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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

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

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

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House of Lords

Wednesday 8 July 2020

The House met in a Hybrid Sitting.

Noon

Prayers—read by the Lord Bishop of Carlisle.

Arrangement of Business Announcement

12.08 pm

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 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. I ask those asking supplementary questions to keep them short and confined to two points. I ask that Ministers' answers are also brief.

EU: Customs Arrangements Question

12.09 pm

Asked by Lord Berkeley

To ask Her Majesty's Government what plans they have to publish (1) the proposed border operating model for customs arrangements, and (2) guidance to businesses on (a) where, and (b) how, those arrangements will operate, between the United Kingdom and the European Union; and what changes they will need to make for the operation of that model after the transition period.

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, a border operating model will be published this month. This will provide guidance to business and industry to prepare for the introduction of each of the three stages of controls. We are committed to engaging closely with business and industry ahead of publication to ensure that the operating model reflects their feedback and provides the guidance and information they require.

Lord Berkeley (Lab) [V]: I am grateful to the Minister for that response, but will the border operating model that the Government plan to publish this month cover the customs needs in both directions—import and export—and, as he is talking about the exports, goods that are not allowed to be delayed for six months? Secondly, what about the special relationships between Northern Ireland, the Republic of Ireland and the UK? Will the guidance give full details of what is planned there and how it will be implemented?

Lord True: My Lords, like the noble Lord, I hope it will be comprehensive. We recognise our duty to business and are grateful for the engagement there has been on the developing process so far. For example, the noble Lord will know about the ongoing discussions with the Channel Tunnel rail freight steering group, of which there was a meeting only last week.

Lord Wigley (PC) [V]: Will the guidance to which the Minister referred cover the issues arising in the Port of Holyhead, where the physical space is not adequate to accommodate the additional customs operations or hold lorries awaiting clearance? Will he confirm that Her Majesty's Government accept responsibility for getting this sorted? When will they get a move on and get it done?

Lord True: My Lords, I am in that invidious position where advice is shortly to be published and I am not going to pre-empt what is in it. But I can assure the noble Lord that the position regarding Welsh ports, which he has raised before—I am grateful to him for that—is certainly something the Government are well aware of, and it is under consideration.

The Deputy Speaker (Lord Alderdice) (LD): Lord Caine?

Lord Ashton of Hyde (Con): The noble Lord needs to unmute.

The Deputy Speaker: There seems to be a problem with the hub. We shall move on to the noble Viscount, Lord Waverley.

Viscount Waverley (CB) [V]: [*Inaudible.*]—to the continent by some key players. Are the Government expecting UK manufacturers to adapt to government policies, or are the Government adapting to the needs of industry? After consultation with those at the sharp end of supply chain issues, and the clarion call for certainty, what change of policy might the Government feel obliged to consider, should the US remove itself from the WTO, thus compounding uncertainty?

Lord True: My Lords, the issue with the US is slightly wide of the Question, but I assure the noble Viscount again that engagement with business is ongoing, has been ongoing and will develop further in light of the new proposals. The Government have been grateful for the welcome from many representative bodies in industry to the engagement that has taken place so far.

Lord McConnell of Glenscorrodale (Lab): My Lords, while the legislation on the new borders is clearly reserved, the implementation of the work on these new borders will involve interaction with the devolved Governments, particularly in Scotland and Northern Ireland. Might the Minister like to reflect on the way in which communication and the co-ordination of decisions, particularly during the emergence from the peak lockdown period, has deteriorated between the central UK Government and the devolved Governments? Can he give us any reassurance that lessons have been learned and that, as we move into this new phase of borders for the UK, that the relationship will be more transparent and effective?

Lord True: My Lords, I always travel in hope, and I share the noble Lord's aspirations. As was famously said:

"Jaw, jaw is better than war, war."

In every aspect of this great question, all people of authority in every part of the United Kingdom share a responsibility for the overall good of the people of the United Kingdom. Certainly, I want to see good relations right across the border, and I give the noble Lord that assurance.

Lord Wallace of Saltaire (LD) [V]: My Lords, we are often told that effective border management requires active co-operation between states on both sides of the border. A number of recent reports suggest that the Dutch, Belgians and French are far better prepared for the new border arrangements than we are. But is it compatible with the British Government's rather hard interpretation of sovereignty to allow French customs and passport officers to operate on British soil as they have in recent years, or, for that matter, for British passport officers and customs officers to operate on Dutch, Belgian or French soil as they also do? Does that now need to stop to defend the sovereignty of the United Kingdom?

Lord True: My Lords, again, that is slightly wide of the Question. The treaty to which the noble Lord refers is one under which arrangements subsist between the Governments of the United Kingdom and France. That is the position. I hope we will be as well prepared as any nation.

Viscount Trenchard (Con): My Lords, I have heard that the United Kingdom is to introduce border checks in three phases over the first six months of next year. Can my noble friend the Minister tell the House if the phased approach will definitely be complete by July, and whether the Government have taken legal advice as to whether their approach is compatible with WTO rules?

Lord True: My Lords, the Government are convinced that the arrangements are both deliverable and defensible. The Government's intention is to be pragmatic. The phased arrangements have been widely welcomed by business and industry, but we intend to operate to those dates and phases.

Lord Eames (CB) [V]: My Lords, the Minister's answers on this Question are of particular interest and importance to us here in Northern Ireland. We have been assured there will be no border in the Irish Sea, but more recent government comments on this are, to say the least, confusing. Can the Minister give a statement today that will clarify the situation for business and commercial interests in Northern Ireland, which is, after all, an integral part of the United Kingdom?

Lord True: My Lords, Northern Ireland is most certainly an integral part of the United Kingdom and I profoundly hope it will stay that way. The Government have specific engagement with the Northern Ireland Executive and Northern Ireland business. We have made the terms in which we hope to proceed very clear in the Command Paper published earlier this year.

Baroness Hayter of Kentish Town (Lab) [V]: As the noble Lords, Lord Wigley and Lord McConnell, have hinted, and I confirm from the horses' mouths, the border operation model has been developed with no effective engagement with the devolved Governments, whose ports, such as Holyhead, will have to operate the system. When will the Government fully involve the devolved Governments in this vital planning?

Lord True: My Lords, without going into competing versions of past events, I repeat that we are publishing a document very shortly with which I hope all interested parties engage positively.

Baroness Blackwood of North Oxford (Con) [V]: My Lords, if we have learned anything from recent shocks, it is the fragility and complexity of medicine supply chains that bring 37 million packs of medicines from the EU to the UK every month. The new border operating model is an opportunity to account for this complexity, and wherever possible, mitigate future supply risk. What technical and regulatory measures are planned to enable the new model to identify and prioritise category 1 goods when necessary?

Lord True: My Lords, again, I must ask my noble friend to await the details, but I assure her that the specific question of medical and pharmaceutical goods is certainly understood and taken into account.

Baroness Ludford (LD) [V]: My Lords, at present, from the moment a truck drives off the cargo deck of a ferry at Dover, it takes less than four minutes for it to reach the port exit and begin its journey onwards into Britain—and of course that process is free of paperwork. How long will it take that lorry in the future, counting the time at a customs processing centre, the details of which we do not yet know?

Lord True: My Lords, I hope that the arrangements will be as smooth and swift as possible. This will be a matter for discussion and elucidation, but the Government intend to sustain our right to border controls and to facilitate the effective transit of goods.

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

EU: *Xylella Fastidiosa* *Question*

12.21 pm

Asked by **Lord Framlingham**

To ask Her Majesty's Government what representations they have received from the European Union about the Government's plans to prevent the importation of *Xylella fastidiosa*.

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, in April, Defra introduced national measures imposing stringent import requirements to protect the UK from *Xylella fastidiosa*. The Commission

reviewed the measures and, in June, published legislation requiring their revocation. We disagree with the EU's conclusions. The biosecurity threat from *Xylella fastidiosa* remains, and therefore the reason for introducing national measures has not changed. To mitigate this, we are increasing our surveillance and industry engagement, and will keep the need for further actions under review.

Lord Framlingham (Con) [V]: I am grateful to the Minister for that Answer. Does he agree with me that it is quite outrageous for the EU Commission to bully us in this way, given the gravity of the situation? *Xylella fastidiosa* is now present in France, Italy, Spain and Portugal and on plants that have been traded in Germany and Belgium. It will have a devastating effect on our trees and shrubs if we fail to keep it out. Will the Minister please do all he can to reverse this decision and allow us, as an island, to protect our trees and shrubs? If this proves impossible, will he make this the number one issue in Defra's in-tray on the day that we finally leave the European Union?

Lord Gardiner of Kimble: My Lords, this is a priority. We have intensified our surveillance, inspection and testing regime for high-risk plants. We feel very strongly about this. The Secretary of State has written to Commissioner Kyriakides, and the Chief Plant Health Officer has written to the director of DG SANTE, because we think that this is a mistake and that the EU should be very concerned about the spread of *Xylella fastidiosa* into other parts of the EU. We are determined to exclude it from this country; that is a priority.

Lord Browne of Ladyton (Lab) [V]: Since we joined the EEC, most plant pests, animal diseases and invasive species discovered in the UK had established themselves first in mainland Europe. Consistently working with our European neighbours, we have been able to benefit from early warning of imminent threats and from guidance on the best management tools. Changing trade patterns under Brexit may result in the UK changing from an overall recipient to a donor of emerging biological threats of concern in Europe. How, and how well, are we prepared for that scenario?

Lord Gardiner of Kimble: My Lords, we have increased investment in surveillance and inspection precisely for that reason. The United Kingdom has more protected zones for plant pests and diseases than any EU country. We are determined to enhance our environment, and clearly our future arrangements for sanitary and phytosanitary measures post the end of the transition period will be important as we increase biosecurity.

Baroness Bakewell of Hardington Mandeville (LD) [V]: My Lords, the effects of *Xylella fastidiosa* on our native trees and plants, including oak, plane and sycamore, could be disastrous. The Government have put in place stringent measures in an attempt to prevent the importation of the disease, often carried by the common froghopper. The Minister has given reassurances that these measures will not be weakened, despite pressure from the EU to do the opposite and allow some of its possibly infected olive and almond trees to be imported. Will the Minister say how long the UK can hold out against this pressure?

Lord Gardiner of Kimble: My Lords, the reason we have intensified our surveillance, inspection and testing regime is to make it absolutely clear that we are not changing our position. The EU has a different starting position with *Xylella fastidiosa* and canker stain of plane. They are already present in parts of the EU territory, whereas exclusion remains our priority. I assure the noble Baroness that we are absolutely determined to continue to ensure that this country is secure.

Lord Kirkhope of Harrogate (Con) [V]: My Lords, I declare my interest as a friend of Kew Gardens and a supporter of the national seed bank at Wakehurst Place. I congratulate the Government on what they are doing on this matter, but I remind noble Lords that *Xylella fastidiosa* is endemic in America and arrived in Europe only in 2013. I therefore ask my noble friend the Minister to speak to his friends in the Department for International Trade to guarantee that this infection, and ceratocystis platani, which is threatening us as well, are a matter of concern in any international trade discussions with the United States of America that may be forthcoming following our leaving the European Union?

Lord Gardiner of Kimble: My Lords, we have arrangements with the EU and with the rest of the world, and we are absolutely clear that biosecurity will never be weakened. We will do all that we can on a range of issues, and in the case of *Xylella fastidiosa* our objective is to keep it out of this country. It is moving in the EU, but it comes from elsewhere. As the Minister for Kew, I am very clear that scientists will work together to ensure that we conquer as many of these diseases as possible.

Lord Carrington (CB) [V]: My Lords, what plans do the Government have to introduce country of origin labelling on imported plants and trees, together with the vital dissemination of information on relevant diseases to UK nurseries and distributors?

Lord Gardiner of Kimble: My Lords, this is why I am very pleased that the UK Plant Health Alliance steering group is working on a plant health assurance scheme. Working with the industry, the scheme will ensure that there is a secure supply where we cannot supply it ourselves, and that those plant materials are secure. Further, members of the public who want to enjoy their gardens will know that the plants they are buying are healthy. This is a work in progress, but a lot is going on.

Baroness Jones of Whitchurch (Lab): My Lords, it has been four years since the referendum, but the Environment Bill is still not on the statute book. Given the delays, can the Minister assure us that the office for environmental protection will be fully functioning and able to take over the role of the European Commission on 1 January 2021?

Lord Gardiner of Kimble: My Lords, I realise that there is great interest in this House in the Environment Bill, and I am keen that progress is made in the other place. We are in a situation where there is a great deal

[LORD GARDINER OF KIMBLE] of legislation before us. The OEP is an important body, but we have always said that we will ensure that there are alternative arrangements if, given the position we are in, the OEP is not up and running by 1 January.

Lord Greaves (LD): My Lords, this makes a change from Japanese knotweed. Can the Minister tell us how, when plants are imported into this country, they are being checked? How do the Government and the country know whether or not this pathogen is being imported? Is the problem importing plants which are affected by the bacterium, or do the insects have to be accompanying them?

Lord Gardiner of Kimble: My Lords, we are intensifying this through APHA inspections, sampling and testing. The statutory notification scheme for olive, almond and plane trees means that imports can be traced to premises and inspections can be carried out. For other plant species, such as lavender, risk-based visits are carried out to inspect and sample plants, focusing particularly on recent imports. A lot of scientific work is going on into *Xylella fastidiosa*, because not all the answers are known. One thing we are most concerned about, and which the EU has not yet acted on following EFSA's report, is it jumping further distances; we are extremely concerned about that.

Lord King of Bridgwater (Con) [V]: I have seen all too closely at first hand the devastating worries over ash dieback, so my noble friend has my fullest support in ensuring that we maintain the tightest possible border biosecurity controls, otherwise the risk is quite clear: if there is a relaxation, as is suggested in Europe, it could be quite catastrophic. I hope the positive statements he has made will be carried steadily forward and maintained in the most effective way.

Lord Gardiner of Kimble: My Lords, that is why I am again very pleased that science is helping us with ash dieback. We now have an archive of tolerant ash trees so that we can bring forward successors that will be tolerant to ash dieback. We are emphatic that we must protect the United Kingdom.

Lord Mann (Non-Aff) [V]: Do we anticipate a shortage of lavender or rosemary in the next few years?

Lord Gardiner of Kimble: My Lords, that is why we are improving Grown in Britain and working with nurseries. Yes, we want to have trade but it needs to be safe. That is why we are working with the industry, because we think that there are alternatives.

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

Social Care Question

12.31 pm

Asked by *Lord Dubs*

To ask Her Majesty's Government when they will publish their White Paper on social care.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, we all agree that social care needs to be put on a sustainable footing where everyone is treated with dignity and respect. That is why the Prime Minister made clear commitments in the manifesto and the election, and why the Secretary of State wrote to other parties to begin the process of cross-party talks. We must now come together to find a common solution to this challenge: a long-term plan for social care that enjoys cross-party support.

Lord Dubs (Lab) [V]: My Lords, will the Minister confirm that the Prime Minister, said in his first speech in office that

"we will fix the crisis in social care once and for all with a clear plan we have prepared to give every older person the dignity and security they deserve ... I will take personal responsibility for the change I want to see"?

Is that still the policy, or will the Prime Minister again claim that he has been misunderstood, as with his recent unpleasant attack on social care, for which he has refused to apologise?

Lord Bethell: My Lords, that is very much the policy, but I emphasise the following. No plan can succeed unless it gains the support of a wide number of stakeholders, including cross-party support. Attempts to foist a plan from one group on to another simply will not work. That is why a bridge-building exercise is needed and why the Secretary of State has invited others to cross-party talks. I invite all those players to go into that process with a spirit of collaboration.

Baroness Pitkeathley (Lab) [V]: It is good to hear that the Minister now accepts that piecemeal reform of social care will not do. Can he confirm that the Government will consider finally putting social care on the same level as the NHS and creating a national care service in which risks and costs are shared? Sharing costs must apply to the whole population for the whole of their lives, not just when they are in need of care—in fact, from the cradle to the grave.

Lord Bethell: My Lords, the Covid epidemic has been a vivid experience for me personally. I have seen how the Department of Health and Social Care prioritises the care for those in social care. I completely endorse the noble Baroness's view: piecemeal reform is not on the cards. The Government have made it clear that a holistic solution is needed. That is what we are working to achieve.

The Lord Bishop of Carlisle: My Lords, following on from the previous question, given that a long-term settlement for social care is one of this Government's top priorities, and that there is general agreement that this should involve cross-party consensus and a significant measure of integration with the NHS, does the Minister agree that, in the continuing absence of a White Paper, the time has come to establish a Select Committee or perhaps a parliamentary commission with a specific timescale to make recommendations that might finally resolve this complex issue?

Lord Bethell: The right reverend Prelate is entirely right that we will need some kind of formal structure to go about cross-party talks and achieve a solution.

That formal structure will need to be agreed in cross-party conversations. Those conversations have been ongoing during the epidemic and are now very much the focus of the Government's attention.

Lord Hunt of Wirral (Con) [V]: My Lords, in the light of the surge in support from neighbours, family and friends for older people who have been shielding at home during the pandemic, would my noble friend agree that it is still the policy of Her Majesty's Government to encourage people to remain receiving care in their own homes for as long as possible?

Lord Bethell: My Lords, the role of carers during the epidemic is one of the great stories of commitment and sacrifice. I pay tribute to all those who have given up their time and taken the risks necessary to perform this important community role. On encouraging people to stay home, there are clear guidelines on who is recommended to stay at home. It depends on clinical need and people's precise circumstances, according to their GP's recommendations. I urge all people to follow those guidelines.

Baroness Brinton (LD) [V]: My Lords, I remember that there was cross-party support 10 years ago for the Dilnot review's proposals. I support warmly the comments of the noble Baroness, Lady Pitkeathley, about the need for a national care service. Will this review and White Paper also look at matters that are often forgotten in a care setting: housing standards for life, and sheltered and community settings, to make sure that we do not yet again end up looking at just adult social care and care homes?

Lord Bethell: The noble Baroness is quite right to shine the spotlight on those who are in social care but not necessarily aged over 65. Half of all social care costs are now dedicated to those under 65. Housing standards is an important question. The stock of housing for social care will be considered in any forthcoming review. It is imperative that we have a modern and up-to-date industry.

Lord Balfe (Con) [V]: This policy could lead to literally unlimited costs and a bottomless pit that would make the National Health Service look like a modest outfit. When we devise this policy, we must make sure that adequate contributions are made by those affected and we do not fall into the trap of saying that inherited potential wealth is somehow to be exempted. People must pay a fair share.

Lord Bethell: My noble friend is entirely right: there is a massive potential liability. We are acutely aware of the intergenerational implications of social care reform. It is only right that we treat both those in social care and future generations fairly. Those considerations will be uppermost in our minds.

Baroness Watkins of Tavistock (CB) [V]: My Lords, can the Minister assure the House that any reform of the social care system will be accompanied by a comprehensive workforce strategy and fundamental improvements to employment conditions by moving away from zero-hours contracts, perhaps to an annualised hours system, to guarantee social care workers regular incomes?

Lord Bethell: My Lords, the precise remit of any review will be the choice of those doing the review when it comes, but I entirely endorse the noble Baroness's sentiments that the social care workforce is worthy of our respect, particularly for its hard work and commitment during the epidemic. Workforce remuneration has improved since the introduction of the national living wage in 2016. Flexible contracts suit many workers, so a blanket commitment to annual wages is not necessarily suitable, but I endorse a focus on solutions that encompass all aspects of the social care industry, including the workforce.

Baroness Thornton (Lab): My Lords, following on from what the noble Baroness, Lady Brinton, said, the Minister's party has form for not honouring cross-party co-operation on this issue. To mitigate that, given that the Prime Minister has said that he is currently finalising plans, perhaps the Minister could commit the Government to setting a firm date and a timetable that could be published before the House rises for the Summer Recess? Does he accept that we need a plan to be delivered within a year?

Lord Bethell: The noble Baroness is kind to think that I am in a position to articulate a timetable from the Dispatch Box—that is beyond my abilities. However, she is entirely right to focus on the urgent need to focus on this area. The Prime Minister and the Secretary of State could not have been plainer that when the time is right and we have dealt with the epidemic, social care reform will be uppermost in our mind and will be the focus of our attention.

Baroness Bowles of Berkhamsted (LD) [V]: My Lords, since 1998 there have been 12 Green Papers, White Papers and other consultations, and five independent reviews, and like the Economic Affairs Committee, they all say that the system needs to be properly funded. Will the Government do that for immediate needs so that the White Paper can go on to do real good for the long term?

Lord Bethell: The noble Baroness is quite right to allude to the very large number of White Papers, think tank reports and amount of documentation in this area. All I can say is that I have never seen such acute political will and focus on social care reform. Nor have I seen a Prime Minister, a Secretary of State and a chief executive of the National Health Service to be so focused on the matter and to have raised it as a major priority in all their communications.

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

OneWeb Question

12.42 pm

Asked by **Lord Bowness**

To ask Her Majesty's Government, further to the announcement on 3 July that they will (1) invest \$500 million, and (2) take an equity share, in OneWeb,

what safeguards are in their agreement with OneWeb to ensure that other shareholders and investors in that company are not hostile to the interests of the United Kingdom.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con): My Lords, the investment in OneWeb is still subject to US court approval and regulatory clearances. The Government undertook appropriate due diligence. We will continue to ensure that this ambitious acquisition safeguards the UK's interests and maximises future opportunities for this innovative technology. The Government have a special share that provides them with the final say over any future sale of the company and over future access to OneWeb technology by other countries on national security grounds.

Lord Bowness (Con) [V]: I thank the Minister for his Answer. As I understand it, we are buying a share in a bankrupt British company whose manufacturing and assets base is in the United States under an agreement yet to be approved by a foreign court, i.e. one in New York state. Can the Minister specify the share that we are buying, tell us who the other parties are, and how the capabilities of the satellites which we propose to acquire compare with the US GPS and EU Galileo? Will there need to be much more expenditure to bring this acquisition and its assets up to that standard?

Lord Callanan: The Government will invest \$500 million, on an equal basis with Bharti Global Ltd. As part of the agreement, a small equity stake will be held by existing OneWeb creditors. This is not specifically designed for global national positioning systems; these satellites operate in a lower orbit for a number of missions, but primarily for earth observations and tele-communications.

The Deputy Speaker (Lord Alderdice) (LD): I understand that the noble Lord, Lord Willetts, is not with us, so I call the noble Lord, Lord Birt.

Lord Birt (CB) [V]: My Lords, I declare an interest as a former member of the board of Eutelsat. LEO is potentially a breakthrough technology, but it is also very high risk, as the collapse of OneWeb so vividly demonstrates. What scale of investment will be needed to build out a commercially viable constellation? How will that investment be funded, whether by debt or equity?

Lord Callanan: Given the commercial considerations, at the time I am unable to provide further detail on our ongoing discussions. However, we will have strong representation on the board, we will be fully involved in setting the strategic direction of the business, and we will of course be discussing the future of the business and the merits of bringing in additional shareholders with our partners in due course.

Lord West of Spithead (Lab) [V]: My Lords, I am convinced that we should capitalise on our world-leading satellite capability and, if possible, expand it. Although there are risks, putting Galileo in the shade would be

very good news, and I congratulate the Government on this vision, albeit that it is high-risk. As we move on from the impact of Wuhan virus and Brexit, does the Minister agree that we must grasp the new technologies of AI, quantum engineering, the internet of things, big data et cetera, and that it is a disgrace that a country with the scientific capability of the UK does not have an equivalent of Silicon Valley? In 1946, it was decided that for national security we should develop an atom bomb. The cost was huge. Does the Minister agree that for reasons of national security, we should generate an equivalent of Silicon Valley and an ability to create a world-beating, resilient telecommunications network, even if the cost is huge, and, ditto, civil nuclear power?

Lord Callanan: The noble Lord asks a lot of questions and there is not time to address all of them. We are investing in this as a one-off strategic opportunity to own a satellite communications network, working with Bharti Global Ltd, and to support our ambition for the UK to be a pioneer of novel satellite technologies. We are delighted that our bid was successful.

Lord Fox (LD) [V]: As recently as last year, OneWeb raised \$1.25 billion, then in March of this year, having launched only a fraction of the satellites that it needs, it filed for bankruptcy protection. Clearly, the American market was not prepared to back it any more. For now, the UK Government, along with Indian tycoon Sunil Bharti Mittal, have committed a further billion dollars. On recent experience, that will last about nine months. How much more will it cost the British taxpayer before the Minister and his colleagues realise that this is not a good investment?

Lord Callanan: As I have said, given commercial considerations, I am unable to provide further detail on ongoing discussions, but we will be discussing the future funding of the business, and the merits of bringing in additional shareholders, with our partners in due course.

Baroness Falkner of Margravine (Non-Aff) [V]: My Lords, I welcome the Government's stake in OneWeb. It will help deliver high-speed broadband in the UK and the rest of the world. On the issue of risk, does the Minister agree that anyone setting up frontier firms knows that there is no gain without risk?

Turning to the golden share, the Minister said that national security was the consideration. What about a company's record on theft of intellectual property, abuse of the workforce through modern slavery and other anti-competitive practices? Will they also be taken into account?

Lord Callanan: We will use our golden share to full advantage for the British taxpayer. We will take all those considerations into account, but primarily national security.

Baroness Altmann (Con) [V]: My Lords, what engagement have the Government had with the astronomy community in the light of OneWeb's application to launch up to 42,000 new satellites into low-earth orbit and the disruptive reflections that have caused such

concern among the astronomy community? Are the Government looking to introduce anti-reflective coatings such as DarkSat or VisorSat, which have been employed by SpaceX?

Lord Callanan: As the noble Baroness recognises in her question, this is novel, cutting-edge satellite technology which we are investing in as part of our focused research and innovation in the UK. We want to become a world leader in the space sector, and this provides us with suitable strategic geopolitical opportunities to do so.

Lord Kilclooney (CB): My Lords, who are the other shareholders in OneWeb? What percentage does each shareholder have? Can the Minister confirm that this investment would not have taken place if we had not left the European Union?

Lord Callanan: Our membership or otherwise of the European Union is not relevant to this discussion. The other shareholders are, as I said, Bharti Global Ltd and some small shareholders. We have an equal shareholding with Bharti Global Ltd and a small shareholding is held by existing OneWeb creditors.

Lord Stevenson of Balmacara (Lab) [V]: My Lords, this is a very intriguing initiative, although a lot of the details remain opaque. Can the Minister confirm whether the Government intend to transfer some or all of the satellite manufacturing, which is currently based in the USA, to the UK? If so, how many jobs would that generate?

Lord Callanan: The noble Lord asks a very good question. Through this investment we will look to leverage our influence to set the strategic direction of the business, and of course we want to see direct manufacturing in the UK by both the company and its supply chain expanded.

Baroness Kramer (LD) [V]: My Lords, numerous genuinely UK companies that are cutting-edge frontier businesses and high risk would welcome a \$500 million investment from the UK Government. They have typically managed their businesses far better than OneWeb, which, as the Minister said, managed to put itself into bankruptcy. Where do they apply for the money?

Lord Callanan: This is, as I said, a one-off investment in a cutting-edge satellite technology company which has many applications that the UK can leverage, including defence applications and providing communications, resilience and remote operations where services are currently limited.

Lord Razzall (LD) [V]: My Lords, following up the question by my noble friend Lord Fox, are the Government not concerned that the American technological market, which undoubtedly loves these sorts of investments, was not prepared to put in the money and so the company was forced into Chapter 11 bankruptcy? Do the Government accept that very significant further investment will be required to get this off the ground? Are the Government prepared to do that—and, if so, for how much?

Lord Callanan: The noble Lord can be assured that appropriate due diligence was carried out, which showed that this investment will be commercially sound and is likely to make an economic return. As I said in response to earlier questions, we will of course discuss with existing partners and shareholders any new funding requirements for the business.

12.53 pm

Sitting suspended.

Arrangement of Business

Announcement

1 pm

The Deputy Speaker (Baroness Garden of Frognal) (LD): My Lords, proceedings will now commence. Some Members are here in the Chamber, others are participating virtually, but all Members will be treated equally. 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 after each speech. If the capacity of the Chamber is exceeded, I will immediately adjourn the House. I ask noble Lords to be patient if there are any short delays as we switch between physical and remote participants. The usual rules and courtesies in debate apply.

Bahrain

Private Notice Question

1.01 pm

Asked by Baroness D'Souza

To ask Her Majesty's Government what representations they will make to the Government of Bahrain regarding the imprisonment and possible execution of individuals including Mohamed Ramadan and Hussain Moosa, and the reported use of torture to extract their confessions.

The Minister of State, Foreign and Commonwealth Office and Department for International Development (Lord Ahmad of Wimbledon) (Con): My Lords, we have raised, and will continue to raise, both cases at senior levels with the Bahrain Government. As the former Minister for the Middle East and North Africa publicly stated on 8 January, we are deeply concerned about the death sentences handed to Mohamed Ramadan and Hussain Moosa. The Bahraini Government are fully aware that the UK opposes the death penalty. We continue to monitor their case as it is taken to the Court of Cassation for final review.

Baroness D'Souza (CB) [V]: My Lords, I thank the Minister for his reply and appreciate that he is a steadfast defender of human rights. On 13 July, Bahrain's Court of Cassation will decide whether to uphold the death sentences of Mohamed Ramadan and Hussain Moosa. False confessions were obtained under torture, according to the International Rehabilitation Council for Torture Victims and other international bodies. The torture was carried out by two Bahraini bodies that have received equipment and training from the UK.

[BARONESS D'SOUZA]

One of these bodies, the Bahrain Special Investigations Unit, failed to meet the minimum professional standards and minimum international standards, including the UN Convention Against Torture, to which Bahrain is a signatory. In view of the UK's role, will the Government now make the strongest—and public—representation to the Bahrain authorities to prevent the imminent execution of these two and other prisoners? Will the Minister commit to meet representatives from rights groups before next Monday?

Lord Ahmad of Wimbledon: My Lords, on the noble Baroness's final question, if schedules allow—although under the current circumstances it would have to be a virtual meeting—I will certainly look into meeting these representatives, as I do many rights groups. If that can be facilitated, I will be happy to do so. On her primary point about representations, I assure her that we will continue to make strong representations on all cases, as we have done in the past. Indeed, it was because of UK representation on this case that it went through the retrial. That in itself was a first in Bahrain's history. However, we await the decision of the Court of Cassation. After that, we will continue to monitor the situation on this case as well as other cases.

Baroness Ramsay of Cartvale (Lab) [V]: My Lords, by any objective legal judgment, Mohamed Ramadan and Hussain Moosa have not had due process. Why can the FCO not put its mouth where British money is going and very vigorously obtain for these two men at least, for now, a delay of execution and a fair trial?

Lord Ahmad of Wimbledon: My Lords, I first remind the noble Baroness that the final decision of the Court of Cassation on whether it will uphold the death penalty in this case remains pending. I assure the noble Baroness—I disagree with her—that through the support we have given to Bahrain, both technical and on the wider human rights agenda, we have consistently continued to remind and implore Bahrain to look at the issue of the death penalty. We stand firm, whether with Bahrain or other international partners, and remain steadfast against the death penalty wherever in the world it is used.

Lord Scriven (LD) [V]: My Lords, Bahrain has seen a 1,250% increase in the use of the death penalty since 2017, with 10 political prisoners facing imminent execution. Given the clearly documented failures of the SIU investigation into Mohamed and Hussain's torture, will the Government now accept that their technical assistance to Bahrain has failed in its aims and objectives, and suspend this assistance if these death sentences are upheld?

Lord Ahmad of Wimbledon: My Lords, the United Kingdom's technical assistance is kept under regular review, is provided in line with international standards, and, I assure the noble Lord, fully complies with our domestic and international human rights obligations. We believe that the positive change sought in Bahrain by the international community will be achieved only by the UK and others working directly with the Bahrain Government and exerting influence.

The Lord Bishop of St Albans [V]: My Lords, the Minister has assured the House that representations have been made to the authorities in Bahrain expressing our complete and utter opposition to the death penalty. Has he also reiterated our opposition to the use of torture to extract confessions? Will Her Majesty's Government review their existing package of reform assistance to Bahrain to see what further support can be offered to strengthen human rights and the rule of law in Bahrain?

Lord Ahmad of Wimbledon: My Lords, the right reverend Prelate is right to raise, as others have, the issue of torture. As he will know, the UK Government consistently and unreservedly condemn torture and cruel, inhumane or degrading treatment or punishment. On UK assistance, we are committed to supporting Bahrain-led reform and are confident of its positive impact for people in Bahrain across a variety of areas, including judicial reform and youth management—as well as in the recent steps forward that we have seen on the oversight bodies and the positive legislation enacted to protect migrant workers.

Lord Collins of Highbury (Lab): My Lords, in February, the Minister told the House that

“we are far from where we want to be but our continual engagement with the Bahraini authorities is producing results.”—[*Official Report*, 12/2/20; col. 2262.]

We have provided £6.5 million in technical assistance to the very bodies that have enabled these men's torture and death sentences. Will the Minister confirm that we will be able to observe the court if that is due to take place on Monday and that he will make public representations on these cases, as noble Lords have requested? Will he pursue the matter if the court's decision is to uphold these death penalties, ensuring that representation is made to the highest levels, including to the King?

Lord Ahmad of Wimbledon: My Lords, I assure the noble Lord that, as I have said to other noble Lords, we will take a very strong line, as we have before on the death penalty in Bahrain and, indeed, other parts of the world. This case is yet to be decided; I remind noble Lords of that. Our support and technical support have yielded returns, including the review and retrial of this case. The noble Lord asked specifically whether we will be allowed to attend this trial. I believe that the rules of the Court of Cassation do not allow for the British embassy to attend or observe on this occasion. We await the outcome of the decision of the court. I have listened very carefully to the strength of representations in your Lordships' House, as I always do, and will discuss it with other colleagues, including my right honourable friend the Minister for the Middle East.

Lord Dholakia (LD) [V]: My Lords, I welcome Britain's position in relation to the death penalty but, with less than one week to save their lives, and in light of the UK's assistance to the bodies that enabled their torture and sentences, can Her Majesty's Government confirm that, if they are to make representations in the cases of Ramadan and Moosa, it will be before the Court of Cassation's final decision on Monday 13 July and not later than that?

Lord Ahmad of Wimbledon: My Lords, there has been no formal confirmation directly to us of the exact date, but several noble Lords have quoted the date of 13 July. As I said, it is for the court to make a final review and, ultimately, a decision on whether any exemption, stay or clemency is granted—and of course an avenue remains open to His Majesty as well.

Baroness Bennett of Manor Castle (GP) [V]: My Lords, this week the Foreign Secretary announced the first of what are colloquially known as Magnitsky sanctions, including against 20 individuals from Saudi Arabia who were involved in the murder of Jamal Khashoggi. Should these clearly unjust torture-tainted executions tragically occur, will the Government impose similar sanctions on the responsible people from Bahrain?

Lord Ahmad of Wimbledon: The Magnitsky sanctions were part and parcel of the legislation that went through your Lordships' House as part of the overall sanctions Act, and I welcome them. I know that later this afternoon we will be discussing that announcement as well.

On the issue of designations, we have made clear that those who abuse human rights will be held to account, but it would be wrong and inappropriate to speculate on future designations.

Lord Faulkner of Worcester (Lab) [V]: My Lords, I have never doubted the commitment of the Minister to the abolition of the death penalty in all circumstances in all countries. I declare an interest as vice-chair of the All-Party Parliamentary Group on the Abolition of the Death Penalty. However, why has the 2018 Foreign Affairs Committee report on the effectiveness of UK assistance to Bahrain not yet been properly debated, and why has the review that was promised not yet taken place? The report referred to the gravity of human rights violations there. The FCO was urged to review the current situation in Bahrain and report its findings to us to further consider whether funding for the Special Investigations Unit should continue. Why has that not taken place? Can the Minister look at that again?

Lord Ahmad of Wimbledon: My Lords, I will certainly look at that again. The normal process is to respond in terms of receiving a report in an appropriate timeline. I will write specifically on this issue to the noble Lord and of course share that letter with other noble Lords as well.

The Deputy Speaker (Baroness Garden of Frognal) (LD): The noble Baroness, Lady Uddin, has withdrawn and there are no more supplementary questions.

Arrangement of Business

Announcement

1.13 pm

The Deputy Speaker (Baroness Garden of Frognal) (LD): My Lords, we now come to the Motion in the name of the noble and learned Lord, Lord Mance.

As there is no speakers' list, only those in the Chamber can participate other than the mover, and those wishing to do so should give notice of their intention in advance.

Conduct Committee

Motion to Agree

1.14 pm

Moved by Lord Mance

That the Report from the Select Committee *Amendments to the rules of conduct* (3rd Report, HL Paper 91) be agreed to.

Lord Mance (CB) [V]: My Lords, as chair of the Conduct Committee I beg to move the committee's third report. I start by drawing noble Lords' attention to three particular areas where the report concerns foreign Governments: paragraphs 14 to 15, paragraph 10 and paragraph 11. I will come back to these.

As a matter of major caution and not because I myself feel that my own contacts with foreign Governments involve or raise any of the problems that the guide or the committee's recommendations address, I put on record here that, as also appears in the register, I have direct contact with two foreign states in two capacities: first, as an appellate judge at the Singapore International Commercial Court, and, secondly, as chief justice, in succession to the noble and learned Lord, Lord Woolf, of Barnes, of the Astana International Financial Center court. The foreign states in question of course pay me and cover my travel.

This third report builds on the clarifications and improvements to the codes of conduct and guide made in the committee's first report of the 2017 to 2019 Session. The further proposals contained in the report are based on advice from the Registrar of Lords' Interests, to whom we are indebted, which the committee considered and developed carefully over the course of two meetings.

I will not detain your Lordships by setting out every change, but I will touch on some key provisions. First, we propose to alter the scope of the code in two ways. We believe that the provisions of the code should apply only to Members who have taken the oath of allegiance in that particular Parliament, since those who have not done so are unable to take part in the work of the House. However, such Members will still be subject to the rules on bullying, harassment and sexual misconduct, as well as the rules on the use of facilities and services—see paragraphs 17 and 104 of the guide.

We have considered the interaction between the important principle of freedom of speech in parliamentary proceedings and the rules on bullying, harassment and sexual misconduct. We propose to add text to the code to clarify that the rules on bullying, harassment and sexual misconduct apply to parliamentary proceedings, such as debates in the Chamber and Select Committee hearings, but also to underline the basic importance of Members being able to express their views fully and frankly, so the commissioner will take that into account if there is any complaint.

[LORD MANCE]

Turning to a different area, we also propose to make it a breach of the code for Members and their staff to fail to respond within six weeks to the annual audit of entries in the register of interests. Most Members reply very quickly but some do not, and some require the registrar to chase them over many months. Some fail to reply at all. We hope that this change will underline the importance of the exercise, which is one of transparency. A related change will enable the registrar to refer to the Commissioner for Standards any Member who persistently fails to register their interests.

Next, I turn to personal clients. We previously tightened the rules so that Members must now declare any known clients of companies that they work for when they take part in proceedings on related matters. At the same time, we remove the requirement to register personal clients, as this was proving impractical.

We now wish to modify these changes in two ways. First, we propose that Members who set up a personal service company as an administrative vehicle for their own services to be provided to clients should be required to register the clients as well as declare them. Secondly, we propose that Members who undertake work for foreign government clients of a company should be required to register that fact. That is in paragraphs 14 and 15 of the report. It is right that such work should be subject to a higher level of disclosure than work for a company or other organisation.

In paragraph 10, we have also proposed some cautionary words for Members about dealing with representatives of corrupt or oppressive regimes. Then in paragraph 11 we have proposed new restrictions on initiating parliamentary work related to Governments or NGOs that have provided the Member with travel and hospitality within the preceding six months. Finally, there are a number of minor changes to the registration and declaration procedures in the guide and the codes that we propose, as well as changes to the procedures governing the investigation of alleged breaches of the codes.

I hope that noble Lords will agree that these changes are sensible. If the House approves them today, we shall publish an updated version of the codes and guide shortly. I beg to move.

Lord McConnell of Glenscorrodale (Lab): My Lords, I strongly support the vast majority of the measures proposed in the report from the Conduct Committee. It is long overdue for us to tighten up the rules in a number of these areas, and I hope that, if certain Members of your Lordships' House do not co-operate with these changes, some examples will be made of them in the coming months in order to improve the reputation of this House.

However, I have a concern that the recommendation in paragraph 5 is moving in the opposite direction. By tightening the rules, the report moves in exactly the right direction in every other respect, but I am concerned about the justification in paragraph 4 for the amendment proposed in paragraph 5. Anything that allowed Members of your Lordships' House, by not taking the oath and not signing the declaration, to avoid the declarations required in the register of interests would be unfortunate. If the code is the way in which we enforce that register

of interests, adapting the rules so that the code no longer applies to those Members who have not signed the undertaking would be too loose.

I understand that there may be Members who are in a physical state or perhaps have another condition which means that they might have a problem, for example, updating their entry in the register of interests. That is the example given in paragraph 4. They could therefore be in breach of the code through no fault of their own. But surely that exception could be allowed for in any investigation or any action taken by the administration, rather than made the norm by applying this new change. So I would be very grateful if the noble and learned Lord, Lord Mance, would explain a little bit more about the thinking behind paragraphs 4 and 5. I am not opposed to this report at all, but I do think that this paragraph moves in the opposite direction to all of the other recommendations.

Lord Mance [V]: I am much obliged to the noble Lord for his comments. In addition to the example given in the report, of the Member who was too ill to update their entry, the basic philosophy of the code at present is that it applies to Members in the course of the performance of their parliamentary duties and—we added, not so long ago—activities. A Member who has not sworn the oath does not take part in either respect, and so the underlying rationale is that their involvement with Parliament—which can continue physically in the sense that they can make ancillary, or minor, use of facilities and be present here—is what needs to be regulated. We have regulated this, and it will continue to be regulated, because under paragraph 17 of the code they are required to treat those with whom they come into contact in the course of their parliamentary duties and activities with “respect and courtesy”. That includes avoiding bullying, harassment and sexual misconduct.

Just as importantly, on a practical level, they cannot abuse the facilities of the House. They must use them in accordance with the rules agreed by the House in respect of financial support for Members; that is provided for in paragraph 104 of the guide. It would be a disciplinary offence if either of those provisions were infringed. The thinking is that, since those Members will, in that respect, be subject to the code, it is unnecessary to require them to go the lengths of registering information about their outside involvements if they are not actually undertaking any parliamentary duties or activities.

One matter on our agenda in the longer term is to consider whether the ambit of the code should apply more widely. One problem with this is that one could potentially end up looking into behaviour which has nothing to do with Parliament and could take place anywhere in the world. I think that noble Lords might hesitate before taking that step, but it is certainly one which our mandate requires us to consider in due course. We have had quite a lot on our desk up until now, and we have not taken a view on that.

At the moment, we are concerned to get the code and the guide in order, in a logical way within the present scope of its application to the performance of parliamentary duties and activities. I hope that the noble Lord will be satisfied by that explanation and

with the assurance that, in the longer term, we will consider the matter more generally and be prepared to consider any particular points which he draws to our attention.

Motion agreed.

High Speed Rail (West Midlands-Crewe) Bill

Motion to Instruct

1.24 pm

Moved by Baroness Vere of Norbiton

That it be an Instruction to the Select Committee to whom the High Speed Rail (West Midlands-Crewe) Bill has been committed that the provisions of Private Business Standing Order 110 that parties are entitled to be heard are satisfied by virtual proceedings; and that the Committee may decline to hear the petition of any petitioner who declines to be heard by virtual proceedings.

The Deputy Speaker (Baroness Garden of Frognal) (LD): My Lords, we now come to the Motion in the name of the noble Baroness, Lady Vere of Norbiton. As there is no speakers' list, only those in the Chamber can participate, and those wishing to do so should give notice of their intention in advance.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con): My Lords, over the last few months, people and organisations across the country have become accustomed to new ways of working. This has included the way in which business is conducted in your Lordships' House—in the Chamber and in committees. Work has been done to modify Standing Orders, adapt courtesies and introduce technology, and I dare say that many noble Lords, including me, have learned new skills along the way.

The Bill for phase 2a of HS2 is a hybrid Bill and is governed by the Standing Orders for private business. It deals with, among other issues, the property and business interests of petitioners. It is not explicitly covered by the resolutions and guidance that have allowed the work of the House to continue, with Members taking part remotely. This Motion aims to rectify that.

Noble Lords will recall that the HS2 Phase 2a Bill completed its Second Reading on 9 September last year and that, following a revival Motion earlier this year, the Bill moved to Select Committee stage in your Lordships' House to consider the petitions. This Select Committee had only just started its sittings in March when the health situation led the House to adapt its working practices, and the Select Committee suspended its sittings. This Motion would allow the committee to start sitting again from 20 July, with Members, petitioners and those appearing on behalf of the promoter able to take part remotely. This would be similar to the way in which other committees have already started working.

This particular committee is quasi-judicial in nature. Criminal and civil courts have also been using remote proceedings during the Covid-19 pandemic, as has the Planning Inspectorate. The petitioners scheduled to appear this month have all agreed to appear virtually. Guidance and frequently asked questions have been

revised and distributed, setting out how such meetings will be conducted to ensure that petitioners are able to present their evidence easily and get a fair hearing. I can assure noble Lords that the committee will ensure that any technical issues that may be encountered will not be allowed to prevent petitioners from making their case in full.

I have spoken to the noble and learned Lord, Lord Hope, the chairman of the Select Committee, and he is seized of the importance that all petitioners must have the opportunity of a fair hearing. Furthermore, as government guidance and House practices allow, the committee will consider all options for the most suitable way of carrying out hearings in the future. While the Motion sets out that

“the Committee may decline to hear the petition of any petitioner who refuses to be heard by virtual proceedings”,

the noble and learned Lord, Lord Hope, is clear that this would be only as a last resort, and in circumstances when all other reasonable alternatives and support had been considered and offered.

I understand that it is the intention of the committee to have completed all the hearings in September. This Motion enables virtual hearings if physical and hybrid hearings are not practicable in that timeframe. I am very grateful to the Legislation Office for progressing this work. I beg to move.

Lord Adonis (Lab): My Lords, I strongly support this Motion. It is absolutely right that the Bill should proceed and that we should use the technology available to the House and the procedures which the House is adopting at large in doing so. We cannot “build, build, build” unless, with all deliberate speed, we move on the largest infrastructure project in the country, and it is absolutely right that this should proceed.

I wish to ask the noble Baroness about the review being conducted on phase 2b. Before the virus, and all the problems it caused, the Minister gave an undertaking to the House that this review would be completed by the end of the year. If we are going to “build, build, build”, it is essential that phase 2a is followed swiftly by phase 2b. The Government have put that into commission with a review; could she assure the House that the review is not being delayed by the pandemic, and that it will be completed by the end of the year, so that we can proceed with the full extension of HS2 to Manchester and Leeds in a timely fashion?

Baroness Vere of Norbiton: I thank the noble Lord, Lord Adonis, for his support of this Motion. It is essential that we make progress on the Bill, as the noble Lord says, so that we can “build, build, build” for the future. He asked about the phase 2b review and, while I do not have an update on the timelines for him, I can reassure him that the HS2 Minister, Andrew Stephenson, has been incredibly busy on HS2 throughout the recent months, even during these very challenging times with the response to the Covid pandemic. If I am able to find out any further information from him when I return to the department, perhaps I might write.

Motion agreed.

1.30 pm

Sitting suspended.

Arrangement of Business

Announcement

1.35 pm

The Deputy Speaker (Baroness Garden of Frognal) (LD): My Lords, proceedings will now commence. Some Members are here in the Chamber, others are participating virtually, but all Members are treated equally. 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 after each speech. If the capacity of the Chamber is exceeded, I will immediately adjourn the House. I ask noble Lords to be patient if there are any short delays as we switch between physical and remote participants. The usual rules and courtesies in debate apply. Please ensure questions and answers are short.

Covid-19

Commons Urgent Question

The following Answer to an Urgent Question was given on Tuesday 7 July in the House of Commons.

“We are bringing coronavirus under control. Yesterday’s figures showed 352 new cases, the lowest since lockdown began. That is down from over 5,000 a day at the peak. Two hundred and nine patients are currently in mechanical ventilator beds with coronavirus, down from 3,300 at the peak. The latest number of deaths recorded in all settings in the UK was 16. New figures this morning show that for the last two weeks, the number of people who have died from all causes has been lower than the normal average for this time of year.

Because we are bringing the virus under control, we have been able to restore some of the things that make life worth living. This weekend, restaurants, pubs and hairdressers were buzzing with activity for the first time in months, and yesterday we were able to ease restrictions for the 2.2 million people who have been shielding across England so that they can now spend more time outdoors in a group of up to six, of course while maintaining social distancing.

Our plan has always been to lift the national lockdown while taking ever more targeted action to suppress the virus. We are seeing a similar approach in other countries, such as Germany, Spain and Australia, where overnight they locked down Melbourne. Last week, we took difficult but vital decisions about Leicester. Since then, we have been working with Leicester and Leicestershire, and I am pleased to say that together, we have brought down the seven-day infection rate from 135 to 117 cases per 100,000 people.

In reopening hospitality, we have also introduced contact tracing for customers. This system is working. I want to thank all those who are making the system work, and to pay tribute in particular to three pubs that have taken specific action: the Lighthouse in Burnham-on-Sea, the Fox and Hounds in Batley, and the Village Home in Gosport. They have all closed for a deep clean and staff testing after, in each case, a customer tested positive. They are doing the right thing by their customers and their communities. This is NHS Test and Trace working precisely as intended. Three pubs shut so that others can be open, and I think the whole House is grateful.

Coronavirus has been the worst global pandemic in a generation. Here, we protected the NHS. We built the new Nightingale hospitals in 10 days. At all times, treatment was available for all. Our medical research has discovered the only drug known to work. We have built, almost from scratch, one of the biggest testing capabilities in the world. We are getting coronavirus cornered, but this is no time to lose our resolve. The virus exists only to spread, so we must all stay alert and enjoy summer safely.”

1.36 pm

Baroness Thornton (Lab): Last Wednesday, the Minister advised noble Lords that the lockdown in Leicester was being carried out under the Public Health (Control of Disease) Act 1984 and that regulations would not be brought to the House. However, on Friday, Leicester regulations were laid. Can the Minister clarify that and explain why there was some confusion and whether this has any practical consequences for implementation and enforcement in Leicester? Will this apply to other cities such as Bradford, Barnsley or Oldham? At Prime Minister’s Questions just now, the Prime Minister stated that the risks associated with asymptomatic transmission were unknown until recently. This is not the case. I am very happy to provide the Minister with SAGE minutes from 4 February, for example, when precisely that was recorded. Can the Minister clarify that statement for the House?

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My understanding regarding the 1984 Act is that the regulations are published under the appropriate section. They have been published as is appropriate, but they are not brought to the House for debate. If I am wrong, I will be happy to write to the noble Baroness.

Baroness Brinton (LD) [V]: Today, the Public Accounts Committee has reported real concerns that the Government have no realistic plan for supplying PPE in the event of a second wave. Can the Minister comment on that? I know I ask this regularly, but can the Minister tell the House when all NHS and social care staff, including those working in people’s homes, can get regular, repeated testing that is not dependent on symptoms? Yesterday, Matt Hancock said that, finally, some day centres, sheltered living and non-care home settings will be able to access tests. Which ones and when? I noticed that, on Monday, the Covid data dashboard was changed, removing posted-out but not returned tests. Does that mean that, in future, posted-out tests will not be counted unless they are returned?

Lord Bethell: On PPE, I pay tribute to my noble friend Lord Deighton, who has performed an amazing task in providing an enormous supply of PPE. There is sufficient PPE in the NHS, social care and other parts of the healthcare system for all those who need it. There is a PPE hotline for those who would like to order it directly and, at this stage, stockpiles are being created to get us through the winter months. On tests, a testing portal is available to all of social care. It can be accessed either by social care employers or, if employees or residents want a test, they can order one themselves through the public testing portal. It is my

understanding that posted tests are no longer counted in the same way: they are counted not on dispatch but when they are processed. The “test and trace” programme initiated this change in the recent change of data, which I think was 10 days ago.

Lord McColl of Dulwich (Con) [V]: My Lords, last week I understated the figures on the deadly combination of Covid-19 and obesity. House of Commons Library figures show that 72% of UK people are either obese or overweight. What is even more tragic, 33% of 10 year-old children are overweight or obese. These appalling figures may help explain the high mortality from the coronavirus in the United Kingdom, so will the Minister endorse the urgent need to persuade people to lose weight? To save lives, we should follow the advice of the Prime Minister himself, who said, “Don’t be a fatty in your fifties”.

Lord Bethell: I think my noble friend and I need to have a chat about statistics, because the statistics I have differ from his. Mine suggest that 28% of the public are either obese or overweight, and it does defy common sense that 72% the public are obese or overweight. Maybe he and I can have a chat about that offline: I would be glad to clear it up. However, my noble friend makes a really important point that I and the Government completely endorse: the Covid epidemic has been a wake-up call for the country—in that, he is right. There is an urgent need to address the obesity epidemic and the Government are looking at ways to do so. The Prime Minister is personally vested in it and my noble friend’s points are extremely well made and supported on these Benches.

Lord Bilimoria (CB) [V]: My Lords, it is very good to see the Statement saying that new cases are at their lowest since the lockdown began. Will the Minister confirm that 30,000 excess deaths have taken place in care homes, and that almost 20,000—almost 50%—of all the sad deaths have been in care homes? Are care home staff, the 1.6 million people who work in the care sector, as well as the 1 million patients in care homes and at home, being tested every week? Just today, we heard that the accident and emergency department at a London hospital has closed because of infection among the staff. Are all staff at NHS hospitals around the whole country being tested regularly, every single week? Looking ahead, will there be a large-scale flu vaccination campaign as an extra precaution leading up to this winter?

Lord Bethell: The noble Lord is entirely right to emphasise the importance of flu vaccination. We are very focused on getting the right amount of flu vaccination stocks and encouraging take-up once the WHO has nominated the right vaccination and we have stocks of it in this country.

Lord Mann (Non-Afl) [V]: Small sports clubs are particularly vulnerable to the lack of people paying to go in. When will the Government come forward with plans to allow small numbers of people to pay to be spectators at sports such as football or rugby league, socially distancing in the same way as is now allowed in cinemas, pubs and restaurants?

Lord Bethell: I welcome the start of cricket, which I understand began today. I correct the noble Lord on one small thing: cinemas are not open, nor are they likely to be in the near future. The CMO, under the advice of SAGE, is considering the provision of new guidelines for spectators at sports. I do not know exactly when that will be, but it is certainly under review.

Baroness Jones of Moulsecoomb (GP) [V]: My Lords, when our Prime Minister was Mayor of London and I was on the London Assembly, part of my job was to keep a close eye on what he said and did. It is my informed opinion that when he spoke about care homes and the 20,000 deaths, he was intending to pass criticism and blame away from himself and his Ministers. Is the Minister prepared to disagree with my informed opinion?

Lord Bethell: I completely understand the history of the noble Baroness’s role at City Hall, but I completely push back against her characterisation of the Prime Minister’s intentions. He has made it very clear that he is incredibly grateful for the hard work and sacrifice of those who work in the care homes sector, and I think we can take him at his word on that.

Baroness Neville-Rolfe (Con) [V]: There is a real degree of confusion about masks. Originally, Ministers said that they did not do much good; now, the President of the Royal Society claims they are essential. A study at Jena, west of Leipzig in Germany, underlines their value. Will my noble friend clarify the position and explain his reasoning?

Lord Bethell: The Government’s approach to the epidemic is to emphasise the three main pillars of our strategy: hygiene, social distancing and isolation. They are based on clear science and evidence. The issue of masks is highly contested. There is possibly a benefit from wearing masks—that is why we have put in place the requirement to wear masks on public transport—but the science remains clear that they are not a replacement for hygiene, social distancing or isolation. On that, we are clear.

Lord Truscott (Ind Lab) [V]: My Lords, the fall in cases is welcome, but is it not becoming clearer that in aiming to create spare bed capacity in the NHS at the expense of the elderly, Her Majesty’s Government ended up putting saving the NHS ahead of saving lives? Another example of that is the strict criteria applied to hospital admissions. Should these criteria not be immediately relaxed to save lives?

Lord Bethell: The noble Lord make his point well; however, I did not hear all of it. We are working extremely hard to increase the number of admissions in hospitals and all parts of healthcare. We are trying to restore confidence in the healthcare service to address public concerns, and I appeal to all those who have appointments or who are feeling poorly to take the opportunity to phone 111 and book themselves into hospitals or into the appointments they need, because we desperately need people to return to the NHS.

The Deputy Speaker (Baroness Garden of Frognal) (LD): My Lords, the time allowed for this Question has now elapsed. I apologise to the noble Lords, Lord Balfe and Lord Rogan, that there was not time to fit them in.

Arts, Culture and Heritage: Support Package

Commons Urgent Question

The following Answer to an Urgent Question was given on Tuesday 7 July in the House of Commons.

“The UK’s arts and cultural heritage are not just beloved in the UK but are the envy of the rest of the world. Our theatres, live music venues, museums and galleries are incredibly valuable to our economy, bringing in £32.3 billion in 2018 and employing approximately 680,000 people. However, they are much more than that: they are the linchpins of their local communities, entertaining, enlightening and educating us, and bringing us together through shared experiences.

The coronavirus pandemic dealt those sectors a body blow, forcing thousands of institutions to close their doors. The Government have already provided substantial financial assistance to see them through the crisis, including loans, business rate holidays and the self-employed and furloughing schemes. Together, those schemes have provided hundreds of millions of pounds of support, saving livelihoods, beloved organisations and institutions. Of course, we have been working extremely closely with the sector and medical experts to try to get things back up and running as soon as it is safe to do so.

Our battle against coronavirus is not over. With social distancing still in place and crowded venues not possible for the foreseeable future, it was clear that the cultural sector desperately needed help to weather the ongoing storm. The Government have provided it this week, with an unprecedented £1.57 billion rescue package for museums, galleries, theatres, independent cinemas, heritage sites and music venues across the country in the form of emergency grants and loans. It is the single largest one-off investment in UK culture and proof of our commitment to protecting the sectors that do so much to enrich all our lives. It has widely been recognised as exceeding expectations and DDCMS Ministers would like to put on record our thanks to the many people who have worked so incredibly hard on this behind the scenes over the weeks.

The funding will support the country’s long-standing and rightly famous cultural institutions such as the Royal Shakespeare Company, the Ironbridge Gorge Museum, the Mary Rose Trust, which I visited yesterday, and the National Theatre, but it will also support lesser known but equally cherished cultural and heritage institutions and organisations in regions up and down the country—places that have been cultural anchors for their communities for years. That will include theatres, live music venues and museums, but it will not just be about cultural spaces, as it will include dance companies, orchestras and touring arts groups that do not have their own venues but that still play a key role in our cultural life and, of course, still need

support. By protecting these organisations as well, the funding will help to support those working across the cultural sector.

The package will also see £120 million invested in rebuilding, upgrading and starting new construction work across our cultural infrastructure as part of our wider effort to build, build, build after coronavirus. This will help to revitalise historic buildings across the country, creating jobs and protecting livelihoods all across our regions. Another £100 million will be allocated to arm’s length bodies such as the British Library, the British Museum and the British Film Institute. An extra £188 million will be given to the devolved Administrations in Northern Ireland, Scotland and Wales, as the Government support our whole union; our cultural strength is stronger as a family of four.

The broader package comes on top of the announcement made last week by the Arts Council to reopen its project grants competition and make an additional £39 million of funding available to support creativity—in particular from freelancers, creative practitioners and independent organisations.

We all want to see full audiences back in our venues and institutions, enjoying the very best of British culture as soon as possible. We will keep our foot very firmly on the pedal and are finalising guidance for a phased return of the performing arts sectors as we speak. This package allows us to protect some of our precious cultural assets during an uncertain time ahead. It will help thousands of organisations to make it through this crisis and out the other side for future generations to enjoy. I ask the House to join the arts sector in welcoming this massive rescue package. It is a lifeline to help the sector weather this storm and bounce back even stronger.”

1.48 pm

Lord Stevenson of Balmacara (Lab) [V]: My Lords, we welcome this much-needed, albeit long-awaited, injection of cash for the arts and cultural sectors. The announcement has been well received, although some concerns have been expressed. I hope the noble Baroness will agree that it is vital that this money does not go just to the biggest venues or to those with the loudest voices. The creative sector’s crown jewels are very well distributed throughout the country, and all parts, including in the devolved Administrations, need to be nourished.

Can the noble Baroness explain why, according to the department’s own briefing, funds will not actually arrive until the autumn? The arts bodies we are in touch with are already in substantial need, and further delay may push several into bankruptcy, which would be a tragedy. As she knows, the creative industries rely on freelancers, many of whom have been excluded from the Treasury’s Covid-19 schemes. What steps will the Government take to make sure not only that arts and cultural sector buildings are saved, but that they will have creators, actors and performers delivering live performances too?

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con): I am grateful to the noble Lord for welcoming the package of £1.57 billion of new money for the arts

and culture that has been announced. I can reassure him that the plan for the package is not just to prioritise the largest institutions, although they are very important and £100 million is set aside for them, but to nurture the ecosystem of arts and culture organisations, which will also have important implications for freelancers in the sector and for the whole supply chain. As regards getting the funds out quickly, I can reassure the noble Lord that colleagues are working tirelessly to do that as fast as possible.

Baroness Bonham-Carter of Yarnbury (LD) [V]: I welcome this excellent news and thank the Secretary of State and his team, including the noble Baroness, at the DCMS. It is a generous package, and it shows a listening department. Can the Minister confirm that funding decisions will reflect existing priorities within the arts—she just mentioned in her Answer that it was understood that funding for creatives in the regions was important—but also the encouragement of inclusivity and diversity in both the workforce and audiences?

Baroness Barran: To clarify in response to the noble Baroness's question on priorities, there are three priorities that we need to balance in deciding where this funding goes. We want to protect our nationally and internationally significant institutions but we also know that there are important institutions which are critical for our levelling-up agenda in places and communities all round the country, and we also want to prioritise those that are key drivers of economic growth. Therefore, there will be some balancing and some choices to make. On inclusivity, the noble Baroness is right that we will aim to support a diverse range of organisations; funding decisions will look at organisations' track records of inclusivity as regards audiences and those delivering the arts.

Lord Berkeley of Knighton (CB) [V]: My Lords, well done to the DCMS for getting the ball rolling. However, the sooner we can get organisations open, the sooner freelancers will be back in work. It makes no sense that you can sit in a plane but not in a hall, especially when there are many venues with open spaces and movable walls, such as Garsington, that we should be using. Finally, would the Minister look at the Music Publishers Association's plan, in which money set aside by the Government might be used to buy those tickets that they are no longer allowed to sell, thus benefiting the venues, composers and publishers?

Baroness Barran: The noble Lord raises the important issue of freelancers. On the plane issue, there is a great deal of difference and a great deal more complexity in reopening a theatre, for example, than having passengers on a plane. However, we are working to try to address these issues and we are hopeful that we can move to stage 3 of our plan—namely, outdoor live performances—within a few days. We have also done a great deal already for freelancers but we believe that by having a mix of funding between bricks and mortar as well as touring companies and other elements of performance, we will reinvigorate the supply chain and allow freelancers back to work. I will take the noble Lord's suggestion regarding the Music Publishers Association back to the department.

Lord Dobbs (Con) [V]: I wholeheartedly welcome this extraordinary package, which I understand is the biggest package of support and investment for arts and culture anywhere in the world. Does my noble friend agree that it is the wonderful cultural life that we enjoy that attracts so many talented and ambitious men and women to this country, not just because they want to work here but because they want to live here? That is one of the reasons why Britain is such a global leading financial centre.

May I press my noble friend a little further on what she has just said about theatres? What progress is being made on the reopening of theatres, and can I press her particularly on the matter of open-air theatres, which really need to be back in operation right now, while the weather is improving? If pubs can open and air passengers can fly, why not let us enjoy our great culture out in the open?

Baroness Barran: My noble friend is right that our cultural sector and the extraordinarily talented people who work within it have been a great driver both in terms of quality of life but also economic growth in this country. As regards open-air performances, as I said, we are optimistic that we will be able to move to stage 3 of our road map very shortly and to stage 4 later this summer.

Baroness Bull (CB) [V]: My Lords, I too welcome this support and thank all those in government and the cultural sector who have worked so hard to deliver it. Can the Minister press two key points with colleagues in DCMS and the Treasury? First, there is the importance of balancing ambitions to safeguard the sector—I quote both the Prime Minister and the Chancellor—with recognition of the need to address existing imbalances and inequalities through investment in people, places and ideas, particularly creative freelancers and those parts of the country too often overlooked. Secondly, there is the urgent need to agree not-before dates so the sector can plan the journey to reopening, as set out in stage 5 of the plan.

Baroness Barran: To be clear on the criteria for where funding is going, grant and loan recipients will need to show that, first, they are viable, secondly, they are at risk, and thirdly, they have exhausted all existing avenues of funding. As regards diversity, I touched on a number of those points in my response to the noble Baroness, Lady Bonham-Carter. That will be a clear priority. On the date for reopening, I am afraid that I can say no more than that our priority remains safety, but as soon as we can give a date, we will.

Baroness Rawlings (Con) [V]: My Lords, HMG got it right: support for the arts is vital. Does the Minister agree that without pantomime, we will lose all our regular theatres permanently beyond anything a grant can achieve? Pantomime gives more employment to more members of the industry than any other form of theatre. Its audience is more inclusive and diverse than in any other field of culture. It provides irreplaceable release and relief. It is as British as the fortitude with which the UK has faced this crisis. Does the Minister agree that it will heal us and bind us back together

[BARONESS RAWLINGS]

once again? Why be Ebenezer when you could be Aladdin? Pantomime is our reward. I urge the Minister: please make it possible in time for Christmas.

Baroness Barran: My noble friend makes a most persuasive case for the pantomime. I absolutely agree that it brings value. We will be driven by safety considerations but will move as quickly as we can within those constraints.

Lord Aberdare (CB) [V]: My Lords, it is good to welcome a package that actually exceeds expectations, in scale if not timing, but there is still plenty more to do. How will the package help new entrants into the profession, particularly those who have just graduated from the conservatoires and music and art schools, who may be worried about their career prospects turning to dust?

Baroness Barran: Not only is it good to announce a package that exceeds expectations but it is very nice to respond to one as well. The noble Lord raises a critical point as regards new entrants. Obviously, the fabric of the grants that we give out will need to reflect not only the ecosystem of our arts and heritage and culture but its future, of which new entrants are a critical part.

The Deputy Speaker (Baroness Garden of Frognal) (LD): My Lords, the time allowed for this Urgent Question has now elapsed. I apologise to the three noble Lords who were not able to ask their questions.

1.59 pm

Sitting suspended.

Arrangement of Business

Announcement

2.04 pm

The Deputy Speaker (Lord McNicol of West Kilbride) (Lab): My Lords, proceedings will now commence. Some Members are here in the Chamber, others are participating virtually, but all Members are treated equally. For Members participating remotely, microphones will unmute shortly before they are to speak. I ask noble Lords to be patient if there are any short delays between physical and remote participants. The usual rules and courtesies in debate apply.

We now come to questions on the Statement on the introduction of the global human rights sanctions regime. It has been agreed in the usual channels to dispense with the reading of the Statement, and we will proceed immediately to questions from the Opposition Front Bench. I ask that questions and answers be brief.

Global Human Rights Sanctions Regime

Statement

The following Statement was made on Monday 6 July in the House of Commons.

“Mr Speaker, with permission, I would like to make a Statement on the global human rights sanctions regulations. As we forge a dynamic new vision for a

truly global Britain, this Government are absolutely committed to the United Kingdom becoming an even stronger force for good in the world: on climate change, as we host COP 26; as we champion 12 years of education for every girl in the world, no matter how poor their background; and on human rights, where we will defend media freedoms and protect freedom of religious belief, and, with the measures we are enacting and announcing today, hold to account the perpetrators of the worst human rights abuses.

I first raised this issue in a 2012 Back-Bench Business debate. It was a cross-party issue then, as I hope it will be now. I recall co-sponsoring it with the former Foreign Secretary, David Miliband. I also would like to pay tribute to Members from across the House, particularly my right honourable friend the Member for Haltemprice and Howden (Mr Davis), who sponsored that debate, and the honourable Member for Rhondda (Chris Bryant), who joined me in that initial debate and who has been chivvying me along ever since, normally from a sedentary position.

The idea of taking targeted action against human rights violators has received further cross-party backing since then, from honourable Members in all parts of the House, including five former Foreign Secretaries and the current chair of the Select Committee on Foreign Affairs. In 2019, it was in the Conservative Party's manifesto as a clear commitment.

Today I am proud that under this Prime Minister and this Government, we make good on that pledge, bringing into force the United Kingdom's first autonomous human rights sanctions regime, which gives us the power to impose sanctions on those involved in the very worst human rights abuses right around the world. These sanctions are a forensic tool, which allows us to target perpetrators without punishing the wider people of a country that may be affected. The regulations will enable us to impose travel bans and asset freezes against those involved in serious human rights violations. We are talking about, first, the right to life, where it is threatened by assassinations and extrajudicial killing; secondly, the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment; and, thirdly, the right to be free from slavery, servitude or forced or compulsory labour. The powers enable us to target a wider network of perpetrators, including those who facilitate, incite, promote or support these crimes. This extends beyond state officials to non-state actors as well. So if you are a kleptocrat or an organised criminal, you will not be able to launder your blood money in this country. Today this Government and this House send a very clear message, on behalf of the British people: those with blood on their hands, the thugs of despots, the henchmen of dictators, will not be free to waltz into this country, to buy up property on the Kings Road, do their Christmas shopping in Knightsbridge or siphon dirty money through British banks or other financial institutions.

The regulations are just the latest next step forward in the long struggle against impunity for the worst human rights violations. We have deliberately focused on the worst crimes, so we have the clearest basis, to make sure we can operate the new system as effectively as we possibly can. That said, we will continue to

explore expanding this regime to include other human rights, and I can tell the House that we are already considering how a corruption regime could be added to the armoury of legal weapons we have. In particular, honourable Members will be interested to know that I am looking at the UN Convention against Corruption, and practice already under way under the frameworks in jurisdictions such as the United States and Canada.

Today we have also published a policy note, which sets out how we will consider designations under these regulations, for maximum transparency. As the House would expect, the legislation will ensure that due process will be followed in relation to those designations, reflecting the process rights contained in the Sanctions and Anti-Money Laundering Act 2018. In practice, those people designated will be able to request that a Minister review the decision. They will be able to challenge the decision in the court. And, just as a matter of due diligence, the Government will review all designations at least once every three years.

In addition to introducing this new legal regime, today we are proceeding directly to make the first designations under the regulations. We are imposing sanctions on individuals involved in some of the most notorious human rights violations in recent years. The first designations will cover those individuals involved in the torture and murder of Sergei Magnitsky, the lawyer who disclosed the biggest known tax fraud in Russian history. The designations will also include those responsible for the brutal murder of the writer and journalist Jamal Khashoggi, and those who perpetrated the systematic and brutal violence against the Rohingya population in Myanmar. They will also include two organisations bearing responsibility for the enslavement, torture and murder that takes place in North Korea's wretched gulags, in which it is estimated that hundreds of thousands of prisoners have perished over the past 50 years. With those first designations, the Government—and, I hope, the House and the country—make it crystal clear to those who abuse their power to inflict unimaginable suffering that we will not look the other way. You cannot set foot in this country and we will seize your blood-drenched ill-gotten gains if you try.

In practice, targeted sanctions are most effective when they are done through co-ordinated collective action, so we will be working closely with our Five Eyes partners, including in particular the US and Canada, which already have Magnitsky-style sanctions legislation, and Australia, which is considering similar legislation. We will also strongly support efforts to bring an EU human rights sanctions regime into effect and we stand ready to co-ordinate with our European partners on future measures. In fact, I discussed that in Berlin recently with our E3 partners.

Mr Speaker, with your permission I would like to end by paying tribute to the man who inspired these sanctions, Sergei Magnitsky, a young Russian tax lawyer. Between 2007 and 2008, Magnitsky exposed the theft of \$230 million committed by tax officials in Russia's own interior ministry. While others left Russia, understandably fearing for their lives, Magnitsky stayed on to take a stand for the rule of law and to strike a blow against the breath-taking corruption that plagues

Russia. That courage cost him his life. He was arrested in 2008 on trumped-up charges of tax evasion and, in a particularly Kafkaesque twist, the very tax investigators that Magnitsky had exposed were the ones who turned up to arrest him. The Public Oversight Commission, a Moscow-based non-governmental organisation, found that while in detention Magnitsky was subjected to physical and psychological abuse amounting to torture. Over the course of his time in prison he developed abdominal pain and acute bladder inflammation, but prison officers cruelly withheld the medical treatment he needed. Eventually, he was transferred to another facility ostensibly to receive medical care. Instead, he was handcuffed and beaten to death by riot police with truncheons. He died on 16 November 2009, aged 37.

The House will recall that the European Court of Human Rights found Russia had violated its most basic human rights, from the treatment of Magnitsky in prison to the lack of an effective investigation. None of those involved have ever been brought to justice. Perversely, some have been promoted or even decorated with medals. In fact, the only person ever prosecuted for this appalling crime was Sergei Magnitsky himself after his death; Russia's first ever posthumous trial.

I pay tribute to Bill Browder, who employed Sergei Magnitsky and has campaigned for justice ever since his death. I hope that today we in this House show our solidarity with the family that Sergei Magnitsky left behind: his wife Natalia and his son Nikita. I can tell the House that they will be watching from my office in the Foreign Office as we speak. Amidst their enduring loss, they can be proud of Sergei's courage, which inspires us to hold up a torch on behalf of all those who perished or suffered at the hands of those we designate today and to keep the flame of freedom alive for those brave souls still suffering in the very darkest corners of the world. I commend this Statement to the House."

2.06 pm

Lord Collins of Highbury (Lab): My Lords, I welcome this Statement. The UK cannot operate as a safe haven for human rights abusers, and the establishment of these powers will begin the process of ensuring that this is not the case. However, the existence of the powers alone will not suffice. We must ensure that they are enacted in the most efficient way to deter individuals. Parliamentary scrutiny of the powers and their enactment is key to this. On Monday, the Foreign Secretary said the designations will be published online and that he would welcome a full and rigorous engagement with, and scrutiny of, all that process. He also referred to the role of the courts in due process and ensuring that proper safeguards are put in place. But what of the role of this House in this regard? We of course have representation through the Joint Intelligence and Security Committee, and the Foreign Secretary said that once it is duly constituted, it will have a role in issues such as this. Does the Minister agree that this announcement demands the early constitution of the committee? He will be aware that in the US, there is a congressional trigger for members to input designations. Is this one of the roles the Foreign Secretary had in mind?

[LORD COLLINS OF HIGHBURY]

I raise the issue of how Parliament can input designations because the current list is incomplete. There is no announcement of any sanctions against those who are either exploiting or abusing the Uighur minority in Xinjiang or repressing democracy activists in Hong Kong. The Foreign Secretary said on Monday that he would not pre-empt what the next wave of designations will be, but he assured the other place that the FCO was already working on them. When does the Minister expect further designations, bearing in mind how urgent the situation is in relation to Hong Kong? The Foreign Secretary also agreed on Monday that corruption and human rights abuses were often interlinked. He confirmed that the work on incorporating corruption is under way, so can the Minister tell us what is the timeframe for that work to be completed?

I hope that these new powers will be used to build a values-based foreign policy, but announcing the decision to resume the sale of arms to Saudi Arabia for use in Yemen the day after 20 Saudi officials were, rightly, placed on the FCO's sanctions list for the murder of Jamal Khashoggi, killed in part for criticising Saudi conduct in the war in Yemen, is at the very least a case of mixed messages, undermining the Government's claim to be human rights defenders.

The UK has enormous influence on the world stage, and sanctions are one of the strongest tools we hold to confront suffering and abuse, but they will be invalidated and rendered futile if one hand of the Government contributes to the same abuses that the other hand seeks to fight. The Government must understand that only through international co-operation can we ensure that our sanctions are most effective. Through our network of allies, be it the Five Eyes, our neighbours in Europe or NATO, we can guarantee that our actions target the same individuals, and through leading in these alliances, we can best confront those exact individuals whose crimes offend every value that we hold dear.

Baroness Northover (LD) [V]: My Lords, I too thank the noble Lord for the Statement. This is a major step forward and I thank him, his right honourable friend the Foreign Secretary and his officials for all their work. Many have played their part in this, including organisations like Transparency International and campaigners like Amal Clooney. I also acknowledge the very brave Bill Browder, who will realise that the Russian leadership would happily do to him what it did to the Skripals. Bill Browder has described the UK Government's initiative as "a huge milestone" and to quote him again

"Most kleptocrats and human rights violators keep their money in the UK, have houses in London, and send their kids to British schools."

This will have a stinging effect on bad guys around the world.

These bans are also a tribute to Sergei Magnitsky, who paid for his courage and honesty with his life. I am very glad that his family was able to watch this Statement being made from the Foreign Office. I commend the Government for listing 25 Russian nationals who are linked to his case. It is good, too, that 20 of those who played their part in the death of Jamal Khashoggi

are also sanctioned. And yet just yesterday, as the noble Lord, Lord Collins, has made clear, we granted the sale of arms once more to Saudi Arabia.

It is important, too, to note that two senior Myanmar generals who were involved in the suppression of the Rohingya population are also listed, although it has been noted that this may be largely symbolic because they have no known assets in the UK and would not be allowed to travel here anyway. I note also that two organisations which have been linked with human rights abuses in North Korea will be sanctioned.

However, there are omissions, as the noble Lord, Lord Collins, and others have said. Where is China in this? Will those who are oppressing the Uighurs be included? Will proper consideration be given to the China Tribunal's conclusion about organ harvesting, and might sanctions result? What of the doctors who may have been involved? What about those who are taking actions in Hong Kong, including potentially Carrie Lam, who has overseen the destruction of human rights there by overseeing the abandonment of "one country, two systems".

In their equivalent legislation, the United States and Canada include corruption, and I have seen how effective US sanctions are in rooting out corruption in Africa. To quote Bill Browder again:

"Once you get onto a sanctions list you become a non-person in the world of finance. You can't do business with anybody. ... It is probably the worst thing that can happen to people who are very wealthy. These are rich government officials who made their money through graft and theft and imprisonment."

Can the noble Lord update us on whether corruption charges will be included?

Can the noble Lord also tell us how the new regime will be overseen, so that it is not knocked off course by short-term concerns? Will its administration be separate from the FCO, DIT and the MoD, which might have other interests? What parliamentary oversight will there be? I note too that we have not yet seen the long-awaited report from the Intelligence and Security Committee and I support the demands for that committee to be resumed immediately.

When we were in the EU, we had of course engaged with it to bring all EU countries along with us, particularly Sweden and the Netherlands, on similar human rights sanctions proposals. I am glad that we will continue to work with our EU colleagues, although that will be more challenging. However, the more we work together on this, the more effective we will be. I note already that, on human rights in China and Hong Kong, many more countries of the UN supported China than supported our position, and that will be a challenge in the future. Overall, however, I welcome this Statement as a major step forward and I look forward to the noble Lord's response.

The Minister of State, Foreign and Commonwealth Office and Department for International Development (Lord Ahmad of Wimbledon) (Con): My Lords, I thank the noble Lord, Lord Collins, and the noble Baroness, Lady Northover, for their remarks in support of the Statement made by my right honourable friend the Foreign Secretary. Perhaps I may reflect for a moment. I remember working with both the noble Lord and the noble Baroness during the passage of the Sanctions

and Anti-Money Laundering Bill, and again I pay tribute to the level of co-operation and indeed the excellence of the debates we had not only on the whole of the statute but specifically on the importance of the issue of sanctions. I am therefore delighted that we have been able to bring forward what my right honourable friend has described as the launch of a global human rights sanctions regime. I thank both noble Lords for welcoming it, as indeed did all Members in the other place.

As the noble Lord, Lord Collins, has said, while welcoming the names which have been mentioned—the noble Baroness also referred to the 25 Russian nationals—I believe that they both talked about omissions. I would not term it as such. This is very much the first tranche. Everything has to be based on evidence and, clearly, that evidence is collated. I know that both noble Lords will respect the fact that those who have been designated should be given the opportunity to challenge the designation, and that has been incorporated into this new regime.

On the issue of corruption, which both noble Lords pointed out was not initially included in what we have proposed, as my right honourable friend alluded to in the Statement, this is something that we have already started work on. However, it was important not only to introduce the framework but also to recognise that designations were needed to give strength to what has been laid before Parliament, and therefore I am pleased that this process is under way given that corruption is an issue that we continue to look at, as my right honourable friend has said.

Both noble Lords talked about the recent announcement made with the Kingdom of Saudi Arabia on the arms deal. I believe that the noble Baroness acknowledged the fact that including the names of those who committed the appalling crime of the targeting and assassination of Jamal Khashoggi reflects the deep concern and outrage which was expressed across your Lordships' House.

I turn to the issue of restarting export licences to Saudi Arabia. My right honourable friend the Trade Secretary has looked at the court ruling and we have adhered to its proposals to make the necessary amendments to our processes. Perhaps I may reassure all noble Lords that we will not issue any export licences when there is a clear risk that the items concerned may be used to commit serious violations of international humanitarian law. As I have said before, every licence application is rigorously assessed against strict criteria and we will not issue an export licence where to do so would be inconsistent with them.

The new sanctions regime will give the UK a powerful new tool in order to hold to account those who are involved in serious human rights violations or abuses. I can assure noble Lords that we will keep the export licence regime and the controls we exercise under close scrutiny and review. However, we will do so while adhering fully to the points which were raised during the judicial review of the decision.

Both noble Lords rightly talked about the importance of co-operation and working with partners. We have, along with the US and Canada, already engaged in working on the inclusion of similar sanctions on corruption, as the noble Baroness pointed out. We work

closely with our Five Eyes partners and I can give her an assurance on her specific point about our partners in Europe. My right honourable friend the Foreign Secretary recently visited Germany and we are working closely with our EU partners in looking at how the EU can also bring forward a global human rights sanctions regime. However, I know that both noble Lords will agree that any regime in the world can work effectively against those who commit the most heinous crimes and the worst kind of human rights abuses only if we work in tandem and together with other countries. We will continue to emphasise that point as we look to expand the designations further in the future as well as to expand their scope to include issues around corruption, which was mentioned by both noble Lords.

The noble Lords talked about scrutiny. In closing, I assure them that I recognise the range of views expressed by both noble Lords, and in the other place, on the best approach to take to designation proposals. I know that, as can be seen by the list today, many parliamentarians have over a long period continued to engage with the Government—they have engaged directly with me as the Minister for Human Rights—on the importance of bringing forward designations. I also recognise the range of views expressed by parliamentarians on the best approach to implementation, and I am grateful for continuing to hear soundings to this effect.

Let me assure both noble Lords that, in line with the sanctions Act, we will continue to report to Parliament, as required under its Sections 30 and 32. Doing so also provides Parliament with regular moments where Members may scrutinise the actions that the Government have taken in respect of human rights sanctions. There is also provision to debate the laying of these instruments. We are of course working through the usual channels. I understand that there will be a debate in the other place on this very issue on the 16th of this month. There is a 28-day limit from when these provisions were introduced on 6 July, so we will certainly look through the usual channels to have a debate as soon as we return from the Summer Recess. That will be the earliest opportunity, bearing in mind the current challenges in the parliamentary schedule. But this will ensure that we comply and that your Lordships' House has an opportunity to debate these designations.

Finally on the designations, I know that the noble Lord, Lord Collins, did not mention this, but the words still ring in my ear about the importance of laying a report in this respect. We will continue to fulfil that obligation and review those who have been designated every three years, which was another key point that both noble Lords raised with me during debate on what became the Act.

The Deputy Speaker (Lord McNicol of West Kilbride) (Lab): My Lords, we now come to 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.

2.22 pm

Lord Garnier (Con) [V]: My Lords, I warmly welcome this Statement. Does my noble friend the Minister agree that CSOs and NGOs should be able to interact

[LORD GARNIER]

directly with the FCO and parliamentary committees in the designation process? Given Bill Browder's help in the development of the global human rights sanctions regime, will my noble friend ensure that Interpol more effectively polices the red notice system to prevent authoritarian regimes misusing it for political and commercial advantage?

Lord Ahmad of Wimbledon: My Lords, my noble and learned friend raises two very important points. First, on the NGOs, we have published an information note aimed specifically at NGOs and civil society organisations, which formally lays out a dialogue with government and allows NGOs to raise their issues directly with us. Prior to this, as the Human Rights Minister I had already had regular engagement with leading NGOs and civil society organisations. On his second point, I, like my noble and learned friend and other noble Lords, pay tribute to Bill Browder and his work in this respect. I assure him that the Government take any misuse of Interpol notices and systems very seriously. Article 3 of the Interpol constitution forbids any organisation undertaking any intervention or activities, be they of a political, military, religious or racial character. Interpol has robust checks and we will make sure that they continue to be upheld.

Lord Geidt (CB) [V]: My Lords, the Minister's Statement and the remarks of other noble Lords echo the thanks owed to the extraordinary, tenacious advocacy of Bill Browder, often at considerable personal risk. The other published designations, beyond that of Sergei Magnitsky, also reflect a high profile of public concern. There is evidently more to come: consideration of designations against Chinese actors, for example, in other very visible cases would appear to be ripening. Building on the comments of the noble and learned Lord, Lord Garnier, can the Minister comment on what measures are intended by Her Majesty's Government, including through the agency of civil society organisations and NGOs, as just mentioned, actively to hunt down similarly egregious cases of human rights abuses which are far less well known but to which this new regime might equally apply?

Lord Ahmad of Wimbledon: My Lords, again, I agree with the noble Lord. Through the information notes—and whether through working with colleagues across Parliament, with NGOs or with civil society organisations—we want to ensure that we collect the evidence base, irrespective of who the perpetrator is and wherever they are in the world, so that we can impose these kinds of restrictions on them. They include a travel ban and an asset freeze within the UK. I take careful note of what the noble Lord says, but I assure him that all processes will ensure that there is a robust evidence base behind any designation.

Lord Rooker (Lab) [V]: My Lords, this is a good news story, and I give sincere congratulations to the Government. I pay my own tribute to Bill Browder and the family of Sergei Magnitsky. Is the Minister aware that London is full of legal firms and accountants that are happy to work for those salting away dirty money gained by abuse? Will the Government therefore

be meticulous in gathering evidence to sanction kleptocrats and abusers, so that our own crooks in the City cannot take advantage?

Lord Ahmad of Wimbledon: My Lords, I suppose that I should declare an interest as having had a 20-year career in the City of London. I assure noble Lords that the City of London plays an important part in Britain globally, but the noble Lord is right to raise concerns about money being laundered through bank accounts. As my right honourable friend said, I assure him that part of the real sanctions that will be imposed are the asset freezes on those who commit these human rights abuses.

Baroness Ludford (LD) [V]: My Lords, I join those highlighting the close link between those who abuse human rights and those who are corrupt, so I was interested when the Foreign Secretary mentioned that the Government were considering how a corruption regime could be added to the armoury of legal weapons that we have. But one key tool, long promised, is to remove the ability to own property and businesses in this country through firms registered in secretive tax havens. Do the Government still intend to require public registers of beneficial ownership in British Overseas Territories only in 2023, as Vince Cable was told last year? Why is there such a lax timetable and will a draft order still be ready this December, as required under the 2018 sanctions Act?

Lord Ahmad of Wimbledon: My Lords, the noble Baroness raises the issue of beneficial and public registers in our overseas territories. As I have said previously, we have made commitments to ensure that our overseas territories comply. The reason for the 2023 date was to allow sufficient time for such public registers to be initiated, because it adds a requirement on every single overseas territory, some of which do not have the technical ability to do so. However, I pay tribute to some of our OTs, which have already co-operated fully with tax authorities and legal authorities through the effective operation of the exchange of notes.

Lord Alton of Liverpool (CB) [V]: My Lords, in declaring my interests as vice-chairman of the all-party parliamentary groups on Hong Kong and the Uighurs, I too pay tribute to Bill Browder and warmly welcome the Foreign Secretary's decision to use Magnitsky powers to target those who themselves use the United Kingdom as a bolthole for their money and families, while abusing human rights in their own jurisdictions. Returning to the questions of the noble Lord, Lord Collins, and the noble Baroness, Lady Northover, can the Minister say whether active consideration is now being given to adding Hong Kong's Carrie Lam to the Magnitsky list, along with Chen Quanguo, the Communist Party secretary of Xinjiang, in addition to others named in a letter to the Minister of 24 January last, who stand accused of grievous crimes against Muslim Uighurs, Falun Gong and other minorities in China?

Lord Ahmad of Wimbledon: My Lords, first, I pay tribute to the noble Lord. He and I have often had long discussions about the importance of having such

a regime. In paying tribute to the likes of Sergei Magnitsky, who ultimately paid with his life, I also pay tribute to the noble Lord for the work that he does within the human rights field. He asks specifically about China and Hong Kong. I am sure he will accept that I cannot speculate on who might be designated under the sanctions regime in the future. But as I have repeatedly said as Human Rights Minister, we have on many occasions set out deep concerns about human rights violations in both Xinjiang and Hong Kong. Most recently, we had a campaign with 27 countries backing our statement at the Human Rights Council on 30 June.

Lord Randall of Uxbridge (Con) [V]: Her Majesty's Government must be warmly congratulated on these measures. My noble friend has given such extensive replies to previous questions that I think he has already answered mine. However, can he reassure me that we will continue to work with other countries to ensure that those who commit human rights abuses will be held to account for their actions?

Lord Ahmad of Wimbledon: I can certainly give that full assurance to my noble friend.

Lord Triesman (Lab) [V]: My Lords, I join others in congratulating the Government on laying these regulations and in congratulating various people. I add my congratulations to the Minister because his work on human rights has been exemplary and I thank him for it.

Quite often, when people look at who should be sanctioned—the case of Jamal Khashoggi is a good example—the evidence may very well point to people much higher in those regimes. It may be inconvenient for trade or security or other reasons to say that those people will be subject to these sanctions, but if the direction leads to them, it would be very significant. Does the Minister agree?

Does the Minister also agree that some other kinds of assets should be considered? I was horrified when Thaksin Shinawatra, a human rights abuser on an industrial scale in Thailand, was able to buy Manchester City Football Club. That was a way of demonstrating his international purpose and presence. Again, that seems to be an area which the Government should consider.

Lord Ahmad of Wimbledon: My Lords, first, I thank the noble Lord for his kind remarks on my efforts in this regard, but it is something that has been worked on over many years and my own personal efforts fall to the side when we look at the commitment and ultimate sacrifice by the likes of Sergei Magnitsky, whom we have mentioned already, and Bill Browder, among others.

On the issue of senior people within Administrations and Governments, I think that that is reflected in the designations we have made in the case of Myanmar, specifically with the generals, and, of course, I stress again the importance of the evidence base.

On other matters that the noble Lord raised as to what can be held within the scope of what tools are used, I make note of what he has said. I believe there

are separations of certain things that are done in business, but we should also scrutinise decisions that we take very carefully and make sure that they do not fall foul of this new regime.

Baroness Sheehan (LD) [V]: My Lords, all too often I hear of the hardship caused by countrywide sanctions which hurt the poorest the most and hamper aid efforts, so I wholeheartedly congratulate the Government on striking a blow targeted against the evildoers. The Minister will know that the Intelligence and Security Committee will help enormously in expanding the list of individuals not currently designated. What is delaying its constitution?

Lord Ahmad of Wimbledon: My Lords, I believe that that is going through due process and will be announced in due course. I do not think there is any major delay which I can talk to. On her earlier point, I think the noble Baroness is right. This is the beginning and the first level of designations and we will continue to look at future designations based on the evidence in front of us.

Baroness Prashar (CB) [V]: My Lords, like other noble Lords, I welcome this announcement and congratulate the Government on this initiative. As the noble Lord, Lord Collins, said, I hope that it will encourage a value-based foreign policy. I also welcome the fact that the regime will be kept under review and the Government are looking to expand it. Will the Minister please assure the House that the UK will make every effort not to shy away from applying the sanctions evenly and consistently when awkward or difficult situations arise, particularly when economic and trade interests are at stake and there is a danger of accusations of double standards?

Lord Ahmad of Wimbledon: My Lords, on the initial designations that we made, mention has been made of our trading relationship with the Kingdom of Saudi Arabia, yet we did not shy away from sanctioning individuals from that country.

Lord Mackenzie of Framwellgate (Non-Aff) [V]: My Lords, I too pay tribute to Bill Browder. I thank the Minister for presenting the Statement and, through him, commend the actions of the Foreign Secretary who has achieved his lengthy campaign to target laser-like those who torture, murder, disfigure and maim fellow human beings in the quest of power, corruption and cruelty. Will the Minister, who I know is committed to the same pursuit of human rights, assure the House yet again that Communist Party actors in China will be included in future additions to the list of those sanctioned? Will he also commit to applying sufficient resources to the tracing and tracking of ill-gotten assets in these cases?

Lord Ahmad of Wimbledon: My Lords, on the noble Lord's final point, it is appropriate that the governance of such a scheme has the support it requires to make it effective. While I have already made a Statement on my opinion and the Government's view on what is happening in China and Hong Kong, it is not appropriate to speculate on future designations.

[LORD AHMAD OF WIMBLEDON]

On the noble Lord's earlier point about the role my right honourable friend the Foreign Secretary has played, I know that this has been a priority for him for a long time. Indeed, it was very much cross-party in the other place when it was initiated. I pay tribute to his personal efforts and have certainly seen since his appointment as Foreign Secretary the personal priority and effort he has put behind ensuring that the promise we made in our manifesto has come to life—today it has.

Baroness Whitaker (Lab) [V]: My Lords, the Foreign Secretary said that the United Kingdom will help the world in standing up for human rights. Will he also apply this very commendable aim to the United Kingdom's conduct towards the dispossessed Chagossians, whose deportation the International Court of Justice agreed was unlawful?

Lord Ahmad of Wimbledon: My Lords, we have made our position on the British Indian Ocean Territory very clear. The ICJ decision was an advisory opinion which we do not agree with. The ICJ should adjudicate only where both parties have agreed to it. We believe appropriate support was provided at that time, although there were many shortcomings in the way that the Chagossian people themselves were treated, which we have also acknowledged. We wish to work in a progressive way with the Government of Mauritius on ensuring that we build a strong bilateral relationship.

Lord Balfe (Con) [V]: My Lords, can the Minister tell us to what extent the Government consulted with their opposite numbers in the EU in drawing up this list and to what extent they just informed them? In the case of additions and deletions to the list, will there be a structure in place for consulting or will it just be a case of informing?

Lord Ahmad of Wimbledon: My Lords, I have already said that we work and continue to work with our EU partners. The EU does not yet have a global human rights sanctions regime per se. The most effective regimes are when you work together, and that of course means sharing information and an evidence base, so we continue to work with our EU partners, as I have already said.

Lord Chidgey (LD) [V]: My Lords, I declare an interest as an associate founder of TI UK with whose assistance some years ago I put forward a Private Member's Bill on corruption which in due course was subsumed into the Government of the day's legislation.

Before Brexit, the UK was making progress within the EU with the member states on establishing global human rights sanctions. The Minister has already mentioned that he is working closely with some countries. The problem is that there needs to be a consensus in the EU to reach agreement, usually at the lowest common denominator. Can the Minister give us some idea of whether this global human rights initiative is going to accelerate that process or whether it will continue to be delayed?

I have one small point on Africa and extractive industries. Is the legislation that we introduced together with our colleagues overseas actually working? I am not sure that it is.

My final point is about the reaction in the United States where the American Secretary of State has commended the UK for its continued global leadership on the protection and promotion of human rights. Mark Landler of the *New York Times* is a little more circumspect about this, mentioning that the people on our list are already blacklisted in the US. What arrangements are the Government making with the US State Department jointly to expand the promotion and protection of global human rights?

Lord Ahmad of Wimbledon: My Lords, in the interests of time, on the noble Lord's final point, we are working very closely with our partners in the US. I will write to him about extractive industries. On EU sanctions, some countries already have a national sanctions regime and the UK will continue to work with EU partners.

Lord Dobbs (Con) [V]: [*Inaudible*]
—the Government have been able to—[*Inaudible*]
—manifesto commitment the Conservative Party made. If it is to be effective, it must be sustained, consistent and co-ordinated. What are we doing to bring together the international definitions of fundamental terms such as “corruption” and “human rights abuse” so that we can ensure we are all singing from the same song sheet? Can the Minister be more specific and give a little more detail about what measures we are taking to co-ordinate the sanctions with other countries and relevant international organisations?

Lord Ahmad of Wimbledon: My Lords, in the interests of time I will write to my noble friend on the specifics, but I can assure him that there is co-ordination. We are working with international partners to ensure that the sanctions which are imposed in the UK are reflected by key partners, be they the Five Eyes or other EU partners.

Lord Truscott (Ind Lab) [V]: My Lords, my question on co-ordination with partners has been quite comprehensively answered by the Minister, so I shall move on to the second part of my question. What criteria are being applied before these sanctions are imposed? Are Her Majesty's Government seeking to punish individuals or to achieve policy change?

Lord Ahmad of Wimbledon: My Lords, the regime is specifically about individuals. It is not taking issue with a country necessarily or the people of that country. This is looking at entities and individuals who commit abuses of global human rights. Specifically within the scope of the application, this means issues that we have talked about before, such as modern slavery, human trafficking, preventing sexual violence and freedom of religion. The consideration of these targets has been published as an information note and I commend it to the noble Lord.

The Deputy Speaker: My Lords, the time permitted for the Statement has now elapsed.

2.43 pm

Sitting suspended.

Arrangement of Business

Announcement

2.50 pm

The Deputy Speaker (Lord Duncan of Springbank) (Con): My Lords, proceedings will now commence. Some Members are here in the Chamber, others are participating virtually, but all Members are treated equally. 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 after each speech. If the capacity of the Chamber is exceeded, I will immediately adjourn the House. I ask noble Lords to be patient if there are any short delays as we switch between physical and remote participants. The usual rules and courtesies of course apply.

Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020

Motion to Approve

2.51 pm

Moved by Baroness Vere of Norbiton

That the Regulations laid before the House on 15 June be approved.

Special attention drawn to the instrument by the Secondary Legislation Scrutiny Committee, 20th Report. Approval period expires 11 July.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con): My Lords, the Government are committed to ensuring the safety of passengers travelling on the transport network during the Covid-19 pandemic. We have therefore introduced these regulations to make it mandatory for passengers to wear a face covering while using public transport services in England from 15 June.

To give a bit of background, this instrument was made on 15 June under powers conferred by the Public Health (Control of Disease) Act 1984. These regulations are exceptional measures brought forward to mitigate the unprecedented impact of the Covid-19 pandemic and to comply with all the Government's obligations relating to human rights. Although these regulations are a necessary response to the serious and imminent threat to public health posed by the spread of coronavirus, they are being brought before your Lordships' House today for the scrutiny and debate they require under emergency procedures approved by Parliament for such measures. These regulations help save lives. That is why Parliament has given Ministers these powers.

Although our advice remains to work from home if you can and to avoid public transport where possible, there is now an increased demand for public transport as sectors of the economy reopen and more people return to work. The public transport network is vital to the safe reopening of the economy and the regulations were made to coincide with the easing of other lockdown

measures to help protect people from each other on public transport, where it is not always possible to maintain social distance.

The evidence shows that wearing a face covering offers some protection from transmitting the virus to others. These regulations sit alongside existing advice on social distancing and practising hand hygiene, which remain critical. We have worked closely with transport operators to ensure widespread communication around the need to wear face coverings on public transport and we have set out the detail of this policy in our guidance, including information on enforcement and the exemptions in place for those unable to wear a face covering.

As expected, initial reports from operators and Office for National Statistics surveys show widespread compliance with the requirement to wear a face covering on public transport. There is and continues to be public support. We will continue to monitor compliance and our approach to enforcement.

As I said, the regulations introduce a requirement for passengers to wear a face covering while travelling by public transport in England from 15 June unless they are exempt or have a reasonable excuse not to do so. The regulations apply to passengers travelling on public transport in England by bus, coach, tram, ferry, hovercraft, cable car, aircraft, and domestic and international trains. School transport services, services provided by taxis and private hire vehicles, and cruise ships are excluded from the regulations.

The regulations describe a face covering as a covering "of any type" covering the wearer's nose and mouth. People should make or buy their own. Although the Government expect the vast majority of people to comply with these changes voluntarily, the regulations include powers for operators and the police to deny access to a service, to direct someone to wear a face covering, or to direct someone who is not wearing a face covering to leave a service. Operators have discretion over whether they choose to use these powers; they do not have an obligation to do so.

The police also have the power to remove passengers from vehicles and to use reasonable force if necessary, as well as the power to direct an individual who has responsibility for a child aged 11 or over to ensure that the child complies with the regulations. If a passenger does not comply, there are new powers for the police and for TfL authorised personnel to issue a fixed penalty notice of £100 or £50 if paid within 14 days. Children younger than 18 cannot be issued with a fixed penalty notice.

The regulations create new criminal offences that are punishable with an unlimited fine. The Crown Prosecution Service has prosecution powers, as does Transport for London following a designation order made by the Secretary of State for Transport on 30 June. However, engagement rather than enforcement is our preferred approach, with enforcement as a last resort. We expect to see a gradual ramping up of enforcement, supported by significant communications campaigns, over the coming months.

Although we want as many people as possible to wear face coverings, we recognise that some people are not able to wear one for a variety of reasons. As a

[BARONESS VERE OF NORBITON]

result, the regulations exempt certain people and provide a non-exhaustive list of what is described as a “reasonable excuse” not to wear a face covering.

A review clause is included in the regulations, requiring a review of the need for the requirements imposed by the regulations at least every six months. A sunset clause is included so that the regulations expire at the end of 12 months after the day they came into force. We will continue to monitor the impact and effectiveness of this policy in the weeks and months ahead and will develop our approach to enforcement and communicating the policy as necessary.

The mandatory requirement to wear a face covering on public transport is a key addition to our safer transport guidance to passengers and will help maintain public health as lockdown restrictions are eased. I commend the regulations to the House.

2.56 pm

Lord Blunkett (Lab): My Lords, obviously we are confirming reality but also reinforcing the importance of these regulations to prevent ill health and to persuade people to get back on public transport, rather than have the upsurge now occurring in the private use of cars.

In the half-minute I have left, I will draw attention to the importance of people being extremely sensitive, and of operators and those operating in the public transport system looking out for two elements. One is people who lipread, who obviously will not be able to do so. The second is those who cannot see and rely on hearing. In the first case people obviously will be wearing face coverings and cannot be lipread. In the other, people will be wearing face coverings and will be difficult to hear. I am putting a word out for tolerance and perhaps some public information on public transport that says “Look out for those who do not have the facility you have.”

2.58 pm

Baroness Jolly (LD) [V]: Public transport, particularly that serving crowded areas and centres of population where people work, is often the only practical method of travel. These regulations are timely—some might say overdue. They make sense and for the most part they are adhered to. Last week I was in London. Buses were emptier than usual, but most of those travelling were wearing masks.

One area of concern is that evidence suggests that young men are less inclined to be compliant. I understand that it might not be seen as cool—nor is being dead, or passing the virus to strangers, friends or family. There is a host of masks online for less than £5, specially designed for the youth market. Can the Minister tell the House what measures of engagement have been used in large centres of population, where public transport is really the only way of getting around? Did local behaviour change as a result of it?

2.59 pm

Lord Patel (CB) [V]: My Lords, while supporting these regulations, I feel their scope is very limited. Scientific evidence clearly shows that Covid-19 is spread as an aerosol. The president of the Royal Society

yesterday referred to the evidence that the Royal Society has published. Many other countries have made it mandatory to wear a face covering in all public areas, including shops. On the basis of the scientific evidence, should the Government not look further to see whether face coverings should be made mandatory in all public areas?

3 pm

Lord Sheikh (Con) [V]: My Lords, I support and approve of the regulations requiring all passengers on public transport to wear a face covering, subject to certain exemptions. I note that failure to do so when asked is an offence subject to a fine of £100 and not being allowed to travel. How strictly are these regulations enforced?

When I go out, I always wear a mask. I fully support the guidance issued by the BMA calling for face coverings to be worn by the public as a matter of course. It is felt that if a person is not wearing a face covering and has the infection or is a carrier, the risk of passing it to another person is 70%. If the first person is wearing a face covering, the risk is just 5%. If both persons are wearing face coverings, the risk is reduced to 1.5%. Why is the BMA guidance not being followed by the Government?

3.01 pm

Lord Campbell-Savours (Lab) [V]: My Lords, I have spent 17 weeks in this House arguing for mandatory masking. I now move on to the type of mask, as certain masks are inappropriate. Exhalation valves on certain masks, in particular the N95, are designed to make it easier to breathe out because their one-way valves release exhaled air without forcing it through a filter. That is a major problem when the mask is meant to protect others from the wearer, who may be infected. Unless you are using an N95 in a high-risk healthcare setting—that is, a healthcare worker usually wearing one for comfort—where the concern is what you are inhaling, not exhaling, do not use a valve mask. When the Government finally concede on wider mandatory masking, which is inevitable, the regulations should reflect this. Otherwise, they will only make matters worse.

3.02 pm

Baroness Barker (LD): My Lords, will transport providers, local authorities and the police have the power to share information to monitor compliance or defiance? Will it be possible for them to identify serial offenders? These regulations apply to people with disabilities, so will the information be made available in suitable media, such as Makaton and Easyread? Will train operators be required to make masks available for purchase on board for people who may have forgotten or lost their own? Finally, what information will be given to passengers and staff responsible for implementing these regulations about what constitutes a suitable mask for a journey—a 10-minute bus ride versus a four-hour flight in a plane?

3.03 pm

Baroness Watkins of Tavistock (CB) [V]: My Lords, I fully support these recommendations but also the comments of other noble Lords. I am particularly concerned about the exemption for school transport

services. In cities many children travel to school on normal public transport and will therefore be expected to wear masks or face coverings on their way to school if they are over the age of 11, yet no such protection is mandated for pupils from rural areas, who often travel on school transport services such as coaches and buses.

This morning on Dartmoor I saw a bus heavily steamed up due to rain, with all its windows shut and several pupils on board going to school. Is it not vital that Her Majesty's Government review and amend the guidance urgently to include school transport services for secondary school pupils from the beginning of the new year? Rural pupils should be afforded the same protection as their city colleagues. I respectfully suggest that this may increase school attendance by reducing parental fear of transfer of Covid during travel to school.

3.04 pm

Lord Faulkner of Worcester (Lab) [V]: My Lords, I refer to my railway interests as declared on the register. I wholeheartedly support the wearing of face coverings on public transport and certainly wish to see the regulations enforced, but one aspect alarms me. A substantial number of rail passengers with a variety of disabilities, which my noble friend Lord Blunkett has already referred to, are unable to wear a face covering and may now face abuse from other customers.

Happily, there are train operating companies meeting this challenge by issuing sunflower lanyards free of charge so that they do not have to explain their lack of face covering to other customers. I understand that GWR has already posted out 160 of these lanyards. We need greater awareness of exemptions so that we can all be more considerate and less aggressive if we see someone without a covering. Will the Minister offer reassurance to those who cannot wear face coverings and tell them that they can travel and—following her colleague, the Minister for Disabled People—endorse this scheme?

3.06 pm

Baroness McIntosh of Hudnall (Lab) [V]: I have a couple of short questions for the Minister, of which I have given her notice. The first concerns children and to some extent relates to what the noble Baroness, Lady Watkins, said. What is the rationale for exempting under-11s? Under-fives I could understand. Most children under 11 do not travel alone, so Regulations 5(5) and 5(6) could and should apply. Many, if not most, children over 11 do travel alone on public transport—for example, to and from school. I also ask the Minister about Regulation 7(1)(b), under which under-18s cannot be fined. How will enforcement work for them?

How is “reasonable excuse” to be monitored? In her answer during my PNQ on 25 June, the Minister hinted at lanyards or other types of proof. Does she have any further information on this?

Finally, can she explain why private hire vehicles are excluded, particularly in view of the higher than average Covid-19 mortality rate among drivers of these vehicles?

3.07 pm

Lord Rennard (LD) [V]: My Lords, face coverings have been mandatory on public transport since 15 June, but since then I have seen people on buses not wearing

them and removing them to make phone calls, have a drink or, in one case, floss their teeth. How can the travelling public be persuaded to keep masks on throughout their journey?

Can more be done to assist people with disabilities, who should not have to remove their masks to explain their need to occupy a seat? Special freedom passes are issued in London to extremely vulnerable people with disabilities. Could special face masks not also be issued to these people, displaying a request to “Please offer me a seat”, to avoid them having to remove their masks to request this?

The Deputy Speaker (Lord Duncan of Springbank) (Con): The next speaker is the noble Baroness, Lady Finlay of Llandaff. No? We may return to her later in the proceedings. I will move on to the noble Baroness, Lady Altmann.

3.08 pm

Baroness Altmann (Con) [V]: My Lords, I accept the need for face coverings, but do the Government have plans to ensure that people know what type of face covering is most appropriate—what type of material and how it must be worn? Is there official guidance on approved standards? A face covering could be made of mesh, which presumably would not be appropriate, or a scarf that is porous—again, not acceptable. Would a full-face plastic visor be considered acceptable?

Can we perhaps help people access approved face coverings, to reassure them that they will be doing the right thing for protection? We could possibly even create opportunities for production of such face coverings in the UK, encouraging schools or prisons to manufacture the appropriate type of covering and avoiding the uncertainty about what is an approved type of mask or a standard design.

3.09 pm

Lord Clark of Windermere (Lab) [V]: My Lords, I wholeheartedly support the wearing of face masks on public transport and, indeed, more widely. My reason for doing so is neatly summarised in the Government's own advertising campaign, which depicts a young woman wearing a mask and saying:

“I wear this to protect you. Please wear yours to protect me.”

I find that completely convincing and, as the Government have paid for it, so must they. Why will they not extend the logic to other areas where the public are caught in contained spaces?

3.10 pm

Lord Roberts of Llandudno (LD) [V]: It is mandatory to wear a face mask on a bus or train in Scotland and in England, but not in Wales. This gives us a bit of a difficulty. We must have continual understanding between the Welsh Government and Westminster. I can get on a train in Llandudno, Wales, without having to wear a mask, although I will. I get to Chester, which is in England, so I must wear a mask, and then I go on to Wrexham, which is in Wales, so I do not need to wear a mask, then to Oswestry, which is in England, et cetera. You are in and out, in and out. We must get some understanding so that the people of Wales are as safe as the people in the rest of the United Kingdom.

3.11 pm

Lord Holmes of Richmond (Non-Afl) [V]: My Lords, I wholly support the wearing of face masks on public transport. I have two questions for the Minister. First, I find the definition in the regulations of a face covering or a mask particularly loose and woolly. Would it assist all the public if there was a reconsideration of this definition to make it clearer, and give examples, to bring this in front of people in a much clearer and more precise way?

Secondly, masks are good for public transport and a whole host of other environments, not least supermarkets and other places of mass congregation indoors. Does the Minister agree that it would make sense to extend the wearing of face masks to a number of other environments? How long will it be before we get to the position, which is clearly common sense, of mandatory face mask wearing in many environments? Does the Minister agree that we should all march to the slogan “Cover up and kill Covid”?

3.12 pm

Baroness Finlay of Llandaff (CB) [V]: My Lords, mask wearing must accompany ongoing respect of social distance. Many people emerging from shielding depend on public transport to resume their lives—hence our campaign for a universal prompt symbol. As masks aim to decrease droplet spread, a public education programme is needed to raise understanding of hygiene and infection control, particularly in public areas and touching surfaces. Touching the face or fiddling with the mask is just as risky with gloves on. No-touch techniques and social distancing must be normalised long-term. Probable airborne infection of Covid-19 has implications for air-conditioned transport units, and UK manufacture of washable, recyclable, suitable masks must be stimulated. Is such infrastructure development in the wider national plan, as this will probably be needed long-term?

3.13 pm

Baroness Primarolo (Lab) [V]: My Lords, I associate myself with the comments that other noble Lords have made regarding the importance of wearing face masks properly, and welcome the Minister saying that the Government’s aim is, wherever possible, to achieve voluntary compliance through engagement. Therefore, when will the Government have a consistent and clear campaign about when to wear face masks, based on social responsibility? At the moment, the communications are weak, confused and inconsistent, as has been shown by the comments of other noble Lords. I have travelled on public transport, and not everybody is wearing a mask or wearing it properly.

Secondly, when will the Government ensure that there is a presence on public transport encouraging and reinforcing the need to wear face masks properly, as other countries have done? And finally, will Ministers lead by example and wear face masks in public, making it crystal clear that these regulations apply to everyone in this country, because it is about our personal safety?

3.15 pm

Baroness Bull (CB) [V]: My Lords, Regulation 4 provides a list of reasonable excuses for exemption, including physical or mental illness, disability or the

inability to wear a mask “without severe distress”. The extent of this list is welcome, but the inclusion of “severe distress” as an excuse raises questions about how this can be flagged by an individual or their supporter without causing additional distress. The discretion of operators, to which the Minister referred, is clearly critical. Publication of this legislation on a Sunday, for implementation the next day, left no time for any process of adjustment or awareness campaigns, or for the production of posters highlighting exemptions. Stories emerged of disabled people reported by fellow passengers and of staff refusing entry, even when the exemption had been explained.

It is clearly in the interests of those with mental health issues or impaired decision-making to be supported to wear a mask, but it will not be possible for everyone, which leaves the threat of criminal sanction hanging over the individual and, possibly, the person supporting them, as Regulation 6(2) makes it an offence for a person to obstruct, without reasonable excuse, any person carrying out a function under these regulations.

Can the Minister press the importance of government messaging making it clear that not everyone will be able to wear a mask, and can she confirm that transport staff are receiving adequate training to deal sensitively with people exempt from this legislation?

3.16 pm

Lord Wei (Con) [V]: My Lords, I thank the Government for this measure, which is welcome, but I wonder whether this is a case of “too little, too late”. In other countries, masks are being encouraged, not only on public transport but in many other contexts. We have had mixed messaging over the past few months about whether masks are important, and conflicting views from the scientific community both in the UK and globally. Can the Minister reassure us that bringing this measure in now has nothing to do with the availability of masks, and that the concern about asking the public to wear masks, whether on public transport or not, was not driven by a desire to ensure that the NHS and other care facilities did not run out of masks? Can the Minister reassure us that these concerns are being dealt with and that there is adequate supply, such that, if necessary, we could increase mask usage beyond public transport?

3.17 pm

Lord Foulkes of Cumnock (Lab Co-op) [V]: As the noble Lord, Lord Wei, has just said, the Government’s message on face masks has been one of total confusion. Some of us remember when Ministers were telling us that all face coverings were not only of little use but could in fact be counterproductive. What has changed? Since the medical officers of all four nations meet and give us all the same advice, why are the rules on face coverings different across all four nations, as the noble Lord, Lord Roberts, so eloquently asked? Why are they required in shops in Scotland but not in England? Why are they needed on English buses and trains but not in supermarkets or pubs? Like the Government’s overall record on dealing with coronavirus, this is a total shambles. Can the Minister tell the House what the Government will be doing to provide coherent and

consistent advice on the wearing of face coverings in all public settings? Having said all of that, I do of course support the instrument.

3.18 pm

The Earl of Clancarty (CB) [V]: My Lords, I welcome these regulations, but they do not go far enough. In view of the WHO's acknowledgment that droplets lingering for hours in the air in enclosed spaces are a significant and perhaps the primary way of spreading the virus, customers should be wearing masks in shops, as Scotland insists on. Likewise, there must be questions about opening up pubs and restaurants. Again, Scotland is commendably cautious in allowing only outside spaces to be used.

More could be done to get the wearing of face masks up to 100%. All British Transport Police and transport staff should be wearing masks, including on station concourses. Groups of people are taking their masks off to talk to each other once they are on the train. There should be frequent announcements by drivers on trains and buses. Notices in stations should emphasise that this is a civic duty: wearing a mask protects others. Finally, I very much agree with the noble Baronesses, Lady Watkins and Lady McIntosh, about schoolchildren on school buses. We cannot be unnecessarily importing the virus into schools or homes.

3.20 pm

Lord Snape (Lab) [V]: My Lords, we are debating these regulations today as a result of a reference by the Scrutiny Committee, which was

“critical of the timing of these Regulations which were laid after they had taken effect and too long after the initial announcement.”

Like my noble friend Lord Foulkes and the noble Lord, Lord Roberts, I have to be critical of a Government who shoot first and ask questions afterwards. For goodness' sake, Ministers ought not to make announcements and pronouncements like this until they have properly consulted. I ask the Minister to confirm that it will not be the bus driver's responsibility to ensure that people are wearing masks.

I endorse the memorable intervention earlier by the noble Lord, Lord Roberts. Why is there a difference between trains in England and trains in Wales? What happens with trains that meander between the two countries, as they do along the Welsh border? Is it necessary to don the mask in England but then, if you want, take it off in Wales? No wonder the Welsh First Minister called this whole business a shambles. I ask the Minister to ask the Secretary of State to talk less in future and consult more.

3.21 pm

Baroness Uddin (Non-Aff) [V]: My Lords, conflicting messages have been extremely unhelpful. I ask the Government to make face coverings mandatory in all public places and to agree that engagement rather than punitive measures should be pursued. Will the Government reduce the fines, particularly for those living on low pay who may not be able to purchase masks? Cannot Transport for London have a supply available for passengers, rather than excluding them from travelling?

I reinforce the need to be more compassionate towards and aware of people living with autism and learning disabilities, who may be experiencing distress at having to wear masks. I have a 41 year-old son with autism who is becoming accustomed to the mask but was very distressed in the beginning.

I associate myself with the comments of the noble Baronesses, Lady Bull and Lady McIntosh, and others. I ask the Minister to ensure that minority media channels in particular be utilised to extend the educational awareness campaign on face covering, which should be calling for the mandatory wearing of face masks in public places for the good of us all.

3.23 pm

Lord Liddle (Lab): My Lords, I want to follow up my noble friend Lord Snape's point about process, as a member of your Lordships' Secondary Legislation Scrutiny Committee. The Government announced this policy on 4 June and it came into effect on 15 June, yet we are debating it on 8 July. We kid ourselves if we think this is effective parliamentary scrutiny; it is in fact executive diktat. It would matter a lot less if we had a Government who had competently handled this crisis, but the controversy over face masks is a classic example of the Government squandering public good will by offering confusing and contradictory advice over the past few months. Until a vaccine is available we must find a way of living with Covid, and face coverings are going to be an important part of a comprehensive plan. However, Parliament must recognise that at the moment, it is failing to hold this shambolic Government to account.

3.24 pm

Lord Hussain (LD) [V]: Although I support this legislation, I agree with those who say that it does not go far enough. I support the wearing of masks in all public places, not just on public transport. Given how many black and minority ethnic bus drivers and other transport workers have died from Covid, can the Minister reassure us that all transport employers have done a full impact assessment for black and minority ethnic drivers and staff?

3.25 pm

Lord Triesman (Lab) [V]: My Lords, these regulations plainly do not go far enough. Two days ago, when intending to board a bus at Swiss Cottage, which is hardly a violence hotspot, I could see that almost everyone on that bus and on the other buses around were not wearing face masks. I pointed this out to the man nearest the door and he told me, in terms that I will not repeat, to go away or he would do goodness knows what. I did not get on the bus because of Covid, rather than because of him. Generally speaking, there are of course no police to hand—and why would there be? If a driver can refuse to allow someone on to a bus who has not paid the fare, it must be possible to have a strict rule that no one will be allowed on to a bus unless they are wearing a face mask or a lanyard showing that they are exempt from doing so. As I understand it, 40 TfL bus drivers have died from Covid. It should not fall to the bus drivers, but on the other hand there is a power that could be exerted.

3.26 pm

Baroness Wheatcroft (Non-Aff) [V]: My Lords, earlier this week the Minister told me that 86% of travellers on public transport are now wearing masks. That is good but the remaining 14% pose a threat to other travellers and clearly, they have not responded to encouragement. What we need now is a firm approach that will make it clear that if people do not follow the regulations, they will face heavy fines, and that if they should attack the drivers who refuse them entry, they will be severely punished. We have managed to stop drinking on public transport in London by making it very clear that failure to comply with the rules will be punished. Does the Minister agree that encouragement has gone as far as it is going to, and that it needs to be made clear to the remainder that they will not get away with breaking the regulations?

3.27 pm

Lord Balfe (Con) [V]: My Lords, in the beginning it was very simple: stay at home and save lives. However, as time has gone on, good behaviour fatigue has set in and that is where we are now. First, as has been pointed out by a number of speakers, the regulations are confusing because they vary between different countries, so my first point is that we need to keep it simple. If the three devolved Administrations and the UK Government cannot get an agreement, frankly, we are in a pretty poor situation.

Secondly, we also need to get some idea of whether or not this is the right policy. I suggest, as I always do, that we should talk to our European colleagues, who seem to have a mass of different ways of dealing with this, to see if there is a common position and even a common science for us to fall back on. If we can do that, we might get some obedience to these new regulations.

3.28 pm

Lord Hendy (Lab) [V]: My Lords, I support the regulations, which make it mandatory to wear a form of personal protective equipment. As the Department for Transport's Explanatory Memorandum says:

"Mandating the use of face coverings, when used alongside other measures, therefore offers a reasonable protective measure to reduce the risk of infection on contamination by a virus that presents a significant harm to public health."

Like public transport, many workplaces have a similar risk of infection because they contain a number of people in a confined space for significant periods of time, with limited changes of air. Yet, notwithstanding the Personal Protective Equipment at Work Regulations 1992, instead of making mandatory the provision of face coverings at work, the Government have published eight sets of guidance advising that workplaces should not encourage the precautionary use of PPE. In light of the regulations under debate, how can the Government justify advising employers not to adopt at work what the Department for Transport describes as a "reasonable protective measure" on public transport?

3.30 pm

Baroness Meacher (CB) [V]: My Lords, I welcome these regulations, except of course that they focus exclusively on public transport. Rigorous international

comparisons show very clearly that those countries that have been very successful in fighting Covid-19 are those that have introduced three low-cost interventions, including the compulsory wearing of face masks, not only on public transport. Along with many others, I therefore ask the Minister to raise with her colleagues the importance of government action to require the wearing of face masks in shops and elsewhere until we have Covid-19 under control. I realise that this is not the responsibility of the Minister herself, but there is no point at all in people avoiding the virus on public transport, only to catch it when they go shopping.

3.31 pm

Baroness Jones of Moulsecoomb (GP) [V]: My Lords, I am just as annoyed as some other noble Lords about the way that we are being governed by ministerial diktat, but I would like to be helpful on this particular issue, so I have three quick points. Is the Minister convinced that enough has been done to explain the change in advice on the public wearing masks? Is anything being done to tackle the misinformation going around online that wearing masks is dangerous and you can suffer from carbon dioxide poisoning or lack of oxygen? Finally, can Ministers—and the Prime Minister—be seen wearing masks so that this behaviour becomes more normal? The more of us there are wearing masks, the more others will do it.

3.32 pm

Viscount Trenchard (Con): My Lords, for the first time, perhaps, I find myself in full agreement with the noble Baroness, Lady Jones.

I have had the good fortune of living and working in Japan for 11 years. When my wife and I first arrived in that country, we were initially surprised to observe how prevalent the wearing of masks is and how totally normal it is perceived to be, not only on public transport. Anyone who has a cold or the slightest sniffle is, effectively, obliged to wear a mask in order to avoid infecting others. Most scientists recognise that the need for social distancing is greatly reduced by the wearing of masks. The Japanese parliament has continued to operate much as normal throughout the pandemic and all Members of both Houses meet in their Chambers. They never once considered introducing remote voting. They wear masks at all times except for eating and drinking.

I wanted to show that it is even possible to speak and be understood while wearing a mask, even though a noble friend who is a Minister told me that I would expose myself to ridicule by wearing a mask to speak today. Does my noble friend the Minister not agree that, if all noble Lords wore masks, we would be able to resume normal working in this place much sooner than otherwise? Would it not also send the right message to the country at large?

3.33 pm

Baroness Randerson (LD) [V]: My Lords, this SI is the outcome of a long saga about the efficacy of wearing masks. Early in the pandemic, controversy raged over the Government's failure to provide adequate

supplies of PPE. The daily news featured scientists and clinicians explaining how vital decent masks are. If doctors and nurses are protected by wearing masks, then ordinary people are too. But the Government took the position that masks were of no benefit. The strong suspicion is that their main consideration in maintaining this position, after it ceased to be credible and the WHO advice was clearly changing, was to avoid a surge in demand for masks when there was already a shortage.

When government advice changed on 11 May, it was carefully scripted so that any face covering would be helpful. The clue is in the title of this legislation: face coverings, not masks. Government representatives were even claiming that the use of masks by the general public could give people a false sense of security. I have used a mask since the very early days of the pandemic. It is uncomfortable and I have no chance of forgetting it is there, so it constantly alerts me to the hazards of my shopping trip.

Confused government messaging has undoubtedly had an impact on our ability to fight this virus. Evidence on the wearing of face coverings on public transport shows a steady increase in compliance. If compliance was low in mid-May that is probably because, the week before, the Government were telling us that masks were not necessary. All social change takes some time to bed in, to create a new normal for behaviour. I have recently used both trains and tubes, and almost all passengers were wearing masks, albeit there were not that many other passengers at all.

On 4 June, the Secretary of State announced that face coverings would be mandatory from 15 June, when this SI was laid. The Secondary Legislation Scrutiny Committee has drawn attention to the fact that these regulations were laid long after they had taken effect and too long after the initial announcement. This is government by decree, and we must not get used to it, because it is a long way from acceptable democratic process. Can the Minister explain why, having advised us to wear face coverings on 11 May, the Government did not consult the industry at that point but left it until after the announcement that it would be compulsory on 4 June? Consultation after the decision—even this debate is being held at the very last possible minute.

The debate has now moved on to who should enforce this, and I agree with those noble Lords who say that bus drivers, for instance, should not be expected to do this job. There are quite strong enforcement powers in here for the police but, in practice, enforcement will largely be via the court of public opinion. There are dangers of a vigilante approach.

Several categories of people do not have to wear face coverings, many of them in vulnerable groups. They are not expected to provide written evidence, but it would help them a lot if they could carry a certificate, or even wear a badge if they wish to, so they can easily explain their situation. Do the Government have such a scheme ready and waiting? If not, I hope that one is in preparation. The regulations use both the terms “exemption” and “reasonable excuse” for those not required to wear a face covering. Can the Minister explain the difference between the two?

As my noble friend Lord Roberts has illustrated very cleverly, there are differences between this English legislation and the situation in Wales. Can the Minister assure us that there have been thorough discussions not only with the Welsh Government but with all cross-border transport operators?

Finally, I wear a mask to protect other people, rather than to protect myself. But those who object to wearing a mask often say that they, personally, are not afraid of the virus. As my noble friend Lady Jolly has pointed out, these are often young men. They have missed the point. Can the Minister assure us that the Government will hold a communications campaign to raise public awareness of both why and how masks are important?

3.39 pm

Lord Rosser (Lab) [V]: My Lords, I will try to avoid repeating too many of the questions that have already been asked.

We support the instrument, which provides for the mandatory wearing of face coverings on public transport by passengers without exemption or a reasonable excuse. As has already been said, the regulations came into force over three weeks ago. At the moment, the issue for most public transport is not the lack of services but the lack of passengers, who have been deterred from using buses and trains by continuing government messaging that such journeys should be made only if they are essential or unavoidable. In most cases, the number of passengers is still below the level allowed, even under the social distancing requirements. Station car parks, usually full, continue to remain largely empty. The pubs may now be open, but presumably the Government do not support the use of public transport to get to and from the pub. Perhaps the Minister could confirm that while this is the Government's position, it is apparently okay to journey to the pub for a drink in your own car.

The Explanatory Memorandum says that while face coverings are not a substitute for distancing and hand hygiene, they can offer some limited protection to others, particularly where distancing is difficult to manage. Yet there is some difference of view over the extent to which face coverings are actually being worn, or appropriately worn, particularly by young men, between some of those who are travelling on buses and trains—such as my noble friends Lady Primarolo and Lord Triesman—and the Government, who say that there is very high compliance. Maybe there is a difference between the percentage of passengers wearing a face covering when going through the barrier, or getting on a train or bus, and the percentage of passengers continuing to wear a face covering appropriately once they are on the train or bus.

The Minister in the Commons made reference to more people being on duty across the railway network to encourage compliance, but the instrument provides public transport operators with discretion over whether they choose to use their powers; they do not have an obligation to do so. Does the Minister know what percentage of bus and train operators intend to use their powers to deny someone access to a service if they are not wearing a face covering, or to direct them

[LORD ROSSER]

to leave a service if they do not wear a face covering when asked to do so? Presumably, compliance and enforcement are crucial to achieving the purpose of this instrument. Do the Government accept that an operator's staff should not be expected to enforce denial of access to a station or service, or eviction from a service or station?

The Explanatory Memorandum seems to accept that social distancing cannot always be enforced on public transport, stating that:

"Social distancing is likely to be increasingly difficult to manage ... as restrictions are relaxed and demand for transport services increases."

According to the Explanatory Memorandum, the Government's Chief Scientific Adviser has noted that "face coverings would offer some benefit in crowded transport environments, such as the London Underground ... where distancing is not possible ... in which people are potentially crowded for more than 15min".

Mandatory wearing of face coverings will, says the Explanatory Memorandum, "provide greater confidence" to the public and will "benefit business",

"as people will be more likely to use the public transport network and will be more likely to travel to shop."

Does that mean that, with mandatory face coverings, the Government now encourage the use of public transport to travel to a city or town centre to go shopping for non-essential items? The Government's messaging on when and for what purposes they encourage or support the use of public transport appears to be becoming a little confused.

The messaging is also less than clear in another way. This instrument provides for the mandatory wearing of face coverings on aircraft. Some airlines are apparently booking 100% of their seats on an aircraft, which presumably means that, with the wearing of face coverings, social distancing requirements are not being applied. If this is being done with government acceptance, why do the Government regard this as safe for passengers on aircraft but unsafe on buses and trains? There must be a good reason, and it would be helpful if the Minister could spell out what that reason is.

I repeat that we support this instrument, which we hope will encourage more people to feel that travelling by public transport will now be much safer. However, I and other noble Lords would like a response from the Government to the many questions and issues that have been raised in the debate today.

3.44 pm

Baroness Vere of Norbiton: My Lords, I thank all noble Lords who have taken part in the debate today, and particularly those who forewarned me of the issues they were going to raise; that is incredibly helpful when there are so many speakers in a debate. I will try to cover everything, but, if not, I will of course write.

The noble Lord, Lord Liddle, seemed a little irritated by the Government on this one. However, engagement with the transport operators has been continuous since the start of the Covid pandemic, and of course we discussed face coverings with them. We announced the policy on 4 June and then talked about how it

would be put into operation with the transport operators and the devolved authorities, which I will come back to a little later.

Noble Lords will recall that 15 June was the date on which non-essential retail was opened. Prior to that, there was very little demand at all on public transport. We therefore felt that 15 June was the right time to put this in place. However, given the urgency of the situation, we felt that it was necessary to use the "made affirmative" procedure; it has been used before, in particular for some of the Brexit SIs, but it is not used lightly by the Government. In this case, we felt that it was entirely appropriate, given that it was a rapidly changing situation.

As noble Lords will have heard many times before, the Government are guided by the scientific advice as it develops—and the scientific advice has developed. Unfortunately, that may mean that, with hindsight—hindsight is a marvellous thing in a pandemic—one could say that communications were confused, but actually, it is that the scientific advice has developed. SAGE now advises that using a cloth face covering, as a precautionary measure, could be at least partially effective in enclosed spaces, such as public transport, where social distancing is not always possible, in particular where there is a risk of close social contact with multiple people who a person does not usually meet. Of course, we looked at the advice from SAGE and at academic articles when making the decision that we have now reached.

My noble friend Lady Altmann asked whether or not we should have standards for face coverings. We deliberately wanted to avoid being prescriptive about the form that a face covering should take, because it should be easy for people to put something over their nose and mouth and get on public transport. I reassure her that wearing, for example, a visor that covers the mouth and nose, and which might be made out of plastic, would be in scope. We expect people to buy or make face coverings, and there is guidance on the government website as to how to make them. I know that cheap face coverings are widely available. I bought mine on the internet. They appear to be made of offcuts from ladies' underwear, but they cost very little and they do the trick.

I return to the devolved Administrations. I have had many conversations about the devolved Administrations in my time as a Minister, and, if I may say so, most of them are complaints that the devolved Administrations are not being allowed to diverge. Now, we are in a situation where a number of noble Lords are incensed that the devolved nations have been allowed to make decisions for themselves. I remain confused.

The noble Lord, Lord Roberts, talked about Wales. I absolutely understand the issues in Wales, and it is the case that there are different regulations in England and in Wales. But that is devolution. However, the Government strongly encourage passengers to wear face coverings for the entirety of their journey. Of course, we have continual conversations with the devolved nations on these sorts of matters, but I reassure all noble Lords that, as yet, no significant issues have arisen on cross-border services.

Exemptions are a critical part of this face covering regulation. Noble Lords will understand that we will never get to 100%—if we did so, we would have done it wrong, as it would mean that people were not making full use of the available exemptions. The noble Baroness, Lady Randerson, wanted a definition of the difference between an exemption and a reasonable excuse. I think an exemption is something that would apply all the time, as a person would be exempt for a certain reason. A reasonable excuse, however, could involve someone who is fleeing violence or in another situation that may not apply all the time but meant that, at that moment, that person had a reasonable excuse not to wear a face covering.

The list is not exhaustive; for example, there are exemptions for children, and the noble Lord, Lord Blunkett, raised a very important point about people who rely on lip reading and facial expressions. We want people to take a pragmatic approach where, if they feel that they should be exempted, they should be. We are working closely with the transport operators. We have been talking to them about the amount of training that staff will have to make sure they are aware that these exemptions are in place. A number of operators have a badge, lanyard or card scheme—one such scheme was mentioned by the noble Lord, Lord Faulkner. I believe that these help and I am encouraging transport operators to put them in place, but their use is entirely optional. Certainly, it is not expected that people should have to wear a lanyard to get an exemption; we have to be pragmatic.

I want especially to thank the noble Baroness, Lady Finlay, and the noble Lord, Lord Rennard, for sharing the work they have seen on identifying symbols for those who might benefit from extra protection; this was very interesting and I was extremely grateful. I reassure the noble Baroness, Lady Barker, that we are working to get the message out—particularly to those who can help us to target specific groups which may not be fully aware of the exemptions.

A number of noble Lords commented on children under 11. Our equalities impact assessment found that it would be difficult and impractical to require primary school children to wear and keep on a face covering. However, we still recommend that children between the ages of three and 11 should wear a face covering. The noble Baronesses, Lady Watkins and Lady McIntosh, talked about transport for schoolchildren. This will be really important, particularly as schoolchildren return in September. We are following scientific advice; in many circumstances—particularly for children who use local-authority procured coaches or other vehicles—they will be travelling in bubbles, either within their own year group or, at least, within their own schools or a couple of schools in the area. They will therefore not be mixing with a vast number of people with whom they do not usually have contact. That is the difference between schoolchildren and other people, and why we do not feel that children on school transport need to wear face coverings. We did an equalities impact assessment on this, which included considerations relating to BAME groups and advice from the Disabled Persons Transport Advisory Committee, to ensure that we understand what exemptions and other issues might arise.

I am pleased to say that the current level of compliance between 22 and 28 June was 91%. There will always be circumstances where noble Lords have seen people who are not complying—I completely agree. The noble Baroness, Lady Jolly, mentioned young men. I too am concerned about young men. Perhaps they are enjoying the new-found freedoms of the pub and, on leaving, find it all too easy to forget to put a face covering on. Perhaps the mantra for young men should be, “spectacles, face covering, wallet and watch” before leaving the house; we will have to see whether that catches on.

On enforcement, this is an incredibly delicate balance. At the moment, we are looking at engagement rather than enforcement, although we are ramping up enforcement because we feel that people have had time enough for this message to sink in. We will also continue to work with transport operators; on the point raised by my noble friend Lady Wheatcroft, any abuse of transport operators or staff will not be tolerated. Some transport operators are changing their conditions of carriage to make sure that they can apply these face covering regulations as broadly as possible. Children between the ages of 11 and 18 cannot be given a fixed penalty notice; I do not feel that that would be right. However, they can be asked to leave a service just as anyone else can be—that is how this will be enforced.

On the question of why the regulations apply only to public transport, I have talked about why this is particularly important for public transport. However, the Government recommend the use of face coverings in all enclosed settings where social distancing is not possible, which would include shops, and, of course, we are keeping this policy under review.

I will have to write to noble Lords on taxis and PHVs, as well as on aviation, as I am running out of time. However, let me reassure the noble Baroness, Lady Barker, about the availability of face coverings, which is incredibly important. We have already distributed over 2 million face coverings to local transport operators. Network Rail has been installing vending machines at Network Rail-managed stations. I am sure that all noble Lords have seen the availability of face coverings online and in local shops.

I once again thank all noble Lords for their contributions. There will be a follow-up letter to this debate with further information. I beg to move.

Motion agreed.

3.55 pm

Sitting suspended.

Arrangement of Business

Announcement

4.20 pm

The Deputy Speaker (Baroness Garden of Frogmal) (LD): My Lords, proceedings will now commence. Some Members are here in the Chamber and others are participating virtually, but all Members are treated equally. 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 after each speech. If the capacity of the

[BARONESS GARDEN OF FROGNAL]
Chamber is exceeded, I will immediately adjourn the House. I ask noble Lords to be patient if there are any short delays as we switch between physical and remote participants. The usual rules and courtesies in debate apply.

**Northern Ireland Act 1998 (Section 75
—Designation of Public Authority)
Order 2020**
Motion to Approve

4.21 pm

Moved by Lord Keen of Elie

That the draft Order laid before the House on 8 June be approved.

Relevant document: 19th Report from the Secondary Legislation Scrutiny Committee

The Advocate-General for Scotland (Lord Keen of Elie) (Con) [V]: My Lords, this draft instrument will ensure that the Independent Monitoring Authority for the Citizens’ Rights Agreements—the IMA—established under the European Union (Withdrawal Agreement) Act 2020, is covered by the statutory duties on a public authority as set out in Section 75 of the Northern Ireland Act 1998.

As noble Lords may recall, Article 159 of the EU withdrawal agreement and Article 64 of the EEA EFTA separation agreement required the United Kingdom to establish a new, independent authority to monitor the UK’s application and implementation of the provisions in those agreements relating to the rights of citizens living in the United Kingdom and Gibraltar after the transition period. Consequently, the IMA was established under the European Union (Withdrawal Agreement) Act 2020, on 31 January of this year. The IMA is operationally independent of government and sponsored by the Ministry of Justice. The IMA will be accountable to Parliament through the Ministry of Justice, which reflects its role in supporting the principles of the rule of law and access to justice.

The Government recognise the enormous contribution that EU and EEA EFTA citizens living here make to the United Kingdom. That is why we have made an unequivocal guarantee to those citizens by protecting their rights in UK law through the withdrawal agreement, the EEA EFTA separation agreement and the withdrawal agreement Act 2020. The role of the IMA is to assist in protecting those rights by monitoring the implementation and application of the citizens’ rights parts of those agreements. To do this, the IMA will have the power to conduct inquiries, receive complaints and initiate legal proceedings. It will also have a role in reviewing the effectiveness of the citizens’ rights legislative framework, for instance by reviewing draft legislation.

Full delivery of the IMA is progressing well. An important milestone was the appointment of the interim chief executive, in March. Since then, the choice of the IMA’s premises, in Swansea, has been finalised, and the IMA has begun to recruit staff. The recruitment of the chair and other non-executive members was launched on 3 July.

The IMA’s role, which will be commenced at the end of the transition period, will be UK-wide, therefore the IMA will be carrying out functions in relation to Northern Ireland. The purpose of this instrument is to ensure that the IMA’s functions in relation to Northern Ireland are covered by the relevant statutory equality duties, as set out in Section 75 of the Northern Ireland Act 1998.

Section 75 requires that public authorities carrying out their functions relating to Northern Ireland need to have due regard to two things: first, to the need to promote equality of opportunity between persons with, to summarise briefly, a range of differing personal circumstances or characteristics; and secondly, to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. The definition of “public authority” in Section 75 includes

“any department, corporation or body listed in Schedule 2 to the Parliamentary Commissioner Act 1967 ... and designated for the purposes of this section by order made by the Secretary of State”.

The IMA has already been added to Schedule 2 to the 1967 Act by paragraph 17 of Schedule 2 to the European Union (Withdrawal Agreement) Act 2020.

The statutory instrument before us today designates the IMA for the purposes of Section 75. I hope that stakeholders, particularly in Northern Ireland, will welcome the assurance that these functions must be carried out in accordance with the Section 75 duties. Applying those duties to the IMA will also be consistent with the public sector equality duty, under the Equality Act 2010, having already been applied to the IMA by the withdrawal agreement Act 2020.

To conclude, the SI before us today will ensure that the IMA’s functions in relation to Northern Ireland will be covered by the relevant equalities legislation.

4.26 pm

Lord Hain (Lab) [V]: My Lords, in thanking the Minister for his clear explanation, I note that one of the functions of the Independent Monitoring Authority that is the subject of this Motion is to

“ensure that persons are not prevented from exercising their rights”

under the citizens’ rights agreement post Brexit. I have no difficulty in supporting this Motion in relation to Section 75 designation; protecting citizens’ rights must be a priority for any Government. Regrettably, however, we have been witnessing a savage denial of rights enshrined in legislation initiated in your Lordships’ House and passed in the other place without a Division, which should be providing modest payments to those terribly injured through no fault of their own during the Northern Ireland Troubles. It is now 40 days since the victims’ payments scheme should have been opened for applications but, because of a disgraceful display of political intransigence in the Executive Office in Stormont, some of the most vulnerable men and women in Northern Ireland and beyond have been denied access to it.

When I last spoke about this at the beginning of June, I said that a severely injured victim, maimed for life in a terrorist atrocity decades ago, had been forced to put the devolved Administration on notice of judicial

action to force it to honour its moral and legal obligations. Jennifer McNern was only 21 years old when her legs were blown off in a no-warning IRA bombing in 1972. I have met Jennifer and I can tell your Lordships that she is a courageous and determined woman. She had no option but to go to the High Court to seek legal redress from the Executive Office, which has so blatantly defied the law.

How did the UK Government respond to Jennifer's attempt to have the very same law that was passed in the Government's name upheld and implemented? They instructed a Queen's Counsel to argue before a High Court judge that Jennifer's judicial review against the Executive Office be set aside to allow another, arguably weaker, judicial review to proceed in its place. That was and is disgusting behaviour by the Secretary of State. As a former holder of that office, my natural stance is to support my successors. However, I say to Brandon Lewis and his Northern Ireland Office officials: you should be thoroughly ashamed of yourselves, the lot of you. Jennifer's case will proceed, although it cannot be heard until August, a full six months since the structures to administer the scheme should have been put in place.

In this Parliament we do not have the power to hold the Stormont Executive Office to account for its shocking—and illegal—refusal to implement the law. However, we can and must demand that the UK Government explain what they will do to address this gratuitous insult to victims and survivors, who have suffered so much already through no fault of their own.

It is simply not good enough for Ministers to intone that this is a devolved matter and say how awfully sorry they are that things have turned out this way. The Secretary of State cannot be allowed to wring his hands and sit on them at the same time. I will continue to hound this Government until this is resolved and people like Jennifer get the acknowledgement, recognition and payments for which they have had to struggle for far too long.

4.30 pm

Lord Bruce of Bennachie (LD) [V]: My Lords, I fully support the campaign of the noble Lord, Lord Hain, which he has doggedly pursued, and I certainly agree with everything he says. However, I do wish to address the issue of the IMA and this order. The order must be supported because it ensures that the IMA's operation within Northern Ireland will be not only in accordance with the law and the previous legislation applying to Northern Ireland but focused on ensuring equality for European citizens' rights. In that context, I will, of course, support it.

However, I would like to ask the Minister a few questions about the IMA and how genuinely independent it is. Looking at the legislation and the schedule, one sees that the chair and board of the IMA are appointed by the Secretary of State and can be removed by the Secretary of State. The grounds for removal identified in the schedule are fairly broad and give quite a lot of discretion to the Secretary of State. It is also stated in the schedule that, although the devolved Administrations need to be consulted about those executive directors who have particular responsibility for each of the

devolved Administrations—that includes Gibraltar—the Secretary of State may not accept their recommendation, may appoint without their approval and has to give an explanation only, but no redress.

Elsewhere in the schedule, it says that the functions of the IMA can be transferred to another body by the Secretary of State, its functions can be removed by the Secretary of State and the IMA can be abolished by the Secretary of State. In the internal operation of the IMA itself, the IMA may decline an inquiry; that may be a fair discretion, but it is able—even when the grounds for such an inquiry have been demonstrated—to decline to pursue it. There is concern that, with the significant power of the Secretary of State, pressure may be brought to bear subliminally in ways which would compromise the independence of the IMA. I would be grateful if the Minister could give categorical assurances of that independence and address those questions.

On a more practical basis, I welcome the fact that the chief executive has been appointed, the location in Swansea has been confirmed and the recruitment of the other directors and staff is under way. Can the Minister give us an indication of when the directors will be appointed and, in the specifics for the devolved Administrations, how soon each of those will be in place?

Finally, because it clearly says that the Secretary of State may abolish the IMA, can the Minister give an indication of how long the Government think that this authority will be required? Is the IMA permanent—I note that the chair is appointed for five years—or do the Government envisage that it will have a timeframe, beyond which it will no longer function? It seems to me that all of these questions need to be answered to ensure that there is confidence in the genuine independence and freedom of action of the IMA, and its ability to stand up for citizens' rights, challenge the Government and not be threatened with premature downgrading or abolition. I would be grateful if the Minister could answer those questions.

4.34 pm

Lord Empey (UUP) [V]: My Lords, in broad terms I support the introduction of this instrument; in his introduction, my noble and learned friend, set the scene. However, this originated in the authority in the EU withdrawal Bill, which incidentally, in its overview, said that it will

“take back control of our laws by reaffirming the sovereignty of Parliament; end vast annual payments to Brussels; protect the Union by ensuring we leave as one United Kingdom”.

My noble and learned friend will know that, as a result of the Northern Ireland protocol in the withdrawal agreement, we will not be leaving as one United Kingdom, because Northern Ireland will remain very largely in the sphere of influence of the European Union—not the United Kingdom—from an economic point of view.

Section 75 has its genesis in the Good Friday agreement—I was one of the negotiators—so naturally it makes sense to introduce those provisions into this authority. However, I note that recruitment has begun, and some people have already been appointed. The question remains: were they appointed under the rules that would be appropriate to Section 75? I had the

[LORD EMPEY]

opportunity, as a Minister, to be responsible for these for many years—I believe that they are important and hope that they will apply retrospectively.

On the protection of rights, I must say to my noble and learned friend that, as the noble Lord, Lord Hain has said, this Government are failing dramatically in the question of payments to victims of the Troubles. The will of this Parliament is being openly defied by the Northern Ireland Executive in failing to do its duty. We have a parallel: the recent victims of historical institutional abuse had to wait for years and years until justice was done, and that was scraped through only at the last minute in the last Parliament.

The Secretary of State knows perfectly well that hundreds of people are sitting and waiting, having been misled. Nobody told them that this problem had arisen in February of this year, until it slipped out 10 days before the day on which they were to have been paid, when an official appearing before a committee was able to tell politicians that nothing had been done in preparation. That was only 10 days before people were expecting to be able to apply to be paid.

Whatever anybody says about rights—and in this House we are all, I believe, for that—the Government must show that they are upholding rights and that they have a duty to protect the people of this country. That is why Parliament decided to help people who were victims of the Troubles—people who were attacked and had their lives and ability to earn a living dramatically changed and ruined in many cases—with pensions.

I congratulate the noble Lord, Lord Hain, on the work he has done on this over the last number of years. However, this cannot go on. It simply cannot, cannot, cannot be allowed to continue the way it is. The rights of those people, guaranteed under Section 75, are being trampled on, and it is our duty as a Parliament to uphold those rights. I hope and pray that my noble and learned friend will address this in his summing up.

4.39 pm

Lord Patten (Con): My Lords, I have listened with great respect to what the noble Lord, Lord Empey, has just said, and I agree with him about the importance of a United Kingdom. Like him, I intend to warmly welcome this order. It is vital that we give our neighbours and friends from Europe exactly the same protections in Northern Ireland that are enjoyed, with respect to equality of opportunity, across the United Kingdom, with all the substantial contributions that they make to the economic, social and cultural life of our country. I welcome the designation of the IMA under Section 75 of the relevant Act, as has been so clearly explained by my noble and learned friend Lord Keen, to make it a public authority with the duty to promote equality of opportunity. I think we would all say “Hear, hear”—that is a very good thing to happen.

But, much as I welcome this measure and what the noble Lord, Lord Empey, said about it, I only wish that we could welcome into the Chamber today noble Lords of all parties from Northern Ireland in greater numbers. In saying that, I am not being romantic about this Chamber, and neither is it just because it would be good to see them; it is because I strongly

believe that, in legislating, there is no substitute for the real thing—for human presence in your Lordships’ Chamber. The intermingling, in Westminster, of people from Northern Ireland and other parts of the United Kingdom helps to cement and bring together our country. The longer, for understandable reasons, that we are apart, the weaker the links may become—to our peril, inexorably leading to people in Northern Ireland, and maybe in Scotland and Wales, detaching themselves from feeling a true part of our historical central governance of public affairs, and maybe, indeed, to separating slowly into four nations rather than one country.

I have made those journeys myself to Belfast and back. Coming to Westminster from Northern Ireland has always been more demanding for noble Lords who live so far away, with all those long journeys with their inevitable travel delays, compared to some people who can just walk to the Chamber here this afternoon in the Palace of Westminster. I pay genuine tribute to Members from Northern Ireland of all parties, independents and Cross-Benchers, for what they do, because they are needed here as part of our national constitutional glue, knitting together the fabric of the United Kingdom, just by their very presence in this Chamber. The quicker we can change our highly cocooned and protected arrangements here—look at the Chamber this afternoon—which are not enjoyed in shops, pubs, places of work and public transport, on which I have travelled, the better.

We are often accused—very often unfairly and wrongly—with being detached and remote from the real world, but the people will begin more and more to question why we do not face the same realities here in our arrangements that they have to face out there. As the Chancellor of the Exchequer has just said in the other place at the end of his Statement, we do need a return to normality with safety, and we need it in this Chamber as well—as quickly as possible.

4.42 pm

Lord Wood of Anfield (Lab) [V]: My Lords, I too welcome this order to ensure that statutory equality duties on public authorities in Northern Ireland will apply to the new Independent Monitoring Authority. Given the history of Northern Ireland and the provisions of the Northern Ireland Act 1998, the duties of the IMA will be greater and more wide-ranging than its activities elsewhere in the United Kingdom. These extra duties on the IMA highlight the importance of it becoming an embedded, permanent part of the legal landscape. Indeed, the IMA is required by Article 159 of the withdrawal agreement to have

“powers equivalent to those of the European Commission”.

But I continue to have concerns, as do many lawyers and senior figures in Northern Ireland, that the IMA’s permanence—essential, as the noble Lord, Lord Bruce, said earlier, to its effective pursuit of its duties—is not secure under the withdrawal agreement. So, I hope to reinforce the excellent remarks of the noble Lord, Lord Bruce, and that the noble and learned Lord will be able to provide us with greater assurances than he did during the passage of the withdrawal agreement Bill about the IMA’s standing.

Paragraphs 39 and 40 of Schedule 2 to the Act contain provisions that may allow the Secretary of State to make fundamental changes to, and even abolish, the IMA by secondary legislation. Paragraph 39 of Schedule 2 provides:

“The Secretary of State may by regulations ... transfer the functions of the IMA to another ... relevant public authority”.

The withdrawal agreement requires there to be a single, independent authority with the powers required to monitor citizens’ rights effectively. But powers in this schedule do not seem to preclude the possibility of those functions being dispersed across several public bodies. So can the noble and learned Lord, first, confirm—not as a matter of the Government’s intent, but as a matter of law—that any functions so transferred would be done in their entirety?

Secondly, it is striking—and far from desirable—that the Minister will be able, under the provisions in paragraphs 39 and 40, to make fundamental changes to, and even abolish, the IMA through secondary legislation. Given the responsibilities, significance and sensitivity of the IMA, I am not alone in finding it troubling that the Government refused to respond to amendments earlier this year that would have required any significant changes to the IMA to be made by primary legislation, to ensure robust parliamentary scrutiny. The Northern Irish aspect of the IMA’s work that we are focusing on today only shows the complexity of the risks of not having adequate scrutiny, should any changes be proposed in the future.

So can the noble and learned Lord reassure the House in two further ways: first, that the Minister, in the future, will not be able to abolish the IMA without the approval of the joint committee, as stipulated in Article 159(3) of the withdrawal agreement; and, secondly, that any proposal to reallocate functions of the IMA will be given proper time for debate and scrutiny in this and the other place, over and above what is legally required, not least to examine the impact on Northern Ireland, where the issues with which the IMA will deal are slightly more sensitive and complex?

The noble and learned Lord will maintain, I am sure, as he did in the debate on these provisions in the Bill on 13 January this year, that the obligation to maintain the IMA is

“one to which we as a Government will adhere.”—[*Official Report*, 13/1/20; col. 553.]

But the question is why that professed commitment was not matched by legislative text, which will bind all current and future Ministers to guarantee the IMA’s permanence and independence, and guarantee that any changes would have the serious parliamentary scrutiny they deserve. I hope we can have an explanation and further assurance today.

4.46 pm

Baroness Ritchie of Downpatrick (Non-Aff) [V]: My Lords, I welcome this draft statutory instrument. I thank the Minister for his clear explanation of the instrument, which upon commencement will designate the Independent Monitoring Authority for the Citizens’ Rights Agreements as a public authority for the purpose of equality duties, as established by Section 75 of the Northern Ireland Act, which derived from the Good Friday agreement, and Sections 49A and 49B of the

Disability Discrimination Act 1995. It is only right and proper that citizens from the 27 EU nations are shown proper and due regard in terms of equality of opportunity.

But, like the noble Lord, Lord Empey, I would like to ask whether are we giving respectful approval in this instance. Premises have been established; staff have been appointed. Did the recruitment of those staff comply with the equality provisions that are required under the equality of opportunity as prescribed in Section 75 of the Northern Ireland Act? I have written to the Equality Commission for Northern Ireland, which is responsible for ensuring those equality provisions are adhered to, and it is very much in support of this draft statutory instrument. I would like to ask the Minister whether there will be a copy of the report that will be published—hopefully on an annual basis—by the Independent Monitoring Authority to ensure that it is complying with these equality provisions.

If we respect the rights of all citizens—as the noble Lords, Lord Hain, Lord Empey and Lord Bruce, have already referred to—there are citizens in Northern Ireland who are being denied their proper rights in terms of the victims’ pension fund, which was fully implemented by the last Parliament, in 2019. Only a few weeks ago, the Northern Ireland Executive provided funds to administer the system. Obviously, that would be launched in the Executive Office, but no department has been appointed to implement the scheme. Therefore, these people who have been victims and who have endured considerable pain, suffering and injury over many years are still without their rightful pensions. That is totally unacceptable, outrageous and one of the egregious problems that has emerged from the current Northern Ireland Executive.

I hope that, in the fullness of time that will be resolved, but I would urge the Secretary of State, via the Minister, to ensure that a department is appointed as quickly as possible to disburse the funds. That is urgently required. I also ask the Minister to ensure, talking to the Secretary of State, that this issue is resolved as quickly as possible, to ensure that there is full equality of opportunity for these people, who have suffered such immeasurable pain and total disregard for far too long.

4.50 pm

Baroness Bennett of Manor Castle (GP) [V]: My Lords, I thank the noble and learned Lord for his detailed exposition of the statutory instrument that we are debating. I join other noble Lords in applauding the application of Section 75 duties in Northern Ireland in the IMA. I also wish to join the noble Lord, Lord Bruce, in commending the noble Lord, Lord Hain, on his long-term pursuit of justice for innocent victims and people who have suffered attacks and long-term and lifelong injuries. I look forward to the Minister’s response, particularly to the recent action of the Government in terms of judicial review. I also support the questions from the noble Lord, Lord Wood, on continuing concerns about the independence of the IMA.

I will focus chiefly on the fact that it is now less than six months before this will have to be in full operation. We will see the first problems, crises and people left trapped and unsure. This is the first time your Lordships’

[BARONESS BENNETT OF MANOR CASTLE]

House has debated this since it was made clear that the transition period would definitely be at the end of this year. Will the Minister give the House any information about the resources that the IMA will have? Will they be sufficient? We can have all the independence and brilliant people at the top of the organisation, but with 3.2 million EU citizens in the UK and perhaps quite a few UK citizens looking to move back before the end of the transition period with non-EU spouses, partners and children, who are then going to be forced to move after the transition period ends, lots of people will risk being trapped in real crisis situations, particularly given the situation with Covid-19.

Will the Minister point us to information about what estimates have been made of the demand that is going to be put on the IMA and of the chief issues that are likely to arise that will cause people to use it? We know that the settled status scheme is proving difficult for lots of people, particularly older EU and EFTA/EEA citizens and some very young citizens, including children who are not in a position to act for themselves because they may be in care. Settled status is proving difficult for them, and Covid-19 cannot have helped that situation.

Hanging over all this is the tragedy and great suffering of Windrush and the concern about the hostile environment. Will the Minister say something about the continuing thorn of the question of deportations and whether EU and other relevant citizens might potentially face deportation after 31 December?

As other noble Lords have said, we are talking about people who are very often our doctors, nurses, neighbours, friends, spouses, partners and children. We have a long and intermixed history and we are trying to untangle some very complicated threads. So we need to make sure that the IMA is adequately resourced and ready to work from day one.

4.54 pm

Lord Thomas of Gresford (LD) [V]: My Lords, this is the first time that the Independent Monitoring Authority for the Citizens' Rights Agreements has peeped over my particular parapet. The Minister may recall that it was in the course of debating a Northern Ireland order with him almost exactly a year ago that I sank back to the Bench and missed the next six months of rather exciting parliamentary activity. I have missed the House perhaps rather longer than the noble Lord, Lord Patten. I did not mark the statutory basis for the authority in January in the plethora of all the other issues. As the noble Baroness, Lady Bennett, said, this may be the first time that the House has looked at this authority.

I fully understand why this order is necessary under the Northern Ireland Act 1998. This statutory instrument highlights the necessity of expressing formally the principles of equality in Northern Ireland in the highly sensitive areas of religion, politics, gender rights, sexuality, disability and so on. What I am not clear about is the ambit of the Independent Monitoring Authority. It is a very substantial new body, set up to protect the rights of no fewer than 3.5 million EU citizens in the United Kingdom, as guaranteed by the agreement negotiated for withdrawal last year. The setting-up

cost, according to the impact assessment report, is £145 million, with an annual running cost of £15 million, involving the salaries of the chief executive and others of perhaps over £200,000—approximately the remuneration of a High Court judge.

Naturally, I am glad to hear that it is proposed to open in Swansea—I cannot think of a better place—and that recruitment is going ahead. Recruitment should be going ahead since it will have to be operational by the end of the year. As I understand it, the duties of the IMA are not just to monitor the settled status programme run by the Home Office but to oversee the entire body of social welfare and employment rights across a number of government departments.

If that is its remit, it is absolutely necessary to be seen to be independent of government. It has fallen to the lot of the Department of Justice to oversee its operations. But is it a judicial body? In answer to a complaint from an EU national, does it do any more than make representations or recommendations to public bodies and produce the occasional report or comment on legislation? Does it have any power to enforce the rights of complainants if the authority finds that they have been breached?

I understand that it will be entitled to take proceedings for judicial review on behalf of any European national against any public body that does not accept its recommendations—but that is a discretionary remedy and, if pursued in large numbers, could be a very heavy burden on the courts. After all, the number of EU residents in the UK supported by the authority exceeds the entire population of Wales and is double that of Northern Ireland.

I note with some concern the reservations of the noble Lords, Lord Hain and Lord Empey, about the appetite of this Government to uphold the rights of existing citizens in Northern Ireland, never mind EU citizens. The noble Baroness, Lady Ritchie, referred to the problems arising under the victims' pension fund and the delays that have occurred.

We hear that the Department of Justice has appointed its chief executive officer, but I share the concerns expressed by my noble friend Lord Bruce on the independence of its chairman and non-executive members and on the power of the Minister to abolish it altogether by secondary legislation, as the noble Lord, Lord Wood, pointed out.

Will the devolved Administrations and Gibraltar be represented, and how will the non-executive members be chosen? Reading the legislation, I thought that it was that body which would appoint the chief executive and the staff, subject only to the approval of the Department of Justice—but it seems to have gone ahead anyway.

Finally, the IMA is set to be operational on expiry of the transitional period. It seems increasingly likely that Great Britain, if not Northern Ireland, will leave the ambit of the European Union without a deal in less than six months' time. Can the Minister tell us whether the rights of EU citizens, as negotiated, will be upheld in the event of no deal? If not, what will be the position of the Independent Monitoring Authority? Will it differ in Northern Ireland, which will effectively still be within the ambit of EU in fact, if not in form?

Can the Minister confirm that subjects of the Crown from Northern Ireland who reside in Europe will lose the benefit of their rights as EU citizens and will have to rely on such rights as were negotiated in the withdrawal agreement? I look forward to the Minister's response.

5 pm

Lord Ponsonby of Shulbrede (Lab) [V]: My Lords, Labour supports this instrument, which designates the new Independent Monitoring Authority for the Citizens' Rights Agreements as a public authority for the purposes of Section 75 of the Northern Ireland Act 1998. Section 75 of the Act is transformative. Its aim is to change the practices of government and public authorities so that equality of opportunity and good relations are central to how government and policymakers operate. It does this by giving public authorities that carry out functions in relation to Northern Ireland the statutory duties of equality of opportunity among the nine equality categories, and good relations between persons of different religious beliefs, political opinions and racial groups. The IMA will be an important public authority in Northern Ireland, so it is right to give it the same statutory duties that other public authorities have in regard to it.

The IMA has a crucial role to play following our departure from the European Union. It will be an important safeguard for the rights of citizens of the EU 27 in the UK after the end of the implementation period. Being the single authority responsible for monitoring the implementation of the citizens' rights provisions of the withdrawal agreement is no small task. I, too, was going to raise the question just raised by the noble Lord, Lord Thomas, about what would happen if we were to leave the EU with no agreement. Will there need to be further legislation or amendment of these orders, given that the status of Northern Ireland will be different from that of other parts of the United Kingdom? We expect that the Government will keep their commitments around the IMA, and it will be an organisation with genuine teeth when it begins its operations in Swansea later this year. Again, points were raised by the noble Lord, Lord Thomas, about the power to bring legal action against the Government or a public authority that has failed to implement or apply the citizens' rights agreements. Its power to do that is crucial to the credibility of this body.

Subjecting the IMA to Section 75 duties will make it a better organisation and put it within the remit of the Equality Commission for Northern Ireland to investigate it if it does not follow the duties as set out. Labour looks forward to reading the equality scheme this new organisation will put forward, so my second question for the Minister is: can he give assurances that this secondary legislation confirms the Government's commitment to the IMA, and that they will not use their powers in the withdrawal agreement Act to transfer its functions to another public authority? This question was also raised by my noble friend Lord Wood.

Thirdly, can the Minister give an update on the formation of the IMA? Has it been affected by coronavirus? I, too, saw the adverts on the internet and can see that recruitment is under way, but it would be useful for me and, I suspect, other Members of the House, to get an update from the Minister.

This legislation gives the IMA the statutory foundation it needs to function as a UK-wide body. Labour welcomes it and hopes it represents another step in the formation of the IMA as the truly independent and effective body it needs to be.

At the beginning of this debate my noble friend Lord Hain raised the disturbing case of the denial of rights to victims injured through no fault of their own in the Troubles in Northern Ireland. He was supported by the noble Lords, Lord Bruce and Lord Empey. My noble friend tells me that he has been pursuing this matter for about nine months and, as he said, he has every intention of hounding the Government until he gets a fair result for the victims. I have known my noble friend for more than 30 years and I have no doubt that he will be good to his word and that the Government will eventually be forced to ensure that victims are fairly treated.

5.05 pm

Lord Keen of Elie [V]: My Lords, I am grateful for the contributions to this debate and I shall address the points made as fully as possible. First, the noble Lord, Lord Hain, touched on the issue of victim payments, a point taken up by the noble Lord, Lord Empey, the noble Baroness, Lady Ritchie, and, most recently, by the noble Lord, Lord Ponsonby. Of course, we wish to see this matter resolved as soon as possible. As it is the subject of litigation, it would not be appropriate for me to make any further detailed comments at this time, but I am conscious of the expressions of concern that have been made—and heard, no doubt—beyond the Chamber. I am confident that the noble Lord, Lord Hain, as the noble Lord, Lord Ponsonby, said, will not rest this matter until it is resolved.

I come to some points raised by the noble Lord, Lord Bruce of Bennachie, and a number of other noble Lords about the IMA itself. Yes, the Secretary of State has certain powers with regard to appointments and removals from appointments, as one would expect in this context, but that does not take away from the independent standing of the IMA, which will of course be respected going forward. The idea of a transfer to another body would be contemplated only if it were considered that the time had come when the IMA as such was not required to continue, yet some functions ought to be continued. Therefore another appropriate body would be identified and steps taken to ensure that that body was fully independent and in a position to discharge the functions of the IMA. However, I do not understand it to be contemplated that functions would be divided up between other bodies. The idea is that there could be—I stress “could”, not “would”—a transfer of functions to another body, but the transfer would involve consideration of the receiving body's ability to discharge all the appropriate functions of the IMA.

Coming to the question of abolition, it is a product of our withdrawal agreement that, after eight years, the IMA, if it were no longer required, could be the subject of abolition, but only with the mutual agreement of the European Union. In other words, it would be only if the EU and the UK decided that there was no longer a role for the IMA that any steps could be taken to abolish it. As I say, that could occur only after eight years.

[LORD KEEN OF ELIE]

With regard to the appointments that were made, noble Lords will appreciate that we have not only the provisions of Section 75 in respect of Northern Ireland, but the provisions of the Equality Act 2010 in respect of the United Kingdom. It is against that background that appointments have been made to date. Indeed, when appointments have been made, of course those making appointments have been conscious of the steps that will be taken with regard to the Section 75 order. In any event, as I say, they are conscious of the provisions of the Equality Act 2010.

As regards the appointment of staff, we are confident that the IMA will be functioning fully by the end of the transition period, when it will come into operation.

I stress that the IMA in a sense reflects the role of the commission at present with regard to these matters; in other words, it is concerned not with individual cases as such but with systemic issues which stem from the behaviour of public bodies or public authorities. It will be in a position to receive complaints. It will not be bound to accept every complaint—that is right—because it is looking at systemic issues. When it receives complaints, it may instigate inquiries and if it finds that certain obligations are not being adhered to by public bodies or by those performing functions on behalf of public bodies, it will have the ability to take legal action in the form of judicial review. Where it has a substantive complaint to make, it will be able to secure substantive remedies such as mandatory remedies and so on, so we feel that it will be well equipped to carry out the necessary function in that context.

The noble Lord, Lord Wood, also asked about function transfer and abolition. I hope I clarified what the position would be in that context. Clearly, if any step was to be taken in that regard, it would be with the mutual agreement of the parties and Parliament would be made aware of that, for obvious reasons.

The noble Baroness, Lady Ritchie, raised the question of reports by the IMA. The IMA will report to Parliament with regard to its functions and therefore the discharge of those functions will be subject to oversight by Parliament.

With regard to the resources of the IMA, reference was made by the noble Lord, Lord Thomas of Gresford, to the figures that have been provided. We consider that the IMA will be well and sufficiently resourced to discharge its functions, but again I emphasise that it is going to be looking at systemic issues rather than individual cases and the enforcement of individual rights.

Not only will the devolved authorities be represented on the IMA but so will Gibraltar. The remedies available in Gibraltar will be determined by the Gibraltarian legislature. This is a UK-wide authority and it also extends to Gibraltar.

I hope that I have addressed the points raised by noble Lords in the debate. I beg to move.

Motion agreed.

5.13 pm

Sitting suspended.

Arrangement of Business

Announcement

5.30 pm

The Deputy Speaker (Lord Alderdice) (LD): My Lords, proceedings will now commence. Some Members are here in the Chamber, others are participating virtually, but all Members are treated equally. For Members participating remotely, microphones will unmute shortly before they are to speak. Microphones will be muted after each speech. If the capacity of the Chamber is exceeded, I will immediately adjourn the House. I ask noble Lords to be patient if there are any short delays as we switch between physical and remote participants. The usual rules and courtesies in debate of course apply.

Surrender of Offensive Weapons (Compensation) Regulations 2020

Motion to Approve

5.31 pm

Moved by Baroness Williams of Trafford

That the draft Regulations laid before the House on 9 June be approved.

Relevant document: 19th Report from the Secondary Legislation Scrutiny Committee

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the Offensive Weapons Act 2019 received Royal Assent on 16 May 2019 following full and detailed scrutiny in both Houses. The Act is an important part of the Government's strategy to tackle recent rises in serious violence, including violence involving the use of knives. Measures in the Act will help to take dangerous weapons off the streets. They will make it more difficult for young people to access knives in the first place, including those knives which are particularly prevalent in violent incidents.

The regulations will help to give effect to the prohibitions set out in the Act that cover certain offensive weapons, knives and firearms. Noble Lords will recall the detailed scrutiny given to these prohibitions during the then Bill's passage through this House. Since these are now a matter of statute, we should not seek to reopen the discussion of their merits. Rather, our focus should be on the arrangements for surrendering these weapons to the police and for the payment of compensation.

The regulations reflect the principle recognised during the passage of the legislation that prohibiting items that are currently lawfully owned impacts on the individual's right to property. It was agreed by both Houses that it would be right and fair that the owners of these weapons who surrender them to the police in accordance with the arrangements we are making should be fairly compensated.

The arrangements for surrender and compensation will apply to England and Wales and extend to Scotland and Northern Ireland with respect to firearms and

ancillary equipment only. The regulations provide for a three-month surrender period, during which the owners of these weapons will be able to surrender their property to the police. If they wish to claim compensation, they will need to do so at the same time as surrender, using a form that we will make available before the scheme commences.

We shall also make available a “values list” that sets out the standard levels of compensation for all of the weapons that come within the scheme. A claimant can indicate on the claim form whether they accept the standard level of compensation or claim a higher amount, which they can do providing they can support this with a credible valuation. The regulations give some examples of the type of valuations that will be acceptable, but we have sought to avoid undue prescription.

Our overarching objective is to fairly compensate those giving up their lawful property so that we can take these dangerous weapons out of circulation. The claims for compensation will be processed by the Home Office, and we will look to do so as quickly as we practicably can following the launch of the scheme.

We have shared the draft guidance on how to surrender and make a claim for compensation, and the accompanying form, with noble Lords to inform this debate. They will be developed further in the light of today’s discussion and in our ongoing discussions with experts and interested parties.

The regulations deliver the full intent of the measures set out in the Offensive Weapons Act to allow for surrender and compensation. I commend them to the House.

5.34 pm

Lord Adonis (Lab) [V]: My Lords, we are grateful to the Minister for her lucid explanation of the instrument. I have one question and one comment. My question concerns Regulation 6(2), which says that no amount will be payable of less than £30. I am not an expert on the knives in question, but for young people in particular, sums less than £30 are still appreciable. I assume that some of the knives in question would be valued at less than £30, or would all the knives covered by the Offensive Weapons Act be valued at more than £30? Could the Minister clarify whether £30 would cover all the knives in question, or whether some would not be covered? If some would not, it seems sensible simply to cover them all, because we want the maximum number to be surrendered.

My comment is to invite the Minister to tell us the incidence of knife crime and what has been happening during the pandemic. Something that I know concerns the House at large is that, because of the necessary attention we have been giving to the pandemic, we have not been paying attention to other big social issues. My perception is that we have seen a dramatic fall in knife crime and gang violence because people have been in lockdown. I hope that that is true, but it would be helpful if the Minister could update the House on the situation.

5.36 pm

Lord German (LD) [V]: My Lords, these regulations have been a long time in the making, particularly given the importance of the issue they address. Knife crime

especially is a terrifying and terrible offence and the incidence of these crimes continues to cast a black cloud over so many communities in our country. The 2019 Act brought in the sections to which these regulations now seek to give effect. I hope that the Minister can explain why this has taken so long, given the urgent need. How many other regulations under the Act still need to be produced? There is no purpose whatever, of course, in having a hollow shell of an Act.

We are missing supporting documents for these regulations—because of the Covid-19 pandemic, we are told—so we have to ask questions to flesh out the details. As the Explanatory Memorandum admits, the Secretary of State is to “introduce arrangements” to allow these regulations to be carried out, but we are not told what these arrangements will be. In her Written Statement to the House on 11 June, the Minister said:

“We will finalise and publicise full details on the surrender and compensation arrangements before they commence.”

Those are these regulations. Can the Minister tell the House whether a full catalogue of the weapons listed—the knives and guns—yet exists? If so, how many items are in the catalogue? Have compensation values been assigned to the knives and guns? How many bladed items have a value of more than £30? Is it proving difficult to develop a catalogue of knives, given the wide variety available designed for work use that can be and have been used offensively?

Many more questions arise from these shell regulations, including the obvious one of the timetable for their implementation. I very much hope the Minister can answer them all.

5.38 pm

The Earl of Shrewsbury (Con) [V]: My Lords, I declare an interest as a former chairman of the Firearms Consultative Committee at the Home Office. My noble friend will recall that she and I had many a conversation regarding firearms during the passage of the Offensive Weapons Bill last year. I put on record how grateful I and the shooting sports bodies were for the constructive way in which we held those conversations and the assistance and advice we were given by the Home Office.

I am certain that, in the course of those conversations, the Minister and I discussed compensation for some firearms that were to be banned by the Bill. I have received correspondence relating to compensation for flick-knives and gravity knives of historical value from the Second World War, which I believe will attract compensation on surrender. I guess that my noble friend Lord Lucas will touch on this when he speaks.

Can the Minister say how many firearms, and of what type, will qualify for compensation and at what cost? My understanding is that antique flick-knives and gravity knives are of considerable value to collectors and could take up the majority of the compensation fund. Is my noble friend confident that adequate funds for compensation have been or will be allocated?

5.40 pm

Baroness Wilcox of Newport (Lab) [V]: It is more important than ever to keep dangerous weapons off the streets. Dealing with serious violence is paramount

[**BARONESS WILCOX OF NEWPORT**]

in the public consciousness and these dreadful crimes have a devastating impact on the victims, their families and their communities. The Offensive Weapons Act 2019 provided arrangements for the surrender and these items will become prohibited under it. Today, we are talking about the payment of compensation to those who surrender them.

I learned a lot in researching for this intervention. I had never heard of zombie knives and death star knives, but I had certainly heard of knuckle dusters. It will become a criminal offence to dispatch bladed products that are sold online without verification that the buyer is over 18. The regulations will come into force when it is safe to do so, but I would urge the Minister to ensure that this happens as soon as possible, so that owners can go to police stations to surrender their items.

Knife crime prevention orders will provide police with a further means to help deter young people from becoming involved in knife possession and knife crime. We hope that they will make them stop and think about the choices and consequences of carrying a knife. Of course, early intervention is the best way to prevent knife crime, as I saw so many times in my teaching career. If we had intervened with a child at the age of four, five or six, we would not have been dealing with problems at 14, 15 and 16. As a society, we must continue to work alongside schools, charities and community groups, with a range of tactics. We need to discourage young people from carrying knives in a positive rather than a punitive format. We must give them support and pathways away from potential crime, so this statutory instrument is very welcome, and I would ask the Minister when it is likely to be implemented, because speed really is of the essence.

The Deputy Speaker (Lord Alderdice) (LD): The noble Baroness, Lady Northover, has withdrawn, so I call the next speaker, the noble Baroness, Lady Jones of Moulsecoomb.

5.42 pm

Baroness Jones of Moulsecoomb (GP) [V]: My Lords, the Minister was quite strict that noble Lords should stick to arrangements for surrender and not ask any broader questions, so I will be very compliant and ask about that. I have seen several very successful schemes of this kind. A lot of them need a certain amount of good publicity, by which I mean not just good publicity but publicity that is well written and well phrased. So I have a few questions.

What form will the publicity take and how will the Government publicise it? Is the Minister confident that the message will actually reach the right people, because that is also part of it being successful? How will the Government ensure that the message is understood and believed, because you have to convince people to turn up at a police station with a weapon. To do that, they have to believe that they will be safe and that they will be believed.

There would seem to be an opportunity here to have a wider amnesty on offensive weapons, but I am not sure from what the Minister said whether that would be happening—other than for those weapons

that are becoming newly illegal. The Government will be publicising a scheme to persuade people to do the right thing, so it would seem to be a good time to encourage them to hand in other weapons that are currently illegal at the same time. I hope that this is a very successful project.

The Deputy Speaker: The noble Lord, Lord Wei, has withdrawn, so I call the next speaker, the noble Baroness, Lady Kennedy of Cradley.

5.44 pm

Baroness Kennedy of Cradley (Non-Aff) [V]: My Lords, I support the regulations before the House today, because they will get dangerous weapons off our streets. Some may ask why anyone would need weapons such as these in the first place and why the Government are paying compensation to the owners to hand them in. They are illegal and should just be surrendered. However, I can see the point. This will provide an incentive to get these weapons off the streets, which of course is something that we all want to see.

Knife crime has had a devastating effect in London and elsewhere across the UK, with many young lives lost in senseless killings. Like my noble friend Lord Adonis, I say that, if the noble Baroness has the figures, it would be good to remind the House of the number of incidents of gun and knife crime over the past 12 months, as this in itself will illustrate why the scheme before us today is worth supporting.

We are lucky to live in a country that has tough laws to deal with gun and knife crime, but it is important always to keep these measures under review and to be open to adding different types of weapons to the banned list, because criminals will always find ways to circumvent the rules. Perhaps the noble Baroness, in her closing remarks, can say more about how the regulations will be kept up to date and about the work that the department is doing to keep on top of this ever-present threat.

5.45 pm

Lord Naseby (Con) [V]: My Lords, I too welcome this measure and I have some questions. How do the Government intend to communicate with the owners? I see from paragraph 10(2) that we are at least showing some realism where weapons or knives are particularly valuable. Secondly, I note that on monitoring there is talk of a five-year review. Given the seriousness particularly of knife crime, I wonder whether three years would not be a better length.

As someone who has followed this problem in the past, particularly as regards firearms, I would say that it is possible that there are people out there who own a firearm illegally, are dead scared to hand it in, but know in their heart of hearts that they should hand it in. In that case, I wonder whether some sort of amnesty could be given to them for doing the right thing—after a period of time, clearly. The sum of £30 does not seem to be a lot of money for certain knives, where people went to great trouble to obtain them—so, again, I think that there might need to be some flexibility in this area.

5.46 pm

Lord Chidgey (LD) [V]: My Lords, let me say straight away that I am generally supportive of the Act and these regulations, which will make it harder to carry dangerous weapons. The thought of any move that might take us down the path to an armed society is total anathema to me. The base rock on which our society is founded is that of being policed by the consent of the people. As Peel said,

“The police are the public and the public are the police.”

Who in their right mind would want to trundle around a town towing a heavy-duty machine gun or, better still, an artillery piece, for sport, as is the case in some countries? Similarly, bladed weapons such as Rambo knives, death star knives and the like have never had a legitimate place on our streets; their mere ownership must imply criminal intent, and of course that may well be the crux of the problem.

The draft regulations are intended to compensate the owners of some kinds of rapid-firing and self-loading rifles for surrendering their weapons—those that were made illegal under the terms of the Offensive Weapons Act 2019 with a value of £30 or more. We need more clarity on the process of surrendering the weapons and how the financial transactions will be conducted. For example, will there be a track and trace system covering both the act of purchase and surrender? Is this another case of requiring social media providers to take a legal responsibility for denying the sellers of prohibited or simply dangerous weapons and knives access to their platforms?

With more than 22,000 crimes involving knives and other offensive weapons in England and Wales last year, we must look at ways to deter the selling and carrying of them on our streets. We must address the reasons why the young carry them for perceived protection.

5.48 pm

Lord Mann (Non-Aff) [V]: My Lords, this instrument is to be welcomed and I hope that it will be supported unanimously. It comes on the back of what the National Crime Agency described as

“the UK’s biggest ever law enforcement operation”.

When it was reported five days ago, it was claimed that, among many other successes, 77 firearms had been recovered. I appreciate that it would be pre-emptive of the Minister to comment on what will be an ongoing operation in terms of attempting to successfully prosecute, but I am sure that, at some stage, this huge success should be outlined to Parliament in detail and the department, along with the NCA, should be congratulated on it.

I have two questions for the Minister. One is in relation to online trade that originates from overseas and whether we have an effective policy in place with the United States and Europe in terms of potential prosecutions where something such as a knife has been bought illegally from abroad.

Secondly, the College of Policing What Works Centre for Crime Reduction wrote a report in this field in 2019. It is clear from that report that there are areas of research where it was drawing a blank. That is, not enough research had been done; for example, in relation

to the success or otherwise of knife amnesties. Will further resource and priority be given to the College of Policing for additional research, on the basis that learning from what works within policing can only help to inform Parliament in allocating sufficient resources?

5.51 pm

Lord Lucas (Con) [V]: My Lords, it is a continuing sadness to me that the Government chose not to follow their memorandum of 26 June 2018 and allow defences of nature and purpose, as is the case with many other dangerous weapons, and decided instead that we must destroy a chunk of our World War II heritage. Gravity knives, for example, which were used by parachutists to escape from tangled lines, have never been used in crime since the last war because they are far too expensive to use in crime—the better ones cost several thousand pounds—and are far too fragile. So it saddens me greatly that we have this order in front of us.

However, given that we have this order, I am puzzled that the Home Office thinks it can get away with a couple of hundred thousand pounds in compensation for these knives. The ministry need only turn to the internet to see how these knives have been traded—the most recent trade that I can find was in May this year—openly, without any interference from the authorities and, as I say, often for several thousand pounds apiece. Are the Government really expecting that people who have paid that sort of money for a knife will turn it in if they are to be denied compensation because they cannot prove that they received it as a gift or an inheritance? In what other way does the ministry reconcile the total figure of compensation expected with the value of the knives concerned?

5.53 pm

Baroness Hamwee (LD) [V]: My Lords, I do not need to take up the House’s time in reiterating concerns about knife crime and the use of weapons; nor am I going to reopen the discussion about merits. However, since the Home Office’s own press notice regarding these regulations refers to the recruitment of 20,000 new police officers, I think I can ask: how is that going?

I do not recall spending much time on the compensation provisions regarding knives during the passage of the Bill—except for antique knives, as two of today’s speakers have referred to—but we spent quite a lot of time on the justification for the Bill covering certain firearms. I am certainly not opposing the regulations, although of course I have questions about them.

The first is, as my noble friend Lord German asked: why has it taken a while for not just the regulations but the underlying provisions of the Act to be commenced? The press notice gave no clues about that. I assume that the Government were waiting for the scheme but perhaps the Minister can flesh that out. It is a pity, given the seriousness of the issue, that there has not been more urgency. As far as I can see, the provisions on knife crime prevention orders have not been commenced either, which I have to say causes me less grief because we had a lot of concerns about those, but the Minister might quite properly say that I am straying beyond the instrument in referring to those.

[BARONESS HAMWEE]

When will the compensation scheme launch? Can the Minister give the House a bit more information about the consultation that has taken place on the standard levels of compensation and other aspects of the scheme? She has talked about stakeholders. Who are they? What publicity and information will there be to prompt the owners of the knives to come forward? I imagine that the identity of the owners of the firearms can be established without them responding to adverts.

My second set of questions is about the expected outcome of the scheme. Is there an estimate of the number of weapons likely to be surrendered in what is really rather a short period? I am struck by the question that the noble Lord, Lord Lucas, asked about the value of some of the weapons, given that the impact assessment of the cost of the amnesty is £200,000 to £300,000. Who is bearing that cost? Will it be the Home Office or individual police forces?

I do not know the price of the weapons that are subject to the regulations—I too had never heard of any of these weapons until we started work on the Bill—but I know that a lot of damage can be done by knives worth less than £30. Can the threshold be explained? The noble Lord, Lord Adonis, had a very proper and important point about this.

The rationale for the order is the deprivation of ownership. I agree with what has been implied by other speakers: the point should be wider and the rationale really should be the prevention of crime.

A big question in my mind is whether someone who has bought one of these ferocious weapons is likely to surrender it. I assume that we are talking just about surrender, not the amnesty mentioned by the noble Lord, Lord Naseby, or about immunity. Certainly, there will be no immunity for others such as, for instance, gang members. In my mind, it could be that the very act of surrender would put an individual in a dangerous position. Will the police refer individuals for support on gang exit in appropriate cases? Like the noble Baroness, Lady Wilcox—indeed, no doubt like all noble Lords—I am all for early intervention.

Will the purchasers of knives—I think it may be different for firearms—have bank accounts and be willing to disclose details of them and their own details to police? In other words, how realistic is this? I hope I am not being too pessimistic because I too wish this scheme success.

5.58 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, I am happy to support the regulations before the House and endorse many of the comments made by noble Lords in this short debate. Like my noble friend Lady Kennedy of Cradley, I sometimes think that these weapons are illegal so should just be handed in. I see no reason why anyone would need to own a zombie knife. Equally, I can see the point about compensation, particularly the points made by the noble Earl, Lord Shrewsbury, and the noble Lord, Lord Lucas, about people who own antique weapons, but that is almost a different case. I certainly do not know why anyone would ever want to buy a zombie knife or what you would need one for.

As we heard in our debates on the Offensive Weapons Bill, my fear is that when we quite rightly ban these weapons, I suspect you will still be able to buy them over the internet. You can probably log on, buy these weapons abroad and have them posted to you. That was one of the issues we discussed many times during the passage of the Bill. What will we do about that? This is again a question of the internet companies that host these sites. What are they doing? Why are weapons that can do huge damage to people allowed to be sent into our country?

My noble friend Lord Mann mentioned the excellent work of the National Crime Agency in shutting down that illegal communication system last week. I think we were all very pleased and pass on our thanks for the work done by the Metropolitan Police. I hope that by that being shut down, the trading of the illegal weapons mentioned here will be reduced, so that was very good.

I also endorse the comments of my noble friend Lady Wilcox of Newport about working with young people. A couple of years ago I was very lucky and did the parliamentary police scheme. I spent many days out with the Met in different parts of London. One day I had an excellent day out with the Met in Greenwich, with some of the teams that work with young people. They showed me in a container the knives they had collected. It was like a huge sweet jar of all sorts of weapons they had collected. They were doing lots of really good work with children in schools. They also used to do searches around schools. As they were going into the schools, some of the children involved in knife crime were burying the knives in their local council estate and would dig them up on the way home. We went around digging on the council estate, collecting all the knives. They were ingenious. It was really good work, getting these knives off the street but also talking to the children and trying to get them away from using knives.

As we know, knife crime destroys lives when people lose their lives, but it also destroys the life of the person using the weapon. As many other noble Lords have said, it is important that we try to ensure we deal with it. I will leave my comments there. As I said, I very much support the regulations and look forward to the Minister's comments.

6.02 pm

Baroness Williams of Trafford: My Lords, I thank all noble Lords for their constructive comments. I will start with those of the noble Lords, Lord Kennedy and Lord Mann, about the NCA operation only a few days ago, which took so many dangerous weapons and drugs off our streets.

There has been a bit of a debate about amnesty versus compensation. An amnesty is generally for weapons that were already illegal, whereas the compensation scheme we have laid out today is for weapons that were legal and are now illegal. I understand that it might stick in the craw of some noble Lords for us to pay compensation for weapons that are now illegal.

The noble Lord, Lord Kennedy, also talked about the importance of internet importation, and he is quite right. We discussed this at length—buyers, sellers

and all that stuff we talked about in the Bill—and worked together on a good remedy for that.

The noble Lord, Lord Adonis, questioned why we were paying only for stuff worth over £30. We have to start at a base compensation payment, or I foresee things such as children going through their parents' knife drawers to hand things in. We have to start somewhere, and £30 is the starting point. He also asked whether knife crime incidents were down during the pandemic. The answer is that they absolutely were, because of course there were fewer people on the streets and less gang activity.

The noble Baroness, Lady Kennedy of Cradley, and other noble Lords asked about the general crime figures over the last year. The latest police-recorded crime figures published by the ONS on 23 April, for the year ending December 2019, showed that the police recorded 45,627 offences involving a knife or sharp instrument. That is a lot of knife incidents and a 7% increase. It was of particular concern when we passed the Bill; knife crime seemed to be going up.

My noble friend Lord Shrewsbury asked what types of firearms will qualify for compensation, how many there are and what the costs will be. The firearms concerned are those that meet the definition in the relevant provisions of the Offensive Weapons Act 2019. Sections 54 and 55 cover any rifle with a chamber from which empty cartridge cases are extracted using energy from propellant gas or energy imparted to a spring or other storage device by propellant gas, other than a rifle chambered for .22 rimfire cartridges, such as MARS—manually activated release system—rifles and lever-release rifles. To answer my noble friend and the noble Lord, Lord German, we understand that five such rifle types have been listed on the draft compensation claims form. It allows a claim to be made for an item not listed within it, if the weapon in question meets the definition in the Act when the relevant details are provided. It is not a definitive list.

We must wait to see how many of these items are surrendered to the police. The impact assessment published alongside the Offensive Weapons Act puts the number of MARS rifles at 700, and we assess that there are up to 1,500 more lever-release rifles that could be surrendered, but component parts could also be included. Ancillary equipment may be claimed for under the scheme, and for these purposes that means equipment, other than prohibited ammunition, designed or adapted for use in connection with this type of rifle and which has no practical use in connection with any firearm that is not a prohibited weapon.

We have set out a list of ancillary equipment in the draft supporting documents, and we will consider representations from stakeholder groups and affected parties on this matter, and on the relevant component parts of the firearms, as the arrangements are finalised.

My noble friend and other noble Lords asked whether adequate funding is being allocated to the scheme. The short answer is yes, and to answer the noble Baroness, Lady Hamwee, funding for the compensation will come from Home Office budgets. To answer another of her questions, we are making great strides with the 20,000 police officers. The figure I last saw was 6,000 so far, but I will update that if it is wrong. The total cost of the compensation scheme is not yet known. It will depend on the number of weapons and the value

of the items surrendered, but we will ensure that the funding required to pay fair compensation to those who surrender their lawfully held weapons is available.

A number of noble Lords, including the noble Baroness, Lady Jones of Moulsecoomb, my noble friend Lord Naseby and the noble Lord, Lord Chidgey, asked about the communications campaign. We are very keen to publicise the surrender and compensation scheme arrangements, including through the issuing of national press releases, deploying force level communications, the use of social media and providing full details of the scheme on the government website in the run-up to commencement of the arrangements. We will continue to talk to our partners outside of government, and any steps noble Lords can take in helping to spread the word to those who might be affected would be welcome.

I think it was the noble Lord, Lord Chidgey, who asked about contacting registered gun owners. We have a list of registered gun owners and I imagine that we will be contacting them, but I do not know for certain, so I will double-check.

The noble Lord, Lord German, and the noble Baronesses, Lady Wilcox and Lady Hamwee, asked why this has taken so long. We are learning lessons from the Firearms (Amendment) Act 1997 and the handgun surrender and compensation scheme. We are engaging further with weapons specialists and those with expertise in this area in the lead-up to the scheme to make our response as robust as it can be. To answer the question from the noble Baronesses on the timescale of the scheme, it will be in late autumn.

The noble Baroness, Lady Jones of Moulsecoomb, and others asked about a wider amnesty. In fact, through answering a Written Question from the noble Lord, Lord Kennedy, today, I know that the last amnesty was in 2019, and the one before that was in 2011. The point here is that if there are people who are scared to hand in weapons that are no longer legal, amnesties are a good time at which to do so.

The noble Lord, Lord Mann, asked about online sales. These will be restricted through wider measures in the Act; that also goes also to the point made by the noble Lord, Lord Kennedy. As we discussed during consideration of the Bill, we cannot prevent sellers from abroad selling their wares on the internet. Some of these will of course be legal in other countries, and Border Force will intercept others. The Act will focus on restricting sale and delivery, as the noble Lord will well remember.

I think I have answered all noble Lords' questions. I beg to move.

Motion agreed.

6.12 pm

Sitting suspended.

Arrangement of Business

Announcement

6.30 pm

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): My Lords, proceedings will now commence. Some Members are here in the Chamber, others are participating virtually, but all Members will be treated

[LORD FAULKNER OF WORCESTER]
equally. 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 after each speech. If the capacity of the Chamber is exceeded, I will immediately adjourn the House. I ask noble Lords to be patient if there are any short delays between physical and remote participants. The usual rules and courtesies in debate apply. Please ensure that questions and answers are short.

We now come to questions on the Statement on the autumn opening of education settings. It has been agreed in the usual channels to dispense with the reading of the Statement, and we will proceed immediately to questions from the Opposition Front Bench.

Education Settings: Autumn Opening *Statement*

The following Statement was made on Thursday 2 July in the House of Commons.

“With permission, Mr Speaker, I would like to make a Statement regarding the full opening of our schools and colleges to all pupils in September.

I know that these past three months have been some of the most challenging that schools, parents and, most of all, children have faced. What schools have achieved to make sure that children and young people are kept safe and can continue to learn during this period is remarkable, and I think all of us in this House are deeply grateful for those efforts. But we all know the impact that lost time in education can have on our children’s outcomes.

Every child and young person in the country has experienced unprecedented disruption to their learning as a result of coronavirus, with those from the most vulnerable and disadvantaged backgrounds among the hardest hit. Education recovery is critical for this generation of schoolchildren. Returning to normal educational routines as quickly as possible is critical to our national recovery, too. That is why we have been working to ensure that all pupils will be able to go back to school and college full-time in September, with Covid-secure measures in place, so that they have the opportunity to thrive and fulfil their full potential.

Today, the Government have published detailed plans for nurseries, schools and colleges that set out what is needed to plan for a full return, as well as reassuring parents and carers about what to expect for their children. The guidance has been developed with medical experts from Public Health England and follows regular engagement throughout the outbreak between the Government and the education sector.

We continue to work closely with the country’s best scientific and medical experts to ensure that both children and staff are always as safe as possible. Schools will continue minimising contact between children, including through grouping children together in bubbles and encouraging older children to distance. At a minimum, this will mean keeping whole year groups in schools and colleges separate. This is in addition to the other protective measures that we know are so important for infection control, such as regular cleaning and

handwashing. We are also ensuring that testing is readily available, so that parents, teachers and students can return with confidence. All staff, pupils and their families will continue to have access to testing if they develop Covid-19 symptoms.

By the start of the autumn term, we will provide all schools and colleges with a small number of home testing kits, which will be taken home by children or staff who develop symptoms while on site but who would struggle to access a testing centre. This is so that they can have a test quickly and get the results back quickly. All schools will have access to direct support and advice from their local Public Health England health protection team to deal with any cases that may occur. They will be advised on what steps need to be taken.

In these challenging times, we are committed to ensuring that the nation’s children have not only a safe education but an excellent one. From September, we are asking schools and colleges to return to a broad and balanced curriculum, so that all pupils continue to be taught in a wide range of subjects, maintaining their choices for further study and employment. We expect exams to go ahead in the summer of 2021. We understand the additional pressures on teaching staff to deliver such high standards of education in this difficult period. As such, as Ofsted inspectors are preparing to visit schools in the autumn, it will be to discuss how they are managing the return to full education of all their pupils. The insights that inspectors gather will also be aggregated nationally to share learning with the whole sector, the Government and the wider public. It is our intention for full inspections to return from January.

We are also providing significant financial support to help pupils catch up on lost learning. As I announced in June, we will be providing a £1 billion Covid catch-up package, including a £650 million catch-up premium for state-funded primary, secondary and special schools, and a £350 million national tutoring programme for the most disadvantaged pupils. Evidence shows that six to 12 weeks of tutoring for a disadvantaged pupil can result in five months of catch-up. Schools are held accountable for the outcomes they achieve with their funding, including through Ofsted inspections, and the Covid catch-up funding will be no exception to this.

It is critical to ensure that no child loses more time in education and that, from September, all children who can be at school are at school. Schools and colleges will need to work with families to secure regular attendance from the start of the new academic year, with the reintroduction of mandatory attendance. Our intention is that those with education, health and care plans or special educational needs will also be back in school or college in September. Since May, as a result of the pandemic, it has been necessary to modify the duty on local authorities and health commissioners so that they could use their reasonable endeavours to secure or arrange the provision for those on EHC plans. I am committed to removing these flexibilities as soon as possible, so that children and young people can receive the support they need to return to school. As such, unless the evidence changes, I will not be issuing further national notices to modify

the EHC duties. We will, however, consider whether any such flexibilities may be required locally, to respond to outbreaks in different parts of the country. In addition, I am pleased to announce that, as we continue on the road to recovery and infection rates continue to fall, from 20 July nurseries, childminders and other childcare providers will no longer be required to place limits on the group size of children who can play and learn together.

I would like to take this opportunity to thank those parts of the sector that have already opened their doors to more children and who are doing a phenomenal job to help our children and young people settle back into their usual routines. Since schools and nurseries began to open more widely on 1 June, we have seen the number of children attending school steadily rise, with over 1.6 million pupils already back in school. I am sure that I will be joined by the House as I express my thanks to all childcare, school and further education staff who have gone above and beyond since March, and who will continue to do so as we prepare to welcome all of our children and young people back to school and college in September. I commend this Statement to the House.”

6.32 pm

Lord Watson of Invergowrie (Lab) [V]: My Lords, we want to see every child safely back in school when the new term begins in September, but simply willing it, or even making it compulsory, does not mean it will happen. Parents must have confidence that it is safe for their children to return, and this Statement does not in itself provide that because it contains many unanswered questions.

By September, almost six months will have elapsed since any child has experienced a normal education. A number, although disappointingly small, have been attending school throughout as the children of key workers, and more recently selected years have been able to return, but despite teachers working flat out, few—if any—of these children, or those being home-schooled, have experienced education in any sense as it would have been had the coronavirus pandemic not happened. The result has been the development of a major gap in their learning for millions of young people, and perhaps the saddest aspect of that is that the narrowing of the gap between children from advantaged and disadvantaged backgrounds, painstakingly achieved over recent years, has been reversed. The impact of lost time in education on children’s life chances is incalculable, but we know for sure that for some, ground lost this year may never be regained.

The Statement talks of schools continuing to minimise contact between children through grouping children together in bubbles, with whole year groups in schools kept separate, but how practical is that? The proposals for managing schools are complicated, confusing and unlikely to work in many situations, not least in terms of the proposed whole-year bubbles. How will they work? How will wraparound care work? How will transport to and from school be addressed? For example, siblings will be probably be in different bubbles but will mix on transport as well as at home. Another practical point concerns supply teachers. Will they be able to move between schools?

What seems to be being suggested for secondary schools requires a huge re-organisation of space, timetable and staff deployment, all to be accomplished in a few weeks. The cost of all this will be considerable—the additional cleaning alone will be very significant—yet schools are being told they have to manage on the resources they have. Is that fair or practical?

On the subject of funding to deal with the crisis, I want to press the Minister on the resources announced by the Secretary of State two weeks ago: the so-called Covid catch-up funding. Last week, when this Statement was presented in the other place, the Secretary of State told the shadow Secretary of State, Kate Green MP, “there is new money for the covid catch-up fund.”—[*Official Report, Commons, 2/7/20; col. 542.*]

That is ambiguous. Is there some new money or is it all new money? Given that on the same day as the £1 billion was announced, a further announcement scrapped the year 7 catch-up premium, I think we are entitled to be just a little suspicious. I hope that the Minister will today allay any fears about whether the fund represents new rather than recycled resources.

Exams in 2021 are a real concern. Pupils are already anxious that missing so much time in school will adversely affect their results and hence, potentially, their future. The Ofqual consultation seems to be doing little more than tinkering around the edges of the issues. There needs to be a fall-back position in place, widely known and understood, in case the 2021 exams are also disrupted. There should be a commitment that Ofqual will use the techniques established when exams are changed: of following the principle of comparable outcomes. Can the Minister confirm whether that will be the case? Announcing this by the time that schools return in September would go some way to reassuring students that they will not be penalised because of the impact of the virus this year, and possibly next year.

Even that would not solve all problems and there will remain a huge risk that disadvantaged pupils, whose learning was more disrupted, will lose out disproportionately again. Crucially, I ask the Minister: will track and trace be working properly, with information properly shared? The Government’s record thus far—in terms much wider than the educational—does not exactly inspire confidence.

I return to the issue of a lack of confidence among parents, which has prevented more of them allowing their children to return to school since June. What can the Minister say to parents that will enable their confidence to build in the short time between now and September?

Lord Storey (LD) [V]: I thank the Minister for the Statement. We need to get children back into schools and education, and to be working with all those interested parties to make this essential return successful and safe. There are some key issues.

Will the DfE be collecting data on attendance and examining reasons for absence, rather than talking about fining parents? The Secretary of State talked about “a broad and balanced curriculum.”

How feasible is this? He talked about the £350 million for catch-up and claimed that

“six to 12 weeks of tutoring”—[*Official Report, Commons, 2/7/20; cols. 538-39.*]

[LORD STOREY]

will give five months' improvement. This claim is, presumably, based on research but five months of lost education is very different from topping up full-time education. There will be particular issues for special schools, which were barely mentioned other than declaring that all children with an education, health and care plan should be in school. This is clearly impossible, given the state of knowledge about Covid-19.

I particularly want to press the Minister on the estimated 500,000 children who are missing from schools permanently. Some 80,000 of those children are home-schooled and 6,000 are going to unregistered schools; the Children's Commissioner has talked of 120,000 children who have fallen outside the register. If there is home-school tuition, you do not need permission to home teach. You do not need any qualifications. There are no requirements on hours. You do not need to conform to the national curriculum or have to do SATS—and, of course, you do not have to be registered, let alone inspected. Will the Minister give an assurance, first, that those children who are home-schooled will at least be in an environment where safeguarding practices are maintained, and that those settings should be registered? Secondly, will she take action against those unregistered schools? Thirdly, will she ensure that we have a school-roll system which does not allow children to slip through the net? What we need is an open discussion about our schools returning, so that all our children can begin their school career again in September safely.

The Parliamentary Under-Secretary of State, Department for Education and Department for International Trade (Baroness Berridge) (Con): My Lords, I am grateful to the noble Lords for welcoming, as we all do, the fact that children will return to school in September. It is the case that many children have been in school during the period of lockdown. With about 20% of vulnerable children in school, there are over 1.6 million children in school. In relation to the point made by the noble Lord, Lord Watson, we share his concerns about the progress made over many years on the attainment gap between those children on free school meals and their peers. That is why the £350 million section of the £1 billion catch-up premium is for tutoring directed to disadvantaged children.

On the issues raised by the noble Lord, Lord Watson, the guidance strikes a balance between giving schools a framework in which to operate, which has been set in collaboration with Public Health England, and providing school leaders with the flexibility they need, given the multiplicity of school buildings around the country. The overarching principle in the guidance is that schools should seek to reduce the number of contacts between children and staff. It refers to achieving this through keeping groups separate in bubbles and maintaining distance between individuals. It is anticipated that the main thing that will reduce the risk for primary school children—who, of course, will not maintain social distance—is keeping groups separate. For older children, it is about maintaining distance between individuals; a year group can be the bubble for older children who, hopefully, will comply more readily with the instructions from their school leaders.

We appreciate that transport will be an issue in this regard, particularly in rural areas. The Government are advising cycling and walking and have invested £2 billion to promote this as a means to get to school and otherwise, but we recognise that it is a challenge. The guidance has therefore drawn a distinction between public transport and dedicated school transport. The most significant difference is that, while the current guidance is that the one metre-plus rule applies on public transport, it will not apply on school transport. The recommendations are that—if possible and within reason—the bubbles of pupils within school should be maintained on the school vehicle, and there should be queuing, cleaning and hand sanitisation.

As the noble Lord outlined, we recognise that there are particular issues relating to siblings and school transport, and further guidance will be published on this. However, I think it is widely recognised that the balance now is very strongly in favour of the need for children to be back in school for the sake of their health and well-being. We have carefully considered the risk of transmission of the disease—we know that, thankfully, most children are less susceptible to serious symptoms—and the balance is overwhelmingly in favour of most children returning to school.

On reorganisation, to which the noble Lord referred, class sizes can now return to normal, as I have outlined, and spaces used by more than one class can be cleaned. Until the end of the summer term, in addition to other funding we have made available exceptional funding to cover costs of up to £75,000 per school. This is to cover such things as being open during the holidays, providing vouchers other than through the central system and, of course, cleaning costs. Of the £14.4 billion extra cash over the next three years that was announced, £2.6 billion will be made available this September through the dedicated schools grant. That is in addition to the £1 billion catch-up premium.

We are, of course, concerned, as are many parents, about lost education, particularly for those children who will sit their main examinations—GCSEs and A-levels—next year. As of 2 July, Ofqual has published consultation proposals on a range of possible changes which we realise may have to be made to next year's examinations. The overriding aim, as with this year's examination results, is that the arrangements are as fair as possible and give appropriate recognition to children's achievements. I invite the noble Lord, Lord Watson, to respond to this consultation, which contains a raft of different options to ensure that students can be confident in their results.

On track and trace, there is confidence that this system is up and running. Tests will be available for staff, pupils and their households and, obviously, local health teams should be notified where people test positive. We are distributing a small number of home kits, as the Secretary of State for Education outlined, which people can take home if they develop symptoms on school premises. I am happy to confirm to the noble Lord, Lord Watson, that there are no grounds for his suspicion that the £1 billion is not new money: it will be in addition to the core schools budget. The year seven premium to which he referred is not relevant to the £1 billion, because that is now included in the

national funding formula. The £1 billion is in addition to the national funding formula money that I have outlined.

The questions from the noble Lord, Lord Storey, on children's attendance in school are incredibly important. All the statutory obligations on schools to record attendance and any authorised or unauthorised absences will be in force as of September. It is important that we have that information; during this period we have published the statistics on how many children have been in school. As regards the broad, ambitious and balanced curriculum that we have outlined in the guidance, we believe that it is feasible for schools to look at how they will alter the priorities with which they will teach certain aspects of the curriculum. For instance, in maths, it is more important that young people get arithmetic skills than that they potentially learn Roman numerals. Therefore we leave it to schools to do that. We anticipate that the schools will be teaching to the curriculum by the summer of next year, but we have allowed them that flexibility.

Indeed, the statistic in terms of catch-up through the tutoring service—six to 12 weeks—is evidence-based and, as regards the catch-up premium, we have made available information from the Education Endowment Foundation to help schools use that money wisely. I can reassure the noble Lord that we have published guidance for special schools. Of course, they have to do many more individual risk assessments for pupils, but they have the benefit of smaller groups, and they will potentially be impacted by the changes to the shielding guidance that will happen on 1 August.

However, I share the noble Lord's concerns about any children missing from our schools. He will be aware that the department carried out a consultation on proposals to introduce a registration scheme for children who are home educated. I assure him that we will publish that consultation response soon and that during this period, as well as Ofsted's obligations to investigate safeguarding, it has also been acting on any intelligence it has received about any unregistered settings. It is supported by us to conduct such visits if it believes that there is an unregistered setting, and it continues to act on that intelligence. The noble Lord is probably aware that in recent years there have been a number of successful prosecutions. The department takes it very seriously, particularly in terms of safeguarding and the provision of education, if anyone is operating an unregistered educational setting.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): My Lords, we now come to the 30 minutes allocated for Back-Bench questions. Can questions and answers please be brief, so that I can call the maximum number of speakers?

6.47 pm

Lord Lexden (Con): My Lords, is it not incumbent on us all, whatever our political party, to do all we can to encourage and support our country's teachers and those working responsibly in the teaching unions? Has my noble friend noted the ways in which the recovery of our education system is being assisted by independent schools sharing their online programmes with state-sector

colleagues, asking them to join summer courses, and strengthening the flourishing partnership work that benefits both sectors so much?

Baroness Berridge: My Lords, it has been a pleasure during my tenure as Minister to speak regularly to the Boarding Schools' Association and the Independent Schools Council. One of the things we have seen during the pandemic is a sharing of educational expertise, not only from the independent sector to the state sector but within the state sector, whether that is sharing online classes, as with the Oak National Academy, or teachers sharing lesson plans. I hope that will be one of the positive legacies of this crisis—that we will continue to share the best of our educational practice so that all pupils can benefit from it.

Baroness Coussins (CB) [V]: My Lords, a foreign language has been compulsory for key stage 2 since 2014, and research shows that it is also beneficial for literacy and oracy in English for that age group. There is therefore widespread concern among teachers and heads that the guidance issued by the DfE last week omitted foreign languages from the subjects to be taught in primary schools when they return. Can the noble Baroness please tell us who took that decision, on what grounds and after what consultation?

Baroness Berridge: I am happy to clarify for the noble Baroness that what she outlines for the teaching of modern languages at key stage 2 is not correct. The guidance states that all state-funded schools are expected to teach all subjects from the start of the autumn term but to make use of

“flexibilities to create time to cover the most important missed content”.

I think the misnomer has been created by the fact that the guidance has a list of subjects, which says

“including sciences, humanities, the arts, physical education”,

but does not include modern languages. However, that was an illustrative list of a broad curriculum at key stages 1 and 2 and is not intended to be read as the only subjects or domain to be taught from ages five to 11. The Government expect maintained primary schools to continue to teach languages during key stage 2, but also to use those flexibilities. I hope this clarifies the matter for the noble Baroness.

Baroness Massey of Darwen (Lab) [V]: My Lords, some children who have been out of school for such a long time will need extra support to help them reintegrate and perform well. Professionals believe that demands on children's services, including child mental health services, will be huge and expanded. Will the Government provide extra resources for such services to support schools and children, and if so, how?

Baroness Berridge: The guidance makes clear that mental health, well-being and adjusting children back into the school environment are important priorities. Mental health is key to that. In relationships, health and sex education, there is a particular module to assist teachers to teach about mental health, and £5 million has been dedicated to the mental health

[BARONESS BERRIDGE]

coronavirus fund, in addition to over 50 mental health support teams that are the beginning of rolling that out to a substantial proportion of our schools.

Lord Addington (LD) [V]: My Lords, the Minister in her Statement mentioned special educational needs, but concentrated on those with an education, health and care plan. The vast majority of those with special educational needs do not have one. What specialist teaching methods have been looked at to enhance the position of those who have fallen behind and will have greater difficulty catching up? For instance, have online awareness courses offered by the British Dyslexia Association—I here declare an interest—been considered as a basic tool for teachers?

Baroness Berridge: My Lords, as the noble Lord outlined, most children with special educational needs are within mainstream education, and when schools return the obligation is on them to offer that broad and balanced curriculum to all their pupils. Obviously, there are specialist teachers in schools to ensure that those with special educational needs are assisted to access that curriculum. During this period, there have been particular resources and guidance for those with special educational needs, including a specific SEND curriculum, available online through the Oak National Academy.

Lord Baker of Dorking (Con) [V]: My Lords, I am particularly concerned about the less gifted and disadvantaged children when schools open. Many have lost three months of teaching, yet they will be expected to take GCSE exams next summer which are virtually the same for subjects as they were this year or last year. There has been no reduction in the subject content of GCSE subjects; the things dropped include field trips for geography and experiments in science. Is it fair to expect children who have lost up to three months' education to take those exams? They will not catch up; they cannot catch up in the time available in one year.

So I ask the Minister to consider extending the school day. University technical colleges have an extended day: they have 31 teaching hours each week, as opposed to 25. If all schools had an extra two hours each day for four days—eight hours overall—that would provide time to catch up with the two, or two and a half, missing months. I do not see how else they can possibly enter a fair examination, and I hope that the Government will examine this seriously as a proposition. You cannot subject those children to unfair exams next summer.

Baroness Berridge: The Government are particularly aware of the situation for children in year 10. That is why, within the laptops programme, disadvantaged year 10 students have been given access to laptops. For the reasons my noble friend outlined, Ofqual has an extensive consultation at the moment to ensure that examinations next year are fair to the children he mentioned.

In relation to his specific proposal to extend the school day, we must take into account that we have a particular set of contracts with staff, and that many staff in our schools have been working since they came back after the February half-term.

Lord Singh of Wimbledon (CB) [V]: My Lords, while we welcome the reopening of schools, careful planning will be necessary to maximise safety. Will the Minister consider a two-shift system, with shorter hours and fewer children in a class to maximise the safety of children and teachers? Will she also ensure the safety and protection of BAME children and teachers, who have an additional risk factor and the additional risk of passing the virus on to their often-crowded families? Particular care is necessary in faith schools, where the majority of students and teachers may be from the BAME community. Will the Minister's department consider the additional departmental guidance on social distancing and other measures to help to reduce risk? Is she or her department aware of the excellent work done in this direction by the Guru Nanak school in Hayes, which has been recognised by the local education authority?

Baroness Berridge: My Lords, the guidance outlines that full classes can be brought back in September, so it is not anticipated that schools will need to use any kind of shift system like the noble Lord outlined. The guidance talks specifically about the BAME issue. There will be other vulnerable groups, such as staff and pupils who have been shielding. The guidance on who will re-enter educational settings will change on 1 August. We entrust school leaders, who do risk assessments for many purposes in ordinary times, to carry out the risk assessments. The guidance encourages them to make appropriate changes where they can to help and to reassure those who are to be reintroduced into school. It is a pleasure in my role to have good experience of schools drawn to my attention. I had cause to write to the Nishkam Sikh school recently about its response to coronavirus.

Baroness Hussein-Ece (LD) [V]: This week the Children's Commissioner reported that some 120,000 vulnerable teenagers are at risk of never returning to full-time education. She calls them the lost generation. What urgent steps are being taken to identify these children and to work with schools, local authorities and safeguarding partnerships to support and re-engage them?

Baroness Berridge: My Lords, the noble Baroness's comments are apposite because this was the theme of the Chancellor's announcement today: we are determined that there will not be a lost generation and that opportunities will be given to 16 to 24 year-olds. On her specific question, we had already made additional funding available before today's announcement to children who are particularly vulnerable, in settings such as AP, to ensure that they are not without education, employment or training. There will be a September offer to local authorities for 16 and 17 year-olds. I assure the noble Baroness that the focus is particularly on this group. We recognise that this is a key transition period, from education into work, for many of them. That is why we have sought to make skills, training and apprenticeships available to them.

Baroness Blower (Lab) [V]: My Lords, the Government's latest school census data shows that we have the highest proportion of secondary school pupils

taught in classes of more than 31 for 40 years, and many large primary classes too. This extremely high class size helps to explain the difficulties that schools have faced in getting all children and young people back into school. Also, before the pandemic many schools faced teacher shortages. Does the Minister agree that we might offer incentives to former teachers to return to the profession, and that we should absolutely ensure that all teachers qualifying this summer are able to secure teaching posts? This might be a way of ensuring that all those children who have certainly been through difficulty and possibly even trauma, in particular disadvantaged children, will be in classes where there might be a lower pupil-teacher ratio.

Baroness Berridge: My Lords, on the retention of teachers, we are relying on our existing initiatives that encourage thousands of teachers every year to return to the profession. In relation to the gap that many newly qualified teachers will have had because of schools closing, we are particularly aware of that and have advised that support should be given to them as they start their career. I assure the noble Baroness that within the £350 million tutoring fund there will be some tutors who will be full-time, in particular in disadvantaged schools that need that. There will be further guidance published on that, which will reveal whether retired and former teachers will be part of that cadre of support in our schools.

Lord Taylor of Goss Moor (LD) [V]: My Lords, despite the fact that children are least at risk from coronavirus, in many respects they have been among the greatest victims, as a result of losing so much of their education in the last months. So I could not more strongly support the work the Government are doing to get children back to school in September, and the campaign “Sept for Schools” that has been making this case. However, clearly there may be circumstances where school closures happen again because of particular outbreaks of coronavirus, but without furlough schemes and without the other support that has been in place for people working from home. As a single parent, I have looked after three children, aged eight to 13, and I can tell noble Lords that it is a full-time job being a teaching assistant while trying to hold down a full-time job as well. There are many millions of parents in that situation. If in the post-furlough world a school closes, what will be the support for parents who are at home, trying to look after their children and unable to work?

Baroness Berridge: My Lords, the noble Lord is correct: I suspect that many parents have a renewed and deepened appreciation for the role of the teacher in their children’s lives. In relation to the situations we hope to avoid going forward—we are obviously seeing a decrease in the prevalence of the virus in the population—the guidance makes it clear that by the end of September we are expecting schools to have a remote education offer that they can stand up as necessary to deal with the situation that the noble Lord outlines.

Baroness Bennett of Manor Castle (GP) [V]: My Lords, in responding to the noble Lord, Lord Lenden, the Minister referred to a new focus on sharing best

practice, but the Statement says that Ofsted inspections will restart in the autumn, and suggests that Ofsted will be visiting to discuss how schools are managing, gathering data and sharing learning. Given the fear, the stress and the fraught nature of Ofsted inspections over many years for teachers, does the Minister really think that it can suddenly turn around that culture and the expectation of teachers and other staff? Is this not a good time to recognise that Ofsted is a failed, confrontational model—as, indeed, is the whole focus on school league tables? Can we not start again—“build back better”, as the Government often say—with a different kind of institution and a different way of sharing that is not based on a confrontational model?

Baroness Berridge: My Lords, Ofsted is a vital part of our school system, providing accountability, and many parents rely on the grades that Ofsted gives. It has become common currency, I might add, within the school system—so no, we will not be going back to the drawing board in relation to Ofsted. However, in relation to the point the noble Baroness makes, the autumn involvement of Ofsted is going to be by way of visits. One of the first things the Government did, except in relation to unregistered schools and safeguarding, was to suspend the routine inspection of schools, so that teachers did not have that pressure. These will be visits in the autumn, but they will look at such issues as how a school is responding and what remote education it can provide. That is important, because parents are making it clear that sometimes the disparities in what is on offer are of concern to them. These will be visits with a letter and they will enable them to theme and help the Government and parents to know what is happening in our schools sector at the moment. I am particularly pleased that Ofsted will be visiting inadequate schools under the regime as a matter of priority.

Lord Craig of Radley (CB) [V]: Over 200,000 laptops were issued for pupils to connect online with their teachers. Were checks made beforehand that all would have internet access—not everyone in England has a good connection and not everyone can afford it? Are these laptops to be returned when compulsory schooling starts in September?

Baroness Berridge: My Lords, the laptops are the property of the local authority or the multi-academy trust; when they were loaned out to students, it was of course expected that they would be returned. Tens of thousands of 4G wireless routers went out as well, because we recognise the problem that wi-fi can be patchy, if not non-existent, in certain parts of the country.

Lord Liddle (Lab): My Lords, I greatly welcome the £1 billion catch-up package mentioned in the Statement. But I know from experience of the way in which government works that there is a big gap between allocating a sum of money and ensuring that it actually reaches those schools in the most deprived neighbourhoods and the children who are most at risk of being left badly behind. How are the Government addressing this question? What sources of information are being used? Are local authorities involved as sources of advice on where the money could be best allocated?

[LORD LIDDLE]

On the tutoring programme, are the Government considering innovative methods of delivery, such as those pioneered by Teach First in the last decade and more?

Baroness Berridge: The noble Lord is correct. When you have £1 billion, it is important to make sure that it gets to where it needs to go and delivers what it should. That is why £650 million will go directly to schools. Part of that is to enable them to purchase the subsidised tutoring. We trust the school system; giving the majority of the money to the schools is best. Only they know who, of the pupils in front of them, need what. We will publish further details on the £350 million for the national tutoring service. We are looking at making the best use of that money, including remote learning, without forgetting that, in certain schools, there will be a demand for a physical presence. There will be flexibility in that fund. Noble Lords will learn more about the £350 million tutoring fund soon.

Baroness Garden of Frognal (LD): My Lords, I pay tribute to the inventive work that our hard-working heads, teachers and support staff have done over the lockdown period to encourage learning and to try to keep pupils in contact with schooling. As the noble Lord, Lord Baker, said, pupils have lost a great deal of learning time, so surely it is only fair that exams are cut back in 2021, as head teachers are calling for. As the noble Baroness, Lady Bennett, mentioned, will we also see the cancellation of school league tables, which cause damage at the best of times and would be truly harmful now?

Baroness Berridge: My Lords, as I am sure the noble Baroness is aware, there will be no exam data and performance tables for 2020, for precisely that reason. Ofqual is consulting at the moment to see how we can deliver exams next year. One issue is that the effect on children has been disparate. We are getting reports that, for some of the vulnerable children who have been in school, there have been small class sizes since February and some of them are excelling. Some children with English as an additional language have thrived. At the end of the day, we have to trust that schools know how best to deal with their children when they come back. Of those vulnerable children who have been in school, some of them have had an excellent experience.

Baroness Uddin (Non-Afl) [V]: My Lords, I am delighted to follow the noble Baroness, Lady Garden. I have an interest to declare, as my family is full of generations of teachers. My gratitude goes to all those teachers who have maintained the education of many children. I welcome this Statement and the funding measures, including the national tutoring package, particularly for catch-up purposes. Will the funding be enough to include computers? I understand that nearly 700,000 children have never had access to a computer, and this might help them to catch up over the summer and in the following months. I agree with the noble Lord, Lord Liddle, that we should be innovative in ensuring that this funding is used more creatively. What is the Government's new advice for children who

were previously excluded but are now expecting to return? They will have been even more vulnerable during this process.

Further to the point of the noble Lord, Lord Addington, about children with disabilities, the Minister will be aware that local authorities are expected to uphold their responsibilities to meet their health and social care plans for special educational needs. Will funding be ring-fenced for that?

Much has changed as a result of the pandemic, and minority communities being disproportionately impacted by Covid-19 means that fear has reverberated throughout those communities. Will the Government ensure that we do everything we can to mitigate any harassment, bullying, racism or Islamophobia, which detrimentally affects children's education and well-being?

Baroness Berridge: My Lords, in relation to the funding that is needed, as I have outlined, there are many pots of money. There is of course the regular £2.4 billion of the pupil premium.

Over 200,000 laptops were ordered because we need to be flexible in these coming circumstances, and eventually we purchased 230,000 in order to have that flexibility.

In relation to excluded children, AP settings are expected to be open and have been open because we have wanted them to have some face-to-face contact with all their students. I pay tribute to those settings, many of which have kept in touch with those vulnerable children during this time.

The Deputy Speaker: The noble Lord, Lord McConnell of Glenscorrodale, has withdrawn his name, so I call the noble Lord, Lord Holmes of Richmond.

Lord Holmes of Richmond (Non-Afl) [V]: My Lords, will my noble friend join me in sincerely thanking all those teachers who have worked, many of them solidly since the February half-term, through the Easter holidays, not least to teach the children of front-line workers and those with special needs? On the subject of laptops, of those 230,000 how many have actually been delivered and how many are being effectively used right now by students?

Baroness Berridge: Of course I join the noble Lord in paying tribute to the extraordinary effort by teachers, support staff and school business leaders at the moment in offering education. Over 200,000 of the laptops were delivered on target by the end of June, so the commitment that we made has been delivered. As I say, we have a slight surplus so that we can deal with any further orders that we get and can have a certain degree of flexibility in future. However, we have to trust the schools. The department cannot issue these laptops to individual children; we have given them to local authorities and therefore to schools and multi-academy trusts. They know the students who need them, and we trust them as professionals to have distributed them properly.

Baroness Benjamin (LD) [V]: My Lords, if, as suggested, students coming back to school remain in year groups and are kept separate, it might prove difficult in secondary

schools and will certainly impact years 10, 11, 12 and 13 as students may be with different students for every lesson of the day. Can the Minister explain how that will work with option classes if this suggestion is put in place?

Baroness Berridge: My Lords, we recognise that at secondary school there are different subject classes and specialist teachers who need to be in front of the groups of students—that is why a bubble can actually be as large as a year group in secondary school—but that obviously balances the risk that most of those children will obey the distancing that they have been advised to do. That will give the school the flexibility to offer different subjects to different groups of people. The guidance is clear that even partial distancing has a benefit, so if you step over the line you have not lost all the benefits of the guidance. It is about keeping children partially distanced because we recognise that some young people may not obey the rules.

Lord Mann (Non-Afl) [V]: My Lords, when schools return, will competitive sport be allowed for all these kids who have been locked inside for so many months? If not, what is the precise evidence base that this would create additional risk?

Baroness Berridge: My Lords, the guidance specifically encourages that part of a broad and balanced curriculum is the teaching of PE; it is essential to mental health and well-being. Even when schools returned on 1 June, the guidance was that you can have team sports as long as children are in their bubbles and you wash and clean any equipment. We encourage schools to make as much use as they can of their outdoor space.

Baroness Walmsley (LD) [V]: My Lords, a teacher told me yesterday about a boy in her class with ADHD who had been doing very well before the lockdown but is now showing distress and struggling at school. Today several children were very tearful; there will be

many children like this across the country. Can the Minister say what training will be given to teachers to identify and deal with these situations and signpost the child to help? As the teacher said to me, sticking them on endless waiting lists for CAMHS is next to useless when they obviously need the help right now.

Baroness Berridge: My Lords, one reason why the balance is such to get children back into school is that it is best for their mental health and well-being to be with their peers and teachers and to have that routine. As I have outlined, the guidance makes it clear that mental health is important. We are introducing mental health support teams into schools and there is now a 24/7 helpline from the NHS. With these mental health support teams, there is support out there to get the expertise into schools to give them support. We have also resourced charities. Mental health and well-being are at the centre of what the department is delivering.

Lord Bhatia (Non-Afl) [V]: People in different income groups will have to decide what is best for their children; those with low incomes will be disadvantaged. In these difficult times, one rule will not fit all locations in schools. Inevitably, everyone will have to decide between health and education. Does the Minister agree?

Baroness Berridge: My Lords, we would not want anybody to make that kind of choice. We are particularly aware of the situation for lower-income families. That is why, during this period and throughout the summer, there will be free school meals on offer in the form of either schools' own vouchers or a voucher system over the summer. There is a £9 million allocation to holiday clubs in disadvantaged areas, because we recognise that those students need some activity. They will get food along with that activity. Of the £1 billion catch-up funding, £650 million goes to schools but the £350 million tutoring fund is tilted towards disadvantaged students.

House adjourned at 7.18 pm.

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