goes right across government. The group will support us in delivering some of the practical solutions on issues spanning education, work and health, in providing that advice on our response to the *Windrush Lessons Learned Review*, and in upholding our commitment to the Windrush generation.

Noble Lords probably know that the Windrush stakeholder advisory group has always been central to how we have shaped our response in supporting the Windrush generation. Community leaders and groups from across the country have provided invaluable contributions and insights as part of the Windrush stakeholder advisory group, which my right honourable friend the Home Secretary launched last September. They will all complement each other in different ways.

The noble Lord asked about the lower and upper estimate, and whether it was still the same. As far as I know, it is still the same. Obviously there will be a wide range of awards within that, and in terms of whether we are mitigating the risk of litigation, the Home Secretary and I are thinking about it in a totally different way—not of mitigating litigation but of assisting people in getting the awards that they deserve and making the process easy for them. Yesterday, my right honourable friend talked a lot about how some of the cases are quite complex, because they go back many years, across different areas of government and different types of need. It is not about avoiding litigation; it is about making things as easy as possible for people.

The noble Lord also talked about HMRC being an independent arbiter. He is right that the arbiter of this is independent. Regarding work being outsourced, I do not think that it is, but I shall not give a definitive answer now. I will get back to him. He asked how many cases were referred to an independent reviewer. We are encouraging people to have their cases reviewed. Because of the breadth of this compensation scheme, it is not always appreciated how many different areas people can claim in. I cannot give a figure for the average compensation claim; if it is available, I will try to get it.

The noble Baroness, Lady Hamwee, asked whether we can learn about Britain's colonial history in schools. She was talking about her own history education being confined to a very small area. Mine was confined to the unification of Italy, so I welcome any broadening of children's history. Schools are autonomous in their ability to expand their curriculum. So much of our history is not only interesting but also frightening in some ways and great in others. As an adult, I regret not having learned more history as a child.

She asked whether this learning process is a "whole of Home Office" process. It is not just whole of Home Office; there is a lesson to be learned across government in weeding out prejudice and bias and ensuring that all people in this country can make the best of their talents and abilities. The Home Office is leading on this, but it is an endeavour for the whole of the Government. I would go further and say that it is a societal endeavour, given what we saw recently with Black Lives Matter.

The noble Baroness also asked about a review of the hostile environment. My right honourable friend the Home Secretary made it very clear yesterday that she accepts that what we have in the immigration landscape is complex. She wants to see a firm but fair immigration system in the future.

The noble Baroness also talked about stretch targets. I see her point, but the Home Secretary does not want to set any targets on where the cap is on money for the scheme. If she was asked for a target, it would be to ensure that every member of the Windrush generation

[Baroness Williams of Trafford]
who applied for their compensation gets the full amount that they are entitled to, but otherwise she is not setting targets.

The noble Baroness rightly asked for up-to-date figures on awards made. There are up-to-date figures, which must be quality-assured; they are released every quarter and will be in due course. Those figures will be higher than those I gave today and the Home Secretary gave yesterday. The noble Baroness also asked whether the offers are full and final. As I said to the noble Lord, Lord Rosser, people are being encouraged to ensure that they get the full amount. In many cases, when the offers have been reviewed, the individual has been awarded a higher offer than they originally sought.

The Deputy Speaker (Lord Alderdice) (LD): We now come to the 20 minutes allocated for Back-Bench questions. I ask that questions and answers be brief so that I can call the maximum number of speakers.

1.08 pm

Baroness Verma (Con) [V]: My Lords, the Windrush scandal identified a number of serious failings: institutional ignorance and institutional racism. I praise the Home Secretary's decision to implement in full the recommendations of the independent review; she has demonstrated her commitment to ensuring that she responds to a challenging hostile environment. However, will my noble friend ensure that, alongside financial compensation, there is also mental health support, and that both are delivered speedily? Will she ensure that, as she rightly said, all departments review their processes and policies to reflect on how they, too, respond to and approach such matters?

Baroness Williams of Trafford: My noble friend is absolutely right to highlight the other issues. This is not just about money; it is about a whole-of-government approach to looking at the wider inequalities faced in society. That is precisely what the cross-government working group will seek to do. Not only will it provide strategic input into the Home Office's response to Wendy Williams's *Windrush Lessons Learned Review*, but it will support the design and delivery of a range of practical solutions to address the wider challenges that disproportionately affect people from black and minority ethnic backgrounds. As I said earlier, they will include programmes on education, work and health and, as my noble friend said, the mental health issues that may have arisen out of some of the difficulties that people faced.

Viscount Waverley (CB) [V]: History might include European history, Minister, but congratulations on the Statement. As "time to change" rightly becomes the mantra, what actions are under review when referring to "only the start"? We should not negate our past and the decisions of yesteryear, but we must learn from this sorry experience so that the UK is deemed respectful, tolerant and, importantly, inclusive as a nation, particularly when we consider our ongoing relationship with a broad breadth of alliances across the Commonwealth and beyond.

Baroness Williams of Trafford: I agree with the noble Viscount that we can learn from the past in order to make our future world better. This cohort of people who have been systematically failed by successive Governments are a particular case in point. That is why a whole-of-government approach is being taken to look at just what the factors were, are and might be in future if we do not address them by introducing some more fairness into the way that we work.

The Lord Bishop of St Albans [V]: My Lords, we are all implicated in the conscious and unconscious bias which bedevils our society. It will change only if we all take responsibility to make that change come about. Due to the age of those who came on the "Windrush", time is of the essence in gaining compensation. Some of them have already died. What specifically is being done to speed up the process? On the more general issue, what is the relationship between the various groups, such as this cross-government working group and the race equality commission, and is the Minister sure that these groups will complement each other and expedite matters rather than confuse them?

Baroness Williams of Trafford: I apologise to the right reverend Prelate because the line was not entirely clear. There was a little bit of feedback. I think he talked about the groups complementing each other and not confusing the whole picture entirely. He is absolutely right. He also talked about people who have died. That was brought up yesterday in the House of Commons. It is right that people whose parents or relatives have died take up claims for them, so the Windrush Advisory Group will be very much involved in engagement and outreach. The cross-government working group will be much broader and will look at the lessons learned report from Wendy Williams and a lot more broadly across government at what the right reverend Prelate talked about: unconscious bias and other things that plague some of the workings of our state institutions.

Baroness Goudie (Lab) [V]: My Lords, the Windrush generation and their families have made an enormous contribution to our national life but have suffered massive racial injustice, aggravated by the way they have been mistreated by the Home Office over seven decades. The Williams review is damning in its conclusion of a lack of empathy. Compensation has been far too slow. There has been a lack of a sense of urgency. Implementation of the compensation scheme must now be given the highest priority and must not be slowed down by process. Perhaps we ought to have some timelines.

Baroness Williams of Trafford: I thank the noble Baroness for making that point. We have got to get a balance on streamlining the process on often quite complicated situations. Yesterday my right honourable friend the Home Secretary invited Members of the House of Commons to see some of the casework that is going on to demonstrate how absolutely thoroughly we are considering and processing these claims. There is a balance to be struck between making sure that

everyone gets the full amount to which they are entitled and doing it in a timely fashion. I do not disagree with the noble Baroness in part, but we need to do it thoroughly and properly and ensure that everyone gets the full amount to which they are entitled.

Baroness Benjamin (LD) [V]: My Lords, I declare an interest as chair of the Windrush Commemoration Committee. For more than 40 years I have been striving for true racial equality, and I have sat on many panels and committees to address the issue—but to little avail. There are hundreds of recommendations in existing reviews; it is exasperating. So, while I welcome the formation of the Windrush cross-government committee and the promise to implement all Wendy Williams's recommendations, if the Government are truly serious about tackling systemic racial inequality, the time has come to establish a far wider-ranging, effective and comprehensive race equality strategy. Will the Government commit to working together across government with appropriate stakeholders to implement a race equality strategy at Cabinet level?

Baroness Williams of Trafford: I pay tribute to the noble Baroness for all the work she has done in this area. I hope that the progress we have made on this is some comfort after seven decades of inequality being built up because of successive Governments—we all need to look to ourselves—putting in place policies that have made it more difficult for members of the Windrush generation and others to settle and make their lives here. I shall certainly take back what she said about a race equality strategy. I hope the noble Baroness is happy about the cross-government working group in the sense that it brings in a whole-of-Whitehall approach not only to look at some of the lessons that Wendy Williams wants us to look at but to tackle the problems that occur across government departments in exacerbating race inequality.

Lord Singh of Wimbledon (CB) [V]: My Lords, does the Minister agree that the Windrush scandal is only a symptom of deeper prejudice ingrained in human nature that can be tackled only with a less jingoistic and more questioning approach to the teaching of history and culture?

Baroness Williams of Trafford: I think the only answer to that is yes, my Lords.

Lord Lucas (Con) [V]: My Lords, would it not be wonderful and do a much better job of helping us make a prosperous new place for the UK in the world if the first thing that a prospective student read on the Home Office website was "Welcome", if the first thing we said to someone who wanted to make their life here was "We appreciate the honour that you are doing us", and if after that their cases and the hurdles and limitations were dealt with as if they were about people and were rooted in humanity, as Wendy Williams says? Does my noble friend think that there really is hope for such a culture change in the Home Office?

Baroness Williams of Trafford: I do. I think that finally having a Government who acknowledge what went on over seven decades provides a real impetus. I find that we are one of the most tolerant countries in the world, but it is shameful how long this has been going on. Funnily enough, I looked at the internal Home Office website yesterday because I was looking up something in Parliament, and the first thing I saw was the history of the Windrush generation—so maybe things are improving already. We are certainly more knowledgeable about who the Windrush generation were, what they came here to do and the legacy of rebuilding Britain that they have achieved for us. So I have great hope—I think we must always hope—but we need to do this together.

Lord Hain (Lab) [V]: My Lords, I respect the Minister for her diligent decency. Will she accept that, despite government promises, over 3,000 Windrush victims have still not received any kind of justice, and miserably fewer have received any compensation at all? Some have died, been deported or wrongfully imprisoned, lost jobs, pensions, homes, all their dignity and rights—leaving them and their families, all proud British citizens, utterly traumatised. Surely this is a crime against humanity, with Tory Cabinet Ministers, headed by Theresa May, responsible.

Baroness Williams of Trafford: Now and in the future, we want to ensure that the people who receive compensation get the full amount to which they are entitled. The compensation scheme is very broad, so I agree with the noble Lord that, on the one hand, 3,000 not receiving any compensation at all is one thing, but we are working through the system and there are a number of offers in place. We want to ensure that people who take up those offers receive the full amount to which they are entitled, and that the relatives of people who have died—the noble Lord mentioned them, and a lot of people will have died in that time—are given the money they are due and that their parents were owed.

Baroness Hussein-Ece (LD) [V]: My Lords, I pay tribute to the noble Baroness because I know that she is very sympathetic to these matters. Does she agree with me that the Government, in particular the Home Office, failed in their legal duty to counter racial discrimination when they implemented their anti-immigration "hostile environment" programme, with devastating consequences? Will there now be swift and urgent action across all government departments, working together, particularly, as we have heard, with health services and education—I am thinking of those who are denied a university place, for example—to ensure that the families, especially those who have not already come forward, will receive the support and services they are entitled to and deserve? Justice delayed is justice denied.

Baroness Williams of Trafford: My Lords, I am going to desist from making a cheap point about "hostile environment" and where it originated. I know that the noble Baroness will have heard my right

[Baroness Williams of Trafford]
honourable friend the Home Secretary say yesterday that she thought the immigration system was far too complicated and that she wanted to see a "firm but fair" system going forward.

Baroness Uddin (Non-Afl) [V]: My Lords, I thank the Minister for her considered response and agree wholeheartedly with the noble Baroness, Lady Benjamin, that only a comprehensive race equality strategy will suffice to address embedded, institutionalised racism and Islamophobia. The Windrush report unequivocally deemed the Home Office unfit for purpose. I know the Minister accepts and understands that there is universal lack of confidence and trust in her department and its ability to manage this inexcusable scandal in a fair, humane and respectful manner. Therefore, will the Government consider how they can best work with Mr Lammy in the other place, and call on those leading and trusted individuals, including the Windrush advisory committee, to provide independent oversight as they proceed to remedy the decades of wrongs and centuries of hurt?

Baroness Williams of Trafford: I think the noble Baroness will be very pleased to know that we do have a member of the Windrush generation—or their descendant, I think—on the advisory group. They must be front and centre and at the heart of absolutely everything that we do to right the wrongs of the past and introduce more equality into our society.

Lord Sheikh (Con) [V]: My Lords, I note that the compensation arrangements are a bespoke scheme which covers 13 separate categories. The scheme will need to be administered very carefully. I understand that the Home Office has funded Citizens Advice to provide free independent advice and support. I would like to make sure that the bureaux are staffed with competent persons who have the right attitudes; it is important that claims be handled swiftly and efficiently. Perhaps we need to consider having arrangements with legal aid law firms to deal with the claims. We ought to avoid any situation where middlemen are making profits out of misery. I know this has happened —my business is insurance.

Baroness Williams of Trafford: I share my noble friend's anxiety that people who could make money from Windrush might be trying to get involved and get a cut of what might be someone's award. We have engaged Citizens Advice to help people. We have gone very far in trying to ensure that people do not need to spend money on legal advice; they can get free advice from the NACAB, which I think my noble friend will agree is a very trusted adviser.

Baroness Jones of Moulsecoomb (GP) [V]: I congratulate the Government on finally publishing this report and picking up—and hopefully implementing —all of its recommendations. Which report or review, and its recommendations, will the Government next pick up? Racism is still a problem in society. I might suggest David Lammy's report.

Baroness Williams of Trafford: My Lords, my right honourable friend the Home Secretary has said she is going to come back to the House before the Summer Recess to outline progress and give more detail on some of the recommendations and the way forward for them with the cross-government working group.

Lord Roberts of Llandudno (LD) [V]: My Lords, what worries me is the continual denial of proper justice to so many people—it might lead to another Windrush. In 2005, 17% of Home Office immigration decisions were overturned. Last year, 52% were overturned. There is something massively wrong, and I ask the Minister again if she will help me to get an overhaul of the Home Office's procedures, so that we get fair justice and not another Windrush.

Baroness Williams of Trafford: I think the noble Lord may be referring to the asylum process, where, yes, a high degree of claims are upheld on appeal. Part of that is because new information comes to light fairly late in the day. We are doing what we can to address this because it does not help or benefit anybody.

1.29 pm

Sitting suspended.

Fisheries Bill [HL]

Report (2nd Day)

1.33 pm

The Deputy Speaker (Lord Alderdice) (LD): My Lords, a limited number of Members are here in the Chamber, respecting social distancing, and if the capacity of the Chamber is exceeded, I will immediately adjourn the House. Other Members will participate remotely, but all Members will be treated equally, wherever they are. For Members participating remotely, microphones will unmute shortly before they are to speak—please accept any on-screen prompt to unmute. Microphones will be muted again after each speech. I ask noble Lords to be patient if there are any short delays as we switch between physical and remote participants. I remind the House that our normal courtesies in debate still very much apply in this new hybrid way of working.

A participants list for today's proceedings has been published and is in my brief, which Members should have received. I also have lists of Members who have put their names to amendments or who have expressed an interest in speaking on each group. I will call Members to speak in the order listed. Members' microphones will be muted by the broadcasters, except when I call a Member to speak. Interventions during speeches or "before the noble Lord sits down" are not permitted, and uncalled speakers will not be heard. Other than the mover of an amendment or the Minister, Members may speak only once on each group. Short questions of elucidation after the Minister's response are permitted but discouraged; a Member wishing to ask such a question, including Members in the Chamber, must email the clerk.

The groupings are binding and it will not be possible to degroup an amendment for separate debate. A Member intending to press an amendment already debated to a Division should give notice in the debate. Leave should be given to withdraw amendments. When putting the Question, I will collect voices in the Chamber only. If a Member taking part remotely intends to trigger a Division, they should make this clear when speaking on the group. We will now begin.

Schedule 1: Fisheries statements and management plans: preparation and publication

Amendment 18

Moved by ***Lord Gardiner of Kimble***

18: Schedule 1, page 37, line 15, leave out "the National Assembly for Wales" and insert "Senedd Cymru"

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, in introducing these government amendments I would like to explain why they have been brought forward at this point. The Government had hoped to make these amendments to retained EU law using the Bill's powers after it received Royal Assent. However, the delay to the Bill due to Covid-19 has meant that we have put these changes in the Bill itself.

Amendments also update the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru. All UK legislation will now refer to the Senedd Cymru rather than the National Assembly.

We have amended Schedule 10 to incorporate further amendments to retained EU law which we would have otherwise undertaken through secondary legislation. This ensures that these changes are made in time for the end of the transition period and releases some pressure on a busy secondary legislative timetable in the autumn. We have sought to treat these amendments as we have treated the previous fisheries SIs we laid under the European Union (Withdrawal) Act and informed key stakeholders in advance of their being laid. No concerns were raised.

The objectives in Article 2 of the common fisheries policy regulation set the overarching principles that guide the CFP. This amendment revokes Article 2 and replaces references to those objectives with references to the fisheries objectives in Clause 1 of the Fisheries Bill which have already been the subject of much debate by your Lordships. This tidies up and ensures that retained EU law dovetails with the regime created in the Bill.

This schedule now amends several articles within the North Sea and western waters multiannual plans, commonly known as MAPs. The MAPs were designed to be implemented jointly by member states as part of EU law. This means that some of their provisions will apply differently in practice once they are part of retained EU law and apply to the UK as an independent coastal state. We have made amendments to ensure that the MAPs reflect which fish are targeted in our waters and allow our negotiators to operate on an equal footing when they discuss quota with the EU.

The existing provisions of the MAPs include stocks that are not in UK waters, or are caught predominantly as bycatch, and so should not come under the definition of a targeted stock. The amendments reflect that reality and so remove several stocks from the target stock lists; instead they will be properly regulated as bycatch under Article 5 of the MAPs. In line with the approach taken in the objectives of the Bill, we have removed the 2020 target from the MAPs. The Bill's more nuanced fisheries management plans provide a more appropriate tool to get our stocks to sustainable levels. This ensures that the MAPs will work coherently post 2020 until they are replaced by fisheries management plans.

Something else that would have needed to be attended to in statutory instruments is ensuring that the respective roles of fisheries administrations and the Secretary of State were clear. This is now addressed in these changes, which have been agreed with the devolved Administrations. Other changes have been made to ensure that definitions used within the MAPs align with those used in the Bill, for example in relation to "ecosystem-based approach". These changes help ensure that the MAPs will dovetail with wider UK fisheries legislation until replaced by fisheries management plans.

The amendment clarifies the link between the Secretary of State function of determining the UK's quota and the flexibilities and exemptions that may be relevant to that determination. These are important tools which allow fisheries to be managed in a way that allows fishers to adapt to changing circumstances; for example, during variable weather patterns or changes to markets and fisheries. They are particularly important so that fishers can manage their catches in line with the landing obligation.

Flexibilities and exemptions have been developed over a number of decades as part of the common fisheries policy, with safeguards to ensure that they are sustainable and follow the best available scientific advice. They will be preserved in retained EU law, and this amendment merely clarifies the link between the Secretary of State's function in the Bill and the continuing flexibilities in retained EU law.

The delay to the Bill presented an opportunity to link the Secretary of State's duties in primary legislation to the flexibilities and exemptions in retained EU law, putting beyond all doubt any question about their operability. A further benefit in making these changes is greater transparency around managing UK fishing opportunities, and how the fisheries administrations can rely on them for managing quota.

Further changes are made to allow the Secretary of State to determine fishing opportunities for a period other than a calendar year. This provides flexibility to align determinations with specific fish stocks that are managed over different time periods, based on scientific advice. North Sea sprat are one example of that, as science on the state of the stock is collected on a

[Lord Gardiner of Kimble]
July-to-June basis, to match their life cycle better. North Sea sand eels are another example, with science collected on an April-to-March cycle.

However, fishing opportunities for most fish stocks will still be determined on a calendar year basis, as they are now. Consequential amendments are made to Clause 27 and Schedule 5, so that powers relating to the sale of English and Welsh fishing opportunities would be exercisable other than on a calendar year basis, where this is appropriate.

I thank my noble friend Lord Lansley for the amendment he tabled to Clause 25, which we discussed on Monday. A small number of consequential changes were required to the Bill resulting from that amendment.

These are technical matters, which we would probably have considered in the autumn had we been in normal conditions. However, we thought there was merit in dealing with them now. They will ensure that we are ready, post-transition, with our amendments making a more complete statute book. I beg to move.

The Deputy Speaker: I call the noble Lord, Lord Naseby. Lord Naseby, I can see you, but not hear you. We shall go to the next speaker and perhaps go back to Lord Naseby.

1.45 pm

Baroness Young of Old Scone (Lab) [V]: I thank the Minister for his explanation of Amendment 55. It was slightly mystifying when Schedule 10, which was brief and pithy and revoked four articles and one annexe of the common fisheries policy regulation, suddenly spanned eight pages of the Marshalled List. Some of this is tidying, as the Minister says—although I am not wholly convinced that tidying needs to be done at this moment.

Many of the provisions are in reference to the fisheries objectives. Can the Minister confirm whether the schedule would need to be amended further if your Lordships' excellent amendment on the sustainability objective, which we voted for on Monday, were upheld in the other place or—dare I say—accepted by the Government? He also mentioned provisions relevant to the landing obligation and to multiannual plans for stocks, which give the Secretary of State powers to make decisions that depart from some of the requirements of the Bill as a result of a "relevant change in circumstances". I understand that flexibility is required owing to relevant changes of circumstances, but can the Minister tell us what safeguards will be put in place to ensure that those powers are not overused?

Baroness McIntosh of Pickering (Con) [V]: My Lords, I have just a couple of questions. Can my noble friend the Minister reassure us that this is not a change of policy? It is good to have the opportunity to discuss these amendments as part of our discussions on the Bill.

My noble friend said that under the review, particularly when a calendar year is being replaced by

"such year or other period as may be specified in the determination",

this would be based on scientific evidence. In order to be absolutely clear, may I ask what that scientific evidence will be? Will it include not just the home scientific evidence that we have from England, Scotland and other parts of the UK but scientific evidence from ICES?

I have two anxieties. As my noble friend explained, changing the period from a calendar year could be eminently sensible, but would it not be better to say something like "such year or part-year as may be specified in the determination"? The amendment as drafted is quite open-ended. I would like some reassurance that we are not looking to set, for example, a 20-year value. The ability to use a non-calendar year, or a part-year, seems useful, and I could support that. I just want reassurance that we are not going to see 20 years' catch allocation being taken in the first year, which would obviously lead to a disproportionate result. I hope my noble friend can reassure me on that.

Amendment 33 is about issues involved in setting the quota of catch or effort for English purposes. Are those issues affecting the setting of the quota of catch or the effort for English purposes only? It suggests that only the EU quota will count as quota that can be overfished, but can my noble friend explain the position of quota that the UK sets for whatever reason? Surely, we in the UK need to know what is happening to stock for which we are responsible. If overfishing is not recorded, how can we address the issue? This is a matter of taking the scientific evidence and the actual recording over whatever time period, whether it is part of a year, and to rule out a 20-year period in the first instance. That is what I am particularly concerned about. Lastly, I would like a reassurance that this is not a change of policy.

The Deputy Speaker: We had a problem earlier on in getting the noble Lord, Lord Naseby, and I would like to try again. Lord Naseby?

Lord Naseby (Con) [V]: My Lords, I want to raise questions about two amendments. The first concerns the change of name. My understanding is that all official notices in Wales appear in Gaelic, if that is the right word, and English. That is certainly true for road signs, the names of towns and many other things in Wales. While it is entirely proper that the devolved Welsh Government can change their name to Senedd Cymru, I would have thought that after the term is used, there should be in brackets the words "National Assembly for Wales". Perhaps the Minister would come back on that point.

Amendment 24 refers to leaving out "a calendar year" and inserting

"such year or other period as may be specified."

Most UK statistics are collected on a calendar year basis, although other statistics may be calculated on another basis. One would need to know the calendar year as well as whatever may be the other period "as may be specified". Otherwise, when people are reviewing or researching to draw comparability, certainly with other countries, we may find ourselves in some difficulty.

Baroness Bakewell of Hardington Mandeville (LD) [V]: My Lords, I thank the Minister for setting out this extensive list of government amendments. Fifteen relate to the change of name from the "National Assembly

of Wales" to "Senedd Cymru". These amendments do not affect the implementation of the Bill, but they recognise the Assembly's renaming of both itself and its iconic building.

Six amendments, beginning with Amendment 24, allow the Secretary of State to change the period for fishing opportunities from a calendar year to an indefinite period. A further four amendments cover the same topic, but two of them refer to the English quota for a calendar year and two to the Welsh quota per calendar year. I have listened to the Minister's reasons for this, but I am still not clear whether this will be a good thing. As the noble Baroness, Lady McIntosh, has asked, can he confirm that scientific information will be used in the determination for changing the period?

Amendment 27 refers to British fishing boats and quotas. I am grateful to the Minister for his explanation, because I am afraid that the amendment is somewhat opaque. However, I note that Clause 23(10) refers to the provisions in subsection (8) being subject to a negative resolution. Will Amendment 27 be subject to a negative or an affirmative resolution?

Amendment 33 refers to catch quotas and attempts to ensure that they will not be exceeded, but it does nothing for the bycatch, which presumably will be landed and dealt with through other processes. As the noble Baroness, Lady McIntosh, put it so eloquently, there is a real issue with overfishing.

Amendments 50 and 55 deal with the replacement of Schedule 10. As the noble Baroness, Lady Young, pointed out, this is an extensive amendment and I regret that this matter was not brought forward in Committee so that we could have had a reasonable debate on the issues covered here. However, we have more amendments before us, so at this point I will not bore your Lordships by dissecting this new schedule. We will have to trust that the Government, in moving the EU retained legislation into UK law, will ensure that that does not result in the production of myriad statutory instruments in the near future.

Baroness Jones of Whitchurch (Lab): My Lords, I thank the Minister for setting out the explanation for this raft of amendments. I should say at the outset that, as a proud Welsh girl, I am strongly support the change of name by the Welsh Government to Senedd Cymru and I am very pleased to see that reflected in this legislation.

I turn now to new Schedule 10. I am grateful to the Minister for writing to us in advance to explain why this new schedule was felt to be necessary, and he has again explained a little about that today. As he said, it was originally intended to be a separate SI. However, like the noble Baroness, Lady Bakewell, I am slightly concerned that we will not really be able to give it the scrutiny that we would have applied had it come to us separately. As ever, the danger is in the detail, as we have discovered in our previous scrutiny of SIs.

While we cannot go into the detail of the schedule today, I have some general questions. First, paragraph 6(3) amends Article 3 of the North Sea multiannual plan by taking out the reference to MSY in the objectives, while paragraph 6(4) changes the basis on which the data for informing MSY should be calculated. Instead of the established route of basing the data on ICES advice, the Government have introduced the option of using another independent organisation. We have previously debated the merits and, indeed, the calculations of MSY and we will return to this issue later when we debate the amendment tabled by the noble Lord, Lord Krebs. I do not want to rehearse that debate now, but there has to be a concern about the watering down of the MSY objective and the deviation from ICES advice, which is the respected international scientific adviser on fisheries. Can the Minister explain why this wording is being changed?

Secondly, I want to ask about the change to paragraph 6(7) which amends Article 7 of the plan. Why have the Government taken out the word "or" from the previous obligation to take all appropriate conservation measures if stocks fall below sustainable levels? This is a small but significant change in the context of the Bill and it could have a big impact. Moreover, once again it raises our concern that the Government are not serious about delivering environmental sustainability. Why has this deletion been felt to be necessary?

Thirdly, I echo my noble friend Lady Young in asking about the consequence of our sustainability amendment. What are the consequences as a result of this new schedule? If the amendment survives, as I hope it will, would that mean that this schedule has to be changed again?

Finally, I should like to ask the Minister whether these modifications come under the delegated powers in the Bill. Given that we have not had much time to scrutinise them and that we know from our consideration of previous EU exit SIs that mistakes are often made which need to be corrected, how can the Government amend or add to them in the future now that they form part of this primary legislation? I look forward to his response.

Lord Gardiner of Kimble: First, I agree with the noble Baroness, Lady Young of Old Scone, that when one sees eight pages of amendments, one's heart sinks slightly as one goes through some of the detail, particularly when they are overwhelmingly technical. However, we are seeking to use this opportunity, which has been driven by the time factor. Of course, yes, we would all have preferred to have had this Bill well on its way to the other place, and indeed probably much further forward, but we are where we are and we needed to take this opportunity. I do not resile from the fact that we have brought these amendments forward.

I turn to a number of the issues which have been raised. On safeguards, where relevant considerations apply, the provisions of Clause 10 apply, so the fisheries authority will have to publish explaining the relevant change of circumstances and the decision made for transparency purposes. On further amendments, a point raised by the noble Baroness, Lady Jones of Whitchurch, lawyers have advised that we will need to review Schedule 10 after the vote on Monday, but these amendments refer mostly in general terms to the objectives and will apply as they do in the Bill.

On the points raised by my noble friend Lady McIntosh, the amendments do not introduce changes in policy. We are bringing retained EU law in line with the Bill's regime. The change from "a calendar year" is being made to recognise that all stocks are set

[Lord Gardiner of Kimble]
in line with the relevant science. We are thus assured that we are taking the science from recognised bodies seriously.

2 pm

Earlier in my remarks, if I may mention this to my noble friend Lord Naseby, I specifically mentioned North Sea sprat to give an example of where the science —I emphasise science—on the state of the stock is collected on a July to June basis. Similarly with North Sea sand eel, the science is collected on an April to March cycle. However, I emphasised that the fishing opportunities for most fish stocks will overwhelmingly still be determined on a calendar year basis. I specifically mentioned those two stocks to give an example there.

The noble Baroness, Lady Jones of Whitchurch, referred to scientific advice. We have put it as we have because we think that it is important to future-proof, in case for some reason there were to be a replacement ICES. I emphasise—because ICES and the people who work there are outstanding—that the intention is to use ICES for now. This is about future-proofing, but ICES is the body that we respect and use.

The noble Baroness, Lady Bakewell, asked about scientific information being used as a determination in changing the relevant period. Again, this aligns with international practice and follows ICES's advice, which is provided for these stocks on a non-calendar year basis, as I mentioned. On her point about Clause 27, the affirmative resolution comes in Clause 27(6).

My noble friend Lord Naseby asked about "Senedd Cymru". All I can say is that I am advised by parliamentary counsel that this is the drafting we should use hereafter. I am not proposing to use this as an opportunity to get into hand-to-hand fighting on whether there are alternatives. That is the position.

I have a number of other points to make. "Appropriate" measures means that the necessary measures will be taken, for instance. There are a number of questions here. I have covered the affirmative resolution point.

On the technical points, given the fact that, in many cases, this Fisheries Bill reflects fisheries legislation around the world, this is absolutely not about watering down. These measures will make us world leaders on this issue. There is absolutely no intention to water down the importance of fishing sustainably.

I think that I have covered the other points. I realise that it is difficult in these circumstances to have an exchange as we might do in the Moses Room. These points are technical. I absolutely understand that getting into the details is sometimes complex. I will look at *Hansard* and make sure that all the detailed points of scrutiny on some of the more technical details are covered in a letter if anything is outstanding and has not been addressed fully.

I emphasise that these amendments are technical to ensure that we have a statute book. I say to the noble Baroness, Lady Young of Old Scone, that if we did not have the statute book tidied up, she might be the first to accuse us of not using the opportunity to do so. I wish that we did not have to do it this way, but this way will be more time effective for your Lordships.

With those answers, I beg to move.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): My Lords, I have received a request from the noble Baroness, Lady McIntosh of Pickering, to ask a short question for elucidation.

Baroness McIntosh of Pickering [V]: I am increasingly alarmed by what my noble friend says. This seems to be a step backwards. We heard clear undertakings at Second Reading and in Committee that we would continue to take the science from the tried-and-tested research capability to which we contribute financially at present and whose excellent experts we previously heard from in the EU Environment Sub-Committee of our European Union Committee. I am alarmed that there is any question of us moving away from the international science community. As we have established, we do not have unique control over the fish. They move around. I want an assurance that we will not look at moving away in the next five or 10 years, as well as a further commitment from my noble friend that our current commitment to financing ICES after 31 December this year is assured.

Lord Gardiner of Kimble: My Lords, we may be at cross purposes here. We have no intention of not using the best science. In fact, I have worked collaboratively with ICES. I assure my noble friend and your Lordships that there is no intention of doing anything other than seeking the best scientific evidence available. That is why we are working with ICES, why ICES has an international reputation and why we have a very strong record here. My noble friend asked about the next five to 10 years. I cannot commit on what a further Government might want to do, of course, but I can say categorically that this Government work closely with ICES, which contributes in many respects to ensuring that we have the best science and the best scientific advice. The scientific objective in the Bill could not be clearer. I am troubled and will therefore write to my noble friend because we may be at cross purposes. There is no intention of doing anything other than going forward with the best scientific advice.

Amendment 18 agreed.

Amendment 19

Moved by ***Lord Gardiner of Kimble***

19: Schedule 1, page 37, line 24, leave out "the National Assembly for Wales" and insert "Senedd Cymru"

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

Amendment 19 agreed.

Clause 10: Effect of fisheries statements and fisheries management plans

Amendment 20 not moved.

Clause 11: Reports on fisheries statements and fisheries management plans

Amendment 21

Moved by ***Lord Gardiner of Kimble***

21: Clause 11, page 10, line 3, leave out "the National Assembly for Wales" and insert "Senedd Cymru"

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

Amendment 21 agreed.

The Deputy Speaker: We now come to the group consisting of Amendment 22. I remind noble Lords that Members other than the mover and the Minister may speak only once, and that short questions of elucidation are discouraged. Anyone wishing to press this amendment to a Division should make that clear in debate.

Amendment 22

Moved by ***Baroness Jones of Whitchurch***

22: After Clause 17, insert the following new Clause—

"National landing requirement

(1) Within 18 months of the day on which this Act is passed, the Secretary of State must make regulations establishing a national landing requirement which automatically applies to any boat licensed under section 14(1) or 16(1), unless exempted under subsection (4)(b).

(2) Before making regulations under subsection (1), the Secretary of State must consult—

(a) other relevant UK Ministers,

(b) the Scottish Ministers,

(c) the Welsh Ministers,

(d) the Northern Ireland department, and

(e) bodies that appear to the Secretary of State to represent the interests of the UK fishing industry.

(3) A consultation under subsection (2) must seek views on setting an average landing requirement across all relevant species that is not less than 65 per cent.

(4) An appropriate authority may—

(a) determine its own exceptions and exemptions relating to the landing requirement, and

(b) exempt any boat licensed to operate within British fishery limits under section 14(1) or 16(1) from the landing requirement after it has come into force.

(5) Regulations under subsection (1) are subject to the affirmative resolution procedure.

(6) In this section—

"appropriate authority" means the relevant person under section 15(1);

"landing requirement" means the percentage of a boat's catch that was caught within British fishery limits in any given quarter which must be landed at a port in the United Kingdom, Isle of Man, Guernsey or Jersey;

"relevant species" means any species present in a UK fishing zone which is subject to a UK catch quota."

Member's explanatory statement

This new Clause requires the Secretary of State to consult on and establish a 'national landing requirement' to ensure a minimum percentage of fish caught by both domestic and foreign fishing vessels in UK waters are then landed at a port in the UK, Isle of Man, Guernsey or Jersey.

Baroness Jones of Whitchurch: My Lords, this proposed new clause sets out plans to consult on a national landing requirement aiming at an average requirement of 65% of quota fish caught to be landed at UK ports. We believe that such a requirement is vital to help to regenerate our coastal communities. It is an important element of the national benefit objective set out in Clause 1.

As we discussed in Committee, coastal communities are crying out for investment and support. They currently have higher rates of unemployment and lower wages than other parts of the country. They have the additional challenge of social isolation, few training and apprenticeship opportunities, and poor health. A minimum landing requirement for fish caught in our waters could provide a renaissance for these communities that is long overdue.

We know that for every job created at sea, as many as 10 times as many are created on land. It would create new local markets in many of the run-down ports and harbours. Hopefully, tourism and processing work would follow, and the policy would facilitate new investment and innovation. It would also encourage greater self-sufficiency in UK-caught fish being consumed in the UK; for example, it would build on the recent increase in sales of less well-known UK species being sold during the Covid lockdown when imported species were not so freely available.

We believe that this was what many British people were expecting to happen when we left the EU, and this is our chance to get right at least one small aspiration of life after the EU. The alternative will be catches continuing to be landed in EU ports and beyond, with all the profits and benefits draining away elsewhere. Of course, we recognise that this policy is not practical for every landing. For some fish caught by UK trawlers in distant waters it makes more sense to head to market in a local port. That is why our percentage is set at 65%.

In Committee, the Minister explained that under existing licensing conditions, agreed back in 2012, vessels must land at least 50% of their catch of quota species into UK ports or demonstrate their economic link with the UK by other means. Therefore, the principle has already been established, and what we are asking for here is a more ambitious target appropriate for the current socioeconomic times where UK jobs will be a priority. In that context, we believe that an average requirement of 65% quota fish to be landed in UK ports is relatively modest and achievable.

The Minister went on to say that the economic link and the licensing regime were being reviewed, but that this was an area where agreement with the devolved nations was important. We accept that point. We recognise the need for a widescale consultation on this policy before it can be introduced, so the amendment as worded commits us only to a consultation. It allows us to hear and take note of the stakeholder and community views on this. Most importantly, as the Minister keeps stressing the importance of the agreement with the devolved nations on the Bill, it provides a statutory requirement to consult the devolved nations before any such policy could be introduced.

We believe that there is an important principle at stake here, and huge advantages will go to deprived coastal communities if we get this policy right. But we also recognise the importance of full consultation and the need to ensure that the devolved nations share our new ambition. On this basis I beg to move the amendment, and I hope that noble Lords will support it if I am forced to move it to a vote.

Lord Krebs (CB) [V]: My Lords, I will speak briefly in support of the amendment. I have little to add to the excellent introduction by the noble Baroness, Lady Jones of Whitchurch.

When preparing to speak to this amendment, I looked to see where fish caught in UK waters are currently landed, and I hope that the Minister, in his reply, will correct me if my figures are wrong. According to the Marine Management Organisation, UK vessels harvest about 80% of their catch in UK waters. However, in the first three months of 2020, only about half their total catch of just under 200,000 tonnes was landed in the UK. According to MMO figures, vessels from other EU countries catch 35% of their fish in UK waters, but they landed just under 9,000 tonnes in the UK in the first three months of 2020.

Although there is a licence condition called the economic link, already referred to by the noble Baroness, Lady Jones of Whitchurch, which aims to support the coastal communities, it does not require landing more than 50% of the vessel's catch in the UK. It is true that there are other ways of showing an economic link, including at least 50% of the crew being UK-based, sourcing goods and services in the UK, or supporting UK coastal communities in other ways. However, as the noble Baroness, Lady Jones of Whitchurch, said, the Bill is an opportunity for the Government to further enhance the support for the future thriving coastal communities that we all wish to seek. I very much hope that noble Lords will support the amendment if it goes to a Division.

Lord Holmes of Richmond (Non-Afl) [V]: My Lords, I thank the noble Baroness, Lady Jones, for moving this amendment. I have little to add in substance to what she said. However, I ask the Minister: if the purpose of Brexit was to repatriate powers to Parliament, withdraw from the common fisheries policy and the common agricultural policy, and so on, would not this amendment be wholeheartedly in support of that objective? The Government are rightly committed to a policy and a programme of levelling up. Would not this amendment be very much in line with such a policy?

As the noble Baroness, Lady Jones, eloquently put it, for all jobs created at sea, multiple jobs are created on land, and indeed, there could be a key role for looking at how we develop new technologies to assist not just the economics of fisheries but in all aspects, not least in connection with conservation and commitment to the long-term sustainability of our fish stocks.

Does my noble friend agree that the amendment would ensure that at least 65% of the plaice caught would indeed need to be landed at our ports—at our place—and that it would absolutely be in line with everything that is being said by No. 10 and across government regarding plotting a new future for the United Kingdom?

2.15 pm

Baroness Ritchie of Downpatrick (Non-Afl) [V]: My Lords, I will speak in support of the new clause proposed by the noble Baroness, Lady Jones of Whitchurch.

On Monday, I highlighted the need to regenerate our coastal communities, particularly our coastal fishing communities. I have some knowledge from Northern Ireland and from the County Down fishing ports. Two of the three ports are currently involved in regeneration plans and are awaiting communication from the Northern Ireland Executive about further funding provision to take those forward. Clearly, this amendment would strengthen that economic link, which is vital because much fish is caught there, as per the quota requirements. However, if this were permitted, it would ensure that those coastal communities would be revitalised, because there are jobs not only in the catching sector but in the processing sector, which is very much the lifeblood of those communities, which have been subjected to various fishing village initiatives over the last 25 years.

I have a little query. If I take the County Down fishing ports—I know that the Northern Ireland department is one of the authorities that would be consulted—and the pelagic trawlers, at present they cannot land any of their catches in those harbours, and in some cases they are not landing them in other UK ports, the Channel Islands, Guernsey or the Isle of Man, but in Norway and the Republic of Ireland. That is because the port depth does not enable the larger pelagic trawlers to do that. I am sure that that issue exists in other ports in the UK which require a revitalisation process in terms of new and improved infrastructure.

Might the Minister have a quiet word with his opposite number in the Northern Ireland Executive to, shall we say, chivvy along those proposals for regeneration to ensure that the fishing commitment, the landing obligation and—if this is permitted today—the national landing requirement can be activated and implemented? Of course, as the noble Baroness, Lady Jones, said, this is simply consultation at this stage. While this is a strong aspirational clause, I hope that it would be capable of implementation and enforcement.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I will speak briefly in support of my noble friend Lady Jones of Whitchurch. She set out clearly in her speech the reasoning for the amendment, and I hope it will be supported by the Minister and the whole House.

It is frustrating that the debate on fishing, fisheries policy, the number of British and foreign-owned vessels and the fish landed has been so distorted in the media. It is a matter of much regret that the debate we have had in the UK over many years is not about the reality of the situation. As we know, our demand for fish such as cod and haddock in many cases far exceeds what we could catch in our own waters and much is imported, while much of the fish we catch in our waters is exported.

My noble friend set out the timeframe and made it very clear that this is a consultation that in itself should not cause the Government any particular problems. It is reasonable to ensure that every nation is consulted, along with the interested parties in the fishing industry. The consultation sets out the landing requirement of 65%, which I think is a reasonable figure.

My noble friend set out the case for how many of our coastal communities are very deprived. I know Grimsby very well—in a previous life I worked up in

north Lincolnshire—and it is an area that suffers from poor health and poor job prospects and can be very depressed. Not only is fish landed there, but there is a huge food processing industry in the town. Grimsby would certainly benefit tremendously from my noble friend's proposal here. It is very important that we should look at that.

It is also important that we recognise that when people in these communities voted to leave the European Union, they were voting also for a dividend. They hoped there would be better job prospects in their communities, more fish would be landed and people would prosper more. If we find that this is not the case in the years ahead, I think they will feel very betrayed. They will have voted for something and not seen the dividend from it. So I hope that if the Minister does not accept my noble friend's amendment, he will carefully set out the reasons why and will make it clear what will be the dividend for these communities in years to come. We all know that they are depressed and have many challenges. If the explanation is not to my noble friend's satisfaction, I hope that she will test the opinion of the House.

Lord Cameron of Dillington (CB) [V]: My Lords, I noted that in the earlier version of this Fisheries Bill, which came out over 18 months ago now, there was a clause early on that tried to define a UK fishing boat as one with at least one UK shareholder holding more than 5%. That seemed quite a low bar to me, but the thinking behind it was probably based on the 1970s attempt by the UK to apply an ownership limit to foreign investment in UK fishing boats of 75%. For the record, the UK lost its case in the courts because ownership caps at that time could apply only to EU ownership, not British ownership.

Nowadays, of course, the widespread and sometimes complicated international ownership of all businesses—in this case boats—creates far too tangled a web to unweave through legislation, which is probably why the words I referred to in the earlier version of the Bill were dropped. Anyway, maybe it does not matter who is investing money in our fisheries and boats, as long as they are creating the jobs in the UK. As others have said, we all know that for every one job on a boat, whoever owns it, there are 10 jobs on land in the processing, handling, transporting, marketing, selling, et cetera, of the fish.

So it was very sensible of the Government to drop the reference to the percentage of UK shareholding in a boat, but sadly they did not follow through with any sort of landing requirement. It seems that they understood the issue but, having realised that their solution would not work, failed to see that a landing requirement would achieve almost the same end but by a slightly different means.

This is an important amendment. Such a landing requirement could make a huge difference to coastal communities—and, believe me, they need this boost. Of the 25 local authorities with the highest rates of insolvency, 16 are coastal—and that was before Covid-19 came along to make matters worse.

I hope that the Government will accept this enabling amendment, or agree to bring in a similar amendment of their own. I accept that such a commitment might be dependent on Brexit negotiations, but I hope that the Minister will be able to give us some comfort in his reply and indicate that such a requirement is very much at the forefront of the Government's mind.

Baroness McIntosh of Pickering [V]: My Lords, I congratulate the noble Baroness, Lady Jones of Whitchurch, on bringing forward this debate on a key topic in the Bill. I agree entirely with the comments made by the noble Baroness, Lady Ritchie, and the noble Lord, Lord Kennedy: the key to coastal community economic success is processing activities. The noble Lord, Lord Kennedy, put so eloquently how these have been devastated in communities such as Grimsby.

There is another side-effect. If we do not have a national landing requirement, as set out in this amendment, I struggle to see how we can apply Clause 28, in which the Government hope to introduce a discard prevention charging scheme. My noble friend will recall my disappointment that we have moved away from discard being an objective in Clause 1, but we are now going to have a discard prevention charging scheme. A bycatch objective has now been added to Clause 1. How can we police the bycatch and impose a discard prevention charging scheme if we do not have a national landing requirement?

Baroness Young of Old Scone [V]: My Lords, I support this amendment in the name of my noble friend Lady Jones of Whitchurch. The situation reminds me of what used to happen with EU structural funds, which were intended to promote regional development and often funded roads and railways into remote rural areas. These promptly allowed all primary agricultural and other products and skills to be sucked out of those rural areas and processed elsewhere, which resulted in more impoverishment of the very areas the investment was intended to help. We do not want an example in the Fisheries Bill of inadvertent consequences of this sort.

Bearing in mind that we are repatriating and setting forth towards a brave new world of our own fisheries management independence, it is highly appropriate that this amendment aims at ensuring that our new fisheries regime will make sure that UK producers, processors and coastal communities play a full role in a thriving and sustainable fisheries market, and at the promotion of UK jobs and skills. This is a highly appropriate amendment.

The Deputy Speaker: I call the noble Lord, Lord McConnell of Glenscorrodale.

Lord McConnell of Glenscorrodale (Lab): I pay tribute to the Deputy Speaker for getting my title right; many before him have tried and failed.

I very much welcome this debate and the amendment in the name of my noble friend Lady Jones. I am minded to support it on the principle of the coastal town economies affected by the historical decline in activity around the fishing industry. This is a very important debate and amendment; the issue is absolutely central to wider economic regeneration, if that is to be one of the objectives of the repatriation of powers from Brussels. However, I have some concerns about

[Lord McConnell of Glenscorrodale]
the constitutional principles relating to this amendment and would be very grateful if my noble friend could perhaps clarify her thinking on these issues if she intends to push this amendment to a Division.

I am concerned that the amendment simply talks about "consulting" the devolved Governments—particularly the Scottish Government, who have clear legislative authority—rather than "agreeing" with them a national landing requirement. I am interested in knowing the thinking on having a UK-wide national landing requirement imposed from the centre rather than agreed by consensus across the four nations, and how that would work in practice.

As was mentioned regularly in your Lordships' House on Monday afternoon, the Scottish Government have already indicated their support for a legislative consent Motion for the Bill as it currently stands. Notwithstanding that, I was willing to support amendments on Monday that might challenge that position. What consultations, if any, or thoughts might there be in relation to the position of the Scottish Parliament on a national landing requirement? I would be interested in knowing that in advance of the House dividing on the amendment, perhaps creating a situation where the legislative consent Motion is withheld because of this or other amendments.

2.30 pm

Lord Naseby [V]: My Lords, I fully understand why this amendment has been tabled and, emotionally, I warm to it. On the other hand, I have spent my life in both Houses looking at the legal implications of the laws that we propose. I am guided by the fact that, as I understand it, this is framework legislation, which means that we are working within a broad framework out of which, I imagine, will flow statutory instruments. The noble Lord, Lord McConnell, quite rightly raised the fact that Scottish fishing is undoubtedly the largest part of the UK's fishing industry and that this is a matter that has been devolved to that authority. Rightly, he asked whether the word "consultation" is correct in relation to devolved countries or whether the words used should be "agree with".

There are other dimensions to this issue. I love the east coast of England. I also love going down to Cornwall and Devon, and am hoping to go there this summer. Nevertheless, I am not aware that at the moment many of our ports are particularly well equipped to handle the larger trawlers, which are the most efficient ones, and you can understand why. UK boats are fishing only 40% of the catches. I do not have the information but I would like to know a little more about Norway, which as a country is a good friend of ours. Norwegian vessels account for 80% of the catch in Norwegian waters. We have a long way to go to get to that point. We have just heard from one noble Lord that a significant number of our large trawlers go to Norway.

Although I understand why this amendment has been tabled, I think that the clause it would introduce is a little overcomplicated. I am not at all sure that 65% is the right figure—quite frankly, it might be too low. Therefore, at this point, I would like to reserve my position and listen to my noble friend on the Front Bench.

The Deputy Speaker: The next speaker on the list was the noble Baroness, Lady Kennedy of Cradley, but she has indicated that she does not wish to intervene at this stage. Therefore, I now call the noble Lord, Lord Blencathra.

Lord Blencathra (Con) [V]: My Lords, although subsection (2) of the new clause proposed in the amendment states that the UK Secretary of State must consult fishing bodies and the devolved Administrations of Scotland, Wales and Northern Ireland, the clause would require this United Kingdom Parliament to legislate for the devolved Administrations in a manner that is not consistent with the devolution settlement. I do not think that Mrs Sturgeon would like that very much, and I agree entirely with the noble Lord, Lord McConnell.

The Bill is carefully constructed to devolve as much power to the devolved Administrations as legally possible, and we should not adopt an amendment that requires the UK Secretary of State to legislate for the devolved Administrations on a devolved issue. Furthermore, it is not necessary. I refer noble Lords to Schedule 3 to the Bill, which states, inter alia:

"*Power to attach conditions to sea fishing licence*

1(1) A sea fish licensing authority may, on granting a sea fishing licence, attach to the licence such conditions as appear to it to be necessary or expedient for the regulation of sea fishing (including conditions which do not relate directly to fishing).

(2) The conditions that may be attached to a sea fishing licence include, in particular, conditions—

(a) as to the landing of fish or parts of fish (including specifying the ports at which catches are to be landed);

(b) as to the use to which the fish caught may be put".

There is more but it is not relevant to this part of the debate. Therefore, the Bill already provides the powers necessary for each of the fisheries Administrations of the United Kingdom to introduce a landing requirement designed by them for their own specific national conditions. Thus, it is not a national landing requirement for the UK; it is four national landing requirements for each of the countries of the UK.

Indeed, each fisheries Administration has a landing requirement as part of the economic link condition in the licences it issues. This is one of several economic link criteria that ensure that the UK receives economic benefit from UK-registered vessels that fish against UK quota.

The amendment requires 65% of fish caught in UK waters to be landed in the UK. That is a desirable aspiration. Superficially it is appealing, and it appeals to me instinctively. However, at the moment there are good reasons—commercial or economic—why a vessel might want to land its catch abroad. The current economic link criteria allow this flexibility while requiring vessel owners to contribute to the UK economy in another fashion. The amendment would seem to place unjustified restrictions on the ability of vessels to seek the best market for their catch and therefore would not necessarily be in the best interests of the industry.

I suspect that I am the only Peer taking part who is a supporter of Fishing for Leave. Indeed, I am probably the only Peer in the whole House who is a member and supporter of this organisation. I commend Fishing for Leave for its splendid work during the referendum and

its campaigning on fishing issues since. I think I am right in saying that it is a Fishing for Leave point that the UK has lost fish processing capacity. It must be a key objective to rebuild that capacity in our ports once again. However, at the moment our UK fishing ports cannot handle and process the fish which British boats could land. The noble Baroness made the point that some ports cannot take big boats, and time is required to reconstruct those ports. Now that our fishing grounds, catches and landings will be back under UK control, I look forward to that capacity being rebuilt, but we are not nearly there yet.

Finally, the fishing industry has long objected to the inflexibilities imposed by the common fisheries policy. One of the much-anticipated outcomes of Brexit is the opportunity to move away from the CFP. That was a key demand from Fishing for Leave, which I strongly support. The amendment requires that the landing requirement be imposed by secondary legislation, but the current economic link criteria exist in licensing conditions, enabling alterations to be made fairly quickly in response to changing circumstances. I do not think that we want to leave the CFP while introducing a more restrictive approach to our management of the economic link policy. That would seem to waste the opportunity that leaving the EU has provided us with to improve our fisheries management.

Therefore, although the amendment is well intended, I submit that it is wrong in devolution terms; it is unnecessary, since Schedule 3 already provides for it; and it is inflexible when there are faster solutions.

Lord Mackay of Clashfern (Con) [V]: My Lords, I can see the superficial attraction of this amendment but, in my view, very serious questions arise from it. First, I understood that this was just a consultation but, of course, it is not. The proposed new subsection (1) makes it clear that

"the Secretary of State must make regulations establishing a national landing requirement".

One has to remember that we are still negotiating fisheries arrangements with the EU. If there is an obligation on the Secretary of State to make such an order as this, it must be possible under the negotiations with the EU. It does not seem wise to make these negotiations more difficult by interposing a requirement of this sort.

On Monday, the noble Lord, Lord Hain, made an impassioned speech on the difficulties of the arrangements with the EU on fisheries. He inclined to the view that they might lead to a difficulty about the whole arrangement, with prejudice to other matters which, in his view, held larger significance economically for the United Kingdom. That is my first point. It is a requirement to regulate, not just a consultation—and it is a requirement that would impinge on ongoing negotiations between the European Union and the UK.

Fisheries interests—that is, people who are actually involved in fishing—have suggested to me that these are impractical requirements being set down from above when, in fact, the conditions under which a vessel goes to a particular port vary from time to time. For example, if a good market is near the fishing ground—nearer than any route that would get to that market otherwise—there is no economic reason why the boat should not go there and get a higher price for the fish than it might get if it had a much longer journey.

Secondly, there is the problem of the weather, an important consideration in deciding which port you go to. I also take up the point made by the noble Baroness, Lady Ritchie of Downpatrick, as well as my noble friend Lord Naseby, about the nature of the arrangements available at the different ports. I am an ardent supporter of the ports in the north-west of Scotland, particularly Lochinver and Kinlochbervie, which have a considerable number of landings from vessels other than British vessels. It means a tremendous amount to them, but that is because people choose to do that—fishermen choose to do it because of the convenience to them. Surely, if we are to have a flourishing fishing industry, it is important that we do not put obligations on fisherman which are not particularly good, from their point of view, for the practice of fishing.

I am also told that it is quite common for people to find the nature of the establishment at the port an important consideration in whether they can go there, and whether it could be suitable for them to land there; the noble Baroness, Lady Ritchie of Downpatrick, has already made this point in relation to ports near the area in which she has an interest. It is really not wise for us to legislate in this way. It is much better that we rely on the economic link arrangements in the licensing. My noble friend Lord Blencathra has referred to this in some detail, which I do not need to repeat. It is a very flexible arrangement with regard to particular licences and therefore much easier to apply than a top-down thing that is supposed to apply to the whole of the United Kingdom.

It would not be wise for us to go down this road at present. It may be that, at a later stage in the history of this matter, some consideration could be given to it, but to do it while the negotiations with the European Union are still open and being conducted would be unwise.

2.45 pm

The Earl of Caithness (Con) [V]: It is a great pleasure and a bit of luck for me to follow two such powerful speeches from my noble friend Lord Blencathra and my noble and learned friend Lord Mackay of Clashfern. I agree very much with what they said. I also agree with the noble Lord, Lord McConnell of Glenscorrodale, that this is a devolved matter. For the UK Ministers to consult but then set regulations in this Parliament would be quite contrary to any devolution settlement. I was very surprised that the noble Baroness, Lady Ritchie, did not pick that up as she is a stalwart defender of the rights of Northern Ireland.

I agree with my noble and learned friend about the remark of the noble Lord, Lord Kennedy of Southwark, that this is merely consultation. It is not—this is hard regulation. I say to the noble Lord, Lord Kennedy, that the fishers in Wick 110 years ago remember Grimsby and Yarmouth without much pleasure, as they suddenly introduced bigger and faster boats than the Wickers had. The fishing industry in Wick suffered horribly from the activities of Yarmouth and Grimsby, but that is history.

[The Earl of Caithness]

The noble Baroness who moved the amendment, which has good intentions but is very faulty, gave no real justification for why 65% should be the figure. I think she woke up one morning and thought, "That's a good idea; we'll try that one." There is no justification for 65%. It made me wonder what I would I do if I were the French Fisheries Minister. I see that the Brits are now getting very protectionist; they want 65% of their catch. How would it affect our fishing fleets if the Europeans said to all their boats, "You can land your catches only in EU ports—you can't land them in UK ports"? That would do huge damage to our fisheries, reducing their flexibility and the economic benefits that they currently produce for all our coastal towns, which we all want to see improve and provide better economic opportunities than they currently do. It is quite clear in Clause 16(1), covered by this amendment, that this relates to non-UK boats.

Another thought that struck me was: if this clause comes in, will we return to something like the klondykers of the 1980s and 1990s? When I was Fisheries Minister, I remember going up to Ullapool and seeing those big Russian klondyke boats in Loch Broom. We would potentially return to a situation where you have one big British fishing tanker taking fish from all the smaller boats, bringing that back to the UK and claiming it as the landing of the catch. That would be a retrograde step.

All my other points have been covered, but I want to stress one briefly mentioned by the noble Baroness, Lady Jones. She said that, besides the 50% landing at the moment, there are other economic links. This amendment does not cover any other economic links. It takes out just one of the economic links that currently exist and distorts it. Huge difficulties could result from that. It is worth remembering that the vast majority of UK vessels already meet the landing requirements; I think the current figure is 99%. But, as my noble and learned friend Lord Mackay of Clashfern said, it is so variable; it depends on weather conditions and on the sea—and the fishermen require that flexibility. I cannot support the amendment.

Lord Teverson (LD): My Lords, what interesting speeches. I get the impression that almost all those who supported us leaving the European fisheries policy would have had their speeches applauded by Michel Barnier, a previous French Fisheries Minister, whom we spoke to in the European Union Committee, particularly the speech of the noble Lord, Lord Blencathra. I do not want to take away the fire of the noble Baroness, Lady Jones, on some of this, but let us go through some of the points.

First, the noble Lord, Lord Naseby, asked in Committee about facilities: could we actually cope with landing more fish in UK ports? What a question. During Committee stage, one of the people I spoke to—I did not know he was coming but he happened to be here—was the chairman of the harbour commissioners of Newlyn, one of the largest fishing ports in England, although still dwarfed by the Scottish ports. He said to me, "If I had just one or two more of these foreign-owned, British-flagged vessels into my port, it would make a huge difference to me and what I am trying to achieve". I say to the noble Lord, Lord Naseby, that if we could give the UK fishing ports, particularly the English ports, that challenge, they would love to have those vessels here.

The point was made about this Bill being a framework Bill. I am sorry, but it does not say that. Surely, as parliamentarians we want to be able to affect the key issues, to make changes and to have policies that are better and amendments that improve Bills. We are not here just to have framework Bills. If we think something is of crucial national importance—and this is—then we should be able to debate those amendments and decide whether we accept them.

On devolution, yes, there is an argument there, but if the noble Lord, Lord Blencathra, really feels that there should be complete devolution of fisheries issues, he should have voted against the Bill at Second Reading, because the whole Bill is completely concerned with devolved issues; therefore, some of the amendments will be as well.

As for the landing obligation, yes, we have one, but what have the Government done about it over the last few years? It has not changed and there are a number of opt-outs, so some of those economic links will still be there. However, it is vital, surely, that we look at the most important ones, those that actually protect or improve our coastal communities and our fishing industry. We can ask ourselves why the fishing industry has not strongly campaigned for this. I remember going, soon after the Brexit vote, to a fisheries conference elsewhere in London where I raised this point with the main fishing trade associations, and they did not really want to discuss it. Why? Because their members are primarily owned by foreign owners, so it is not particularly in the interest, certainly in England and Wales, of the main fisheries representatives to argue this.

Let us remember that some 55%, by value, of our fisheries are fished by foreign vessels owned primarily by Spain, Iceland and the Netherlands. Those interests are there; what we are trying to do here is to defend all those people who are excluded: the coastal communities we are talking about do not have a vote and do not have a piece of the action at the moment. We are trying to improve that. That is why this amendment is so important and why I back it. In Wales, the by value figure is 85%. One foreign-owned vessel, as I understand it, has 85% of Welsh quota. This is a real issue and it is absolutely appropriate to deal with it in the Bill. What I particularly like about the amendment is that it actually says that something has to come out of this consultation—the 65% or more—but it allows the fishing authorities to make exceptions, such as where the long-distance fleet has to land, perhaps.

Interestingly, Norway has been particularly mentioned. What are the statistics on Norway? Norwegian interests own 100% of Norwegian-flagged vessels, so Norway does not have this problem; indeed, Scotland hardly has it either. In many ways—I agree with the noble Lord, Lord Blencathra, on this—we are being global Britain: we are claiming back, as an independent coastal state, rights over our economic zone and our fish stocks. We are putting them out for sale to the world and the world is enjoying the benefits of our biomass and our marine stocks.

Lord Gardiner of Kimble: My Lords, I am very grateful to the noble Baroness for her amendment, because it has provided the opportunity to debate the important subject of ensuring that the UK benefits from the valuable natural resource within our seas, a resource that is a vital source of food for our nation. The noble Lord, Lord Kennedy of Southwark, and my noble friend Lady McIntosh spoke powerfully of the really great communities along our coasts; we need to support them. I reassure the noble Baroness that this Government strongly agree with the sentiment behind the amendment. This is precisely why the Bill already accounts for both the amendment's aim, as I understand it, and the means needed to achieve that aim.

Throughout the drafting of the Bill, the Government have been scrupulous in their respect for the devolution settlements. The Bill legislates for the UK as a whole only where the matter is reserved, or at the request of, and with the full agreement of, the devolved Administrations. For example, the fisheries objectives have been the result of a fruitful collaborative effort with the devolved Administrations, who have all laid positive legislative consent memoranda to begin the process set out in the Sewel convention. Accepting this amendment would mean legislating in areas of devolved competence. It would impose fisheries management policies on the devolved Administrations without their consent. Officials have engaged with their counterparts in the devolved Administrations and while they too recognise the intention behind the amendment, it has caused them great concern. I address this particularly to the noble Baroness, Lady Ritchie of Downpatrick, and I think the noble Lord, Lord McConnell, also touched on it, but, for instance, owing to the particular circumstances on the island of Ireland, at times it may need to take a different approach to the rest of the UK if necessary. This amendment would prohibit that, and we simply could not accept that.

I now address a concern raised by my noble and learned friend Lord Mackay of Clashfern, but also by my noble friends Lord Blencathra, Lord Naseby and Lord Caithness and the noble Lord, Lord McConnell. Of course, I recognise what the noble Baroness said about the consultation provision, but it is unclear what would happen as a result of the consultation if a devolved Minister did not want to agree to this landing requirement, as the Secretary of State is still bound to bring forward UK-wide regulations even without devolved Administration consent.

Turning to how I believe the amendment's aim is met in the Bill, in Clause 1 the national benefit objective acknowledges that all UK boats fishing against the UK's fishing opportunities should bring benefits to the United Kingdom. Under this objective, each fisheries policy authority is required to have policies in place to achieve it, while allowing each the flexibility to do so in its own way and in a manner which respects the devolved status of fisheries management.

That policy is currently achieved through licence conditions which ensure that all UK fishing vessels fishing against UK quota demonstrate a link to the UK economy. This condition can be met in a number of ways, each of which brings different benefits to the UK. The noble Lord, Lord Krebs, mentioned a number of them, but I think it is important that I put on the record exactly the range of them. Those ways include landing at least 50% of their quota stock catch into UK ports; employing a crew at least 50% of whom are normally resident in the UK; spending at least 50% of operating expenditure in UK coastal areas; or by demonstrating an economic link in another way, usually through the donation of quota to the under-10-metre pool. That was a point made by my noble and learned friend Lord Mackay of Clashfern.

3 pm

My noble friend Lord Blencathra also remarked—saying it much better than I shall—that Schedule 3 to the Bill provides each fisheries licensing authority with the power to attach conditions to the licences that it issues, and reproduces and clarifies existing powers in the Sea Fish (Conservation) Act 1967. This includes conditions that explicitly relate to where fish caught by UK vessels must be landed, as in the existing economic link condition. The Government fully intend to continue using these powers in the future and, as committed to in the fisheries White Paper, are reviewing the economic link and will look to increase the impact and effectiveness of the condition in England.

The noble Lord, Lord Teverson, raised the issue of foreign companies. Foreign-owned and UK flag vessels will be allowed to fish in UK waters. The economic link criteria will ensure that the UK accrues benefit from fish caught in UK waters by UK boats, which is what these boats are. The national benefit objective in the Bill also demonstrates our commitment to ensure that a benefit is felt in the UK from foreign companies that own British fishing vessels. As I say, we are reviewing the economic link condition and associated practices as part of our development of future fisheries management arrangements.

I was interested in the fact—this is really for the noble Baroness, Lady Jones of Whitchurch, and the noble Lord, Lord Teverson—that in 2018 there were 2,923 fishing vessels registered in England. Of these, only 27 failed to meet the economic link 50% landing requirement. Of those 27, 22 donated quota worth £2.5 million to the English under-10-metre pool to be fished by the inshore fleet, and five employed a crew a majority of whom were resident in England.

One of the problems that we have with the amendment is that it would move away from the existing approach of using licence conditions. Making regulations to operate the economic link instead of using licence conditions would significantly limit the ability of the fisheries administrations to respond to changing circumstances. Under the current approach we have the ability to adjust licence conditions at short notice—indeed, within a few weeks if necessary—which can be essential for responding effectively to events. The time required to adjust legislation is inevitably considerably longer.

We have long been frustrated by the inflexibility of the common fisheries policy and do not want to impose further inflexibility through our domestic legislation. A number of Peers have raised this issue. We recognise the importance of the economic link, which is why we have committed to consult on it and why we do not

[Lord Gardiner of Kimble]
think it appropriate to prescribe the outcome of that consultation before it is finished, as I think is the premise of the amendment. The amendment seeks the economic link to be based solely on a percentage landing requirement rather than the full variety of ways that I have outlined through which vessel owners can demonstrate an economic link. Clearly, this would reduce flexibility in the system. For example—I say this particularly to my noble friends Lord Naseby and Lord Holmes of Richmond and the noble Baroness, Lady Ritchie of Downpatrick—it would prevent UK vessels landing in a foreign port if it was the best market for their catch, while enabling them to demonstrate an economic link to the UK in another way. Furthermore, in accepting the amendment I believe we would lose the other benefits of the existing system; I have already spoken of the quota available for the English under-10-metre pool.

My final point concerns the scope of the amendment. It would extend this landing requirement to any foreign vessels that may be licensed to fish in UK waters in future. Access for foreign fishing vessels will be a matter for negotiation and, from 11 pm on 31 December this year, will be permissible only on the UK's terms. It is through these negotiations that the Government will ensure that the UK benefits from the fishing activity of any foreign vessels in UK waters. Should any access arrangements be agreed, the Bill enables the Government to attach conditions to any licences issued to foreign vessels as necessary. We believe that imposing requirements of this kind on foreign vessels in a manner separate from negotiations would be impractical, and I think my noble and learned friend suggested that it would be unwise. Many foreign boats will already be required to demonstrate an economic link with their flag states; furthermore, this would risk UK vessels facing similar reciprocal measures.

In summary, the Bill already sets out the objective that fishing activity by UK vessels should benefit the UK, and provides the power necessary to place landing requirements on vessels, as is currently done with the economic link licence condition. Furthermore, it does so in a way that is compatible with the devolution settlements and, in our view, allows for a wider range of benefits to the UK than would be provided by a uniform landing requirement.

I give the noble Baroness, Lady Ritchie of Downpatrick, some assurance: the new grant-making power in the Bill, which gives powers to the Secretary of State and devolved Ministers, will allow funding to be given to support infrastructure development, but of course it will be up to the devolved Administrations to design their schemes.

My noble friend Lady McIntosh of Pickering raised bycatch. Clause 1(6)(c) seeks to ensure the landing of bycatch where appropriate. I assure my noble friend that we can impose and enforce licence conditions through statutory instruments and by-laws, and we have further powers in Clause 36 to introduce statutory instruments on monitoring and enforcement.

The noble Lord, Lord Cameron of Dillington, referred to British fishing boats. The definitions of UK fishing boats and British fishing boats have remained the same in this and previous versions of the Bill. The term "British-owned" is defined in Clause 48 but, although I have a long note on it, I think I will not go into that definition. I say to the noble Lord, Lord Teverson, that 98% of Scottish vessels are domestically owned and land most of their catch in Scotland, as an example.

This has been an interesting debate. I think we are all united in wanting more vibrant seafaring and coastal communities across the UK. Like many noble Lords, I agree with my noble friend Lord Blencathra that we need to rebuild those communities, and we want to use the opportunities that are in the Bill. It is only a framework Bill but much more work on this issue will come before noble Lords for scrutiny, so there is further work to do.

However, I am concerned—I say this in honesty because, as I have said, I understand the aim of the noble Baroness's amendment—because I and the Government think that the licence is better than regulation, and that flexibility is better than inflexibility. I agree with my noble and learned friend: I would question the wisdom of doing it at this particular time, not just in terms of our EU negotiations but because of our very good relationship in seeking to, yes, have a United Kingdom Bill at the request of the devolved Administrations, the complications of that and the fact that the amendment would require regulations from a UK Secretary of State, even if there may be a consultation element to it.

For those reasons, I could not recommend the amendment to your Lordships. I sense that the noble Baroness may well want to test the opinion of the House, but I say in all honesty that we see complications and difficulties with this amendment. Therefore, as is normal, I ask the noble Baroness if she would feel able to withdraw her amendment.

The Deputy Speaker (Lord Duncan of Springbank) (Con): I have received a single request to speak after the Minister so, to ask a short question for elucidation, I call the noble Lord, Lord Kilclooney.

Lord Kilclooney (CB): My Lords, I have a short question. I certainly understand the objective of the amendment moved by the noble Baroness, Lady Jones, and sympathise with it, and I note the importance of the role of devolution. However, the amendment says there would be consultation with the Scottish Ministers and the Welsh Ministers but it does not mention the Northern Ireland Minister, just the department. The department had a role when there was no devolution in operation in Northern Ireland but devolution is now operating day by day and there is a Fisheries Minister. Why is the Fisheries Minister not mentioned in the amendment, like those of Scotland and Wales?

The Deputy Speaker: Does the Minister wish to respond?

Lord Gardiner of Kimble: This is not my amendment, so I suggest that the clarification is for the noble Baroness.

Baroness Jones of Whitchurch: I thank a number of noble Lords from around the Chamber for their support of this amendment. I find it ironic that we are being ambitious about the consequences of Brexit, perhaps

more than the Government are. A number of noble Lords said, in essence, "Don't rock the boat because of the ongoing Brexit negotiations". My response would be that that is what the whole of the Bill is about. It is about setting out what we think the future of the fishing sector should be, so if we were going to take that line—"Let's wait until we know the outcome of the Brexit negotiations around fisheries"—then we really should not have the Bill in front of us in the first place. We should have written the Bill once we knew the outcome of all that. This is our opportunity to state what we feel are the fundamental principles and framework that the future of fishing in the UK should adopt.

The Bill is therefore not about retaining the status quo. There has been an awful lot of caution in the comments made, but what is the point of doing this if we are just going to steady the ship and carry on as we were? We do not want to retain the status quo; this is about seizing the opportunities that taking control of our own waters can bring. Our amendment is a contribution to a particularly important element of that.

Many noble Lords have shared our concerns about the regeneration of coastal communities and quite rightly made the point that it is not just about the jobs within the fleet but jobs on land, particularly those which could arise in the processing sector. There are obviously very important economic benefits. As my noble friend Lord Kennedy said, what would the Brexit dividend otherwise be if not about these sorts of new jobs?

Perhaps I may touch on the issue of devolution. I would urge noble Lords to look again at the wording of our amendment, because all that it requires the Secretary of State to do is to

"make regulations establishing a national landing requirement".

It then goes on to refer to the consultation details and has a subsection (4) about the potential for exemptions to the landing requirements. The framework—the essence of our amendment—is a very slight obligation. Of course we expect it to be implemented, as all other fishing developments are, on the basis of a concordat or consensus about how we should go forward.

The Minister said that we already have an economic link for 50% of fish landed in the UK. We do not feel that we are going much further than that, and that 50% economic link is something that has been agreed across the devolved nations. It is important to get back to the basics of what our amendment is saying. It puts no obligation or particular burden on the devolved nations, and I very much hope that they would all welcome and embrace it. It is a very modest change: an average 15% increase in the landing requirement is not rocking the boat, by any means. As I say, it allows for a number of exceptions should the appropriate authorities desire to do that.

The Minister said that he already has this matter under review and that the Government are looking at the licensing agreement and the current arrangements. I take it from that that the Government clearly do not think the current arrangements are as robust and worth while as they would want them to be. All our amendment would do is to take it one step further. Rather than the Minister just saying that the review is taking place, it would effectively put that review into legislation. It says that there should be a review, that we should draw up new regulations and that there should be a consultation—not just with the devolved nations but a much wider one. We feel that that is, in itself, a fairly modest aspiration.

Sorry, I should pick up the point raised by the noble Lord, Lord Kilclooney, about "the Northern Ireland department". I accept that, in an ideal world, the amendment would have referred to Northern Ireland Ministers. It was probably drafted before that event occurred; I am sure that it could be tidied up at Third Reading. We could take that point on board but, on that basis, I would like to test the opinion of the House.

3.16 pm

Division conducted remotely on Amendment 22

Contents 281; Not-Contents 263.

Amendment 22 agreed.

Division No. 1

CONTENTS

Addington, L.
Adebowale, L.
Adonis, L.
Alderdice, L.
Allan of Hallam, L.
Alli, L.
Alton of Liverpool, L.
Amos, B.
Anderson of Swansea, L.
Andrews, B.
Armstrong of Hill Top, B.
Ashton of Upholland, B.
Bach, L.
Bakewell of Hardington Mandeville, B.
Barker, B.
Bassam of Brighton, L.
Beecham, L.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley of Knighton, L.
Berkeley, L.
Best, L.
Billingham, B.
Bird, L.
Birt, L.
Blackstone, B.
Blower, B.
Blunkett, L.
Boateng, L.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Boycott, B.
Bradley, L.
Bradshaw, L.
Brinton, B.
Brooke of Alverthorpe, L.
Brookeborough, V.
Brown of Cambridge, B.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Bryan of Partick, B.
Burnett, L.
Burt of Solihull, B.
Cameron of Dillington, L.
Campbell of Pittenweem, L.
Campbell of Surbiton, B.
Campbell-Savours, L.
Carter of Coles, L.
Cashman, L.
Chakrabarti, B.
Chandos, V.
Chidgey, L.
Clancarty, E.
Clark of Calton, B.
Clark of Windermere, L.
Clement-Jones, L.
Collins of Highbury, L.
Corston, B.
Cotter, L.
Coussins, B.
Craigavon, V.
Crawley, B.
Crisp, L.
Cunningham of Felling, L.
Darling of Roulanish, L.
Davies of Oldham, L.
Davies of Stamford, L.
Desai, L.
Dholakia, L.
Donaghy, B.
Doocey, B.
Drake, B.
Dubs, L.
Eatwell, L.
Elder, L.
Erroll, E.
Evans of Watford, L.
Faulkner of Worcester, L.
Featherstone, B.
Filkin, L.
Foster of Bath, L.
Foulkes of Cumnock, L.
Fox, L.
Freyberg, L.
Gale, B.

Garden of Frognal, B.
German, L.
Giddens, L.
Glasgow, E.
Goddard of Stockport, L.
Golding, B.
Goldsmith, L.
Goudie, B.
Grantchester, L.
Greaves, L.
Grender, B.
Grey-Thompson, B.
Griffiths of Burry Port, L.
Grocott, L.
Hain, L.
Hamwee, B.
Hanworth, V.
Harris of Haringey, L.
Harris of Richmond, B.
Haskel, L.
Haworth, L.
Hayman, B.
Hayter of Kentish Town, B.
Healy of Primrose Hill, B.
Hendy, L.
Henig, B.
Hilton of Eggardon, B.
Hollick, L.
Hollins, B.
Howarth of Newport, L.
Hoyle, L.
Humphreys, B.
Hunt of Kings Heath, L.
Hussain, L.
Hussein-Ece, B.
Janke, B.
Jay of Ewelme, L.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Jordan, L.
Judd, L.
Kennedy of Cradley, B.
Kennedy of Southwark, L.
Kerslake, L.
Kestenbaum, L.
Kidron, B.
Kilclooney, L.
Knight of Weymouth, L.
Kramer, B.
Krebs, L.
Lane-Fox of Soho, B.
Lawrence of Clarendon, B.
Layard, L.
Lea of Crondall, L.
Lee of Trafford, L.
Leitch, L.
Lennie, L.
Liddell of Coatdyke, B.
Liddle, L.
Lipsey, L.
Lister of Burtersett, B.
Livermore, L.
Loomba, L.
Low of Dalston, L.
Ludford, B.
Macdonald of River Glaven, L.
MacKenzie of Culkein, L.
Mackenzie of Framwellgate, L.
Mair, L.
Mallalieu, B.
Mandelson, L.
Marks of Henley-on-Thames, L.
Massey of Darwen, B.
Maxton, L.
McAvoy, L.
McDonagh, B.
McIntosh of Hudnall, B.
McKenzie of Luton, L.
McNally, L.
McNicol of West Kilbride, L.
Meacher, B.
Mitchell, L.
Monks, L.
Morgan of Drefelin, B.
Morgan of Huyton, B.
Morgan, L.
Morris of Yardley, B.
Murphy of Torfaen, L.
Newby, L.
Northover, B.
Nye, B.
Oates, L.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Parminter, B.
Patel of Bradford, L.
Pendry, L.
Pinnock, B.
Pitkeathley, B.
Ponsonby of Shulbrede, L.
Prashar, B.
Primarolo, B.
Prosser, B.
Purvis of Tweed, L.
Puttnam, L.
Quin, B.
Ramsay of Cartvale, B.
Randerson, B.
Ravensdale, L.
Razzall, L.
Rebuck, B.
Redesdale, L.
Rees of Ludlow, L.
Reid of Cardowan, L.
Rennard, L.
Ricketts, L.
Ritchie of Downpatrick, B.
Roberts of Llandudno, L.
Robertson of Port Ellen, L.
Rogan, L.
Rosser, L.
Sandwich, E.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Shutt of Greetland, L.
Simon, V.
Singh of Wimbledon, L.
Smith of Basildon, B.
Smith of Finsbury, L.
Smith of Kelvin, L.
Smith of Newnham, B.
Snape, L.
Soley, L.
Somerset, D.
St Albans, Bp.
Stair, E.
Stephen, L.
Stern, B.
Stevenson of Balmacara, L.
Stone of Blackheath, L.
Stoneham of Droxford, L.
Storey, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Bolton, B.
Taylor of Goss Moor, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornhill, B.
Thornton, B.
Thurlow, L.
Thurso, V.
Tonge, B.
Tope, L.
Touhig, L.
Triesman, L.
Truscott, L.
Tunnicliffe, L.
Turnberg, L.
Tyler of Enfield, B.
Tyler, L.
Uddin, B.
Verjee, L.
Wallace of Saltaire, L.
Wallace of Tankerness, L.
Walmsley, B.
Warwick of Undercliffe, B.
Watson of Invergowrie, L.
Watts, L.
Wellington, D.
West of Spithead, L.
Wheatcroft, B.
Wheeler, B.
Whitaker, B.
Wigley, L.
Wilcox of Newport, B.
Willis of Knaresborough, L.
Wills, L.
Wilson of Dinton, L.
Winston, L.
Wood of Anfield, L.
Worthington, B.
Wrigglesworth, L.
Young of Hornsey, B.
Young of Norwood Green, L.
Young of Old Scone, B.

NOT CONTENTS

Aberdare, L.
Agnew of Oulton, L.
Anderson of Ipswich, L.
Anelay of St Johns, B.
Arbuthnot of Edrom, L.
Arran, E.
Ashton of Hyde, L.
Astor of Hever, L.
Astor, V.
Attlee, E.
Baker of Dorking, L.
Balfe, L.
Bamford, L.
Barran, B.
Barwell, L.
Bates, L.
Berridge, B.
Bethell, L.
Black of Brentwood, L.
Blackwell, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bottomley of Nettlestone, B.
Bourne of Aberystwyth, L.
Bowness, L.
Brabazon of Tara, L.
Brady, B.
Bridgeman, V.
Browne of Belmont, L.
Browning, B.
Brownlow of Shurlock Row, L.
Buscombe, B.
Butler of Brockwell, L.
Butler-Sloss, B.
Caine, L.
Caithness, E.
Callanan, L.
Carey of Clifton, L.
Carlile of Berriew, L.
Carrington of Fulham, L.
Carrington, L.
Cathcart, E.
Cavendish of Furness, L.
Cavendish of Little Venice, B.
Chadlington, L.
Chalker of Wallasey, B.
Chartres, L.
Chisholm of Owlpen, B.
Choudrey, L.
Colgrain, L.
Colville of Culross, V.
Colwyn, L.
Cormack, L.
Courtown, E.
Couttie, B.
Cox, B.
Craig of Radley, L.
Crathorne, L.
Cromwell, L.
Cumberlege, B.
Davies of Gower, L.
De Mauley, L.
Deben, L.
Deighton, L.
Devon, E.
Dobbs, L.
Duncan of Springbank, L.
Dunlop, L.
Eaton, B.
Eccles of Moulton, B.
Eccles, V.
Elton, L.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Falkner of Margravine, B.
Fall, B.
Farmer, L.
Fellowes of West Stafford, L.
Fink, L.
Finkelstein, L.
Finlay of Llandaff, B.
Finn, B.
Flight, L.
Fookes, B.
Forsyth of Drumlean, L.
Framlingham, L.
Freeman, L.
Freud, L.
Gadhia, L.
Gardiner of Kimble, L.
Gardner of Parkes, B.
Garnier, L.
Geddes, L.
Gilbert of Panteg, L.
Glenarthur, L.
Glendonbrook, L.
Gold, L.
Goldsmith of Richmond Park, L.
Goodlad, L.
Goschen, V.
Grabiner, L.

Grade of Yarmouth, L.
Greenhalgh, L.
Greenway, L.
Grimstone of Boscobel, L.
Hague of Richmond, L.
Hailsham, V.
Hanham, B.
Haselhurst, L.
Hay of Ballyore, L.
Hayward, L.
Helic, B.
Henley, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Hogan-Howe, L.
Hogg, B.
Holmes of Richmond, L.
Home, E.
Hope of Craighead, L.
Horam, L.
Houghton of Richmond, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
Inglewood, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Jopling, L.
Kakkar, L.
Keen of Elie, L.
Kerr of Kinlochard, L.
King of Bridgwater, L.
Kirkham, L.
Laming, L.
Lamont of Lerwick, L.
Lang of Monkton, L.
Lansley, L.
Leigh of Hurley, L.
Lexden, L.
Lilley, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Livingston of Parkhead, L.
Lothian, M.
Lucas, L.
Lupton, L.
Mackay of Clashfern, L.
Macpherson of Earl's Court, L.
Manzoor, B.
Marland, L.
Marlesford, L.
Masham of Ilton, B.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
Meyer, B.
Mobarik, B.
Mone, B.
Montrose, D.
Morgan of Cotes, B.
Morris of Bolton, B.
Morrow, L.
Mountevans, L.
Moynihan, L.
Murphy, B.
Naseby, L.
Nash, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
O'Loan, B.
O'Shaughnessy, L.
Pannick, L.
Parkinson of Whitley Bay , L.
Patel, L.
Patten, L.
Pearson of Rannoch, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Popat, L.
Porter of Spalding, L.
Powell of Bayswater, L.
Price, L.
Prior of Brampton, L.
Ramsbotham, L.
Rana, L.
Randall of Uxbridge, L.
Ranger, L.
Rawlings, B.
Reay, L.
Redfern, B.
Renfrew of Kaimsthorn, L.
Ribeiro, L.
Risby, L.
Robathan, L.
Rock, B.
Rotherwick, L.
Rowe-Beddoe, L.
Russell of Liverpool, L.
Saatchi, L.
Sanderson of Welton, B.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Shackleton of Belgravia, B.
Sheikh, L.
Shephard of Northwold, B.
Sherbourne of Didsbury, L.
Shields, B.
Shinkwin, L.
Shrewsbury, E.
Smith of Hindhead, L.
Sterling of Plaistow, L.
Stirrup, L.
Stoddart of Swindon, L.
Stowell of Beeston, B.
Strathclyde, L.
Stroud, B.
Sugg, B.
Suri, L.
Swinfen, L.
Taylor of Holbeach, L.
Tebbit, L.
Trefgarne, L.
Trenchard, V.
Trimble, L.
True, L.
Tugendhat, L.
Ullswater, V.
Vaux of Harrowden, L.
Vere of Norbiton, B.
Verma, B.
Vinson, L.
Wakeham, L.
Walker of Aldringham, L.
Warsi, B.
Wasserman, L.
Wei, L.
Whitby, L.
Wilcox, B.
Willetts, L.
Williams of Trafford, B.
Young of Cookham, L.
Young of Graffham, L.
Younger of Leckie, V.

3.34 pm

Schedule 3: Sea fishing licences: further provision

Amendment 23 not moved.

Clause 23: Power of Secretary of State to determine fishing opportunities

Amendments 24 to 27

Moved by ***Lord Gardiner of Kimble***

24: Clause 23, page 15, line 16, leave out "a calendar year" and insert "such year or other period as may be specified in the determination"

Member's explanatory statement

This amendment enables the Secretary of State to determine a catch quota or effort quota for any period (rather than only for a calendar year).

25: Clause 23, page 16, line 2, leave out "calendar year" and insert "period"

Member's explanatory statement

This amendment is consequential on the amendment to subsection (1) of this Clause appearing in the name of Lord Gardiner.

26: Clause 23, page 16, line 4, leave out "calendar year" and insert "period"

Member's explanatory statement

This amendment is consequential on the amendment to subsection (1) of this Clause appearing in the name of Lord Gardiner.

27: Clause 23, page 16, line 11, at end insert—

"(11) References in retained direct EU legislation to fishing opportunities (however expressed) are, in relation to British fishing boats, references to catch quotas and effort quotas or (as the context requires) to either."

Member's explanatory statement

This amendment ensures that references in domesticated EU legislation to fishing opportunities are read as references to quotas determined under the Bill.

Amendments 24 to 27 agreed.

Clause 25: Distribution of fishing opportunities

Amendment 28

Moved by ***Lord Lansley***

28: Clause 25, leave out Clause 25 and insert the following new Clause—

"Distribution of fishing opportunities

(1) When distributing catch quotas and effort quotas for use by fishing boats, the national fisheries authorities must use criteria that—

(a) are transparent and objective, and

(b) include criteria relating to environmental, social and economic factors.

(2) The criteria may in particular relate to—

(a) the impact of fishing on the environment;

(b) the history of compliance with regulatory requirements relating to fishing;

(c) the contribution of fishing to the local economy;

(d) historic catch levels.

(3) When distributing catch quotas and effort quotas for use by fishing boats, the national fisheries authorities must seek to incentivise—

(a) the use of selective fishing gear, and

(b) the use of fishing techniques that have a reduced impact on the environment (for example that use less energy or cause less damage to habitats).

(4) In this section "the national fisheries authorities" means—

(a) the Secretary of State,

(b) the Marine Management Organisation,

(c) the Scottish Ministers,

(d) the Welsh Ministers, and

(e) the Northern Ireland Department."

Member's explanatory statement

This amendment relocates the rules relating to the distribution of quota from the Common Fisheries Policy Regulation to the Bill.

Amendment 28 agreed.

The Deputy Speaker: We now come to the group consisting of Amendment 29. I remind noble Lords that Members other than the mover and the Minister may speak only once and that short questions of elucidation are discouraged. Anyone wishing to press the amendment to a Division should make that clear in debate.

Amendment 29

Moved by ***Lord Grantchester***

29: After Clause 25, insert the following new Clause—

"Reservation of English fishing opportunities for new entrants and boats under 10 metres

(1) Before making a determination under section 23 for the first time, the Secretary of State must establish a baseline allocation of English fishing opportunities ("minimum quota") for—

(a) new entrants to the sector, and

(b) boats whose length is 10 metres or less.

(2) Unless the condition in subsection (3) is satisfied, the minimum quota must not be less than an average of the opportunities allocated to these groups over the previous three years.

(3) The condition in this subsection is that, to meet the sustainability objective, the Secretary of State deems it appropriate that fishing opportunities for certain species be reduced.

(4) When making a determination under section 23 each calendar year, the Secretary of State must—

(a) consider the case for increasing the minimum quota above that of the preceding year, and

(b) lay a statement outlining the outcome of this consideration before both Houses of Parliament.

(5) In the event that the Secretary of State believes there is no case for increasing the minimum quota, the statement under subsection (4)(b) must outline the reasons why."

Member's explanatory statement

This new Clause would require the Secretary of State to establish a minimum quota for new entrants to the sector and boats whose length is 10 metres or less. Thereafter, the Secretary of State would have to consider the case for increasing this quota each year and lay statements before Parliament.

Lord Grantchester (Lab): I thank the noble Lords, Lord Krebs and Lord Teverson, for adding their names to Amendment 29. I congratulate the noble Lords, Lord Lansley and Lord Cameron of Dillington, and the noble Baroness, Lady Worthington, on the redrafting of Clause 25, which rewrites Article 17 into UK law and will avoid any further confusion should Article 17 be amended later in the EU. This sits better with Clause 23, the objectives criteria in Clause 1 and the joint fisheries statements in Clause 2. Amendments 29 would follow neatly on from this by putting a duty on the Secretary of State to consider the case for allocating further fishing opportunities—that is, quota—to new entrants and to the under 10-metre fleet against the background of the sustainability criteria or the environmental, social and economic factors.

In Committee we debated two amendments—Amendment 106 in the name of the noble Lord, Lord Teverson, and Amendment 107 in the name of my noble friend Lady Jones of Whitchurch—that proposed reserving a portion of English fishing quota to these two categories. Having considered the Minister's response to these amendments, and given that there are very similar arguments in favour of preserving a portion of quota for both groups, we have chosen to combine the two previous amendments into a single, more comprehensive text. With the new Clause 25 and the consequential government amendments, a minor technical adjustment is now needed to proposed new subsection (4) in Amendment 29, where "each calendar year" would need to be consequentially amended as well to the relevant quota period.

I will briefly outline the system we envisage, as well as reminding noble Lords that it would extend to England only and therefore have no implications for the devolution settlements. Before making the first determination of fishing opportunities under Clause 23, the Secretary of State would have to establish a baseline allocation for each group, the under-10 metre fleet and any reserve for future new entrants. When doing this, they would have to consider historical fishing opportunities through an average of the last three years.

However, and crucially, the Secretary of State could alter this level on the grounds of sustainability under Clause 1(1)(c), which we debated at length on Monday. To all intents and purposes, this would set a minimum benchmark of quota that could be allocated to either new entrants or the under-10 metre fleet. Once the baseline has been established, the Secretary of State would have to consider the case for increasing it with each period's determination, before laying a statement outlining the outcome of their deliberations before Parliament. If they chose not to increase the reserve quota, the statement would have to outline the reasons.

We believe that such an approach strikes the right balance between providing the Government with flexibility to implement their own policy once the UK is an independent coastal state while affording new entrants and the under-10s a degree of certainty about their current market access and potential for future growth. As I said, if Ministers chose not to prioritise new entrants or the under-10s as part of the overall distribution of fishing opportunities, this system would act as a fail-safe to protect what the two groups already have. In that sense, it upholds the principle elsewhere in the Bill that fisheries plans should consult and consider historical catch data. Conversely, if we wanted to provide significantly more quota to either target group, Ministers would be free to do so.

This amendment merely requires the establishment of a minimum which is then kept under review. There is nothing to prevent that minimum being exceeded in any given year without it necessarily becoming a permanent arrangement. This approach would not be overly burdensome on the Minister's department and could have significant benefits for the vitality of the sector. This was something that the Minister emphasised as a priority when responding to the amendments in Committee.

We are all aware of the high proportion of UK quota owned by foreign firms and of the predominance of the larger boats. While this new provision would not immediately challenge the dominance of such firms, it would allow the Government slowly to rebalance the sector in favour of smaller domestic fishers, who enjoy close links with their communities, and would reinvigorate the workforce and expand coastal economies. The Government claim to be committed to helping new entrants and smaller vessels but, despite warm words there is little in the Bill for them. This amendment would provide an opportunity for those commitments to be pursued.

While we will listen carefully to the Minister's response, the guidance for Hybrid Proceedings compels me to say that we are minded to test the opinion of the House on this matter. The amendment provides a very good starting point for supporting new entrants and the under-10-metre fleet. There is nothing in the Bill as it stands. Having reclaimed our ability to set fisheries policy, it would be a tremendous shame if we were to pass up this opportunity to support our home-grown talent. I beg to move.

Lord Krebs [V]: My Lords, I strongly endorse the points made by the noble Lord, Lord Grantchester, and I have added my name to the amendment. I shall speak very briefly on behalf of under-10-metre boats. As we all know, under-10-metre boats make up 80% of the UK fleet, and surely deserve a better deal than they get at the moment. When I served on the Energy and Environment Sub-Committee of the EU Committee, under the excellent chairmanship of the noble Lord, Lord Teverson, we carried out an inquiry into Brexit and fisheries. We heard that the under-10s do not have annual quotas but instead fish against a monthly allocation from the MMO. This is in contrast to larger boats, which can swap quota via producer organisations and thereby mitigate the risk of choke. Let me quote from an under-10 fisher who gave oral evidence to our inquiry. He said:

"The monthly quota system implemented by the MMO does not work. In the winter, we can catch a lot of pollock and we never catch it for the rest of the year … We have been explaining since 2013 that we need to catch pollock earlier in the year because there is none at the end of the year … They have taken no notice whatever".

Surely the Government should seize the opportunity to accept an amendment that could make the system fairer for 80% of our fleet and make provision for new entrants. Along with the earlier amendment on the national landing requirement, this amendment will surely help to secure the economic health of struggling coastal communities, many of which rely on small fishing vessels. I urge noble Lords to support this amendment if it is taken to a Division.

Lord Teverson: I will keep my remarks short. First, I remind the House that I have an interest as co-chair of the Cornwall and Isles of Scilly Local Nature Partnership. Some years ago, I had the privilege of visiting New Zealand to meet fish companies and fleet operators there. Coming back to our debate on the previous amendment, the noble Lord, Lord Blencathra, and the noble and learned Lord, Lord Mackay, talked about efficiency and that sort of thing. If we want a really efficient fishing industry, we need completely transferable quotas, to get rid of the small vessel fleet altogether and to have large trawlers that are absolutely efficient. In New Zealand, three companies dominate the market outside recreational fisheries. They look after their fish stocks, and they keep an eye on each other. It is an incredibly efficient business, very profitable, very good for conservation—and zero coastal communities depended on fisheries. It was completely industrialised.

3.45 pm

We can go down that route, or we can go down a much better route, which is to protect our coastal communities and have smaller new entrants being able to come into the fishing industry so that we have a much more diverse and locally important industry that supports not just our coastal communities but the whole food processing industry on a smaller scale as well. That is the right way to do it. The great thing about this amendment moved by the noble Lord, Lord Grantchester, is that it concentrates on those objectives and would achieve them. What we need are new entrants. The way into this business is so difficult at the moment because, although there are a number of non-quota species, the value is in those quotas and it is almost impossible to afford to buy your way into them. There is also the cost of the fishing vessel. That is why I am very supportive of this amendment.

Additionally, to be an entrant, you have to be in that under-10-metre sector. Although the vast majority of our fishing vessels are, I think they account for only a small proportion of the total quota. I give the Government credit—I have said this before—for trying to expand that percentage, but they were prevented by the courts at the time. Let us now make sure that that happens regularly. This is a very intelligent amendment in that it gives a good basis. It sets a baseline and then has an annual consideration, so it is completely practical. I cannot think of a better way for the Bill to promote real change in our coastal communities and our fishing industry than by doing those two things. A gradual increase in quota for under-10-metres does not have to be at the expense of any other sector because we are expecting, through our Brexit negotiations, to make sure that we have much larger quotas through being an independent coastal state. That will allow new members to rejuvenate this industry, which at the moment suffers from the fact that very few young entrants can come into the business to be the next generation who farm our seas.

Lord Cameron of Dillington [V]: My Lords, in any business it is important to ensure that the industry is constantly refreshed by new blood and thus new ideas and new ways of working. The difficulty of acquiring a fishing quota is one of the very obvious reasons why we now have so few young people entering the fishing

[Lord Cameron of Dillington]
industry, as the noble Lord, Lord Teverson, said. If you couple that fact with the statistic that under-10-metre boats currently represent some 74% of the UK fishing fleet and employ some 50% of the workforce with only 6% of the quota, it is obvious that any spare quota should disproportionately be allocated to the smaller inshore fleet and to new entrants. Denmark has run a very successful fish fund for several years now, which is used to help young fishers get started and to act as an environmental buffer. Equally, the Shetland Islands Council owns a substantial amount of quota, which it leases to local fishers. Thus we have two very good but different examples to follow, one a national scheme and one a local scheme. In might be possible, in England at any rate, to combine the two and have a national reserve scheme in which grants of quota could be administered on a more local basis by, say, the local inshore fisheries and conservation authority—the local IFCA.

One of the important purposes of such a national reserve, as far as I am concerned, is perhaps not emphasised enough in the amendment. It is to create an environmental buffer for the Government to help manage the landing obligation to deal with the problem of choke species and the deficiencies in the maximum sustainable yield system.

With that in mind, I note that the Secretary of State, when he was Fisheries Minister and spoke in Committee in the other place, spoke about putting in place just what we are talking about—that is, creating an inshore pool to give extra fishing opportunities to our smaller inshore fleet while at the same time creating a national reserve.

I look forward to the Minister's response to this amendment. I hope that he will be able to follow in the footsteps of his Secretary of State and give us this important dividend that we hope to achieve from being in control of our fisheries.

Lord Mann (Non-Afl) [V]: My Lords, the question is, what does being in control mean? This amendment gets into the choices available to the country and to the Government when it comes to Brexit. Are we to have a Brexit for shareholders, hedge fund investors and the Stock Exchange, or are the opportunities from Brexit to be in rejuvenating jobs, skills and industrial restructuring? It is salutary to compare the Scottish fishing industry, with more than 98% Scottish ownership, to the English fishing industry, with 50%. That says "great opportunity" to me. Great opportunity will come only from those small entrepreneurs—the people building up skills and starting anew—rather than how things were done in the past.

The question for the Government is: will we look to the past and negotiate deals based on it, or will we look to the future and have confidence in the skills of our people—not least those in coastal areas who have suffered excess deprivation compared to most parts of the country? It seems that this amendment gives that opportunity to those people. It is certainly the kind of Brexit I want to see, so I am minded to support the amendment.

Lord Naseby [V]: My Lords, for better or worse, I read economics at Cambridge. I remember the lectures on competition policy—I looked them up prior to this debate.

It seems that we are lacking in evidence at the moment. Presumably, we need to establish the capacity of the current under-10-metre fleet to take up the extra quotas that will be available. Sitting here, I do not know what proportion of the new quotas that will come to UK fishing can be met by the current under-10-metre fishing fleet; perhaps the Minister can tell us. That is important, really. People cast aside the idea of super-efficient shipping, but at any level, you must have a viable shipping and fishing industry. It does not matter whether it is under 10 metres or over 10 metres. The last thing that any of us would want to see—perhaps that is a little too sweeping but I do not think that many of us would want to see it—is a situation where we have to subsidise 10-metre fishing boats from general taxation.

What ought to happen is that there should be an opportunity for new entrants and perhaps we should give priority to under-10-metre fishing boats. However, I want to see them pitch for the business and tell those who are to adjudicate why they are going into the industry, what they think they can bring to the industry and whether they are able to fish successfully. We do not want a quasi-monopoly without looking at the economics of the thing. I hate the word subsidy. One of the great things that we have gotten rid of in this country is subsidising parts of British industry.

For me, there is an opportunity for Brexit, obviously. Perhaps a proportion of the new quotas should go to the under-10-metre new entrants, but whoever comes forward must make a pitch to the authorities as to why and how they will succeed. At the moment, I do not think that that needs to be written in hard wording after Clause 25, but I will listen with great interest to what my noble friend on the Front Bench says on this amendment.

Lord Hain (Lab) [V]: My Lords, this is an excellent amendment, focusing as it does on the need for fair quotas for smaller vessels of under 10 metres.

In England and Wales, and in smaller communities along the west coast of Scotland, fishing is dominated by the shellfish sector. This is led by smaller vessels, which still constitute 80% of the UK fleet in number and often use traditional methods, earning low incomes. These boats are also particularly important for remote coastal communities with limited employment opportunities. There is no doubt that, because of Brexit, media coverage of the UK's fishing industry has increased. However, this may have given undue prominence to the views of representatives of larger fishing enterprises, such as those in north-east Scotland, at the expense of representatives of smaller vessels.

This amendment therefore deserves our support in relation to the need for future allocation of quotas by the UK Government to include smaller vessels. However, the fact is that such fishers will not have a future at all if there is a no-deal Brexit because they will lose access to the EU markets on which they depend. For example, most Welsh fishing boats specialise in shellfish, with 90% of their catch currently exported to the EU in overnight frictionless trade. In addition, as most fish consumed in the UK is imported, this trade within the single market is also vital for our fish processing industry. Even some large British boats depend for access to Norwegian waters on EU-agreed quotas, which will no longer apply in the event of a no-deal Brexit.

Within the UK industry, therefore, there are many competing interests between England and Scotland, deep-sea and inshore, industrial and small-scale boats and fishermen and fish processing. Without doubt, the balance of advantage for the industry as a whole lies in an amicable agreement with the EU, which will guarantee the continuation of frictionless trade. The Brexiteer narrative encourages us to believe that it was the EU that first allowed foreign boats to fish in UK waters. However, the common fisheries policy, established in 1983, enshrined historic fishing rights that went back centuries.

Not surprisingly, EU Governments are legitimately concerned to protect an economically precarious sector whose finances have been hit hard by the pandemic lockdown. It is not just access to UK waters that is important for European Union countries—many rely on the supply of UK fish both for consumption and processing. In 2017, for instance, just under two-thirds of UK mackerel was exported, the vast majority to the EU and more than a third to the Netherlands alone. Of course, this merely serves to illustrate yet again how easy access to these EU markets is key for UK fishers.

Authoritative analysis has shown that the most likely outcome of attempting to close the UK's sea borders—the last I heard, fish are no respecters of political boundaries—would be higher prices, less choice for consumers and lower earnings for fishers on both sides. Of course, an agreement will involve compromise, including some continued access for EU boats from coastal communities across the channel.

4 pm

Common sense would surely suggest that such continued access for EU boats to UK waters could be traded for continuation of the frictionless access to European markets currently enjoyed by UK catches, but Brexiteer Ministers have repeatedly claimed that these two issues have to be kept entirely separate. Why, when so many players in the UK's fishing industry have everything to lose from a hard Brexit, and an agreement on fishing may provide the key to a new EU trade deal? That would benefit not only UK fishers but all sectors of the UK economy, which is ill-prepared for the ravages of a no-deal Brexit on top of the devastation caused by Covid-19.

If this Government are concerned about "left behind coastal communities", as they should be, they should accept this amendment, which will give priority to increasing the tiny quotas for the thousands of British inshore vessels under 10 metres long. They should also have the courage to recognise that, contrary to their tribal Brexiteer dogma, smaller vessels and the rest of the industry have everything to gain from either an amicable deal on fisheries or, better still, an extension to the transition period to allow this and all the other complex dimensions of Brexit to be fruitfully and fully negotiated to the benefit of all parties.

Finally, can the Minister confirm the story in the *Sunday Times* on 21 March 2018, which reported:

"Britain's fish will still belong to Europe after Brexit—because Spain, Holland and Iceland have bought up nearly 90% of the entire fishing quota of Wales and more than half the quota assigned to England"?

The Earl of Caithness [V]: My Lords, I am very grateful for the clear way in which the noble Lord, Lord Grantchester, introduced this amendment. That was helpful.

I have a concern about the word "entrants" in the amendment. We are talking about a fishing industry which comprises both crew and owners. In 2018 the Seafish review put the average age of crew at about 38 and of owners at about 50. Surely we are trying to get more boats and therefore more owners, who will then employ more crew, into our fishing fleet. I particularly welcome the idea of the noble Lord, Lord Grantchester, of focusing on helping boats of under 10 metres, but that will all depend on the economic viability of fishing. If fishing is not a viable, sustainable industry, there will be no owners wanting quotas and, as a result, no crew employed. That will have a detrimental effect on coastal areas, as we have already discussed.

The quota system, which is how the noble Lord, Lord Grantchester, is attacking the issue in this amendment, is perhaps not as beneficial for increasing the overall ability for new entrants to come into the industry as another way might be. I do not know quite what that way is, and I will rely on my noble friend Lord Gardiner to help me with that, but focusing on the new entrants will not be as beneficial because the quota belongs to the boat owner.

Baroness McIntosh of Pickering [V]: My Lords, I am minded to support this amendment, as it addresses an issue I have raised ever since we had the informal briefing with the then Minister for Fisheries, now Secretary of State for Environment, Food and Rural Affairs. I am slightly concerned because, in spite of what we hear about various schemes for new entrants, I have not identified a great rush for new entrants over and above what the current provisions allow. I raised this at the informal briefing and was given an assurance on it; currently the under-10 fishermen—I had the privilege of working with them most recently in Filey, but also in other parts of the country—rely very heavily on shellfish, but, as was said previously, are given scraps of other whitefish under the table through the very complicated system of top-slicing discards which are then gathered into a pool from which the under-10s can benefit.

We were led to believe in the informal briefing that an official mechanism would be put in place to ensure a stricter, clearer, more transparent situation in which the under-10s would benefit from any remaining quota on an annual basis. My noble friend the Minister may well be able to put my mind at rest here, that that provision is somewhere and I am not immediately seeing it, but that promise was made and I invoke it here: that under the provisions of this Bill, under-10s will benefit from a higher and more regular quota going forward.

Baroness Bakewell of Hardington Mandeville [V]: My Lords, like all industries, a vibrant fishing industry relies on a rotating workforce. Many families around our coastlines have been engaged in fishing for generations. Sons and occasionally daughters learn from their fathers and become part of the team. However, as we have heard, it is becoming increasingly difficult for new entrants and the under-10s to get a toehold in the

[Baroness Bakewell of Hardington Mandeville] industry and an allocation of quota to get started. The noble Lord, Lord Cameron, also pressed the case for fresh young blood in the fishing industry. The examples of Denmark and the Shetland Islands prove that it is possible to encourage new entrants.

For new entrants to feel confident that they can make a living out of fishing and for the under-10s to be able to put a roof over their heads in the much sought-after properties around fishing ports, quota will need to be reserved and increased to be allocated to this vital sector. The noble Lord, Lord Mann, asked whether the Government are happy for the profits of fishing to go to pension funds and shareholders or whether they want to support our coastal communities and young people waiting to move into fishing.

The noble Lord, Lord Grantchester, said in his introduction that this is a minor amendment for England only. When making amendments, the Secretary of State would consider the previous three years' quota; it would provide a degree of certainty to new entrants and the under-10s. Fisheries plans should consider historic catch. The noble Lord, Lord Krebs, gave a graphic description of how the monthly quota system disadvantages the under-10 fleet. It is time for a change.

My noble friend Lord Teverson spoke about protecting our coastal communities. This amendment allows that to happen. Putting all our eggs—or fish—into the one basket of larger fishing vessels does nothing for our coastal communities. The noble Lord, Lord Hain, has drawn attention to the shellfish fisheries around our shores. These are largely small vessels, and most of their catch is sold to EU countries. He gave an excellent synopsis of how the Bill is likely to play out if no deal is agreed on Brexit.

If the fishing industry is to survive, it must be vibrant and have new entrants. The under-10 fleet must be a consideration in quota distribution and not be fobbed off with the scraps left by the deep-sea fishing fleet. I could not follow the logic of the arguments of the noble Earl, Lord Caithness; there will be no rush of new entrants unless they can be assured of receiving a quota to live on. I look forward to the Minister's response, but if it is not sufficient, I will join others in the virtual Lobby.

Lord Gardiner of Kimble: My Lords, I am most grateful to the noble Lord for his amendment, which seeks to ensure that, before making a UK determination, the Secretary of State must reserve a minimum quota in England for new entrants into the sector and for boats whose length is of 10 metres or less, commonly referred to as the under-10-metre pool.

The Government recognise the importance of encouraging new entrants into the fishing industry and are working on how best to work with industry to encourage new entrants as part of our future fisheries management regime when the transition period ends. I am particularly mindful of what the noble Lords, Lord Teverson, Lord Cameron of Dillington and Lord Krebs, said about this and of their experience in their Select Committee work.

We understand that the amendment is to be targeted at crew members who may wish to purchase their own boat or become a skipper. The Government recognise that if we want our fishing industry to flourish, we need it to be capable of regenerating and maintaining a succeeding generation of skilled and experienced skippers and crews. I think that is exactly what the noble Baroness, Lady Bakewell of Hardington Mandeville, was referring to.

However, it is important to understand that the challenge of encouraging new entrants is not just about the availability of quota. Depending on what they need to catch, new entrants may not even need quota, as not all species are covered by the quota system. This includes what in normal times are profitable species, such as shellfish, which were mentioned by the noble Lord, Lord Hain. While a quota may not always help, these new entrants would need capital investment to meet the costs of vessels and fishing gear. They would also have to secure a fishing licence, the numbers of which are limited as we must manage fleet capacity in tandem with managing quota and effort. We acknowledge that getting investment and securing a licence are significant challenges, and holding back a minimum share of quota would not help to overcome these. That is why, to answer the noble Lord, Lord Grantchester, Clause 33(1)(f) provides the powers to fund training for those who intend to become involved in commercial fishing or aquaculture activities. Obviously, that is important.

However, we must also remember that not all crew entrants are the same. The term "new entrants" can mean very different categories of people. In the industry, it refers not only to new boat owners, but also to new crew members for existing boats. These new entrants clearly do no need quota to enter the industry. Instead, they need training and encouragement to embark upon a career in fishing as an attractive and stable industry. Therefore, I want to spend a little time explaining what the Government and Seafish are doing in supporting this endeavour by working in partnership with a range of training partners to offer apprenticeships across the UK on a range of subjects relevant to the seafood industry and maritime occupations. For example, in England, the Government are working closely with Seafood 2040, where one of the recommendations highlights the importance of training, skills development and workforce retention to a thriving seafood industry.

While the Government recognise the principle behind this amendment, we do not think that reserving a minimum quota for new entrants is the best overall approach to resolving the raft of issues faced by new entrants which I have just set out. We also think that there may be some unintended problems with the amendment. For example, setting aside a blanket minimum quota for new entrants means that other fishers will receive less than they currently do. This could even see quotas go unused, and this is the point—*[Interruption.]* The noble Lord, Lord Teverson, immediately jumps at something which is not what I am about to say. This could even see quotas go unused if no new entrants were forthcoming in a given year or if stocks set aside were not useful to them. I do not think that either of these outcomes is what noble Lords intend with this amendment.

The amendment also seeks to reserve a minimum share of quota for the under-10 metre pool. Similarly, as with new entrants, the Government recognise the

importance of our under-10-metre vessels and the benefits they bring to our local coastal communities. I think everyone would agree that the under-10-metre sector is vital to the production of good food and to sustaining the local seafaring communities that we all wish to work with and rebuild, as we said in an earlier debate.

I say particularly to my noble friends Lord Naseby and Lady McIntosh that we are open to considering new methods of continuing our support to the under-10-metre pool. It is important to understand that the under-10-metre pool already receives a minimum share of certain fish stocks through the quota underpinning mechanism. The details of this are set out in the relevant quota management rules. In England, this amount has been supplemented through quota realignment exercises and reserve quota policies. We consulted on the 2020 reserve quota policy from January to March of this year, asking specific questions about the amount that should be given to the non-sector, including the under-10-metre pool.

4.15 pm

I liked the comments of the noble Lord, Lord Mann. We are looking to the future, as, clearly, we need to, and we are considering this further in relation to the future allocation of additional quota in England. I say particularly to the noble Lord, Lord Cameron of Dillington, that just last week, we began an exercise with industry and other stakeholders to prioritise aims for this quota and potential methods for allocating it. This builds on our call for evidence last year and will be followed by formal consultation on options later this year.

The noble Lord, Lord Krebs, asked a number of questions. Those under-10s who are not part of producer organisations that manage quota for their members have their quota managed by the MMO on a month-by-month or quarterly basis. This allows quota managers to adapt to changing circumstances. On the specific example of pollock, this was a three-month allocation from January to March which then reverted to a monthly one, allowing fishers to adapt to bad weather conditions. It is done to maintain an available catch for the rest of the year, as a point of detail.

My noble friend Lose Naseby asked how much additional quota would be available to be fished by the under-10s. Clearly, this depends on the negotiations, so I cannot say precisely, but we have been clear that we want to move to a fairer method of sharing fishing opportunities based on zonal attachment.

My noble friend Lady McIntosh asked a question relating to Clause 23. The Fisheries Bill provides greater transparency on how we manage and allocate quota through the publication of the Secretary of State's determination of UK fisheries opportunities under Clause 23. We will work with other fisheries administrations and industries to revise the UK quota management rules.

I am aware that when I say that I am advised that there are further issues with this amendment, it sounds unduly critical, but obviously, we are seeking to legislate, so there are some points that I should raise. The amendment does not define new entrants or explain who would qualify, for how long or what would happen when they cease to qualify. It refers to an average three-year baseline for allocating new entrant fishing opportunities. As I highlighted, this could be very challenging to determine, given the difficulty in defining a new entrant. I understand the noble Lord's clear desire to provide more quota for the small boats, but the phrasing of "no entrants to the sector" appears to refer to sectoral groups and producer organisations. It is therefore unclear whether the intention is that this quota be reserved for new entrants to sectoral groups only or whether it includes non-sector groups such as the under-10-metre pool, which I understand noble Lords may be intending to target.

Fishing terminology is not always straightforward, and this is an example of the challenges of legislatively seeking to carve out specific groups in distributing quota. I am also advised that there are issues with the reference to Clause 23, and I remind noble Lords that Clause 23 relates only to the Secretary of State's function in determining UK fishing opportunities. This pot of quota is then divided between the fisheries administrations, each of which decides how it will allocate its share of the quota pot to its industry.

As is so often the case, all noble Lords—and indeed, the noble Lord, Lord Grantchester, in promoting this amendment—have promoted what we all want and need, which is new entrants coming into the fishing industry, whether they are crew members, skippers or investors.

I sometimes think that one should be cautious, given the fact that British companies own a lot of interests overseas, that we do not overplay this unduly, but I do think that we need a range of people who see fishing as an industry worthy of spending a worthwhile career in. That means we need to work on all the things I have sought to describe, and we will be doing that. We have also been very clear about our desire to ensure the under-10-metres, and all that it represents in terms of how we can work with seafaring communities to have a—yes—more robust share of what we are all seeking, which is more quota. So I think we are very much on the same page.

Obviously, it is for the noble Lord, Lord Grantchester, to assess the opinion of the House. All I will say on this matter is that I have sought to say yes to new entrants and the under-10-metre pool. This is work in hand, and it is why I would like to assure noble Lords that work on this is under way; specifically, I spoke about the consultation and the work on that, starting last week. Obviously, this a very important interest, whatever happens—it is an area that we will want to look at continuously after the Fisheries Bill. I am sure that these will be matters of considerable interest to noble Lords after the enactment of the Bill.

I very much hope that the noble Lord will give some consideration to withdrawing his amendment, because, as I have articulated, this is work in progress and the Government accept that they want to have successes on these two important matters.

Lord Grantchester: My Lords, I thank all noble Lords who have spoken in the debate. I certainly feel well supported to take this to a vote. Indeed, the Minister seems to suggest that we are all rowing in the same direction, and therefore it should not cause too

[Lord Grantchester]
much complexity to him or his department. My noble friend Lady Jones of Whitchurch has spoken at length about our coastal communities and their importance under the last amendment. I also note the remarks of the noble Lord, Lord Teverson, in this regard. This amendment forms an important and parallel part of our approach to this Bill, which has been shared around the House.

Many have spoken of the Bill as a missed opportunity if we were to continue in essentially the same EU regime, without a deep reassessment and new provisions, as the UK leaves the EU and becomes a sovereign coastal state. This amendment would allow a new beginning for our coastal communities. Local councils would be keen to assemble new apprenticeship schemes to provide the future skills needed for the fishers, both existing—as members of the under-10-metre fleet in whatever capacity—and potential new entrants. It would enable dialogue between these communities and the Government as future fishing opportunities became available, following the outcome of negotiations on the new trading relationship to be defined with the EU. It would allow a new direction of policy to be assessed at each quota period and enable the Government's warm words of commitment to be fulfilled.

In Committee, the Minister spoke of the many deliberations of the Seafood Industry Leadership Group, with varying degrees of success. The words spoken were:

"It is not easy, but it does not mean that fishing organisations should not continue to try. We must also ensure that there are fish for new entrants to catch, which means balancing the environmental, social and economic objectives."—[*Official Report*, 9/3/20; col. 895.]

I refer the noble Earl, Lord Caithness, and the Minister, who have concerns over new entrants, I would refer them to the industry's considerations when appreciating this issue.

This amendment would ensure that the situation is assessed at each quota period and consideration given to using any additional quota in support of these two options. I well agree that it would not be necessary for them to have to be given this extra quota, but consideration must be given. This amendment would make sure that is seen to happen. In response to other speakers, I contend that the amendment would allow a buffer, as may be needed—as spoken to by the noble Lord, Lord Cameron of Dillington—if unallocated, and any capacity deficiencies—raised by the noble Lord, Lord Naseby—would be assessed, as specified by the amendment's provisions.

I do not consider that the Minister's remarks nullify the relevance and impact of this amendment, and he seemed—if I may suggest—even to misinterpret aspects of the amendment. This is in the strategic national interest, and in the interests of communities, and I would like to test the opinion of the House on the matter.

4.26 pm

Division conducted remotely on Amendment 29

Contents 291; Not-Contents 249.

Amendment 29 agreed.

Division No. 2

CONTENTS

Addington, L.
Adonis, L.
Alderdice, L.
Allan of Hallam, L.
Alli, L.
Alton of Liverpool, L.
Amos, B.
Anderson of Ipswich, L.
Anderson of Swansea, L.
Andrews, B.
Armstrong of Hill Top, B.
Ashton of Upholland, B.
Bach, L.
Bakewell of Hardington Mandeville, B.
Barker, B.
Bassam of Brighton, L.
Beecham, L.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley, L.
Billingham, B.
Bird, L.
Birt, L.
Blackstone, B.
Blower, B.
Blunkett, L.
Boateng, L.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Boycott, B.
Bradley, L.
Bradshaw, L.
Brinton, B.
Broers, L.
Brooke of Alverthorpe, L.
Brown of Cambridge, B.
Browne of Ladyton, L.
Browning, B.
Bruce of Bennachie, L.
Bryan of Partick, B.
Burnett, L.
Cameron of Dillington, L.
Campbell of Pittenweem, L.
Campbell-Savours, L.
Carter of Coles, L.
Cashman, L.
Chakrabarti, B.
Chandos, V.
Chartres, L.
Chidgey, L.
Clancarty, E.
Clark of Calton, B.
Clark of Windermere, L.
Clement-Jones, L.
Collins of Highbury, L.
Corston, B.
Cotter, L.
Coussins, B.
Cox, B.
Craigavon, V.
Crawley, B.
Crisp, L.
Cunningham of Felling, L.
Curry of Kirkharle, L.
Darling of Roulanish, L.
Davies of Oldham, L.
Davies of Stamford, L.
Deech, B.
Desai, L.
Dholakia, L.
Donaghy, B.
Doocey, B.
Drake, B.
Drayson, L.
Dubs, L.
Eatwell, L.
Elder, L.
Evans of Watford, L.
Faulkner of Worcester, L.
Featherstone, B.
Filkin, L.
Finlay of Llandaff, B.
Foster of Bath, L.
Foulkes of Cumnock, L.
Fox, L.
Freyberg, L.
Gale, B.
Garden of Frognal, B.
German, L.
Giddens, L.
Glasgow, E.
Goddard of Stockport, L.
Golding, B.
Goldsmith, L.
Goudie, B.
Grantchester, L.
Greaves, L.
Greenway, L.
Grender, B.
Grey-Thompson, B.
Griffiths of Burry Port, L.
Grocott, L.
Hain, L.
Hamwee, B.
Hannay of Chiswick, L.
Hanworth, V.
Harris of Haringey, L.
Harris of Richmond, B.
Haskel, L.
Haworth, L.
Hayman, B.
Hayter of Kentish Town, B.
Healy of Primrose Hill, B.
Hendy, L.
Henig, B.
Hilton of Eggardon, B.
Hollick, L.
Howarth of Newport, L.
Hoyle, L.
Hughes of Stretford, B.
Humphreys, B.
Hunt of Kings Heath, L.
Hussain, L.
Hussein-Ece, B.
Janke, B.
Jay of Ewelme, L.
Jay of Paddington, B.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Jordan, L.
Judd, L.
Kennedy of Cradley, B.
Kennedy of Southwark, L.
Kennedy of The Shaws, B.
Kerslake, L.
Kestenbaum, L.
Kidron, B.
Kilclooney, L.
Knight of Weymouth, L.

Kramer, B.
Krebs, L.
Lane-Fox of Soho, B.
Lawrence of Clarendon, B.
Lea of Crondall, L.
Lee of Trafford, L.
Lennie, L.
Liddell of Coatdyke, B.
Liddle, L.
Lipsey, L.
Lister of Burtersett, B.
Livermore, L.
Loomba, L.
Low of Dalston, L.
Ludford, B.
MacKenzie of Culkein, L.
Mackenzie of Framwellgate, L.
Macpherson of Earl's Court, L.
Mair, L.
Mallalieu, B.
Mandelson, L.
Mann, L.
Marks of Henley-on-Thames, L.
Masham of Ilton, B.
Massey of Darwen, B.
Maxton, L.
McAvoy, L.
McConnell of Glenscorrodale, L.
McDonagh, B.
McIntosh of Hudnall, B.
McKenzie of Luton, L.
McNally, L.
McNicol of West Kilbride, L.
Meacher, B.
Mendelsohn, L.
Mitchell, L.
Monks, L.
Morgan of Drefelin, B.
Morgan of Huyton, B.
Morgan, L.
Mountevans, L.
Murphy of Torfaen, L.
Newby, L.
Northbrook, L.
Northover, B.
Nye, B.
Oates, L.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Parminter, B.
Patel of Bradford, L.
Pinnock, B.
Pitkeathley, B.
Ponsonby of Shulbrede, L.
Prashar, B.
Primarolo, B.
Prosser, B.
Purvis of Tweed, L.
Puttnam, L.
Quin, B.
Ramsay of Cartvale, B.
Randerson, B.
Ravensdale, L.
Razzall, L.
Rebuck, B.
Redesdale, L.
Reid of Cardowan, L.
Rennard, L.
Ricketts, L.
Ritchie of Downpatrick, B.
Roberts of Llandudno, L.
Robertson of Port Ellen, L.
Rooker, L.
Rosser, L.
Rowe-Beddoe, L.
Rowlands, L.
Russell of Liverpool, L.
Sandwich, E.
Scott of Needham Market, B.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Shutt of Greetland, L.
Simon, V.
Smith of Basildon, B.
Smith of Finsbury, L.
Smith of Gilmorehill, B.
Smith of Kelvin, L.
Smith of Newnham, B.
Snape, L.
Soley, L.
Somerset, D.
St Albans, Bp.
Stephen, L.
Stern, B.
Stevenson of Balmacara, L.
Stoddart of Swindon, L.
Stone of Blackheath, L.
Stoneham of Droxford, L.
Storey, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taylor of Bolton, B.
Taylor of Goss Moor, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornhill, B.
Thornton, B.
Thurlow, L.
Thurso, V.
Tonge, B.
Tope, L.
Touhig, L.
Triesman, L.
Truscott, L.
Tunnicliffe, L.
Turnberg, L.
Tyler of Enfield, B.
Tyler, L.
Uddin, B.
Verjee, L.
Wallace of Saltaire, L.
Wallace of Tankerness, L.
Walmsley, B.
Warwick of Undercliffe, B.
Watson of Invergowrie, L.
Watts, L.
Wellington, D.
West of Spithead, L.
Wheatcroft, B.
Wheeler, B.
Whitaker, B.
Wigley, L.
Wilcox of Newport, B.
Willis of Knaresborough, L.
Wills, L.
Wilson of Dinton, L.
Winston, L.
Wood of Anfield, L.
Woolf, L.
Worthington, B.
Wrigglesworth, L.
Young of Hornsey, B.
Young of Norwood Green, L.
Young of Old Scone, B.

NOT CONTENTS

Aberdare, L.
Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altmann, B.
Anelay of St Johns, B.
Arbuthnot of Edrom, L.
Arran, E.
Ashton of Hyde, L.
Astor of Hever, L.
Astor, V.
Attlee, E.
Baker of Dorking, L.
Balfe, L.
Bamford, L.
Barran, B.
Bates, L.
Berkeley of Knighton, L.
Berridge, B.
Bethell, L.
Black of Brentwood, L.
Blackwell, L.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bottomley of Nettlestone, B.
Bourne of Aberystwyth, L.
Bowness, L.
Brabazon of Tara, L.
Brady, B.
Bridgeman, V.
Brougham and Vaux, L.
Brown of Eaton-under-Heywood, L.
Browne of Belmont, L.
Brownlow of Shurlock Row, L.
Buscombe, B.
Butler-Sloss, B.
Caine, L.
Caithness, E.
Callanan, L.
Carey of Clifton, L.
Carlile of Berriew, L.
Carrington of Fulham, L.
Carrington, L.
Cathcart, E.
Cavendish of Furness, L.
Cavendish of Little Venice, B.
Chadlington, L.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Choudrey, L.
Colgrain, L.
Colville of Culross, V.
Colwyn, L.
Cormack, L.
Courtown, E.
Couttie, B.
Craig of Radley, L.
Crathorne, L.
Cumberlege, B.
Davies of Gower, L.
De Mauley, L.
Deben, L.
Deighton, L.
Devon, E.
Dobbs, L.
Duncan of Springbank, L.
Dundee, E.
Dunlop, L.
Eaton, B.
Eccles of Moulton, B.
Eccles, V.
Elton, L.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Fairhead, B.
Falkner of Margravine, B.
Fall, B.
Farmer, L.
Fellowes of West Stafford, L.
Fink, L.
Finkelstein, L.
Flight, L.
Fookes, B.
Forsyth of Drumlean, L.
Framlingham, L.
Freud, L.
Gadhia, L.
Gardiner of Kimble, L.
Gardner of Parkes, B.
Garnier, L.
Geddes, L.
Gilbert of Panteg, L.
Glenarthur, L.
Glendonbrook, L.
Gold, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goodlad, L.
Goschen, V.
Grade of Yarmouth, L.
Greenhalgh, L.
Griffiths of Fforestfach, L.
Grimstone of Boscobel, L.
Hague of Richmond, L.
Hailsham, V.
Hamilton of Epsom, L.
Hanham, B.
Harding of Winscombe, B.
Haselhurst, L.
Hay of Ballyore, L.
Hayward, L.
Helic, B.
Henley, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Hogan-Howe, L.
Hogg, B.
Holmes of Richmond, L.
Hope of Craighead, L.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
Inglewood, L.
James of Blackheath, L.
Jopling, L.
Kakkar, L.
Keen of Elie, L.
Kerr of Kinlochard, L.
King of Bridgwater, L.
King of Lothbury, L.
Kirkham, L.
Kirkhope of Harrogate, L.
Laming, L.
Lamont of Lerwick, L.
Lang of Monkton, L.
Lansley, L.
Leigh of Hurley, L.
Lexden, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Livingston of Parkhead, L.

Lothian, M.
Lupton, L.
Mackay of Clashfern, L.
Mancroft, L.
Manzoor, B.
Marland, L.
Marlesford, L.
Maude of Horsham, L.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McInnes of Kilwinning, L.
Meyer, B.
Mobarik, B.
Mone, B.
Montrose, D.
Morgan of Cotes, B.
Morris of Bolton, B.
Morrow, L.
Moynihan, L.
Murphy, B.
Naseby, L.
Nash, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Norton of Louth, L.
O'Loan, B.
O'Shaughnessy, L.
Pannick, L.
Parkinson of Whitley Bay , L.
Patel, L.
Patten, L.
Pearson of Rannoch, L.
Penn, B.
Pickles, L.
Pidding, B.
Polak, L.
Popat, L.
Porter of Spalding, L.
Powell of Bayswater, L.
Price, L.
Prior of Brampton, L.
Rana, L.
Randall of Uxbridge, L.
Ranger, L.
Rawlings, B.
Reay, L.
Redfern, B.
Renfrew of Kaimsthorn, L.
Richards of Herstmonceux, L.
Risby, L.
Robathan, L.
Rock, B.
Rogan, L.
Rose of Monewden, L.
Rotherwick, L.
Saatchi, L.
Sanderson of Welton, B.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Shackleton of Belgravia, B.
Shephard of Northwold, B.
Sherbourne of Didsbury, L.
Shields, B.
Shinkwin, L.
Shrewsbury, E.
Smith of Hindhead, L.
Stedman-Scott, B.
Sterling of Plaistow, L.
Stirrup, L.
Stowell of Beeston, B.
Strathclyde, L.
Stroud, B.
Sugg, B.
Suri, L.
Swinfen, L.
Taylor of Holbeach, L.
Tebbit, L.
Trefgarne, L.
Trenchard, V.
Trimble, L.
True, L.
Tugendhat, L.
Ullswater, V.
Vaux of Harrowden, L.
Vere of Norbiton, B.
Verma, B.
Wakeham, L.
Waldegrave of North Hill, L.
Walker of Aldringham, L.
Wasserman, L.
Wei, L.
Whitby, L.
Wilcox, B.
Williams of Trafford, B.
Wyld, B.
Young of Cookham, L.
Younger of Leckie, V.

4.43 pm

Clause 26: Duties to ensure fishing opportunities not exceeded

Amendments 30 to 33

Moved by ***Lord Gardiner of Kimble***

30: Clause 26, page 17, line 11, leave out "calendar year" and insert "period"

Member's explanatory statement

This amendment is consequential on the amendment to Clause 23(1) appearing in the name of Lord Gardiner.

31: Clause 26, page 17, line 13, leave out "year" and insert "period"

Member's explanatory statement

This amendment is consequential on the amendment to Clause 23(1) appearing in the name of Lord Gardiner.

32: Clause 26, page 17, line 15, leave out "year" and insert "period"

Member's explanatory statement

This amendment is consequential on the amendment to Clause 23(1) appearing in the name of Lord Gardiner.

33: Clause 26, page 17, line 15, at end insert—

"(1A) In determining under subsection (1) whether a catch quota is exceeded, only count sea fish caught that are required to be counted against it under—

(a) Article 15 of the Common Fisheries Policy Regulation (landing obligation), or

(b) any other provision of retained direct EU legislation."

Member's explanatory statement

This amendment ensures that the rules in retained direct EU legislation about when catches are or are not to be counted against quotas apply for the purposes of the duty in subsection (1) of this Clause to secure that catch quotas are not exceeded.

Amendments 30 to 33 agreed.

Clause 27: Sale of English fishing opportunities for a calendar year

Amendments 34 and 35

Moved by ***Lord Gardiner of Kimble***

34: Clause 27, page 17, line 27, leave out "an English catch quota for a calendar year" and insert "one or more English catch quotas"

Member's explanatory statement

This amendment is consequential on the amendment to Clause 23(1) appearing in the name of Lord Gardiner.

35: Clause 27, page 17, line 28, leave out "an English effort quota for a calendar year" and insert "one or more English effort quotas"

Member's explanatory statement

This amendment is consequential on the amendment to Clause 23(1) appearing in the name of Lord Gardiner.

Amendments 34 and 35 agreed.

4.44 pm

Sitting suspended.

4.59 pm

The Deputy Speaker (Lord Alderdice) (LD): My Lords, we now come to the group consisting of Amendment 35A. I remind noble Lords that Members other than the mover and the Minister may speak only once and that short questions of elucidation are discouraged. Anyone wishing to press this Amendment to a Division should make that clear in the debate.

Amendment 35A

Moved by ***Baroness McIntosh of Pickering***

35A: Clause 27, page 18, line 34, at end insert—

"( ) In making regulations under subsection (1), the Secretary of State must ensure that fishing rights—

(a) may not be sold on to other persons following the original purchase,

(b) are not sold to non-active fishers, and

(c) are prioritised for sale to vessels under 10 metres."

Baroness McIntosh of Pickering [V]: My Lords, I am grateful to have this opportunity to speak to Amendment 35A to Clause 27. This is a neat amendment which encapsulates three important points. Paragraph (a) states that quota

"may not be sold … to other persons following the original purchase".

It should specifically not be sold to non-active fishers and should be

"prioritised for sale to vessels under 10 metres."

Paragraph (c) has been debated to a large extent under the previous amendment, and the fact that that amendment was carried negates my having to speak to that part of my amendment.

My main concern lies with a practice that has become widespread. I do not think it was ever intended that quotas should be tradable, but it is a bit like the milk quotas. If you give something an economic value, it suddenly becomes of great interest. The noble Lord, Lord Mann, spoke about hedge funds. I was surprised to learn that football clubs had chosen to invest in fish quotas. I cannot think of anything that could possibly be further removed from an active fisherman. I would like to return to active fishermen benefiting. We have discussed how boats under 10 metres do not have access to anything other than shellfish, for which no quota is set, but they would like to have further access. As I say, that point has now been addressed, but I would prefer to see that quotas are not sold under any circumstances to non-active fishers. I should be interested to know the Government's position—whether they would look favourably in that regard.

More especially, I should like to concentrate my remarks on the fact that this practice of quotas becoming tradable is regrettable. We should revert to the original practice, where those who bought the quotas kept them and did not sell them on. I do not think it is good practice to sell the quotas on and, if we can couple ownership to the use of quota, we will develop more responsible behaviour as to how the quota is exercised. It would be my fervent wish that quota is, in both the shorter and longer term, owned and used by fishermen directly, which gives everyone the opportunity to behave better, not being able to cut and run and sell quota off as surplus to their requirements purely as an economic commodity.

With those few remarks, I hope to gain the support of the Government in this regard for ceasing the practice of tradable quotas and to revert to practices where the quotas are sold to those who use them and, ideally, active fishermen. I do not intend to press this to a vote, but at this stage, I beg to move.

Lord Teverson: My Lords, I thank the noble Baroness, Lady McIntosh of Pickering, for tabling this amendment; I will be interested to hear the Government's response to it. As the noble Baroness said, milk quotas became purely financial instruments, and it is absolutely right that we should not be in that position. They should not appear on the London futures market or whatever it may be because that is not what this is about, especially in the area of fisheries.

However, in Cornwall there is an organisation called the Duchy Fish Quota Company. While it is not itself a fishing concern, it attempts to use money from donors to buy quota in order to keep it for Cornish fishers. It does so because we have the exact problem that has been set out so well by the noble Baroness: these quotas are traded and there tends to be a concentration of them with the risk that they can be owned outside the United Kingdom. The nice thing is that if this problem could be solved through such an amendment or a similar policy, an organisation like the Duchy Fish Quota Company would no longer be necessary. I am strongly in favour of this amendment in principle and I look forward to hearing the Government's response in terms of its policy for the future in this area.

Lord Grantchester: My Lords, I thank the noble Baroness, Lady McIntosh, for this amendment. She has proposed three conditions that the Secretary of State should meet when making regulations to permit the sale of fishing opportunities in England. The noble Baroness speaks with great authority, having chaired the Environment, Food and Rural Affairs Select Committee in the other place. She has made a powerful case against potential abuses under proposed new paragraphs (a) and (b). For example, large quota holders could mop up quota as a quota trader and then later resell unused quota, or the other case is where a sofa fisher—that is, a non-active fisher—could trade quota. Incidentally, I cannot quite believe the scurrilous gossip that football clubs would be interested in such activities, especially as they are not registered fishers.

Be that as it may, the amendment might appear to be in difficulty where there might need to be emergency provisions in a given situation. Furthermore, there might be unintended consequences. The amendment does not provide a definition of a non-active fisher. Would someone who inherited a family member's business and its vessel potentially find themselves frozen out of the bidding process because that vessel had not gone to sea in a previous year? Would this provision exclude those whose boats had been undergoing extensive maintenance, or even new entrants with no previous catch quota?

We support the third provision in the amendment in relation to prioritising the sale of rights to the under-10-metre fleet. This ability is enshrined in our Amendment 29 which we debated earlier. I hope that the Minister will be able to provide detailed assurances that the noble Baroness is clearly looking for in identifying this potential abuse.

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, I am grateful to my noble friend for her amendment, which seeks to place additional requirements were the Government to introduce schemes for the sale of rights to use fishing quota in England. These include requirements that rights must not be sold to non-active fishers and are prioritised for sale to under-10-metre vessels. As noble Lords will be aware, Clause 27 relates to the sale to English boats of rights to use fishing quota for set periods of time. It provides the necessary powers for the Government to make regulations in the future allowing the auction or tender of such rights in England. It is important to note that such rights may be sold for only a fixed period and do not give rise to any long-term rights to quota which will impact on their tradability.

The Bill as drafted provides flexibility for any scheme to be tailored to future needs. This includes broad powers for the Secretary of State to specify persons or descriptions of persons who are eligible or ineligible to buy these fishing opportunities. This includes all of the criteria set out by my noble friend in her amendment. Clause 27(3)(d) allows any scheme to specify the persons

[Baroness Bloomfield of Hinton Waldrist]
or descriptions of persons who are eligible or ineligible to buy rights. Clause 27(3)(h) allows a scheme to permit rights to be sold or not to be sold to a person who meets certain conditions. Clause 27(3)(k) and (l) allow any scheme to permit or to prohibit the transfer of rights.

In England, we will tailor any auction scheme to our marine environment and fishing industry. The criteria to be applied to any future auction or tender could address concerns raised in relation to the under-10-metre fleet. Measures could be introduced to limit the lots being tendered, the amount of time they are tendered for and the groups they are targeted towards. The Government would fully consult on the scheme and any allocation criteria before it was introduced. It would be unhelpful to restrict the scheme before we had competed that consultation.

With regard to my noble friend's point about whether fishing rights could be sold after purchase, that would be determined when developing any such scheme. The Government could place restrictions on this, including restricting the onward sale of certain stocks upon which different parts of the English fleet place more importance. However, it might be appropriate to allow the onward sale of rights to use some stocks. This could provide flexibility to the industry and allow rights to be exchanged throughout the year in response to market conditions, weather patterns and suchlike. Fishing is not always a predictable business and it is important that the industry can adapt to changing circumstances.

To summarise, under the current drafting in the Bill the Government can already introduce the provisions set out in the amendment. It is also right that the specific arrangements or criteria for any auction scheme are developed in consultation with stakeholders, rather than being prescribed in advance. The scheme will be consulted on and will be brought forward under the affirmative procedure, so noble Lords will have the chance to debate the structure at that point. The consultation and parliamentary scrutiny processes should ensure that stakeholders' views are fed into the setting up of the scheme.

With that explanation, I hope that my noble friend will feel able to withdraw her amendment.

Baroness McIntosh of Pickering [V]: I am very grateful to those who have contributed to this short debate, and I thank my noble friend Lady Bloomfield for her remarks.

The noble Lord, Lord Teverson, under whom I have the honour to serve on the EU environment sub-committee, rightly identified the comparison with milk quotas and explained why that would be regrettable. I thought that the scheme that he described for Cornwall was a good one and would not trade the quota for use by anyone other than active fishermen.

I am grateful to the noble Lord, Lord Grantchester, for his kind remarks. He pointed out the slight deficiency in the amendment, which at this stage I tabled more for the purposes of debate. I congratulate him on potentially securing the position of under-10-metre vessels through the adoption of his amendment earlier this afternoon.

I take this opportunity to thank my noble friend Lady Bloomfield for confirming that this issue will be set out in more detail through the affirmative procedure. With those few remarks, at this stage I beg leave to withdraw the amendment.

Amendment 35A withdrawn.

The Deputy Speaker: We now come to the group consisting of Amendment 35B. I remind noble Lords that Members other than the mover and the Minister may speak only once and that short questions for elucidation are discouraged. Anyone wishing to press this amendment to a Division should make that clear in debate.

Amendment 35B

Moved by ***Baroness Worthington***

35B: Clause 27, leave out Clause 27 and insert the following new Clause—

"English fishing opportunities

(1) The English fishery shall be vested in Her Majesty.

(2) The Disposal Authority has the power to dispose of English fishing opportunities on behalf of Her Majesty—

(a) for open market value or beneath open market value where there is demonstrable public or charitable benefit;

(b) on the terms of a licence for a period of no more than seven calendar years;

(c) upon such other terms and conditions as the Disposal Authority deems appropriate fit, having regard to good fishery management; and

(d) in accordance with the provisions of the Crown Estate Act 1961.

(3) Any fishing opportunities granted pursuant to subsection (2) may not create or transfer any proprietary right, title or interest in such fishing opportunities or in any fish before such fish are harvested by the holder of the opportunity.

(4) As soon as is reasonably practical after the end of each financial year, the Disposal Authority must send to Her Majesty a report on the performance of their functions in the previous financial year, and must lay a copy of that report before Parliament.

(5) The Disposal Authority must exercise its functions to secure (so far as possible) that—

(a) fishing boats are not used in contravention of section 14(1) (prohibition on fishing without authority of licence), and

(b) conditions attached to sea fishing licences under paragraph 1 of Schedule 3 are not broken, as a result of the exercise of opportunities sold in accordance with this section.

(6) In this section—

"Disposal Authority" means the Crown Estate Commissioners;

"English fishery" means the rights for the purpose of exploiting fish species belonging to Her Majesty;

"English fishing opportunities" means contractual rights to exploit the English fishery for catch quota, effort quota or other means of distribution.

(7) Schedule 5 contains provision conferring power to sell fishing opportunities on the Welsh Ministers."

Baroness Worthington (CB) [V]: My Lords, it is my great pleasure to speak to Amendment 35B, which would replace Clause 27 of the Bill. I have listened to some great debates this afternoon, many of which I support.

It is likely that the Bill represents a once-in-a-lifetime opportunity. It is the first time since 1967 that Parliament has been given the opportunity to write a completely fresh approach to the difficult task of managing the nation's fisheries resource in the public interest. It is a task that other nations have undertaken with admirable clarity and simplicity, but, sadly, the Bill still falls rather short of that ideal.

However, through this process, things are, thankfully, becoming clearer. On Monday, in response to the first amendment, moved by the noble Lord, Lord Teverson, the Minister confirmed that fish in UK waters are a resource

"held by the Crown for the benefit of the public."—[*Official Report*, 22/6/20; col. 31.]

I welcome that statement. He also clarified that, although the right to receive a quota through the current FQA system has been deemed by the High Court to be a property right, this is not a permanent right—it does not exist indefinitely. It is also allowable for the Government to decide to allocate a zero quota, should it be deemed necessary. That is welcome, but what can the Minister say about how the process of the right to fish will be managed to maximise public benefit and meet the goals set out in Clause 1?

The Bill refers to fishing opportunities, which in reality are a combination of holding a right to receive a quota and other means of access to a public fishery. It has a lot to say about the level of quota but is almost silent on the first part of the equation—who should have the right to receive quota and for how long. In moving this amendment, I am seeking to provide answers and clarity on what is a very unclear legal situation.

5.15 pm

The nub of the problem is: what legal right do the UK Government have to grant proprietary fishing rights on behalf of the Crown to private sector actors, many of whom now reside outside the UK? Can the Minister inform the House whether she believes that the fixed quota allocation system that the Government propose to continue is properly authorised by the Bill? How can something be handed out, bought, sold and traded if there is no express right from the Crown to the Secretary of State or the Marine Management Organisation to handle its fishing rights on its behalf?

Specifically, can the Minister point to where it is stated in law that a Minister is entitled to make decisions about the granting of time-limited property rights on behalf of the Crown? I mention this because, usually, where a public body has the right to dispose of a public asset on behalf of the Crown, there is a whole series of obligations on that public body. The Crown Estate, which is established by statute, regularly distributes public assets and institutionally contains the right sorts of accounting mechanisms to ensure that public assets are not squatted on, which seems to be the best description of the failings of the current system. It makes sure that those who should pay for exploiting a commonly held asset do so. It takes a long-term view and returns proceeds to the public purse. This seems a very clear way to demonstrate public benefit.

Finally, it cannot be correct that past possession is the sole criterion for receiving a fishing right, since this would remove the ability to deliver the noble goals set out in the Bill. We need to have clear criteria about who can receive a right to fish. We cannot lock in the status quo. Those currently in receipt of quota free of charge for an indeterminate length of time are quite happy with the current arrangement, but what about those who are not? We know that a lot of disenfranchised voices who voted for Brexit are expecting a change. As drafted, the Bill still does not enfranchise them. They should not be expected to have to rely on charity, waiting for voluntary reallocation of fishing rights or quota from those who currently believe that they have an inalienable right to them.

If no clear answers are available to these questions, I urge the Minister to seriously consider the approach set out in my amendment to remove any doubt about the legal powers and management approaches that the Government need to be in place. I will listen very carefully to her answer.

Amendment 35B also seeks to rationalise the process by making it the responsibility of the Crown Estate. I am aware that this is a novel idea, but, having considered it carefully, I believe that the Crown Estate has the necessary legal standing, professional skills and experience of managing maritime resources to undertake this task efficiently, fairly and flexibly. Defra or the MMO could have this ability, but they must realise that the role of a regulator is very different from that of a public body distributing private sector access to a Crown asset. That involves a different range of powers and strict duties; for example, to avoid the selling of public assets under value.

To finish, I simply remind noble Lords why the amendment is necessary. The status quo is not working in the public interest. Fish stocks are overfished and power and influence in the sector are concentrated in the hands of too few people. We know from the Coastal Producer Organisation that smaller fishing businesses, representing 78% of the fleet, have only 2% of the national allocation quota. We also know that £160 million-worth of English quota is in the hands of vessels owned by companies outside the UK.

When public assets are distributed to the private sector, we expect a whole series of checks and balances to be put in place. The Bill does not contain those reassurances. I strongly encourage the Government to think again about their approach to Clause 27 and to provide clear answers to the questions that I have raised. I acknowledge that the amendment will provide a solution only in England, which is regrettable, but a partial solution is better than no solution. I beg to move.

Baroness Bakewell of Hardington Mandeville [V]: My Lords, I have listened to the noble Baroness, Lady Worthington, with great interest and have much sympathy with her amendment. I have been extremely annoyed and frustrated, as have others, as the Government agreed vast sections of the Fisheries Bill with the devolved Administrations without any reference to Parliament. This is very definitely not a case of English votes for English laws. Time and again, the argument has been made around the nature of the sea around our shores, from Penzance to Whitley Bay and from Milford Fish Docks up to Aberdeen in Scotland—but here we are with Clause 27 setting out how the Secretary

[Baroness Bakewell of Hardington Mandeville] of State will set out and use the rights for catch quota just for England and not necessarily to the benefit of new entrants and smaller vessels.

In Committee, we debated the fact that 70% of the UK fishing fleet comprises the under 10-metre-vessels, yet they are allocated only 2% of the quota, as the noble Baroness, Lady Worthington, has just said. Amendment 29, which we just voted on, is an attempt to redress this balance and give 78% of the fleet a more equal share of quota. I noted the Minister's response to the debate on Amendment 29: that if more than 2% of the quota were allocated to the under-10s, other fishers would have to lose some quota. These are large, often international fishing vessels swallowing up quotas, and their owners are featuring on the rich list. It is time to redress this balance. Since the Government seem unable to protect fish stocks as a whole, it would seem sensible to place this in the hands of Her Majesty and the Crown Estate commissioners. Amendment 35B seeks to rationalise this process and put the whole issue of allocation of quota and fishing rights on a far more equitable basis. I look forward to the Minister's response to this amendment.

Lord Grantchester: I thank the noble Baroness, Lady Worthington, for her amendment and pay tribute to her determination and dedication in tabling amendments to reinterpret the Bill and seize the opportunity to create new arrangements. Already in Committee the noble Baroness proposed a new Clause 27, and after deliberation has now proposed a slightly different approach in her Amendment 35B. This proposes a key task for the disposal authority of fishing opportunities and nominates the Crown Estate commissioners in a new role as representatives of the Crown who would now hold fishing opportunities in trust for the nation and would have to report on their performance in discharging their duties. While the current Clause 27 would give Parliament a role in approving regulations prior to the sale of fishing opportunities, I do not believe that there is currently any role for Parliament in reviewing the successes or otherwise of this process. The idea of an end of year review is therefore an interesting proposition and I hope that the Minister will address this in her response.

This new proposed approach seems to outsource responsibility for selling fishing rights in England, severely curtailing the opportunities for Parliament to be involved in any meaningful way. Have the Crown Estate commissioners the necessary experience and expertise? There does not appear to be a role in this amendment for the Marine Management Organisation and others under the drafting of proposed new subsection (2)(c). There remain other real questions about how this process will work in practice and how we would ensure that this system would be better than the one we currently have. I believe that the Minister has previously committed to consulting on this—can she set out in any more detail what this process might look like and when it will take place?

Baroness Bloomfield of Hinton Waldrist: My Lords, I am grateful for the noble Baroness's amendment, which seeks to establish how English fishing opportunities will be managed. This includes stating that English fishing opportunities are vested in Her Majesty and establishing the Crown Estate commissioners as the disposal authority for English fishing opportunities. I have already spoken on a number of points within this amendment on Report and I will not labour them but will instead focus on the other parts of this amendment.

The first is a technical point: there is no such thing as an English fishery. There are very many fisheries within the English fishing zone and it is not clear whether the amendment is intended to catch fisheries across UK waters, some of which will be managed by the devolved Administrations. It is unclear what the amendment would invest in Her Majesty.

I have already said that the Government are clear that there is a public right to fish in the sea. Indeed, case law has demonstrated that the Crown, through the Government, has the right to regulate the use of fishing rights, as well as other natural resources such as water and oil.

As noble Lords will be aware, most UK and English fishing opportunities are managed through fixed-quota allocations. I have spoken before about FQA units, which have been held by the High Court to be a form of property right, and it is the Government's current policy to maintain the FQA system for existing quota.

It is unclear how the amendment would work in relation to the disposal authority allocating English fishing opportunities. The Marine Management Organisation is the existing English fisheries administration and is responsible for allocating fishing opportunities and managing vessel licences. As read, the amendment would place some of these responsibilities with the Crown Estate commissioners instead. Replacing the Marine Management Organisation and part of the role that it performs with the Crown Estate commissioners would require significant restructuring of both organisations.

I make it clear that the Crown Estate commissioners are a statutory corporation set up to manage the Crown Estate on a commercial basis. That includes managing the seabed around England and other parts of the UK, and it is very different from managing fisheries. The powers, expertise and operational assets needed to manage these fisheries reside with the Marine Management Organisation. It is not clear what benefit restructuring these two organisations would bring, but it is clear that it would cause upheaval and confusion.

As noble Lords will be aware, Clause 27 currently relates to the sale to English boats of rights to use fishing quota for set periods of time. I have spoken before about the provisions for the Government to make regulations in the future allowing the auction or tender of such rights in England. This amendment would replace the detailed provisions set out in Clause 27 on how such a scheme would work. This would make the Secretary of State's functions unclear, and any such future scheme in relation to the sale of English fishing opportunities less transparent.

As discussed on Monday, I emphasise that we are in agreement that fish are a public resource held by the Crown for the benefit of the public, and that no individual may own either the fish themselves or any permanent right to fish for them. Equally, let me be

clear on why the Government cannot accept the amendment. Although FQA units do not represent a permanent right to quota, the High Court has recognised them as a property right and we do not want to undermine the current regime. I emphasise to noble Lords that, although we are looking at developing a new system for additional quota negotiated during the transition period, the Government want to maintain certainty and stability for the fishing industry and have made it clear that we do not intend to change the FQA system.

The amendment also raises significant concerns around changing the responsible authority for allocating and managing English fishing opportunities, which the Government believe to be unnecessary.

Finally, the Government believe that the amendment would make any future scheme to sell English fishing opportunities less transparent.

The noble Baroness, Lady Bakewell, asked how we would guarantee that some of the auction quota supported the under-10-metre fleet and smaller vessels. In England, the decision about whether to tender any quota is still being considered. Clause 27 of the Bill provides for the Secretary of State to make regulations to auction or tender quota in future, and the criteria to be applied to any auction or tender could address concerns raised in relation to the under-10-metre fleet. Measures could be introduced to limit the lots being tendered, the amount of time they are tendered for and the groups that they are targeted towards.

The noble Baroness also observed that a lot of very wealthy fishermen already own the vast majority of quota. All I can say is that auctioning is being considered as a possible allocation, but price would not be the sole criterion. We would consult on any scheme, including the allocation criteria, which could include sustainability criteria, and we would also explore running trials first.

I apologise to the noble Baroness, Lady Worthington, if I have not answered all her questions. The line was not very good. I will read *Hansard* after we finish here and, if there are any other issues that I have not addressed today, I will write to her and place a copy in the Library.

Baroness Worthington [V]: Apologies if my contribution was not clear. I thank the Minister for her reply, but I am afraid my specific questions were not answered about the legal position of what allocates from the Crown to the Government the right to distribute fishing rights—so I would welcome further explanation.

This is fundamental to the Bill. We understand that we have a system that at the moment is dominated by a handful of very powerful vested interests, and that is distorting our ability to reinvent our fisheries legislation. I feel strongly that we need a new approach. The Minister stated that this would be an upheaval. I agree; it is exactly the sort of upheaval that we should be seeking to enable.

The current system is not working for the benefit of the many; it is working for the benefit of a few. We need to find a better system and ensure that a public asset is being properly managed, not simply handed out for free on the basis of historical allocation. We need a new—[*Inaudible*.]

This was not intended to be taken to a Division; it was to stimulate thinking and debate. I hope that, through the process of consultation outlined by the Minister, we can continue to explore options to improve the status quo. We have a unique opportunity—a once-in-a-lifetime opportunity, most likely—to try to do this differently. There are good examples of how the Crown manages complex issues to do with allowing economic development while, at the same time, balancing environmental considerations and long-term thinking. The current system is not fit for purpose, but it would be great to use this opportunity to introduce something new. An upheaval, to my mind, is a good thing, but at this stage I am happy to withdraw my amendment.

Amendment 35B withdrawn.

5.30 pm

Schedule 5: Sale of Welsh fishing opportunities for a calendar year

Amendments 36 and 37

Moved by ***Lord Gardiner of Kimble***

36: Schedule 5, page 68, line 12, leave out "a Welsh catch quota for a calendar year" and insert "one or more Welsh catch quotas"

Member's explanatory statement

This amendment is consequential on the amendment to Clause 23(1) appearing in the name of Lord Gardiner.

37: Schedule 5, page 68, line 13, leave out "a Welsh effort quota for a calendar year" and insert "one or more Welsh effort quotas"

Member's explanatory statement

This amendment is consequential on the amendment to Clause 23(1) appearing in the name of Lord Gardiner.

Amendments 36 and 37 agreed.

Clause 39: Scope of regulations under section 36 or 38

Amendment 38

Moved by ***Lord Gardiner of Kimble***

38: Clause 39, page 26, line 41, leave out from "of" to "or" in line 42 and insert "Senedd Cymru if it were included in an Act of Senedd Cymru"

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

Amendment 38 agreed.

Clause 41: Procedural requirements for regulations under section 36 or 38

Amendment 39

Moved by ***Lord Gardiner of Kimble***

39: Clause 41, page 28, line 8, leave out paragraph (b)

Member's explanatory statement

This amendment is consequential on the amendment that replaces Clause 25 appearing in the name of Lord Lansley.

Amendment 39 agreed.

Schedule 8: Powers to make further provision: devolved authorities

Amendments 40 to 43

Moved by ***Lord Gardiner of Kimble***

40: Schedule 8, page 80, line 24, leave out paragraph (b)

Member's explanatory statement

This amendment is consequential on the amendment that replaces Clause 25 appearing in the name of Lord Lansley.

41: Schedule 8, page 83, line 25, leave out from "of" to "or" in line 27 and insert "Senedd Cymru if it were included in an Act of Senedd Cymru"

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

42: Schedule 8, page 84, line 12, leave out paragraph (b)

Member's explanatory statement

This amendment is consequential on the amendment that replaces Clause 25 appearing in the name of Lord Lansley.

43: Schedule 8, page 88, line 2, leave out paragraph (b)

Member's explanatory statement

This amendment is consequential on the amendment that replaces Clause 25 appearing in the name of Lord Lansley.

Amendments 40 to 43 agreed.

Clause 43: Legislative competence of the National Assembly for Wales

Amendments 44 to 49

Moved by ***Lord Gardiner of Kimble***

44: Clause 43, page 28, line 28, leave out "Assembly" and insert "Senedd"

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

45: Clause 43, page 28, line 30, leave out "Assembly" and insert "Senedd"

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

46: Clause 43, page 28, line 38, leave out "Assembly" and insert "Senedd"

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

47: Clause 43, page 28, line 39, leave out "Assembly" and insert "Senedd"

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

48: Clause 43, page 29, line 20, leave out "Assembly" and insert "Senedd"

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

49: Clause 43, page 29, line 21, leave out "Assembly" and insert "Senedd"

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

Amendments 44 to 49 agreed.

Clause 45: Common Fisheries Policy Regulation: minor and consequential amendments

Amendment 50

Moved by ***Lord Gardiner of Kimble***

50: Clause 45, page 29, line 39, leave out from "of" to end of line 40 and insert "retained direct EU legislation"

Member's explanatory statement

This amendment is consequential on the amendment appearing in the name of Lord Gardiner that substitutes Schedule 10 to the Bill.

Amendment 50 agreed.

The Deputy Speaker: We now come to the group consisting of Amendment 51. I remind noble Lords that Members, other than the mover and the Minister, may speak only once and that short questions of elucidation are discouraged. Anyone wishing to press this amendment to a Division should make that clear in debate.

Amendment 51

Moved by ***Lord Lansley***

51: After Clause 45, insert the following new Clause—

"Duties of the Secretary of State in international agreements

The Secretary of State and Ministers of the Crown, when entering into or negotiating international agreements relevant to fisheries policy, must have regard to the fisheries objectives."

Member's explanatory statement

This amendment would require Ministers to have regard to the fisheries objectives in relation to all relevant international negotiations, not just those relating wholly to fisheries.

Lord Lansley (Con): My Lords, as I did on Monday, I draw attention today to my interest in a company that essentially operates in Brussels but is in partnership with another agency, which, in turn, has UK Fisheries Ltd as a client. It is not our client but the client of the other agency.

I am grateful to the noble Lord, Lord Teverson, for adding his name to Amendment 51. Its purpose is to provide that where the Secretary of State—although for these purposes it says:

"The Secretary of State and Ministers of the Crown"

to make it clear that it encompasses all members of the Government—is engaged in international agreements that could be "relevant to fisheries policy", they should have regard to the fisheries objectives. Clause 10 makes it clear that if the fisheries policy authorities are exercising functions relevant to fisheries, fishing and aquaculture, they must do so by reference to the joint fisheries statement, the Secretary of State's fisheries statement or the fisheries management plan. To that extent, in exercising any function—including, presumably, annual negotiations on fisheries, for example—the

Secretary of State would do so by reference to and with regard to the fisheries objectives. That is not the issue.

The issue in my mind, which is why my amendment is here, is that there are agreements which would not necessarily be confined to fisheries but would be relevant to them and have impacts on fisheries negotiations. For example, if one were to look at the subsequent Clause 23, one would see that the power to determine fishing opportunities derives from international obligations. Those may be in international law but, more particularly, they may be derived from negotiations between the United Kingdom and the European Union—or, for that matter, between the United Kingdom and other states such as Norway or Iceland, the Faroe Islands or Greenland. My contention is that those international agreements would not necessarily be confined to fisheries.

While I might like to agree with the Government's proposition in this respect, I have to say that it is unrealistic. The Government's assertion is that fisheries, trade and market access must be kept separate. If that were indeed true, the problem that I perceive would not eventuate. But it is not true—there is a connection between the two.

I pray in aid the Chancellor of the Duchy of Lancaster, who, on 19 May in the other place—I believe he was physically in the other place, although it was a hybrid proceeding—made a Statement on the state of EU-UK fishing negotiations. He said of the EU's approach:

"The EU … wants the same access to our fishing grounds as it currently enjoys while restricting our access to its markets."—[*Official Report*, Commons, 19/5/20; col. 503.]

So I have it on the strength of the Chancellor of the Duchy of Lancaster that trade, market access and fisheries quota are linked—and they are linked in these negotiations. The Government have to acknowledge that their hope is wrong; they are not wrong to hope, but wrong to think that it will actually happen.

The Government's position is very interesting. They say that they want to keep fisheries and trade issues separate. They also say that they want us, as an independent coastal state, to be like Norway. These are two perfectly reasonable propositions, but the trouble is that Norway does not keep trade and fisheries issues separate. So, the Government's two propositions do not work. Why do I believe this to be the case? The House of Commons Library briefing from only some six weeks ago, in reference to Norway's entry into the European Economic Area, said—I apologise that it is a longer quote—that

"at an early stage in the European Economic Area agreement negotiations, the European Community",

as it then was,

"made it clear that the quid pro quo for any trade concessions it was prepared to make in respect of imports of fishery products from EFTA states would be increased access for EC fishing vessels to the fishery resources found in the waters of EFTA states."

So market access and fishing quota are linked, and they have been linked even by the Norwegians.

Of course, the truth is that Norway and other states like it, including even Iceland, are surprised that we have not linked the two. As far as they are concerned, there is leverage on the UK's part in that we are a very substantial market for the fishery products of the fishing fleets of Norway and other such states. They are expecting that leverage to be used to secure continuity arrangements for the United Kingdom fishing fleets in relation to the quota that we presently enjoy, not in Icelandic waters but certainly in Norwegian waters. More to the point, they are expecting us to seek additional access, and they are expecting these two things to be linked. I think they are surprised that the United Kingdom has not already proceeded down this path; perhaps the Government do not have the bandwidth to think beyond the EU negotiations to realise that it is perfectly possible to have these negotiations in a substantive way—with Norway, for example, or even with Iceland—before the point at which we have concluded our EU negotiations.

My contention is that there are negotiations that are not strictly fisheries negotiations—the EU-UK negotiation on a free trade agreement is a present and substantial example—being conducted by a Minister other than the Secretary of State and where this Bill, were it an Act, would not bear upon those negotiations. So, I am looking for the fisheries policy objectives—as stated, not least by the Secretary of State in the Secretary of State fisheries statement—to be reflected in the objectives of the Government in international negotiations. That is the message that I want to hear from my noble friend on the Front Bench.

I understand that putting into an Act of Parliament a duty for Ministers to have regard to specifics in international agreements is somewhat prejudicial to the prerogative power of Ministers in those negotiations. It happens sometimes, but it is generally avoided by Governments because, down that path, we arrive at the point where Ministers are mandated in international negotiations and are unable to reach the conclusions and comprises that they have to reach.

What does that compromise look like in the EU negotiations? It is interesting. It bears directly on the implementation of this Bill when it becomes an Act. I may be wrong but, in my view, what were originally apparently incompatible positions—those of the European Union and the United Kingdom Government—have moved, in the sense that the European Union has said that it is willing to accept the principle of annual negotiations. As I understand it, it has even accepted that zonal attachment may have a role to play in future, but its starting point, of course, is that there must be maintenance of the relative stability mechanism and adherence to historic catch levels.

If I understand the United Kingdom Government's position and the EU's position, there is clearly room somewhere for a compromise. That compromise is that, starting from our position now and in a process of annual negotiations with some movement beginning in the first year, we move away from historic catch levels and the RSM and move toward zonal attachment. The question is: at what pace? Finding that compromise and the pace of movement will be key because neither side will be happy. Of course, that is often the essence of comprise: nobody is entirely happy but, equally, nobody is entirely disappointed.

I use that as an instance. These are important negotiations. They will have significant impacts on the fisheries industry, clearly. They are being conducted not by the Secretary of State but by the Government

[Lord Lansley]
and led by a Minister other than the Secretary of State who is not a fisheries policy authority. I therefore want to know from my noble friend that the Government will —in these negotiations and in those that they conduct internationally, such as with Norway, Iceland, the Faroe Islands, Greenland and others—have regard in future to the statements made about how they and the devolved Administrations propose to implement and achieve the fisheries objectives. I beg to move.

Baroness Young of Old Scone [V]: My Lords, this feels a bit like Groundhog Day because I jumped the gun yesterday and set off in support of Amendment 51 in the name of the noble Lord, Lord Lansley, only to discover that it had been degrouped. Nevertheless, what was worth saying yesterday is worth saying today. I commend the noble Lord on a rather neat amendment. As he eloquently outlined, it aims to make sure that important elements that we are trying to deliver through this Bill are not traded away as a result of negotiations being run by people other than Fisheries Ministers.

Yesterday, I said that I remember vividly successive occasions when the noble Lord, Lord Deben, was Secretary of State—first for agriculture and then for the environment—and he used to come back and tell me and other NGOs in a rather crest fallen voice that he had not been able to get what he wanted because a side deal had been done on something totally unconnected to the agricultural or environmental issue that he was trying to pursue. It could be as strange as an automotive deal, a backdoor pact on an immigration issue or whatever.

I support the point made by the noble Lord, Lord Lansley: there is absolutely no point in having a Fisheries Bill that talks about fisheries and sustainability objectives if in fact they can be traded away in other negotiations elsewhere. I very much support this amendment.

5.45 pm

Lord Naseby: My Lords, I shall be brief. It is difficult to see why Ministers negotiating international agreements specifically about, or relevant to, fishing policy would not have regard to fishing objectives. I listened to my noble friend and I was not persuaded by what he said. In any negotiation, and in any section of our society, there may be overwhelming reasons why something affecting UK Ltd causes certain other objectives not to be met, or indeed to be modified. Moreover, I was taught long ago that "must have regard to" is not a very definitive phrase—so I am afraid the amendment does not find much favour with me at all.

Lord Teverson: Well, there we are: the noble Lord, Lord Naseby, is not happy again. I have to say that one of my motives for putting my name to this amendment was the fact that the noble Lord, Lord Lansley, has such a good track record of getting amendments agreed by the Government. I thought that if there were one way of getting my name down and making sure I can tell my grandchildren that I got something into the Bill, it would be by following this amendment. I am very optimistic that the Minister will say yes.

More seriously, it is clear that the amendment makes eminent sense. The noble Lord's analysis of EU negotiations is absolutely right. That became clear when we in the European Union Committee spoke with Michel Barnier yesterday: there will be a connection there. It is also my memory from my days in Select Committee going through international agreements being made, that there is already one of those—with the Faroe Islands, I think. It is a general free trade agreement that includes fisheries elements. So I am pretty sure that that is already happening.

Fisheries are often an important part of international negotiations. It makes absolute sense to me that the amendment should be made to the Bill and become part of the eventual Act. It is so easy, particularly for an area such as fisheries, to be forgotten when trade deals are done, and I would be a lot happier if a Permanent Secretary, or whoever was there, were reminding a Secretary of State that this has to be taken into account. I strongly support the amendment.

Lord Grantchester: I thank the noble Lord, Lord Lansley, for proposing the amendment, which would require Ministers to
"have regard to the fisheries objectives"
in all relevant international negotiations, not just those relating wholly to fisheries. That is a welcome approach, particularly given the added emphasis that we have sought to place on sustainability and climate issues throughout the Bill's passage.

Just as Ministers have to account for commitments set out in domestic climate change legislation and international treaties, it seems appropriate that they should also have regard to the fisheries objectives that we have spent so much time debating over recent months. I agree with the noble Lord's argument that fisheries and trade cannot be separated into distinct propositions.

We know from previous ministerial responses that the Government are committed to upholding their international obligations, and that such obligations will feature heavily in the discussions that Ministers and their officials have with neighbouring coastal states. The Minister will no doubt have reasons why this matter does not have to be addressed in the Bill, but it would be all the more convincing to coastal communities to see this commitment enshrined for posterity at this opportune moment. I need not remind the House that the new trading relationships with the EU have yet to be concluded.

Baroness Bloomfield of Hinton Waldrist: My Lords, I am grateful for my noble friend Lord Lansley's amendment, which would require any Secretary of State and other Ministers of the Crown to have regard to the fisheries objectives in Clause 1 when negotiating international agreements relevant to fisheries. I note his concerns and appreciate his usual analytical approach in supporting his arguments. I support my noble friend's desire to ensure that relevant international agreements support the achievement of the fisheries objectives. I reassure noble Lords that there are already provisions in the Bill, along with cross-Whitehall processes, that achieve this. I therefore think that this point is already covered.

As the House heard on Monday in relation to the amendments discussed then, policies on international negotiations on fisheries will be included in the joint fisheries statement, as international co-operation will be essential to achieving the objectives defined in Clause 1. Clause 10(1) requires fisheries authorities to exercise their functions in accordance with the policies in the joint fisheries statement, unless a relevant change of circumstances indicates otherwise.

As a matter of collective responsibility, all UK Government Ministers are required to abide by decisions on government policy. The joint fisheries statement will therefore be binding across government. In exercising their functions with regard to international negotiations, Ministers would have to do so in accordance with the policies in the joint fisheries statement, and thus the fisheries objectives.

My noble friend will also be aware, from his time in government and in the other place, that a proposed negotiating position is subject to government write-round as a matter of course. This ensures that, as part of collective responsibility, the interests of all Ministers are represented and incorporated into decisions, and collective agreement must be obtained.

If a negotiating position on a matter relevant to fisheries was proposed by another department which was contrary to the achievement of the fisheries objectives, the Defra Secretary of State would therefore have the opportunity to resolve this through Cabinet committee discussion. This established process provides a further safeguard to ensure that international negotiations undertaken by other departments, and which may have an indirect impact on fisheries matters—for example, negotiations relating to product labelling and product standards—have due regard to the fisheries objectives.

Further, it is the intention of the Bill to focus on fisheries management and fisheries policies. There is a risk that this amendment, as worded, would significantly broaden that scope, requiring any Minister in any department, during any negotiation, to consider the impact on fisheries, however tangential this might be. The combination of the provisions in the Bill regarding the joint fisheries statement, and the existing collective responsibility obligations on Ministers, ensures that Ministers involved in international negotiations will have regard to the fisheries objectives.

My noble friend mentioned the Chancellor of the Duchy of Lancaster's Statement in the other place, on 19 May. He said that:

"The EU, essentially, wants us to obey the rules of its club, even though we are no longer members, and it wants the same access to our fishing grounds as it currently enjoys while restricting our access to its markets."—[*Official Report*, Commons, 19/5/20; col. 503.]

The Chancellor of the Duchy of Lancaster was actually setting out the EU's position, not advocating it as the UK Government's position.

I would also like to mention at this point that we have had several rounds of discussions with Norway about our future fisheries relationship. Those discussions have been very constructive, and we look forward to concluding an agreement with Norway in the coming weeks. As my noble friend also observed, there are indeed grounds for optimism, about both pace and compromise, in our negotiations with the EU.

With this explanation, I hope that my noble friend will feel able to withdraw his amendment.

Lord Lansley: I am most grateful to all noble Lords who participated in this short debate. It was an important one, not least for the assurances that my noble friend has given us in response. That was very helpful in making it clear how government processes will ensure that while the fisheries policy authorities might apply to the Secretary of State, they will be treated as the responsibility of government as a whole in any international negotiations relevant to fisheries policy.

In customary times, my noble friend Lord Naseby and I are neighbours on the Benches back here. In best "Yes Minister" fashion, I shall say that, in future, I will always have regard to his views and take them into account.

I completely understand what my noble friend said about the Chancellor of the Duchy of Lancaster's remarks. He was describing the European Union's position, and he was also describing the reality of negotiations. In these negotiations, trade, market access and quota will all be leveraged, one against the other; we have to understand and accept that, and deal with it. But that is a matter for the negotiations; what we are looking for in this debate is that the fisheries objectives are not pushed to one side. I am heartened by my noble friend's response and her assurances. On those grounds, I beg leave to withdraw the amendment.

Amendment 51 withdrawn.

The Deputy Speaker: My Lords, we now come to the group consisting of Amendment 52. I remind noble Lords that Members other than the mover and the Minister may speak only once, and that short questions of elucidation are discouraged. Anyone wishing to press this amendment to a Division should make that clear in debate.

Amendment 52

Moved by ***Lord Teverson***

52: After Clause 45, insert the following new Clause—

"Regulatory enforcement and data collection scheme

(1) The Secretary of State must—

(a) by regulations provide that all vessels over 10 metres in length, and of whatever nationality, fishing within the UK Exclusive Economic Zone must be fitted with remote electronic monitoring systems and cameras for the purposes of—

(i) full and accurate documentation of fish activities and bycatch, and

(ii) monitoring compliance with fish activities, bycatch and other marine management regulations;

(b) by regulations provide that all British vessels fishing outside the UK Exclusive Economic Zone must be fitted with remote electronic monitoring systems and cameras for the purposes of—

(i) full and accurate documentation of fish activities and bycatch, and

(ii) monitoring compliance with fish activities, bycatch and other marine management regulations;

(c) publish a timetable for the phased introduction of the provisions under paragraphs (a) and (b), the final phase of which must be implemented within three years from the day on which this Act is passed;

(d) publish plans, within two years from the day on which this Act is passed, following a consultation, to extend remote electronic monitoring systems with cameras to all motorised vessels of whatever nationality fishing within the UK Exclusive Economic Zone.

(2) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament."

Member's explanatory statement

The amendment mandates the use of remote electronic monitoring (REM) on all fishing vessels above 10 metres in length that fish in UK waters and requires plans to be published to extend REM to all vessels.

Lord Teverson: My Lords, this amendment is very much about marine conservation, the marine environment and the science, based on data collection. I will just put it into context. We currently have three Bills in Parliament that strongly affect the environment: the Environment Bill, the Agriculture Bill—which has just entered this House and had its Second Reading—and this Fisheries Bill, now on Report.

The Environment Bill is excellent in a particular area, in that it introduces the concept of net gain in biodiversity. That is quite radical, and I absolutely congratulate the Government on putting that in the Bill in a very practical way. It is a framework Bill but puts that in as a specific measure.

In the Agriculture Bill we have the ELMS—environmental land management scheme—which, although this is not actually mentioned, is the whole basis of the finance and how state aid in the agricultural industry will happen. This too is a very radical move on the environment, and I congratulate the Government on their courage in moving the way that that system works.

We can mirror that move forward in terms of the environment and conservation in this Bill by finding a way of practically enforcing the regulations and by greater collection of scientific data through fisheries, as well as all the scientific investigations that take place. In the fisheries area, I congratulate the Government particularly on the Blue Belt programme and everything we are doing in overseas territories on the marine environment and conservation, but also on their determination to keep the discard ban and the so-called landing obligation, which was in the common fisheries policy largely because of the British Government's advocacy in the European Union.

But as the Energy and Environment Sub-Committee that I have the privilege of chairing found, the evidence is completely undeniable that the landing obligation—the discarding rule—is not observed by fisheries fleets. I am talking not just about the UK but across the European Union. It is imperative for the future of the marine environment that it is. The EU, essentially, wants us to obey the rules of its club.

What are the benefits of remote electronic monitoring, which is what this amendment is about? That is the technology. It is tried and tested but not compulsory in this part of the world. I think in Chile it is and has been found to be successful. It is recognised by all authorities—and, I think, by the Government as well—that this is by far the most effective way of ensuring that we can do two things. One is collecting data, not just on discarding but on fishing collection and bycatch. The other is that it is one of the few ways of ensuring that discarding does not happen. It cannot be done by aerial surveillance or drones. All those other technologies we have are not sufficient to do it and have been largely unsuccessful in enforcing that policy in the past.

So, what are the benefits of remote electronic monitoring? First, there is data and, secondly, we can see what bycatch there has been. It is a technology the costs of which are going down quite steeply, and the cost of capital investment and data transfer are not huge, whereas other costs of monitoring and enforcement are rising, whether we have observers on boats or the existing very expensive processes involving naval vessels, marine management patrol vessels or Marine Scotland. The costs of those services have been rising over time. It is an effective means of enforcement. It would apply to foreign as well as UK vessels. This is particularly important as the UK becomes an independent coastal state, as we are likely as a result of our negotiations to have some foreign vessels fishing in our waters.

6 pm

One of the most important arguments about good enforcement that works across the seas is that it is fair. It means that those who cheat do not get away with it and, more importantly, those who keep to the rules are not disadvantaged commercially. That is not just a commercial issue but an ethical issue. The difficulty is this. Two years ago now—we were still part of the European Union and this policy was coming in as a European policy—I went to a conference in Copenhagen that was primarily a scientific conference. What came out very clearly from that was that member states and scientists and fishers from those states all said—we heard this in the evidence to our Select Committee—that they want to do this but will not be the first to do so because it will be an unfair disadvantage to their fleet if they move on it first. Now, that situation is different for the United Kingdom because from 1 January we will have complete control over our seas, so we can say what technologies and regulations foreign vessels coming into our EEZ or coastal waters, as well as our own fishing vessels, will have to adhere to and fulfil. We have the ability to make sure that no one is disadvantaged through this technology.

That is also why it clearly makes a lot of sense that this applies to the United Kingdom as a whole. It would be very strange indeed if we had different regulations in Scotland, England, Northern Ireland and Wales. I realise there are some devolution issues that the Minister brings up about this Bill. Indeed, if he said to me that he does not like the amendment as it is, but he will include it applying solely to England, I would be sorely tempted to accept that offer to get around the devolution problem. Someone has to move first in this area, be ahead of the herd and have the courage to protect the marine environment in a way that cannot otherwise be done.

Lastly, this amendment primarily applies to larger vessels—the approximately 1,200 vessels that are more than 10 metres. For the under-10-metre fleet, we have to work it out more carefully, which is why there needs to be the consultation I have put in the amendment. It may be that those who fish with pots, for instance, would be excluded from this scheme. It would not necessarily make sense for that type of fishery to be included.

This is a real opportunity for Defra and the Government to move ahead on this issue. I have said in the amendment that it needs to be done within three years. That is easily possible; the technology is there. As the Minister knows, there have been a number of successful trials of this technology within the UK. Although there have been voluntary schemes, no vessel will volunteer to undertake it. It needs to be done across the fleet as a whole. On that basis, for the future of our seas, our marine environment and a tried-and-tested technology that is waiting to happen, I beg to move.

Lord Krebs [V]: My Lords, it is a great pleasure to follow the noble Lord, Lord Teverson, who set out the issue so clearly. I have little new to add but would like to echo three points that he made. First, on the role of data, we have heard repeatedly in earlier debates that there is a deficit of good data on which to base our fisheries management models and quota allocations. We cannot fish sustainably if we do not know what is being taken out of the sea. Secondly, as the noble Lord said, we want to ensure, as part of managing our fish stocks and the marine environment for the long term, that there is full compliance with the landing obligation. Thirdly, one argument we have heard is that requiring REM would be too burdensome or costly. I am not convinced by that argument. As the noble Lord said, new technologies are coming on stream that are bringing down the cost of REM. For instance, in Committee I referred to a system called Shellcatch, which is being adopted for fisheries management by small vessels in Puerto Rico and Chile. Can the Minister tell us whether the Government are exploring these new technologies?

The main objection to REM seems a bit like the objection to speed cameras: it is not fair to have someone spying on me to check that I am complying with the law. Fishers who comply with the law have nothing to fear and should support REM to guarantee a level playing field.

It is also worth considering what consumers want. We know that all the major food retailers support REM because they do not want to sell illegal fish and know that their consumers want to buy and eat genuinely sustainable fish. Their joint statement says:

"Fully documenting fisheries is an essential tool for successful fisheries management and the attainment of healthy fish stocks … Properly documenting and accounting for catches should not be sacrificed because there are implementation challenges in some fleet sectors … we are willing to support initiatives that will be necessary to support this outcome. These include … Comprehensive and cost-effective monitoring and enforcement of measures, for example the use of remote electronic monitoring."

I support this amendment as perhaps the single most important change that this House could make to the Bill. It will help to protect our fish stocks and our marine environment, protect our food industry from inadvertently breaking the law, and protect our consumers from eating illegal fish.

Lord Randall of Uxbridge (Con) [V]: My Lords, I am happy to have put my name to this amendment, because, as the noble Lord, Lord Krebs, just said, this is probably the most important amendment that we can make to the Bill.

I congratulate the Government, as the noble Lord, Lord Teverson, said, on the various measures coming forward: the agriculture and environment Bills—and indeed this Bill—which show a commitment to improving our environment, both terrestrial and marine, although we may want to change a few little things in both of those. However, this amendment, as the two noble Lords preceding me said so well, is incredibly important.

First, as the noble Lord, Lord Krebs, just said, it is important to realise that this is not just being pushed by environmentalists: business also wants it. Therefore, you have a very holy alliance between business and environmentalists. It is important to collect the data. I think the Minister would be disappointed if I did not say something or other about birds. For example, the Government's own estimates of bycatch in fulmars is between 4,500 to 5,700 annually, and in guillemots 2,300 to 2,700. But this is in fact inadequate data, because those figures are purely an estimate. We need more information if we are to protect these species and see what is actually happening, and the same is of course true with cetaceans.

The other important thing is that we will be able to monitor changes in species as the climate changes. I have just finished reading a very interesting article in the latest issue of the Marine Conservation Society's journal, on the new species that are now attracted to warmer waters as those who like the colder waters move further north. This data would be extremely important in finding out what is happening in our oceans. It is very difficult to see without a lot of expensive equipment, so this would be a very useful tool for scientists.

I have heard this item about the devolved Administrations. First, I ask my noble friend: has this been discussed with the devolved Administrations and, if so, have they rejected the idea? I also know, from my time trying to develop policy for the previous Prime Minister, that very often the devolved Administrations, particularly the one north of the border, like to get one step ahead of us. The noble Lord, Lord Teverson, had an idea about it being for England only. I would prefer to see it for the whole of the United Kingdom, but if that cannot be done, and if the other Administrations are slow in taking this up, it would be admirable if we did this just for England.

I am afraid that, unless I hear something very encouraging from my noble friend, I shall once again find myself at odds with my Government—which always grieves me in many ways—and will support the amendment.

Baroness Jones of Moulsecoomb (GP) [V]: My Lords, it is a pleasure to follow the previous three noble Lords. They, and I, demonstrate that support for this amendment comes from all over the House.

It is an incredibly annoying amendment for the Government; I understand that, but it is sensible and the right thing to do. The Government, however, seem absolutely unable to accept any amendments that they have not thought of first. I realise that the Minister is very emollient and tries hard to be helpful. The fact is, however, that the Government must understand that they are not very good at writing legislation at the moment. This is one of the amendments that has to be accepted.

[Baroness Jones of Moulsecoomb]

This is another time when I shall be incredibly annoying, because I am going to quote the Government's own manifesto, which they delivered to us only six months ago, to them. On page five, they say that Brexit will allow us to

"raise standards in areas like workers' rights, animal welfare, agriculture and the environment."

This amendment will raise those standards drastically. Page 54 says:

"We have a long tradition of protecting animals in this country, often many years before others follow. Under a Conservative Government, that will continue".

I really hope it does, and I hope the Government will accept this amendment. By rejecting it, the Government will ensure that we continue to fall behind other countries. Australia, for example, found that reporting improved massively after CCTV was installed on a fishing fleet, and that interactions with sea birds and mammals were reported seven times more often when the cameras were there keeping an eye on things.

This amendment will help to save the lives of many marine creatures, such as dolphins and porpoises. It will spur a cultural change in the fishing industry and help to protect our oceans. I look forward to the amendment being pushed to a vote, so that your Lordships' House can show the strength of feeling on this and reflect the huge public support for improving animal welfare.

6.15 pm

The Duke of Montrose (Con) [V]: My Lords, I am most grateful to all those whose expertise has made this hybrid form of participation possible, but I have been warned that my connection is very tenuous. If I am not coming across clearly, I would be quite happy for them to disconnect me.

Fishing is a much more important part of the Scots economy than it is of the UK's as a whole, so I am one of those who have taken an interest in the issues that the industry has faced over a number of years. Ever since the start of the common fisheries policy, quotas and limits to the level of catch available to the participants has been a topic of dispute.

The conflict is mainly between the fishermen and the scientists. That is what the amendment strives to deal with. One would hope that, by now, their various estimates would be coming together, but, as with the nature of fish and fishing, this does not seem to be a great hope as yet.

The amendment would make remote electronic monitoring mandatory throughout UK waters. REM has certainly been around for a number of years and its ability to record data is very much recognised, as the noble Lord, Lord Krebs, emphasised. It even went so far as to be the subject of some voluntary trials, but its popularity was not helped when, shortly thereafter, some of the boats on which it was tried were taken to court for infringing common fisheries policy rules.

I note some of the evidence that the noble Lord, Lord Teverson, brought in, but I remember talking to fishermen's representatives at that time, who said that they would back the installation of REM if we could be sure that the ruling would apply to boats of all countries. This, of course, is very nearly where we should be if a favourable deal is agreed, but I am afraid that the fishermen's organisations seem to follow what I have heard of as the earliest philosophy of St Francis of Assisi, who, as a young man about town, admitted to a prayer, "Lord, make me pure, but not yet." The briefings they give us list a number of improvements and impediments that they would like to be completed, not least of which is that the regulation of fishing is very much a devolved matter and that the Government, under devolution, do not have the agreement necessary to make this a sweeping power. So I am afraid I do not think I can support the amendment, although I understand exactly what it is designed to achieve.

At the same time, through the various amendments we are considering, we are touching on an important aspect of this legislation. One of the criticisms of trying to introduce any new provisions such as this in Europe was that it tended to be necessary to wait for the most reluctant participant to come to the agreement. It was like the old saying that the speed of the convoy was that of the slowest ship. Due to devolution, we now have separate regional Governments and the devolved Administrations have the power to go their own way. One thing that concerns me is that the amendment is bound to create problems in policing the various boundaries that exist between our Administrations. I know that the noble Lord, Lord Teverson, would like to see the measures in place in England only, but there would be complications. Any mandatory REM by one devolved nation would trigger this. Can my noble friend the Minister say what channels the UK Government have to get the devolved nations to reach agreement on issues such as this?

Baroness Ritchie of Downpatrick [V]: My Lords, I support the aims of this proposed new clause in the name of the noble Lord, Lord Teverson. For me, it is about marine conservation science around data collection. I have a number of questions, some for the Minister and some for the noble Lord.

I have been carrying out some research into the implications of this proposed new clause and I fully understand why we want data collection. As the noble Lord, Lord Randall, said, it can assist in climate change, informing us about the migratory movements of fish species and the volume of particular species in certain waters, and whether new species have come into certain waters as a result of the impact of climate change. All that information is very beneficial in determining fishing policy. If the proposed new clause were approved, it would make a vital contribution to an ecosystem-based approach to fisheries management through the generation of information on known targets and protected species captured by fishing gears. Such information would provide details about the level of discards and invaluable information about the nature and status of commercial stocks, and obviously it would bring about compliance with the landing obligation.

I am aware that there is some concern in the fishing industry about the impact of this clause if it were accepted. Can the Minister, who has been very gracious with his time in the last few days, say what discussions have taken place with the devolved Administrations, since fisheries are a devolved matter, about remote monitoring? I know that these devices would be placed

in the working areas of the boats and not in the private areas, because that was a concern for the fishing industry as well.

I would also be most grateful if the noble Lord, Lord Teverson, could say who will police the remote monitoring and who will pay for it. I am mindful that fisheries management works in partnership with the industry; the various devolved Administrations and the Government have to work with the fish producer organisations, the skippers, the fishers and the processors, as a consequence of all of that.

Those are my questions, and if the noble Lord, Lord Teverson, presses his amendment to a Division, I will support it.

Lord Cameron of Dillington [V]: My Lords, remote electronic monitoring will be hugely important to the future management of our fisheries, for a variety of reasons.

First, we do not have the resources to police all our waters. We will soon have the largest independent national fisheries area on the continent. If no one can fish our waters without REM, both home boats and foreign boats, at least we will know, in real time, what is going on and whether boats are fulfilling their obligations under their licences.

Secondly, it is said that 40% of all catch taken in Europe is currently caught in what will become British waters, so if we can strictly manage and police that catch all around the UK, we will have a chance of leading the field and becoming an example to others in managing a sustainable fisheries regime.

Thirdly, we all know that discards are still happening, as the noble Lord, Lord Teverson, mentioned. While sympathising with the problems of choke species, we have to be firm about this, while of course helping and encouraging the industry to find its own non-discard solutions—one of which is the intelligent use of REM, which I will come to.

The main reason for REM, which I would like to focus on, is data, as the title of this amendment highlights. Data is vital to the proper management of our fisheries and is in relatively short supply. That is why there are often disputes between scientists and fishers about the accuracy of the data on which MSY figures are based, and whether this data is sufficiently up to date, et cetera. Now we have the chance of every single fishing boat becoming a scientific research vessel, sending back data on an hourly basis.

The Government have announced that they would like to change the basis of the quota system from relative stability to one of zonal attachment. For that you need a lot more data analysis, because the main idea behind zonal attachment is that you look at the entire life cycle of the fish, where they live at any particular point in time and where and when they are of the right size and in the right quantities to be caught. You need an awful lot of data to make the right assessment, and, of course, that data will vary for each individual species.

We must remember that the seas are always changing, and so are the habits and population development of the fish within them. So it is only right that the industry should play a major part in the data gathering needed for modern fisheries management. Furthermore, as I mentioned in Committee, one of the tools for avoiding the overcatch of choke species is giving the fishing boats real-time knowledge of what is being caught and where, so that they can more easily avoid the choke problem areas. Again, for fisheries authorities, real-time data is vital to help them control the problem of overfishing. Norway and Iceland already impose real-time closures of areas of water where sensitive species are suddenly being overfished, but the key to this policy is detailed and open data, provided by REM.

Eventually, all boats, including the under-10s, will have to have REM on board. As the noble Lord, Lord Krebs, touched on, I cannot believe that supermarkets will—or should—continue to allow sales of fish from their counters which have come from boats of whatever size that are not totally open about what they have caught and where. So the supermarkets, too, should be insisting on REM.

The national Administration in the USA has recently taken the decision on REM that there is no need for further piloting; they just need to get on and do it. New Zealand has also taken the decision to roll it out across the whole of its fleet. I believe that we should do likewise.

Baroness Young of Old Scone [V]: My Lords, we talked a lot about REM in Committee, and it remains the case that, as the noble Lord, Lord Teverson's Select Committee report stated, without REM there will be no real way of establishing whether discards are still happening and whether catch limits are being observed. Universal REM would mean better data for fisheries management, as the noble Lord, Lord Cameron of Dillington, has just outlined—and of course, for enforcement.

At the moment about 60% of the UK's shellfish stocks have unknown status, and not much is known about several vulnerable bycatch species. Enforcement is patchy, with the current at-sea inspections regarded as just bad luck by some operators, since less than 1% of trips are independently monitored. REM would vastly increase the level of enforcement in a cost-effective way.

In their response to the Committee's report, the Government recognised the effectiveness of REM in monitoring fishing activity and bringing full compliance with the landing obligation. We know that many other countries have adopted or are adopting REM—New Zealand, British Columbia, part of the US—and in this post-Covid period of digital leaps forward, it seems sensible for us to adopt a modern methodology for the collection of data and for monitoring and enforcement. So let us just do it—and if it is for England only, let us still start there.

Lord Mackay of Clashfern [V]: My Lords, the matter of REM is of the utmost importance. Of course, it already exists in the industry. For example, vessels over 12 metres carry transponders which provide data on vessel location, being satellites at sea. This is a strong aid to effective monitoring, control and enforcement in relation to the work that the boat does. Likewise, electronic logbooks for vessels over 10 metres in length and a mobile phone catch app for vessels under 10 metres have strengthened the flow of information necessary for the effective management of our fisheries.

[Lord Mackay of Clashfern]

CCTV cameras have already been used successfully on a voluntary basis in the United Kingdom and Denmark in projects to provide assurance that cod catches, for example, are kept within permitted limits. Other initiatives using CCTV in a similar way have helped scientists understand specific catch patterns, and provide useful advice to fisheries managers. REM undoubtedly has an important role to play in the future management of UK fisheries.

6.30 pm

However, these examples of the successful application of modern technology in fisheries do not mean that at this stage we should take the next step and make REM mandatory. This is problematical. Would we want a policeman in all our offices to make sure that we are constantly obeying the law? Furthermore, the majority of fisheries control authorities, such as the Marine Management Organisation in England, recognise that the route to high levels of compliance lies in dialogue, shared objectives and resolving the management challenges that underlie most examples of non-compliance; in other words, it is important that the law which is to be observed by fishing boats is clear and easy to understand.

My understanding of the present system is that there is a good deal of complexity in it and that in some areas it appears to be contradictory. Before one considers making an obligation of this kind mandatory, it is important to ensure that we who are responsible for making the law play our part by making sure that the law in question is absolutely plain. It is important to get all this information, and a good deal of voluntary REM has already been taken up.

The noble Lord, Lord Krebs, made an interesting point in support of what I am going to say. Businesses, supermarkets and the like do not wish to sell fish that has been caught illegally. On the fish counter in any supermarket, there is almost always a statement of some kind saying that the fish being supplied comes from sustainable stocks. They have an interest in this and therefore the leverage to ask the people who supply them to provide the information. Therefore, it is perfectly reasonable that fishermen should first have the option to use REM. Only if that system did not work—and when the law is already clear—would it be likely to impugn our fishermen as dishonest, which of course underlies the need for compulsion. It is just because we cannot trust people to do what is wanted of them that we have to do this.

At this stage, it seems to be a kind of imposition on fishermen to suggest that they are dishonest and require constant, detailed monitoring. George Orwell foresaw that applying even more widely than in fisheries, but surely fishermen are entitled to the same level of trust and freedom that we expect generally. I believe that it will be possible for the use of REM to become generally acceptable and used throughout the industry without the need to brand the whole of it as requiring a constant police force. Fishermen are able to provide the information. The cheaper the system is, the better, and I agree that it is becoming cheaper. It will then become easier for fishermen to put in the necessary equipment and to use it voluntarily.

In my submission, it is not right at this stage to impugn fisheries people as if they were dishonest and not properly to be trusted. After all, they endure a great deal to get fish for us. I hope that we would be willing to trust them to put this information forward and make it as available as possible with the systems that are now available, and not impose on them the suspicion that requires a mandatory system to be imposed.

The Deputy Speaker (Baroness Garden of Frognal) (LD): The noble Lord, Lord Bhatia, has withdrawn, so I call the noble Lord, Lord Naseby.

Lord Naseby [V]: My Lords, the words of my noble and learned friend Lord Mackay are profound, factual and persuasive; I will not repeat them.

I want to pick up two issues. First, none of us should forget that Brexit, taking place on 1 January next year, is a time of massive change for every industry in the UK. In my judgment, it is not a time to produce new or developing technologies. In the short term, as I see it, the key issue is discards. Interestingly, when I did some research, I found that the Scottish Fishermen's Federation feels the same way. It feels that it can deal with discards now, in the sense that—I quote the brief that it very kindly sent me—

"this will be the first opportunity for decades to design a fisheries management system that can reduce the problem of discards very significantly through moving away from the common fisheries policy's relative stability model, which plays a large part in creating the problem, in a move to a modern, evidence-based model based on zonal attachment. The priority should be modernising and fixing this system, rather than putting in place prescriptive legislative measures to monitor the symptoms of a failing model under the common fisheries policy that we now have the opportunity to leave behind."

In my commercial life, I have found that it is far better to work with the people you are working with—to work alongside them and persuade them on the way. If you ultimately have to do something that they really do not agree with, fine—but not at this point in time in our society when this massive change is coming. Let us allow the fishermen—Scottish fishermen in particular; after all, they produce well over 60% of the landings and work on a devolved basis—to sort out discards, which are honestly a key problem.

Secondly, in the meantime, let the experiments that are being undertaken, according to my noble and learned friend, deliver alongside that. We must take away this element of forcing on people certain issues that they do not particularly want at this time, that they probably do not understand in depth and that will cause aggro, which is the last thing we need.

The Deputy Speaker: The noble Baroness, Lady McIntosh, has asked to be readmitted to this debate.

Baroness McIntosh of Pickering [V]: I am most grateful. I seemed to have fallen off the speakers' list so I thank the House for reinstating me.

I have a quick question for the Minister. Given the time, I do not want to rehearse things that I agree or disagree with. I am sure that the Minister stated at Second Reading, or in the informal briefing prior to

Second Reading, that the Government are minded to introduce remote electronic monitoring. At what stage of preparation is the Government's introduction of REM? Do the Government have a point of principle against introducing REM at this stage or is it simply a matter of timing and preparation, as other speakers have alluded to?

Baroness Bakewell of Hardington Mandeville [V]: My Lords, we had an extensive debate in Committee on the use of remote electronic monitoring of all fishing vessels. Noble Lords on all sides of the House have expressed concern at the state of fish stocks and the amount of bycatch and discards. It is not that we do not trust our fishing industry to stick to the quota and species rules; it is more that a degree of realism is needed when dealing with this issue. The discard ban is not being observed, and not just in the UK. Full compliance, as the noble Lord, Lord Krebs, told us, is essential. In the past, fish stocks have been decimated, cod in particular, which has led to a switch to other species. Due to stringent measures, including REM, cod stocks are beginning to recover. The only fail-safe way of protecting fish stocks is to have fish monitored at the point of catching, and REM is the most effective way of doing this.

Marine conservation has to be led by scientific data. My noble friend Lord Teverson has explained the purpose of REM as an enforcement tool. Where this is currently used, it is effective. I regret that I am unable to agree with the noble and learned Lord, Lord Mackay of Clashfern, that now is not the time to make REM mandatory. Now it is precisely the time. If we leave this to the discretion of fishermen, fish stocks data will be insufficient.

This amendment has cross-party support; it covers the current UK over-10-metre fishing fleet fishing within the UK exclusive economic zone; it covers the UK fishing fleet outside the UK EEZ; and it covers all motorised vessels fishing in the UK EEZ, whatever their nationality. In the vernacular, what's not to like? As the noble Lord, Lord Krebs, told us, supermarkets do not wish to sell and the public do not want to buy illegally caught fish. The noble Lord, Lord Randall of Uxbridge, called this amendment the most important change we can make to the Bill.

Many noble Lords have mentioned data collection. It is essential that we know where fish are moving as result of changing sea temperatures and flows. How can we do this if data is not collected? REM would allow data to come back regularly, as the noble Lord, Lord Cameron, told us. This is not new technology; it is tried and tested.

The conditions in the amendment are stringent, but they need to be to protect our fish stocks. Without protecting our fish stocks, future fisheries will find fish stocks depleted and that there is nothing for them to catch. The arguments have been made and I look forward to the Minister's response, but I fear I will probably be voting virtually.

Baroness Jones of Whitchurch: My Lords, I am pleased to have added my name to this amendment, so ably introduced by the noble Lord, Lord Teverson. In the interests of time, I shall make just a few quick points about the wider advantages, beyond the obvious ones, of access to real-time scientific data. First, REM will enable us to be more responsive to the movement of different fish stocks around our warming waters. That could also provide new economic opportunities, where fishing opportunities are more aligned with the real-time scientific data and therefore enable more fishing to take place. That evidence would potentially also allow more species to achieve Marine Stewardship Council sustainability certification, which would boost sales in the retail sector, a point ably made by the noble Lord, Lord Krebs. Secondly, we do not accept the point made previously by the Minister that this policy would be a distraction from vessel monitoring systems and aerial surveillance. These have their place but do not provide the detail that cameras on board the vessels would, particularly of the species being caught.

Thirdly, on fairness, many boats are already using REM voluntarily, so all we are trying to do is to raise the standard to that of the best and create a level playing field. Fourthly, we also believe that it would be an added safety feature on boats and would provide security for the crew should any danger arise. As other noble Lords have said, I get the impression that Ministers are currently thinking about introducing compulsory REM. A number of Ministers have made positive comments about it in the past, so the Government just need to bite the bullet and push on with the policy, and the Bill is the right place to do it. I therefore hope all noble Lords will support this amendment.

6.45 pm

Lord Gardiner of Kimble: My Lords, I am grateful for the noble Lord's amendment and I can be unequivocal in saying that the Government fully support the principle behind it.

Let me be clear in emphasising the importance that the Government place on this country, as an independent coastal state, having the best possible monitoring and enforcement. To achieve that, it is important that we remain flexible and do not prescribe one specific action in the Bill. Leaving the common fisheries policy and taking the Bill forward with its many enabling powers means that we can now design and implement the right policies to fit our diverse fisheries. We must indeed grasp this opportunity, working in close co-operation with all those who have an interest in a healthy marine environment, including the fishing industry. I agree with my noble friend Lord Naseby that this will best be done by working in consort with the fishing industry,

I am very pleased that the noble Lord, Lord Teverson, referred to the Environment Bill, the Agriculture Bill and the Fisheries Bill. They all make very clear the Government's intent to enhance the marine and terrestrial environments and all that goes with them.

As I made clear at earlier stages of the Bill, lawyers have advised that the Bill already provides the Government with the necessary powers, in paragraphs (h) and (q) of Clause 36(4), to mandate the use of remote electronic monitoring on both domestic and foreign vessels—I emphasise that point—fishing in English waters or across UK waters, if that is agreed with the devolved Administrations, as provided for in Clause 40.

[Lord Gardiner of Kimble]

The Clause 36 provisions also allow the Government to introduce new and emerging monitoring and enforcement technologies. We all agree that we want to move to a situation where the UK has the best possible monitoring and enforcement regime. However, REM may well find itself being replaced by something more contemporary and more effective in the near future—a point that my noble and learned friend Lord Mackay of Clashfern alluded to. In terms of good law-making, putting something on the face of the Bill that we are already able to do and know that we will want to change in the future is, in our view, not desirable. Instead, providing for its use in secondary legislation allows us to remain flexible and to react more quickly to the latest scientific and technological advances.

The noble Lord, Lord Krebs, referred to other future technologies, and these are being explored by the MMO, including through a joint project with Defra looking into the use of drones more widely. The MMO has previously used a drone to review aquaculture compliance and has used drone data to inform another investigation. Were we, in future, to legislate for these advances in technology, we would be able to do so through secondary legislation.

In addition, I remind noble Lords that monitoring and enforcement are devolved policies. The amendment covers the whole of the United Kingdom, which is contrary to our devolved settlements. It is also contrary to the spirit of the Bill with regard to how we develop fisheries policy, where we seek to build consensus with our devolved Administrations. A number of noble Lords, including my noble friends the Duke of Montrose and Lord Randall and the noble Baroness, Lady Ritchie of Downpatrick, asked about this, and I will be very straightforward in my reply. The Scottish and Welsh Governments do not support the amendment. REM is being used in their waters in different and appropriate ways. For example, the Scottish Government are rolling it out across their scallop fleet, but their view is that the broad-brush approach in this amendment is not welcome.

In response to a point raised by the noble Lord, Lord Cameron of Dillington, I say that we have small inshore boats that can catch as little as a couple of pots of shellfish or a box of white fish on a single fishing trip, larger boats that use multiple gear types throughout the year and target many different species, and large pelagic vessels that can catch hundreds of tonnes of pelagic species in a single fishing trip. Each of these would benefit from different approaches to enforcement, as the risks are different for each of them. Even with the differentiation between over and under-10-metre vessels, as set out in the amendment, a one-size-fits-all approach to managing these diverse over-10-metre fisheries does not, in our view, work. The amendment does not reflect this variation. Instead, it calls for a blanket rollout of REM on all over-10-metre vessels, irrespective of the fisheries in which those vessels operate or their impact on the marine environment. To put it into context, in 2018 there were more than 514 over-10-metre vessels in England alone.

Another point I should raise is that REM is not just an enforcement tool. Indeed, the noble Lord, Lord Cameron of Dillington, referred to this. It can be used to collect scientific data on things such as catch composition or to assess which gear type is most selective. This could in turn help us better understand the health of our fish stock and wider marine environment. As an amateur ornithologist, I was interested in my noble friend Lord Randall's points about fulmars and guillemots. It is right that we maximise the benefits of any electronic monitoring by ensuring that wherever possible it can address multiple objectives. However, that brings new questions which must be addressed. For example, we expect that the images collected for enforcement purposes may not be wholly appropriate for scientific data collection. We must ask ourselves what changes we can make to the camera set-up that will allow us to do both.

I also want to use this opportunity to draw out some other issues we must address before committing to a rollout of REM. The first is cost, including up-front costs such as hardware and installation and even greater ongoing costs such as maintenance and storing and reviewing the data collected. The World Wildlife Fund estimates that the initial cost of an REM system is around £9,000. That does not cover any ongoing costs, which also need to be factored in. We believe it is right that we conduct a full cost-benefit analysis of all our options to make sure that we are using the most effective tools for the job. REM costs are not insignificant. Indeed, profitability across the 10-metre sector can vary, and some segments operate with very low profits.

In response to the noble Lord, Lord Krebs, I say that the Government do and will consider all technology. I am grateful to the noble Lord for raising what is going on in other countries because we want to make sure that we get the right technology for all our fisheries and our marine environment. Clearly, we must work closely with all our neighbours, including those in the EU and other coastal states, to ensure we have compatible monitoring and enforcement systems. This amendment recognises that we would need time to work through issues such as how we would store data and share it between countries before requiring REM to be used on foreign vessels fishing in UK waters. Sensitive personal data could be collected via these systems, so we must have a robust data protection approach in place before a widespread scheme could be rolled out.

I say to my noble friend Lady McIntosh of Pickering and to the noble Lord, Lord Teverson, who mentioned England, that the Government have already taken a number of steps to test and, where appropriate, use camera equipment in our fisheries, so I gently chide the noble Baroness, Lady Jones of Moulescoomb, about her suggestion that perhaps we are not doing anything. We are already undertaking these matters. We are running the English fully documented fisheries scheme whereby we put cameras on vessels operating in the North Sea cod fishery. This scheme has shown that REM can be an effective tool to monitor and enforce the landing obligation. Defra is also launching a project this year to use electronic monitoring in the complex mixed Celtic Sea fishery, focusing on generating scientific evidence on catch composition. This will build on previous studies in the south-west focused on haddock. We expect data collection to start in the autumn, with initial results emerging next year.

On the question asked by the noble Baroness, Lady Young of Old Scone, about data on shellfish, there are a number of projects already under way relating to non-quota shellfish and improving the quality and quantity of data collected for these fisheries. One of the projects to improve data collection in England is a king scallop stock assessment programme that is jointly funded by Defra and industry at a cost of around £450,000 per year, and there are further projects.

The noble Lord, Lord Cameron of Dillington, also asked about the implementation of real-time closures. Indeed, the United Kingdom already closes certain fisheries at certain times of the year to protect juvenile or spawning fish.

The Government are developing an integrated package of reforms to be phased in over the coming years, once we have left the transition period and the Bill receives Royal Assent. This will include new tailored approaches to monitoring and enforcement. I think we are all on the same page as the noble Lord, Lord Teverson. We all understand, since we are good custodians, that monitoring and enforcement will be vital for both domestic and foreign vessels fishing in our waters. I say candidly that there are strong reasons why setting out in the Bill explicit requirements to use REM—I have explained to noble Lords that we have been using it and undertaking trials—when it might be superseded by new technologies, could inhibit the UK delivering the right policy. I am dutybound to draw that to your Lordships' attention.

I know exactly what we all desire. I am sure that the noble Lord will say that it is not happening fast enough, but we need to work with industry and with the devolved Administrations. We need to work with our partners in other waters as well. We all like action this day, but sometimes these things should be done in consultation and by working together to get them right, although I absolutely respect the desire for action this day. I hope, with that rather lengthy explanation, that the noble Lord will at least feel able to consider withdrawing his amendment.

Lord Teverson: My Lords, I really find it interesting that the Minister is arguing for a level playing field with the European Union over fisheries regulations. That is fantastic. I shall tell Michel Barnier that the Minister is on board with all the European Union's demands.

This is a really important issue. I will be as brief as I can, but I want to thank all noble Lords for their contributions. The noble Lord, Lord Krebs, is absolutely right about retailers, but let us get ahead of the retailers, for goodness' sake. Let us get our industry match-fit before the retailers come and say that this has to be implemented, and other people do it first. I thank the noble Lord, Lord Randall, in particular. Bycatch of birds is a whole area that is important in itself.

The noble Baroness, Lady Ritchie, asked who would enforce this. Marine Scotland, the Northern Ireland authorities, the MMO in England and the Welsh authorities would enforce it. On who pays for the technology, although it now costs way less than £9,000—I think it is estimated at £3,500 per year for these systems, which is an absolute fraction of the turnover of vessels over 10 metres—we can have government schemes. The European Union had schemes to pay for such implementations and the Government have promised to replace the European funding to the fisheries funds, so that could be used if we want to do it.

The noble and learned Lord, Lord Mackay, implied that we somehow should not catch people doing illegal things. That is a really strange concept. I spent 20 years in the haulage industry. I remember the industry arguing about tachographs in the early 1970s—"We can't have those", "Spy in the cab" and all of that. Thank goodness, the Government kept their nerve and did it. Was it a problem afterwards? No. Tachographs gave excellent management information and made sure that the law and road safety regulations were complied with. No one has looked back since. I do not recall the noble and learned Lord asking for the repeal of tachographs in the haulage industry.

I agree absolutely with the noble Lord, Lord Naseby. There is no stronger argument: the common fisheries policy did fail on this. We have this opportunity to put the common fisheries policy absolutely right.

As for all the rest of the changes that the noble Lord mentioned, all the regulations will stay exactly the same, because we have now embedded them in UK law. The regulations governing fisheries will not change on 1 January 2021, so far as I can see. We would then start to change them as time goes on.

The point is that, as the noble Lord, Lord Cameron of Dillington, said, we need to get on with it. This is a tried and tested technology, both globally and in the United Kingdom, and the fisheries industry is used to it. I notice that the Minister has not taken me up on my offer of getting round the devolution problem by making this an England-only application, which I would have been prepared to talk about. No, this is something that we need to get on with. The marine environment is important, we are an independent coastal state, we have foreign vessels coming into a very large EEZ, and we need to ensure that they are monitored and that we increase our data for the science. We just need to get on with this, and on that basis, I wish to test the opinion of the House.

7.02 pm

Division conducted remotely on Amendment 52

Contents 289; Not-Contents 230.

Amendment 52 agreed.

Division No. 3

CONTENTS

Addington, L.
Adonis, L.
Alderdice, L.
Allan of Hallam, L.
Allen of Kensington, L.
Alli, L.
Alton of Liverpool, L.
Amos, B.
Anderson of Swansea, L.
Armstrong of Hill Top, B.
Ashton of Upholland, B.
Bach, L.
Bakewell of Hardington Mandeville, B.
Bakewell, B.
Barker, B.
Bassam of Brighton, L.
Beecham, L.
Beith, L.
Benjamin, B.
Bennett of Manor Castle, B.
Berkeley of Knighton, L.
Berkeley, L.
Billingham, B.
Blackstone, B.

Blower, B.
Blunkett, L.
Boateng, L.
Bonham-Carter of Yarnbury, B.
Bowles of Berkhamsted, B.
Bradley, L.
Bradshaw, L.
Brinton, B.
Brooke of Alverthorpe, L.
Brookeborough, V.
Brown of Cambridge, B.
Browne of Ladyton, L.
Bruce of Bennachie, L.
Bryan of Partick, B.
Burnett, L.
Burt of Solihull, B.
Cameron of Dillington, L.
Campbell of Pittenweem, L.
Campbell of Surbiton, B.
Campbell-Savours, L.
Carter of Coles, L.
Cashman, L.
Chakrabarti, B.
Chandos, V.
Chartres, L.
Chidgey, L.
Clancarty, E.
Clark of Calton, B.
Clark of Windermere, L.
Clement-Jones, L.
Collins of Highbury, L.
Corston, B.
Cotter, L.
Coussins, B.
Craigavon, V.
Crawley, B.
Crisp, L.
Cromwell, L.
Cunningham of Felling, L.
Curry of Kirkharle, L.
Darling of Roulanish, L.
Davidson of Glen Clova, L.
Davies of Oldham, L.
Davies of Stamford, L.
Deben, L.
Deech, B.
Desai, L.
Devon, E.
Dholakia, L.
Donaghy, B.
Doocey, B.
Drake, B.
Drayson, L.
Dubs, L.
Eames, L.
Eatwell, L.
Elder, L.
Erroll, E.
Evans of Watford, L.
Falconer of Thoroton, L.
Faulkner of Worcester, L.
Featherstone, B.
Filkin, L.
Foster of Bath, L.
Foulkes of Cumnock, L.
Fox, L.
Freyberg, L.
Gale, B.
Garden of Frognal, B.
Geidt, L.
German, L.
Giddens, L.
Glasman, L.
Goddard of Stockport, L.
Golding, B.
Goldsmith, L.
Goudie, B.
Grantchester, L.
Greaves, L.
Grender, B.
Grey-Thompson, B.
Griffiths of Burry Port, L.
Hain, L.
Hamwee, B.
Harries of Pentregarth, L.
Harris of Haringey, L.
Harris of Richmond, B.
Haskel, L.
Haughey, L.
Haworth, L.
Hayman, B.
Hayter of Kentish Town, B.
Healy of Primrose Hill, B.
Hendy, L.
Hilton of Eggardon, B.
Hollick, L.
Hollins, B.
Howarth of Newport, L.
Hoyle, L.
Hughes of Stretford, B.
Humphreys, B.
Hunt of Kings Heath, L.
Hussain, L.
Hussein-Ece, B.
Janke, B.
Jay of Ewelme, L.
Jay of Paddington, B.
Jolly, B.
Jones of Cheltenham, L.
Jones of Moulsecoomb, B.
Jones of Whitchurch, B.
Jordan, L.
Judd, L.
Kennedy of Cradley, B.
Kennedy of Southwark, L.
Kennedy of The Shaws, B.
Kerr of Kinlochard, L.
Kilclooney, L.
Knight of Weymouth, L.
Kramer, B.
Krebs, L.
Lane-Fox of Soho, B.
Lawrence of Clarendon, B.
Layard, L.
Lea of Crondall, L.
Leitch, L.
Lennie, L.
Liddell of Coatdyke, B.
Liddle, L.
Lipsey, L.
Lister of Burtersett, B.
Lisvane, L.
Livermore, L.
Low of Dalston, L.
Ludford, B.
MacKenzie of Culkein, L.
Mackenzie of Framwellgate, L.
Mair, L.
Mallalieu, B.
Mandelson, L.
Marks of Henley-on-Thames, L.
Masham of Ilton, B.
Massey of Darwen, B.
Maxton, L.
McAvoy, L.
McConnell of Glenscorrodale, L.
McDonagh, B.
McIntosh of Hudnall, B.
McNally, L.
McNicol of West Kilbride, L.
Meacher, B.
Mendelsohn, L.
Mitchell, L.
Monks, L.
Morgan of Drefelin, B.
Morgan of Huyton, B.
Morris of Aberavon, L.
Morris of Yardley, B.
Mountevans, L.
Murphy of Torfaen, L.
Murphy, B.
Newby, L.
Northover, B.
Nye, B.
Oates, L.
O'Neill of Bengarve, B.
Osamor, B.
Paddick, L.
Palmer of Childs Hill, L.
Parminter, B.
Patel of Bradford, L.
Pinnock, B.
Pitkeathley, B.
Ponsonby of Shulbrede, L.
Primarolo, B.
Prosser, B.
Purvis of Tweed, L.
Puttnam, L.
Quin, B.
Ramsay of Cartvale, B.
Randall of Uxbridge, L.
Randerson, B.
Ravensdale, L.
Razzall, L.
Rebuck, B.
Redesdale, L.
Rees of Ludlow, L.
Rennard, L.
Ritchie of Downpatrick, B.
Roberts of Llandudno, L.
Robertson of Port Ellen, L.
Rooker, L.
Rosser, L.
Rowe-Beddoe, L.
Rowlands, L.
Royall of Blaisdon, B.
Sandwich, E.
Sawyer, L.
Scott of Needham Market, B.
Scriven, L.
Sharkey, L.
Sheehan, B.
Sherlock, B.
Shipley, L.
Shutt of Greetland, L.
Simon, V.
Smith of Basildon, B.
Smith of Finsbury, L.
Smith of Gilmorehill, B.
Smith of Newnham, B.
Snape, L.
Somerset, D.
St John of Bletso, L.
Stephen, L.
Stevenson of Balmacara, L.
Stone of Blackheath, L.
Stoneham of Droxford, L.
Storey, L.
Strasburger, L.
Stunell, L.
Suttie, B.
Taverne, L.
Taylor of Bolton, B.
Taylor of Goss Moor, L.
Teverson, L.
Thomas of Gresford, L.
Thomas of Winchester, B.
Thornhill, B.
Thornton, B.
Thurlow, L.
Thurso, V.
Tonge, B.
Tope, L.
Touhig, L.
Triesman, L.
Truscott, L.
Tunnicliffe, L.
Turnberg, L.
Tyler of Enfield, B.
Tyler, L.
Uddin, B.
Vaux of Harrowden, L.
Verjee, L.
Wallace of Saltaire, L.
Wallace of Tankerness, L.
Walmsley, B.
Warwick of Undercliffe, B.
Watts, L.
Wellington, D.
West of Spithead, L.
Wheatcroft, B.
Wheeler, B.
Whitaker, B.
Whitty, L.
Wigley, L.
Wilcox of Newport, B.
Willis of Knaresborough, L.
Wilson of Dinton, L.
Winston, L.
Wood of Anfield, L.
Worthington, B.
Wrigglesworth, L.
Young of Hornsey, B.
Young of Norwood Green, L.
Young of Old Scone, B.

NOT CONTENTS

Aberdare, L.
Agnew of Oulton, L.
Ahmad of Wimbledon, L.
Altmann, B.
Anelay of St Johns, B.
Arbuthnot of Edrom, L.
Arran, E.
Ashton of Hyde, L.
Astor of Hever, L.
Attlee, E.
Baker of Dorking, L.
Balfe, L.
Barran, B.
Bates, L.
Berridge, B.
Bertin, B.
Bethell, L.
Black of Brentwood, L.
Blackwood of North Oxford, B.
Blencathra, L.
Bloomfield of Hinton Waldrist, B.
Borwick, L.
Bottomley of Nettlestone, B.
Bourne of Aberystwyth, L.
Bowness, L.
Brabazon of Tara, L.
Brady, B.
Bridgeman, V.
Brougham and Vaux, L.
Browne of Belmont, L.
Browning, B.
Brownlow of Shurlock Row, L.
Buscombe, B.

Butler-Sloss, B.
Caine, L.
Caithness, E.
Callanan, L.
Carlile of Berriew, L.
Carrington of Fulham, L.
Carrington, L.
Cathcart, E.
Cavendish of Furness, L.
Chadlington, L.
Chalker of Wallasey, B.
Chisholm of Owlpen, B.
Choudrey, L.
Coe, L.
Colgrain, L.
Colwyn, L.
Cormack, L.
Courtown, E.
Couttie, B.
Craig of Radley, L.
Crathorne, L.
Cumberlege, B.
Davies of Gower, L.
De Mauley, L.
Deighton, L.
Dobbs, L.
Duncan of Springbank, L.
Dundee, E.
Dunlop, L.
Eaton, B.
Eccles of Moulton, B.
Eccles, V.
Empey, L.
Evans of Bowes Park, B.
Fairfax of Cameron, L.
Fairhead, B.
Fall, B.
Farmer, L.
Fellowes of West Stafford, L.
Fink, L.
Finkelstein, L.
Finlay of Llandaff, B.
Finn, B.
Flight, L.
Fookes, B.
Framlingham, L.
Freud, L.
Gadhia, L.
Gardiner of Kimble, L.
Gardner of Parkes, B.
Garnier, L.
Geddes, L.
Glenarthur, L.
Glendonbrook, L.
Gold, L.
Goldie, B.
Goldsmith of Richmond Park, L.
Goodlad, L.
Goschen, V.
Grabiner, L.
Greenhalgh, L.
Greenway, L.
Grimstone of Boscobel, L.
Hague of Richmond, L.
Hailsham, V.
Hanham, B.
Harding of Winscombe, B.
Haselhurst, L.
Hayward, L.
Helic, B.
Henley, L.
Hill of Oareford, L.
Hodgson of Abinger, B.
Hodgson of Astley Abbotts, L.
Hogg, B.
Holmes of Richmond, L.
Home, E.
Hooper, B.
Hope of Craighead, L.
Horam, L.
Howard of Lympne, L.
Howard of Rising, L.
Howe, E.
Howell of Guildford, L.
Hunt of Wirral, L.
James of Blackheath, L.
Jenkin of Kennington, B.
Kakkar, L.
Keen of Elie, L.
King of Bridgwater, L.
Kirkham, L.
Kirkhope of Harrogate, L.
Laming, L.
Lamont of Lerwick, L.
Lang of Monkton, L.
Lansley, L.
Lexden, L.
Lindsay, E.
Lingfield, L.
Liverpool, E.
Livingston of Parkhead, L.
Lothian, M.
Lupton, L.
Mackay of Clashfern, L.
Mancroft, L.
Manzoor, B.
Marland, L.
Marlesford, L.
Maude of Horsham, L.
McColl of Dulwich, L.
McCrea of Magherafelt and Cookstown, L.
McGregor-Smith, B.
McInnes of Kilwinning, L.
McIntosh of Pickering, B.
Meyer, B.
Mobarik, B.
Mone, B.
Montrose, D.
Morgan of Cotes, B.
Morris of Bolton, B.
Morrow, L.
Moynihan, L.
Naseby, L.
Nash, L.
Neville-Jones, B.
Neville-Rolfe, B.
Newlove, B.
Nicholson of Winterbourne, B.
Noakes, B.
Northbrook, L.
Norton of Louth, L.
O'Loan, B.
Parkinson of Whitley Bay , L.
Pickles, L.
Pidding, B.
Polak, L.
Popat, L.
Porter of Spalding, L.
Price, L.
Ranger, L.
Rawlings, B.
Reay, L.
Redfern, B.
Renfrew of Kaimsthorn, L.
Ribeiro, L.
Ridley, V.
Risby, L.
Robathan, L.
Rock, B.
Rose of Monewden, L.
Rotherwick, L.
Saatchi, L.
Sanderson of Welton, B.
Sassoon, L.
Sater, B.
Scott of Bybrook, B.
Seccombe, B.
Selkirk of Douglas, L.
Shackleton of Belgravia, B.
Sheikh, L.
Sherbourne of Didsbury, L.
Shields, B.
Shinkwin, L.
Shrewsbury, E.
Smith of Hindhead, L.
Stedman-Scott, B.
Stirrup, L.
Stoddart of Swindon, L.
Strathclyde, L.
Stroud, B.
Sugg, B.
Suri, L.
Taylor of Holbeach, L.
Taylor of Warwick, L.
Tebbit, L.
Trefgarne, L.
Trimble, L.
True, L.
Tugendhat, L.
Ullswater, V.
Vere of Norbiton, B.
Verma, B.
Vinson, L.
Wakeham, L.
Waldegrave of North Hill, L.
Walker of Aldringham, L.
Warsi, B.
Wasserman, L.
Watkins of Tavistock, B.
Wei, L.
Whitby, L.
Willetts, L.
Williams of Trafford, B.
Wyld, B.
Young of Cookham, L.
Young of Graffham, L.
Younger of Leckie, V.

7.20 pm

Amendments 53 and 54 not moved.

Schedule 10: Common Fisheries Policy Regulation: minor and consequential amendments

Amendment 55

Moved by ***Lord Gardiner of Kimble***

55: Schedule 10, leave out Schedule 10 and insert the following new Schedule—

"SCHEDULE 10

RETAINED DIRECT EU LEGISLATION: MINOR AND CONSEQUENTIAL AMENDMENTS

Introduction

1_ In this Schedule—

(a) paragraphs 2 to 8 make amendments of retained direct EU legislation (as amended by regulations made under section 8(1) of the European Union (Withdrawal) Act 2018), and

(b) paragraph 9 makes transitional provision.

Common Fisheries Policy Regulation

2_(1) The Common Fisheries Policy Regulation is amended as follows.

(2) Article 2 (objectives) is revoked.

(3) In Article 4 (definitions), in paragraph 1, at the end insert—

"(46) 'the fisheries objectives' has the meaning given by section 1(1) of the Fisheries Act 2020."

(4) Article 5 (right of equal access for EU fishing vessels to waters of member States) is revoked.

(5) Article 9 (principles and objectives of multiannual plans) is revoked.

(6) Article 10 (content of multiannual plans) is revoked.

(7) Article 16 (distribution of fishing opportunities by the Council to member States) is revoked.

(8) Article 17 (criteria for the allocation of fishing opportunities by member States) is revoked.

(9) In Article 28 (external relations)—

(a) in paragraph 1—

(i) for "a fisheries administration" substitute "the Secretary of State";

(ii) omit "objectives and";

(iii) for "Articles 2 and 3" substitute "Article 3";

(b) in paragraph 2, for "In particular, a fisheries" substitute "A fisheries".

(10) In Article 29 (United Kingdom activities in international fisheries organisations) for paragraph 2 substitute—

"2 The Secretary of State must take such steps as the Secretary of State considers appropriate for the purpose of supporting the improvement of the performance of RFMOs in relation to the conservation and management of marine living resources."

(11) In Article 33 (management of stocks of common interest), in paragraph 1—

(a) for "a fisheries administration", in both places it occurs, substitute "the Secretary of State";

(b) omit the words from ", and in" to "Article 2(2)";

(c) omit the words from ", in particular, concerning" to the end.

(12) In Article 35 (organisation of the markets), in paragraph 1, in point (a), for the words from "objectives" to the end substitute "fisheries objectives".

(13) Annex I (right of equal access for EU fishing vessels to waters of member States) is revoked.

Regulation (EU) No 1379/2013

3_ In Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products, in Article 41 (exceptions to the application of competition rules), in paragraph 2(f), for "objectives specified in Article 2 of Regulation 1380/2013" substitute "fisheries objectives".

Regulation (EU) 2016/2336

4_ In Regulation (EU) 2016/2336 of the European Parliament and of the Council establishing specific conditions for fishing for deep sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic, in Article 1 (objectives), in paragraph 1, for "objectives listed in Article 2 of Regulation (EU) No 1380/2013" substitute "fisheries objectives".

Regulation (EU) 2017/1004

5_(1) Regulation (EU) 2017/1004 of the European Parliament and of the Council on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy is amended as follows.

(2) In Article 1 (subject matter and scope), in paragraph 1—

(a) for the words from "With" to "this" substitute "This";

(b) at the end insert "with a view to contributing to the achievement of the fisheries objectives".

(3) In Article 5 (content and criteria for multiannual programmes)—

(a) in paragraph 1, in point (a), for the words from "requirements" to the end substitute—

"to be collected for the purpose of contributing to the achievement of—

(i) the objectives set out in Article 25 of EU Regulation 1380/2013, and

(ii) the fisheries objectives";

(b) in paragraph 4, in point (a), for the words from "reaching" to the end substitute "contributing to the achievement of the fisheries objectives";

(c) in paragraph 5, in point (a), for the words from "reaching" to the end substitute "contributing to the achievement of the fisheries objectives".

Regulation (EU) 2018/973

6_(1) Regulation (EU) 2018/973 of the European Parliament and of the Council establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea is amended as follows.

(2) In Article 1 (subject-matter and scope), in paragraph 1—

(a) omit points (f), (i) and (j);

(b) in point (k) omit the seventh and eighth indents.

(3) In Article 3 (objectives)—

(a) in paragraph 1—

(i) for the words from "objectives listed" to "1380/2013" substitute "fisheries objectives";

(ii) for the words from ", and shall" to the end substitute "(within the meaning given by section 1(10) of the Fisheries Act 2020)";

(b) in paragraph 3—

(i) after "fisheries management" insert "(within the meaning given by section 1(10) of the Fisheries Act 2020)";

(ii) for the words from ". It shall" to the end substitute "and, where possible, reversed".

(4) In Article 4 (targets)—

(a) in paragraph 1, omit "by 2020";

(b) in paragraph 2—

(i) for "A fisheries administration" substitute "The Secretary of State";

(ii) after "ICES" insert ", or a similar independent scientific body recognised at international level,";

(c) in paragraph 6—

(i) for "Fishing" substitute "Where the spawning stock biomass is above Blim, fishing";

(ii) omit "in any event";

(iii) for "the spawning stock biomass" substitute "it";

(d) after paragraph 6 insert—

"7 The Secretary of State may, in view of a relevant change of circumstances, make a determination under section 23 of the Fisheries Act 2020 (power of Secretary of State to determine fishing opportunities) otherwise than in accordance with paragraphs 3 to 6.

8 If the Secretary of State makes a determination in reliance on paragraph 7 the Secretary of State must prepare and publish a document—

(a) describing the relevant change of circumstances, and

(b) explaining how the relevant change in circumstances affected the determination.

9 For the purposes of this Article, the changes in circumstances that are capable of being "relevant" include (in particular) changes relating to—

(a) the international obligations of the United Kingdom,

(b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment (within the meaning of the Fisheries Act 2020),

(c) available scientific evidence, or

(d) available evidence relating to the social, economic or environmental elements of sustainable development."

(5) In Article 5 (management of by-catch stocks)—

(a) in paragraph 2, for the words from "as defined" to "1380/2013" substitute "(within the meaning given by section 1(10) of the Fisheries Act 2020)";

(b) in paragraph 3, for "In accordance with Article 9(5) of Regulation (EU) No 1380/2013, the" substitute "The".

(6) In Article 6 (conservation reference points), for "A fisheries administration" substitute "The Secretary of State".

(7) In Article 7 (safeguards)—

(a) in paragraph 1—

(i) omit "all";

(ii) for "decrease in biomass" substitute "current biomass or, in the case of Norway lobster, current abundance";

(b) after paragraph 4 insert—

"5 The Secretary of State may, in view of a relevant change of circumstances, make a determination under section 23 of the Fisheries Act 2020 otherwise than in accordance with paragraphs 1 to 4.

6 If the Secretary of State makes a determination in reliance on paragraph 5 the Secretary of State must prepare and publish a document—

(a) describing the relevant change of circumstances, and

(b) explaining how the relevant change in circumstances affected the determination.

7 For the purposes of this Article, the changes in circumstances that are capable of being "relevant" include (in particular) changes relating to—

(a) the international obligations of the United Kingdom,

(b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment (within the meaning of the Fisheries Act 2020),

(c) available scientific evidence, or

(d) available evidence relating to the social, economic or environmental elements of sustainable development."

(8) In Article 12 (fishing authorisations and capacity ceilings), in paragraph 1—

(a) after "fishing authorisations" insert "(which may be contained in a licence granted under section 15 of the Fisheries Act 2020)";

(b) for "vessels in its fleet" substitute "United Kingdom fishing vessels".

(9) In Article 13 (principles and objectives of management of stocks of common interest)—

(a) in paragraph 1—

(i) for "a fisheries administration", in both places it occurs, substitute "the Secretary of State";

(ii) omit "Regulation (EU) No 1380/2013, in particular Article 2(2) thereof, and of";

(iii) omit ", thereby promoting a level-playing field for United Kingdom operators";

(b) omit paragraph 2.

Regulation (EU) 2019/472

7_(1) Regulation (EU) 2019/472 of the European Parliament and of the Council establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks is amended as follows.

(2) In Article 1 (subject-matter and scope), in paragraph 1—

(a) omit points (4) to (7), (11), (13), (18), (20), (24) to (26), (30) and (34) to (36);

(b) in point (23) omit the third, fourth and fifth indents.

(3) In Article 3 (objectives)

(a) in paragraph 1—

(i) for the words from "objectives listed" to "1380/2013" substitute "fisheries objectives";

(ii) for the words from ", and shall" to the end substitute "(within the meaning given by section 1(10) of the Fisheries Act 2020)";

(b) in paragraph 3—

(i) after "fisheries management" insert "(within the meaning given by section 1(10) of the Fisheries Act 2020)";

(ii) for the words from ". It shall" to the end substitute "and, where possible, reversed".

(4) In Article 4 (targets)—

(a) in paragraph 1 omit "by 2020";

(b) in paragraph 2, for "A fisheries administration" substitute "The Secretary of State";

(c) in paragraph 7—

(i) for "Fishing" substitute "Where the spawning stock biomass is above Blim, fishing";

(ii) omit "in any event";

(iii) for "the spawning stock biomass" substitute "it";

(d) after paragraph 7 insert—

"8 The Secretary of State may, in view of a relevant change of circumstances, make a determination under section 23 of the Fisheries Act 2020 (power of Secretary of State to determine fishing opportunities) otherwise than in accordance with paragraphs 3 to 7.

9 If the Secretary of State makes a determination in reliance on paragraph 8 the Secretary of State must prepare and publish a document—

(a) describing the relevant change of circumstances, and

(b) explaining how the relevant change in circumstances affected the determination.

10 For the purposes of this Article, the changes in circumstances that are capable of being "relevant" include (in particular) changes relating to—

(a) the international obligations of the United Kingdom,

(b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment (within the meaning of the Fisheries Act 2020),

(c) available scientific evidence, or

(d) available evidence relating to the social, economic or environmental elements of sustainable development."

(5) In Article 5 (management of by-catch stocks)—

(a) in paragraph 2, for the words from "as defined" to "1380/2013" substitute "(within the meaning given by section 1(10) of the Fisheries Act 2020)";

(b) in paragraph 3, for "In accordance with Article 9(5) of Regulation (EU) No 1380/2013, the" substitute "The".

(6) In Article 7 (conservation reference points), for "A fisheries administration" substitute "The Secretary of State".

(7) In Article 8 (safeguards)—

(a) in paragraph 1—

(i) omit "all";

(ii) for "decrease in biomass" substitute "current biomass or, in the case of Norway lobster, current abundance";

(b) after paragraph 4 insert—

"5 The Secretary of State may, in view of a relevant change of circumstances, make a determination under section 23 of the Fisheries Act 2020 otherwise than in accordance with paragraphs 1 to 4.

6 If the Secretary of State makes a determination in reliance on paragraph 5 the Secretary of State must prepare and publish a document—

(a) describing the relevant change of circumstances, and

(b) explaining how the relevant change in circumstances affected the determination.

7 For the purposes of this Article, the changes in circumstances that are capable of being "relevant" include (in particular) changes relating to—

(a) the international obligations of the United Kingdom,

(b) things done (or not done) by the government of a territory outside the United Kingdom that affect the marine and aquatic environment (within the meaning of the Fisheries Act 2020),

(c) available scientific evidence, or

(d) available evidence relating to the social, economic or environmental elements of sustainable development."

(8) In Article 11 (recreational fisheries), in paragraphs 1 and 2, for "any person determining fishing opportunities", in both places it occurs, substitute "a fisheries administration".

(9) In Article 12 (effort limitation for sole in the Western Channel), in paragraph 2—

(a) for "Any person determining fishing opportunities" substitute "A fisheries administration";

(b) omit the words from "and for vessels" to the end.

(10) In Article 14 (fishing authorisations and capacity ceilings), in paragraph 1—

(a) after "fishing authorisations" insert "(which may be contained in a licence granted under section 15 of the Fisheries Act 2020)";

(b) for "vessels in its fleet" substitute "United Kingdom fishing vessels".

(11) In Article 15 (principles and objectives of management of stocks of common interest)—

(a) in paragraph 1—

(i) for "a fisheries administration", in both places it occurs, substitute "the Secretary of State";

(ii) omit "Regulation (EU) No 1380/2013, in particular Article 2(2) thereof, and of";

(iii) omit "thereby promoting a level-playing field for United Kingdom operators";

(b) omit paragraph 2.

Regulation (EU) 2019/1241

8_(1) Regulation (EU) 2019/1241 of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures is amended as follows.

(2) In Article 3, in paragraph 1, for "objectives set out in the applicable provisions of Article 2 of Regulation (EU) No 1380/2013" substitute "achievement of the fisheries objectives".

(3) In Article 4, in paragraph 1—

(a) in point (a), for "Article 2(2) of Regulation (EU) No 1380/2013" substitute "the fisheries objectives";

(b) in point (c), for "point (j) of Article 2(5) of Regulation (EU) No 1380/2013" substitute "the fisheries objectives".

(4) In Article 11, in paragraph 4, omit "and shall be compatible with the objectives set out in Article 2 of Regulation (EU) No 1380/2013".

Transitional provision

9_(1) This paragraph applies until the first JFS comes into effect.

(2) The Common Fisheries Policy Regulation (as amended by this Schedule) has effect as if—

(a) in Article 28(1), after "Article 3" there were inserted "in a way that contributes to the achievement of the fisheries objectives";

(b) in Article 29(2), at the beginning there were inserted "The positions of the United Kingdom in international organisations dealing with fisheries and in RFMOs shall be based on the best available scientific advice so as to ensure that fishery resources are managed in a way that contributes to the achievement of the fisheries objectives.";

(c) in Article 33(1)—

(i) after "Regulation" there were inserted "and that contributes to the achievement of the fisheries objectives";

(ii) after "management possible" insert "in a way that contributes to the achievement of the fisheries objectives".

(3) Regulation (EU) 2018/973 (as amended by this Schedule) has effect as if in Article 13(1), after "Regulation" there were inserted "and that contributes to the achievement of the fisheries objectives".

(4) Regulation (EU) 2019/472 (as amended by this Schedule) has effect as if in Article 15(1), after "Regulation" there were inserted "and that contributes to the achievement of the fisheries objectives".

(5) Regulation (EU) 2019/1241 (as amended by this Schedule) has effect as if in Article 11(4), after "paragraph 1 of this Article" there were inserted "and shall contribute to the achievement of the fisheries objectives".

Member's explanatory statement

This amendment inserts a new Schedule in place of Schedule 10, which incorporates the material that was previously in that Schedule and makes further amendments to retained EU Regulations.

Amendment 55 agreed.

Clause 47: Regulations

Amendments 56 and 57

Moved by ***Lord Gardiner of Kimble***

56: Clause 47, page 30, line 31, leave out "the National Assembly for Wales" and insert "Senedd Cymru"

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

57: Clause 47, page 30, line 45, leave out "the National Assembly for Wales" and insert "Senedd Cymru"

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

Amendments 56 and 57 agreed.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): We now come to the group beginning with Amendment 58. I remind noble Lords that Members other than the mover and the Minister may speak only once, and that short questions of elucidation are discouraged. Anyone wishing to press this amendment to a Division should make that clear in debate.

Clause 48: Interpretation

Amendment 58

Moved by ***Lord Krebs***

58: Clause 48, page 33, line 17, leave out "theoretical"

Member's explanatory statement

This amendment ensures that the level of harvest is based on empirical data and not on theoretical single species models.

Lord Krebs [V]: My Lords, it is getting late, so I will try to be as brief as possible. I start by thanking the Minister and his officials for extensive discussion of this matter and my Oxford University colleague Professor EJ Milner-Gulland for her advice and help.

In earlier stages of this Bill I spoke against the use of MSY as a target in UK fisheries policy. I cited leading fisheries scientists from the UK and US, who described it as outmoded and dangerous. I also referred to the fact that leading jurisdictions such as Australia and the USA no longer use MSY, because they have recognised its limitations. Sadly, I have lost that battle. I now seek to ensure that the definition of MSY in the Bill minimises its potential for harm.

Just to recap briefly: the concept of MSY dates back to the 1950s. Fisheries scientists wanted to work out in theory how many fish one could catch without driving the stock to extinction. The answer can be summarised very simply: when the harvest exactly matches the recruitment of new harvestable fish, the population is in balance and the harvest is sustainable. Harvest a bit over this limit, and the fish population begins to decline to extinction; harvest below, and fishing opportunities are missed.

The trouble with this neat theoretical idea is that in practice you often do not have enough accurate information to calculate the rate of recruitment, nor do you usually know the precise harvest. That is why some fisheries harvested at MSY have in the past collapsed. These problems are compounded when dealing with mixed fisheries, where setting MSY for one species may incidentally cause another to be overfished. Furthermore, as the environment changes—for instance, as a result of climate change—the recruitment rate and other variables will change, so the MSY will no longer be appropriate. That is why the wording in the Bill needs to be changed.

Clause 48 defines MSY as

"the highest theoretical equilibrium yield that can be continuously taken on average … under existing environmental conditions without … affecting the reproduction process".

The problems with this definition are as follows. First, it refers to a theoretical calculation rather than relying on actual data from the sea. Secondly, it refers to the recruitment process, which is only one factor that can affect the viability of fish stocks. Other factors, such as environmental change, can also be important. Thirdly, it is not appropriate for mixed fisheries.

My proposed change is very simple: remove the word "theoretical", so that the calculation is based on real data, and replace "reproduction process" with "viability of the stock", which allows for both environmental change and mixed fisheries.

I was pleased to hear the Minister say this afternoon that ICES is the body whose advice the Government respect and use. Here is what ICES says in its advice on the management of the exploitation of living marine resources:

"ICES considers ecosystem-based management … as the primary way of managing human activities affecting marine ecosystems with ecosystem-based fisheries management … specifically addressing the fishing sector."

It goes on to say that MSY

"is a broad conceptual objective … The MSY concept can be applied to an entire ecosystem, a fish community, or a single stock. … ICES interpretation of MSY is maximizing the average long-term yield from a given stock while maintaining productive fish stocks within healthy marine ecosystems."

My question to the Minister and his officials when I met with them was: why not simply use the ICES definition in the Bill? Remarkably, one of the officials said that, although he had helped to draft the ICES definition, the definition of MSY in the Bill could not be changed because it was the definition used in the common fisheries policy. I thought the point of Brexit was that we would determine our own way of doing things, but apparently not in this case; this has actually been a recurrent theme in debates on the Bill.

I fear that the Minister will not agree to change the wording in the Bill, even though I strongly believe that my wording is an improvement on what is currently there. If the Minister is not willing to change the wording, it would at least be encouraging if he were to reassure the House that the management of fisheries will be based on real data and that it will include broader ecosystem considerations such as environmental change. I beg to move.

Baroness McIntosh of Pickering [V]: My Lords, I thank the noble Lord, Lord Krebs, for bringing forward these two amendments. I had the opportunity, just out of personal interest, to meet the scientists at ICES in their Copenhagen offices on two separate occasions. I was very amused to learn that they have annual visits from the Scottish fishermen, who try to massage some of the research figures; I am delighted to say that the ICES scientists have managed to bat these away—they are leading independent scientists in this field.

The noble Lord, Lord Krebs, has done the House a great service this evening by identifying why MSY is possibly outdated and no longer fit for purpose and pointing to the basis on which ICES relies, which is an ecosystem-based management. Recognising that MSY might be moving forward and given the fact that climate change is changing the nature of fisheries—the waters are warming in certain parts and the fish are moving to cooler waters—I support the sentiments behind these two amendments and indeed have lent my name to them. As the noble Lord, Lord Krebs, has pointed out, ICES is the leading marine scientific base of research. These amendments give my noble friend the Minister an opportunity once again to confirm that we will continue to take its research going forward, at the very least—he could not commit to five or 10 years—for the next year or two. I do lend my support to these two little amendments.

Lord Randall of Uxbridge [V]: My Lords, I shall not detain the House for long. I support completely the amendments tabled by the noble Lord, Lord Krebs. He has stated the reason for them admirably. Given that we have just been having a debate about the importance of data, I cannot understand why we would then look at theoretical information—how we can base judgments on theory when we should be looking all the time to base them on data and science.

Baroness Young of Old Scone [V]: My Lords, there has been much toing and froing between Committee and Report about the virtues and downsides of maximum sustainable yield. I am glad that the noble Lord, Lord Krebs, has not fully abandoned the concept as he was first minded to, and has tabled these two amendments to strengthen the position. I support them for all the reasons that he outlined and which I will not reiterate at this hour. I do hope the Minister can confirm that the Government would intend to move forward on both the use of real data and the whole ecosystem approach.

7.30 pm

Lord Mackay of Clashfern [V]: My Lords, it seems to be my privilege always to follow my fellow Scot. I do not think that the data being relied on is being referred to as theoretical. What is theoretical is the MSY itself, which is basically a modelling of the future from the data of the past. Strictly speaking it is theoretical, because it is in the nature of a prophecy about how matters will proceed.

As for the second amendment, by "reproduction" it means the full process that reconstitutes the stock from time to time—the process going on continually to bring the stock up. The Members who tabled it are not thinking particularly of one aspect but thinking of all aspects and, in my view, the definition can be understood. It may well be that—and I have the greatest respect for the ICES—there are other possible definitions, but thinking I do not think that this one is based on theoretical data. It is based on real data, but it is a theoretical calculation.

Lord Teverson: My Lords, I very much support this amendment. I want to congratulate the noble Lord, Lord Krebs, on his work in this area. He was a member of my EU Energy and Environment Sub-Committee, when he really went through this issue of the drawbacks of MSY. I am very grateful for all his work on that, and I wish to show my support for this amendment.

Baroness Jones of Whitchurch: My Lords, I am also very pleased to have added my name to these amendments, and I echo the comments of the noble Lord, Lord Teverson. The noble Lord, Lord Krebs, has done an admirable job, not only in moving and speaking to his amendments this evening, but in making sure that, throughout its passage, the Bill is based on the best scientific principles. I also think that, in this case, he has made an important argument for using the ICES definition.

We have all been concerned about the different ways in which the established measure of maximum sustainable yield can be misapplied or misinterpreted. It remains the case that there is currently no legal commitment not to fish above MSY in the Bill. The Government also seem to have resisted adding a legal commitment not to fish above MSY because the UK—as we heard in other debates—is negotiating access to shared stocks with other states and does not want its hands tied. This should not be an excuse for inaction.

We remain near the top of the league table for EU member states with the highest percentage of their TAC fished in excess of scientific advice. As a start, it is vital that the definition of MSY, set out in the Bill, does not allow further opportunities for dispute. We are therefore very grateful to the noble Lord for bringing us back to the need for a clear definition which puts hard empirical data at the core of the meaning. The noble Lord also rightly highlights that the viability of the stocks should be based not just on reproduction but on other environmental factors.

These definitions are the first step to delivering robust, clear application of MSY, and the contribution it needs to make a truly sustainable fishing policy. The noble Lord, Lord Krebs, has made a compelling case for these amendments, and I hope that the Minister can confirm his support for them.

Lord Gardiner of Kimble: My Lords, I am particularly grateful for the noble Lord's amendment because it gives me the opportunity to expand further on how our definition of MSY relates to the fisheries objectives, in particular the precautionary objective, and to our ecosystem approach to fisheries management. I found it immensely rewarding to have early conversations with the noble Lord, Lord Krebs, and fisheries scientists to explore these matters. I am most grateful to the noble Lord and the scientists for their consideration and time in these helpful discussions.

Under the common fisheries policy, fisheries management has largely focused on the management of individual stocks. Clearly fish stocks interact, however, and fisheries activity also has wider impacts on the marine environment. That is why in our 2018 White Paper we committed to moving towards a more holistic ecosystem approach to fisheries management. This approach is supported by emerging best practice in fisheries science. For example—I emphasise this to my noble friend Lady McIntosh—ICES, the international body that advises on fish stocks, now provides advice on sustainable range alongside the traditional point estimate for MSY. Rather than trying to fish all stocks simultaneously at the point of MSY, setting harvest rates within a sustainable range provides flexibility when dealing with the complex interactions in mixed fisheries.

I say to my noble friend Lady McIntosh that we will be continuing to work with ICES, which, as I say, is an international body of great reputation. For instance, when scientifically justified, the provisions in the Bill would already allow us to underexploit some stocks marginally in the short term in order to seek to ensure that all stocks can be fished sustainably. Given that MSY assessments can fluctuate significantly due to scientific uncertainty, it would also allow us to smooth out year-by-year changes in catch limits to help to stabilise progress towards MSY and provide the industry with greater certainty. Such an approach better reflects the future direction of UK fisheries policy.

I say directly to the noble Lord, Lord Krebs, and others, that, in future, fisheries management decisions for both single and mixed fisheries will be based on data-driven science and will include broader ecosystem considerations, including environmental change, together with improving the alignment of fisheries management with fisheries science. Our fisheries science specialists at Cefas are already developing cutting-edge mixed fisheries modelling for the North Sea, the Irish Sea

and the Celtic Sea to understand better the benefits of future fisheries catches when moving towards MSY and even to lower exploitation rates, and to reduce the risks of stock depletion.

I thank my noble and learned friend Lord Mackay; I have found that it is essential to hear an expert lawyer's view. The current definition of MSY in the Bill includes references to theoretical MSY and is linked to the reproduction process of stocks because doing otherwise would in practice further restrict the definition and make it more difficult to follow. Giving other factors equal weight as part of the MSY definition in itself, as these amendments propose, could dilute the key criterion of maintaining the reproduction process of stocks.

The MSY definition as currently worded will instead permit us to set harvest rates within sustainable ranges. This provides the necessary flexibility to look at fish stocks collectively within the ecosystem. It enables us to balance complex biological and ecological interactions within our fisheries as we work to rebuild stocks while allowing a sustainable fishing industry. Our definition is compatible with the current ICES interpretation of MSY.

With that explanation of the wider elements of managing our complex mixed fisheries, as well as the commitment around the use of data-driven science to ground our fisheries management decisions, I very much hope that the noble Lord will feel able to withdraw his amendment.

The Deputy Speaker: My Lords, I have received no requests from any noble Lord wishing to come in with a short question for elucidation, so I call the noble Lord, Lord Krebs.

Lord Krebs [V]: My Lords, I thank all noble Lords for taking part in this short debate on a key concept in fisheries management, and for the support for my amendment from across the House. I also thank noble Lords for their kind words about my contribution. I will take this opportunity also to thank the Minister not only for his reply to this amendment but for what in my view has been his outstanding handling of the Bill on Report with great patience, dignity and a positive spirit.

I refer noble Lords to the comments made by the noble and learned Lord, Lord Mackay of Clashfern. He explained to us, I assume from a legal point of view, that when it says "theory" it actually means "data", and when it says "reproduction process" it actually means "viability of stock". I am only a scientist, as I gather the noble and learned Lord was when he started out, but he progressed to becoming a lawyer, and I accept that if it is not what it says on the face of the Bill in legal terms, perhaps that is right. However, it would have been nice to put the words on the face of the Bill.

MSY is one of those ideas that simply will not lie down and die. We could have taken the opportunity in the Bill to kill it off and move into the 21st century. Instead, we are fossilising our system in an out-of-date framework, apparently because we want to remain aligned to the common fisheries policy. We could have changed the definition of MSY in the Bill to meet the concerns that I have expressed.

Although the Minister explained why he was not prepared to change the wording, I see a glimmer of light. He acknowledged—I am most grateful to him for saying so—that fisheries management decisions will be based on data-driven science and will include broader ecosystem considerations, including climate change or environmental change. Although that is much less than I would have originally hoped for, I accept that it is a concession to the point in my amendment and I therefore beg leave to withdraw.

Amendment 58 withdrawn.

Amendment 59 not moved.

Amendment 60

Moved by ***Lord Gardiner of Kimble***

60: Clause 48, page 33, line 38, leave out "the National Assembly for Wales" and insert "Senedd Cymru"

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

Amendment 60 agreed.

Clause 50: Commencement

Amendment 61

Moved by ***Lord Gardiner of Kimble***

61: Clause 50, page 35, line 10, leave out "the National Assembly for Wales" and insert "Senedd Cymru"

Member's explanatory statement

This amendment updates the Bill to reflect the fact that the National Assembly for Wales has changed its name to Senedd Cymru.

Amendment 61 agreed.

Medicines and Medical Devices Bill

First Reading

The Bill was brought from the Commons, read a first time and ordered to be printed.

House adjourned at 7.41 pm.

Volume 804
No. 76

Wednesday
24 June 2020

CONTENTS

Wednesday 24 June 2020