

Vol. 805
No. 98



Tuesday
28 July 2020

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

Retirement of a Member: Lord Darling of Roulanish	99
Questions	
Covid-19: Economic Costs	99
Devolution: England	102
Russia: Trade	106
Planning Rules	109
Spain: Travel	
<i>Private Notice Question</i>	112
Business of the House	
<i>Motion to Agree</i>	117
Business of the House	
<i>Motion to Agree</i>	126
Agriculture Bill	
<i>Committee (7th Day)</i>	127

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

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

*This issue of the Official Report is also available on the Internet at
<https://hansard.parliament.uk/lords/2020-07-28>*

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

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

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

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

© Parliamentary Copyright House of Lords 2020,
*this publication may be reproduced under the terms of the Open Parliament licence,
which is published at www.parliament.uk/site-information/copyright/.*

House of Lords

Tuesday 28 July 2020

The House met in a Hybrid Sitting.

Noon

Prayers—read by the Lord Bishop of Rochester.

Arrangement of Business

Announcement

12.07 pm

The Deputy Speaker (Lord Lexden) (Con): My Lords, the hybrid sitting of the House will now begin. Some Members are here in the Chamber, respecting social distancing, and others are participating remotely, but all Members will be treated equally. If the capacity of the Chamber is exceeded, I will immediately adjourn the House.

Retirement of a Member: Lord Darling of Roulanish

Announcement

12.07 pm

The Deputy Speaker (Lord Lexden) (Con): My Lords, I should next like to notify the House of the retirement, with effect from today, of the noble Lord, Lord Darling of Roulanish, pursuant to Section 1 of the House of Lords Reform Act 2014. On behalf of the House, I should like to thank the noble Lord for his much-valued service to the House.

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

Covid-19: Economic Costs

Question

12.08 pm

Asked by Baroness Neville-Rolfe

To ask Her Majesty's Government, further to the paper by Professor David Miles, Mike Stead and Dr Adrian Heald *Living with COVID-19: balancing costs against benefits in the face of the virus*, published on 26 June, what plans they have to ensure that in the future fuller account is taken of the economic costs of any measures adopted to address the COVID-19 pandemic such as lockdowns.

Baroness Neville-Rolfe (Con): My Lords, it is a pleasure to be here in the House and I beg leave to ask the Question standing in my name on the Order Paper.

Baroness Penn (Con): My Lords, in March the Government ordered the closure of certain sectors to control the virus, save lives and protect the NHS. Alongside this, the Government delivered an unprecedented package of economic support. The Government have set out a phased approach to reopening our economy to minimise the risk of a second peak of the virus. Public Health England, the Joint Biosecurity Centre and NHS Test and Trace constantly monitor

levels of infection across the country and will work with local authorities to implement additional measures if needed.

Baroness Neville-Rolfe: My Lords, it is a great sadness to hear of the retirement of the noble Lord, Lord Darling. While I welcomed the Chancellor's unprecedented package, the paper cited in my Question and UK experience in recent months show that the cost of the severe restrictions that we have imposed for medical reasons are large—indeed, much larger than the benefits. Does the Minister agree that the paper makes a strong case that the recent lifting of lockdown restrictions has been amply justified and that future measures adopted to counter any flare-up of infections should be carefully targeted rather than general, both geographically and of course as regards the protection of vulnerable populations?

Baroness Penn: My noble friend is absolutely right that, going forward, we want to use all the tools available to us to implement a targeted response to any local outbreaks. That would be first at an individual level to break the chain of transmission. Where that is not possible and there are local outbreaks, we will use the test and trace system to work with local authorities and local public health directors to contain the virus in that way. The national measures remain available to us, but we would not want to use them again.

The Lord Bishop of Rochester: My Lords, this is a complex matter, because economic, social and other community matters often go hand in hand. It is clear that many who have in these circumstances been bearing economic burdens are among those who are also the most socially disadvantaged. Bearing in mind the context of the forthcoming spending review, can the Minister give an assurance that the Government will take care to address the needs of such groups, including, for example, those affected by the benefit cap and those housed in the private rented sector, where repossession cases come before the courts again from later in August?

Baroness Penn: My Lords, I will not anticipate the spending review at this stage, but I can reassure noble Lords that analysis done of action taken by the Government until the end of May has shown that those interventions, alongside the existing tax and welfare system, have helped to reduce the loss of income of working households by up to two-thirds. The poorest households have received the most support as a proportion of their income. These measures have included, as noble Lords will know, the increase in the standard allowance of universal credit by £1,400 a year on top of existing uprating measures.

Lord Trimble (Con): My Lords, I thank the noble Baroness for having the paper circulated to us. I briefly refer to the last paragraph, which talks about measures targeted specifically at groups most at risk but goes on to say:

“Such a policy should probably have been started before the end of June”.

[LORD TRIMBLE]

I fear that the authors are not being realistic about the date for the targets and have not taken account of the difficulties for Ministers who wish to make a change but find that making changes is extremely difficult under our processes. I recall that, when Matt Hancock talked about increasing the targets for testing, he was met with derision. I hope that that will not happen here.

Baroness Penn: My Lords, I agree that the Government are in a different position in their response to the target now than they were at the start of the outbreak. We now know a lot more about the virus and we have developed in our research institutions the first effective therapeutic response to it. The test and trace system has been going for around seven weeks and has shown an increase in its efficacy week on week. We want to build on that so that we can have a more targeted and localised response to any future outbreaks.

Lord Loomba (CB): My Lords, bringing in quarantine measures for different countries, such as Spain on Sunday, without any warning has severe repercussions for those businesses and families affected. Can the Minister say what rate of infection triggers such a rule change, or do the Government use some other measure before making their decision? If so, what can be done to give people more warning in order to lessen the adverse impact?

Baroness Penn: My noble friend the Minister in the Department for Transport will be able to give more detail about this subject in response to the Private Notice Question, but I can say that new data from the Spanish health ministry was published on Friday showing that new cases reported across the country on Thursday and Friday were up by 75% on those reported for the previous two days. This has been a fast-moving and changing situation in Spain to which the Government have reacted.

Lord McNicol of West Kilbride (Lab) [V]: My Lords, my question is about specific localised job protection measures. Having read the report mentioned by the noble Baroness, Lady Neville-Rolfe, and taken note of its recommendations, and given the experience of managing the recent local lockdown in Leicester, what plans if any have Her Majesty's Government for such specific localised job protection measures? If, as the report suggests, we move towards a more targeted approach, rather than the initial general approach, this will be critical.

Baroness Penn: I remind the noble Lord that many of the job protection schemes that we have set up remain in place, the biggest one being the job retention scheme, which will run until the end of October. We have also provided additional resources to, for example, Leicester, which has had to deal with a localised lockdown. As our test and trace data becomes even more detailed and accurate, we would like to target these measures even more in order to reduce any local economic impact.

Baroness Barker (LD) [V]: What is the estimated cost to the public and private sectors of the decision by Public Health England to release Covid test data to local authorities on a weekly rather than a daily basis and without household identification?

Baroness Penn: My understanding is that local authorities get Covid data on a daily basis and that, since 20 July, individual-level data has been available to the teams that respond to outbreaks in local authorities.

Viscount Eccles (Con): Bearing in mind that this excellent paper is entitled *Living with COVID-19* and that at the present time we have no idea how long we will have to live with it, and given that the paper concentrates on balancing, when do the Government intend to widen the debate to bring in advice from other academically qualified people such as economists and behavioural scientists, alongside the medical advice that they now receive?

Baroness Penn: I can reassure my noble friend that behavioural scientists make up part of the group of experts who are contributing to SAGE. In addition to that, the views of economists in the Treasury and elsewhere are inputted into Cabinet decision-making. My noble friend is right that we are going to have to learn to live with this disease for some time, so the safe reopening of our economy is focused on getting the public to make measures such as hand washing and social distancing part of their everyday lives until we find a longer-term solution, such as a vaccine.

Lord Livermore (Lab) [V]: My Lords, the original Question assumes a trade-off, yet the UK has the highest excess death rate in the world and is forecast to suffer the worst recession in the G7. Clearly, the last thing that the economy now needs is a second spike, so will the Minister consider extending statutory sick pay to the 2 million low-paid workers who still do not qualify for it but who may need to self-isolate even though they cannot afford to do so?

Baroness Penn: My Lords, the noble Lord is right that the UK has been hard hit by this virus, but I point out to him that that is also why we have one of the most generous fiscal responses in the world, at over £160 billion. The IMF estimates that UK tax and spending support in response to Covid has been greater than that in France, Spain or Italy.

The Deputy Speaker (Lord Lexden) (Con): My Lords, the time allowed for this Question has now elapsed.

Devolution: England Question

12.19 pm

Asked by **Lord Shipley**

To ask Her Majesty's Government what plans they have for the further devolution of power and decision-making in England.

Lord Shipley (LD) [V]: My Lords, I beg leave to ask the Question standing in my name on the Order Paper. In doing so, I remind the House that I am a vice-president of the Local Government Association.

The Minister of State, Home Office and Ministry of Housing, Communities and Local Government (Lord Greenhalgh) (Con): We intend to publish the local recovery devolution White Paper in the autumn. This will set out our plans for expanding devolution across England, building on the success of our directly elected combined authority mayors. Our plans will involve introducing more elected mayors and giving them and existing mayors the powers that they need to lead economic recovery and long-term growth.

Lord Shipley [V]: My Lords, I thank the Minister for his reply. Does he agree that one major lesson of the Covid-19 pandemic is that centralised control of England has not worked well? Will he now confirm that the Government are not planning to impose a top-down reorganisation of local government across England but will consult on a system of devolution based on evidence, consent and democratic accountability for local communities and that this will not be a compulsory, standardised and centralised model?

Lord Greenhalgh: My Lords, there is no doubt that we share the same ambition to see further decentralisation and devolution over time. This is very much a process. I would not want to pre-empt the White Paper, but we have made a commitment to directly elected mayors as the point of accountability to lead economic recovery.

Lord Wills (Lab) [V]: My Lords, however power is devolved, it is crucial that it remains democratically accountable, but such accountability is damaged when 8 million people who are eligible to vote are not on the electoral register and so cannot vote. In this country, the register is only 84% complete, compared with, for example, Canada, where it is 96% complete. Why do the Government not make more strenuous and effective efforts to complete the register?

Lord Greenhalgh: I note the points about the electoral register. That is very much an endeavour for all tiers of government, including local government and the electoral registration officers who help to ensure that we have a fuller register of electors. It is important that we continue to make every effort to do that.

Lord Scriven (LD) [V]: My Lords, what evidence does the Minister have from international comparators to prove that outcomes from devolution in England will be improved by moving to single-tier local authority areas?

Lord Greenhalgh: Evidence in a report by Ernst & Young in 2016 showed that around £30 million of savings could be realised annually by unitarisation. However, I am sure that other evidence will be brought forward during the individual discussions that are taking place where authorities want to unitarise.

Lord Norton of Louth (Con) [V]: My Lords, in 1996, the CPC national policy group on the constitution, of which I was a member, argued that local government should live up to its name with power driven as far down to localities as possible—the more local, the better—and responsive to local demand. Does my noble friend agree with the argument we advanced that doing so would engage the commitment of citizens by giving them a greater say as well as being an equitable, UK-wide policy and not simply an English solution?

Lord Greenhalgh: My noble friend is right that decisions that affect local people should be made at a local level. As the Prime Minister recently said, now is the moment to strengthen the incredible partnership between England, Scotland, Wales and Northern Ireland. The White Paper will detail how the UK Government will partner with places across the UK to build a sustainable economic recovery.

Baroness D'Souza (CB) [V]: My Lords, the current crisis offers the opportunity to reduce social inequality and develop a more participatory democracy. Larger influences often arise from community involvement. If we are serious about dealing with major social and economic issues, we have also to be serious about encouraging local leadership and local ownership. Are the Government fully committed to empowering and funding the new local groups and social networks that are emerging to meet community needs?

Lord Greenhalgh: My Lords, the Government are aware that participation at the local level is important. We continue to support groups such as citizens advice groups and West London Citizens—with which I work—that provide that direct democracy.

Baroness Bryan of Partick (Lab) [V]: Michael Gove said yesterday that devolution gives us the best of both worlds: local decision-making and strength and security with our fellow citizens. Over the past 20 years, Scotland and Wales have had accountability with their First Ministers via elected Members. Does the Minister agree that the regions of England are entitled to the same rights?

Lord Greenhalgh: The devolution in England that we are seeking is through the local leadership afforded by local mayors rather than the regional devolution models of Scotland and Wales. That is the basis on which we will outline further measures in the White Paper this autumn.

Baroness Bennett of Manor Castle (GP) [V]: My Lords, I declare my position as a vice-president of the Local Government Association. The noble Lord, Lord Shipley, suggested that the Government should not impose a compulsory standardised model—indeed, reference has just been made to the way in which the devolved Administrations in Scotland and Wales have worked so well. Will Her Majesty's Government consider consulting local people, looking to far more democratic, proportional and fair voting systems—the systems that local people want to deliver—and not enforcing the kind of single, strong leader model that the noble Lord the Minister just referred to?

Lord Greenhalgh: We continue to recognise the importance of local leadership. Mayors provide that local accountability and an opportunity for people to select the local leaders they want to drive the economic recovery in their areas. That is the model that we propose to outline in our forthcoming White Paper.

Lord Bourne of Aberystwyth (Con) [V]: My Lords, I note what my noble friend says about the White Paper, but can he update the House on progress on devolution to the Leeds/Bradford city region, which is much needed in my view?

Lord Greenhalgh: There has been a huge amount of progress. My honourable friend the Minister for Regional Growth and Local Government has announced conversations with York and North Yorkshire. The West Yorkshire deal has already been agreed and is about to be enacted, so a lot of progress has been made on a number of fronts.

Baroness Greengross (CB) [V]: My Lords, the Government recently introduced the non-domestic rating Bill in the House of Commons, which would exempt public conveniences from paying non-domestic rates. Will they consider similar rate exemptions for other public services and facilities that are devolved to local authorities or could be in the future, and how will they ensure national consistency in the delivery of such services?

Lord Greenhalgh: My Lords, I shall have to write to the noble Baroness on that matter.

Baroness Quin (Lab) [V]: My Lords, I strongly endorse the view that the Government should not impose a centralised approach or their favoured type of devolution on the regions but should work with them on what will work best in particular parts of the country. Can I urge the Government to look also at administrative devolution, including the re-establishment of government offices, which worked well with businesses and various groups within the regions on presenting their case to government?

Lord Greenhalgh: My Lords, I do not recognise the concept of central imposition, because the Sheffield City Region agreement that was signed yesterday and discussed in the House last week took more than five years to reach. While there has been a framework, an ambition and a direction, there has always been consultation with existing local authorities.

Baroness Eaton (Con) [V]: My Lords, I declare my interest as a vice-president of the Local Government Association. An important aspect of any plans for devolving powers and decision-making is fiscal decentralisation. A recent report from the Local Government Association and Localis highlighted that the UK is one of the most fiscally centralised nations in the developed world. Will the Government consider the recommendation in the report that the Treasury and MHCLG consult councils on identifying the most popular options for local levies to create new fiscal freedoms?

Lord Greenhalgh: My noble friend is right to highlight the fiscally centralised nature of the country. We are currently reviewing how to sustainably fund mayoral combined authorities. We want to implement an effective funding model for them and will set out further details in the local recovery and devolution White Paper. Mayoral combined authorities have a number of revenue-raising powers, including the ability to raise a mayoral precept on council tax, levy a supplement on business rates subject to a ballot of affected businesses and introduce a road user charge, so those levers are in place today.

Russia: Trade

Question

12.30 pm

Asked by **Lord Rooker**

To ask Her Majesty's Government what is the current balance of trade between the United Kingdom and Russia.

The Minister of State, Department for Business, Energy and Industrial Strategy and Department for International Trade (Lord Grimstone of Boscobel) (Con): My Lords, total trade between the UK and Russia stood at £15.8 billion in the year to March 2020, an increase of £290 million over the same period last year. UK exports to Russia in this period amounted to £5.9 billion, with Russian imports in the same period totalling £9.9 billion.

Lord Rooker (Lab) [V]: I thank the Minister for his Answer, but will those figures be improved by the Prime Minister prostituting himself and his office in the interests of getting Russian money through the London laundromat and into Tory party funds?

Lord Grimstone of Boscobel: My Lords, let me make it quite clear that money obtained through criminality or corruption is not welcome in the UK. We have long recognised the corrosive risk of dirty money, including from Russia, being laundered in the UK. We continue to bring the full capabilities of law enforcement to bear against serious criminals, corrupt elites and their assets.

Baroness Rawlings (Con) [V]: My Lords, it is encouraging that HMG hold that

“trade and investment can be a lever for stabilising relations”

and

“increasing UK prosperity”.

What trade arrangements and investments are being planned and developed with Russia for after 2020? The Prime Minister said that he did not want to become a Sinophobe; does that mean nor a Russophobe either?

Lord Grimstone of Boscobel: My Lords, the Department for International Trade team at our embassy in Moscow is working with a pipeline of over 90 Russian companies that have expressed an interest in the UK. This work is taking place this year and will continue in the following year, notwithstanding external factors.

Lord Kilclooney (CB): My Lords, having spent a month travelling between Moscow and St Petersburg, I recognise how important Russia is to the future of Europe, especially with the advance of China. Trade is one way of improving relations between Russia and the United Kingdom. Can the Minister say that real trade, excluding energy products, is increasing between the United Kingdom and Russia? Will he confirm that, as a result of Brexit, Russia will be a priority in our new trade agreements?

Lord Grimstone of Boscobel: My Lords, trade between Russia and the UK is broadly stable. Our objectives for Russia are driven by our Russia strategy, which holds that trade and investment can be a lever for stabilising relations, increasing prosperity, supporting deeper ties and binding Russia to the rules-based international order. There are no plans at present to attempt to negotiate a free trade agreement with Russia.

Lord Foulkes of Cumnock (Lab Co-op) [V]: My Lords, with respect, the Minister has not answered my noble friend Lord Rooker's Question. Does he accept that our trade negotiations with Russia are being compromised because of a total of £3.5 million in donations to the Tory party and payments to 14 government Ministers from Russian sources?

Lord Grimstone of Boscobel: My Lords, I thought that I had made it clear that there are no trade negotiations going on at the moment with Russia. I resent the assumption that Ministers would in any way be influenced by the matters to which the noble Lord refers.

Lord Purvis of Tweed (LD): There have been strict sanctions on trade with Russia because of the Putin Government's authoritarian actions and human rights abuses since 2014. Now, as mentioned, China could be added to that category. In April 2018, the Minister told Bloomberg News, regarding China:

"The fact that Xi is prepared to give such strong authoritarian guidance within the context of a market economy is great for companies like mine".

What assurances can the Minister give that he does not similarly admire the Putin regime and its approach to repression and human rights abuses and that UK trade should not be blind to this?

Lord Grimstone of Boscobel: My Lords, the quotation to which the noble Lord refers was a selective quotation picked up by Chinese newspapers from a much longer speech. I hold no candle for any authoritarian regime and I am pleased to confirm that in front of the House.

Lord Stevenson of Balmacara (Lab) [V]: My Lords, Her Majesty's Government recently confirmed that the attendance and participation of UK companies at the St Petersburg International Economic Forum was entirely a matter for their decision. Can the Minister explain how such unmoderated attendance at SPIEF is compatible with ensuring that we continue sanctions, and compliant trade and investment, with Russia?

Lord Grimstone of Boscobel: My Lords, UK companies are well aware of what aspects of trade are covered by sanctions. I would be most surprised if any of them do not abide by those rules strictly. We believe that trade that is not covered by sanctions can, as I have said before, be a lever for stabilising relationships.

Lord Balfe (Con) [V]: I point out to the noble Lords, Lord Foulkes and Lord Rooker, that the last Labour Government were also very keen to get Russian government money into Britain, but the Russians have clearly got their measure now, because they do not give them any money. Trade involves interaction. If we are going to keep Russia onside, we need to remember not only the human rights side of things but the need to promote trade and encourage western values, and we need to encourage people to go to the St Petersburg fair. Can I have the Minister's assurance that we will pursue an even-handed strategy, as opposed to a prejudiced one, when dealing with Russia?

Lord Grimstone of Boscobel: My Lords, we are quite clear that trade does not have to come at the expense of labour, the environment, human rights or sustainable development. We use trade because we want to ensure that economic growth and development and environmental protection can go hand in hand.

Baroness Falkner of Margravine (Non-Afl) [V]: My Lords, the Minister will know that financial services are in surplus in our trade with Russia. Does he agree that however desirable that might be, it does not benefit the City of London to be referred to as a laundromat for Russians to wash their dirty money? Will he call together the City institutions to discuss how the measures in the Sanctions and Anti-Money Laundering Act 2018 can be tightened, as clearly the current institutions do not seem to have either sufficient funding or the powers to regulate them?

Lord Grimstone of Boscobel: My Lords, as a previous banker, I abhor illicit finance working its way through the City. It benefits nobody, and no respectable City firm would want to touch it. At every opportunity, I will certainly raise the points that have just been made.

Baroness Smith of Newnham (LD) [V]: My Lords, the Library's note to us suggests that of UK services' trade with Russia in 2019, the fifth largest item in imports and exports was government services. Will the Minister tell us what government services were provided to Russia?

Lord Grimstone of Boscobel: My Lords, I am afraid that I do not have the fine print on that with me, so, if I may, I will write to the noble Baroness.

Baroness McIntosh of Pickering (Con): My Lords, can my noble friend explain to the House whether he thinks that the trade deficit with Russia will widen or narrow in the next year? Will he also celebrate with me the fact that the Russian audience for the Russian digital service offered by the BBC World Service is up by 32%, which can only help to boost our trade with Russia?

Lord Grimstone of Boscobel: My Lords, the UK reported a total trade deficit of £4 billion with Russia in the year to March, compared to a figure of £4.6 billion in the previous year. External factors such as Covid-19 may have an impact on the UK's international trade in 2021, so at this moment it is impossible to forecast. I very much applaud the fact that the voice of the BBC can be heard clearly and loudly by the Russian people.

The Deputy Speaker (Lord Lexden) (Con): My Lords, the time allowed for this Question has elapsed. We now come to the fourth Oral Question.

Planning Rules *Question*

12.41 pm

Asked by Baroness Thornhill

To ask Her Majesty's Government, further to their announcement on 21 July about changes to planning rules, how they intend to measure the impact on communities of (1) any further relaxation of planning rules, and (2) any increase in permitted development rights.

Baroness Thornhill (LD) [V]: My Lords, I beg leave to ask the Question standing in my name on the Order Paper and remind the House that I am a vice-president of the Local Government Association.

The Minister of State, Home Office and Ministry of Housing, Communities and Local Government (Lord Greenhalgh) (Con): The new permitted development rights and changes to the use classes order that we announced on 21 July will reduce planning bureaucracy, speed up housing delivery, support homeowners and families, and help to renew our town centres. We keep all new policies under review, including in respect of their impact on housing delivery and the wider community.

Baroness Thornhill [V]: I thank the Minister for that Answer. Does he share any of the concerns expressed by a wide range of professional bodies, including the LGA and others, that the cumulative impact of these PDRs is to create the slums of the future? That is evidenced most recently by research from the noble Lord's own Government which shows that four out of five units already created in this way do not meet the very low national minimum space standards? Can the Minister say what action the Government are taking to ensure that this does not continue in the absence of local planning permissions? Can he see how the continuous erosion of local councils' plans and policies is undermining public confidence in the planning system, as any councillor will confirm?

Lord Greenhalgh: My Lords, I point out that permitted development has yielded 60,000 homes that would not otherwise have been available. On the point on quality, the report raises some concerns about the quality of some of the schemes developed under permitted development rights. We have made changes in respect of requirements for adequate natural light, and that should deal with some of the issues raised in the report.

Lord Young of Norwood Green (Lab) [V]: Would the Minister agree that not just windows but room size, insulation, fire safety and the quality of the heating provision are essential to ensuring that affordable social housing does not end up being, as the noble Baroness rightly described it, the slums of the future? Some of that is already revealing itself.

Lord Greenhalgh: Space standards are of course outlined in building regulations, and there are strict requirements with regard to building safety covering all development, including permitted development. That should ensure that we see high-quality homes as a result.

Lord Mann (Non-Aff) [V]: I welcome this improvement on permitted development. However, in small towns it is likely that fewer than 10 units per development will be built, and so there will be no CIL money for infrastructure. Will money be allocated to the Housing Infrastructure Fund so that small towns can get the infrastructure needed around these new housing developments?

Lord Greenhalgh: The noble Lord makes an important point about the importance of ensuring that we have adequate infrastructure to fuel the continued delivery of homes, and that the Housing Infrastructure Fund will be the means by which a number of these opportunities will be unlocked. However, this of course has to go through the spending review process.

Lord Moynihan (Con) [V]: My Lords, in view of the vital importance of improving the nation's fitness, will my noble friend the Minister undertake to ensure that planning policy serves local needs by protecting and promoting existing sports and physical activity provision? Can he also confirm that any changes to planning rules will deliver viable management and maintenance of new and existing sports and physical activity provision for local communities?

Lord Greenhalgh: My noble friend knows that open space, sports and recreation facilities are taken into account in the National Planning Policy Framework, and there is no suggestion made by the Government that that will not continue to be the case.

Baroness Pinnock (LD) [V]: My Lords, I am a councillor. Under these changes, a local business could be demolished and replaced with flats. The existing residents would be badly affected. Such residents would contact councillors like me as they want to have their say on this development. I would have to tell them that they will have no say—their rights have been removed by this Conservative Government. Does the Minister accept that this is a fair response, and if not, what would he say?

Lord Greenhalgh: My Lords, as someone who was a local councillor for 16 years and the leader of a council for six years, I point out that simply because you have prior approval does not mean that local communities are unable to comment. They can comment on individual applications for prior approval under the consultation requirements set out in the general permitted development order of 2015. There are ways

to make your voice heard, even if there is a presumption that things will go ahead in the ways outlined in the PD rights.

Baroness Altmann (Con) [V]: My Lords, can my noble friend explain to the House what the Government's targets and aims are for building more affordable homes that we desperately need, and how these new measures are expected to impact affordable homes supply?

Lord Greenhalgh: These new measures are about unlocking housing potential and housing growth for the much-needed homes that we need. I point to the fact that we are investing £12 billion to build affordable homes between 2021-22 and 2025-26, which is the biggest single cash investment in affordable housing for a decade. I hope that that reassures my noble friend.

Lord Crisp (CB) [V]: My Lords, how will the Government ensure that the health of residents will be safeguarded in permitted development rights applications? In particular, will the Government adopt the minimum standards for healthy housing advocated by the Town and Country Planning Association, which include important matters such as daylight, which has been mentioned, space, access to the natural environment, insulation for heat and for noise, and others, which are so important for people's health and well-being?

Lord Greenhalgh: My Lords, we cover these standards within existing building regulations, which are updated on a relatively frequent basis. It is then a matter for local authorities to adopt those as part of their local plans.

Lord Kennedy of Southwark (Lab Co-op) [V]: My Lords, I refer the House to my relevant registered interest as a vice-president of the Local Government Association. Does the noble Lord think that the planning system supports or blocks economic growth?

Lord Greenhalgh: My Lords, the planning system can be improved. We are seeking to do that through the measures that we have outlined as a Government, and will continue to do so with more planning reforms to be announced.

Baroness Thomas of Winchester (LD) [V]: My Lords, can the Minister guarantee that changes to the planning rules will not mean fewer accessible homes for disabled people, such as 50 year-old Daniel, who has to live in a care home for elderly people due to the lack of accessible homes?

Lord Greenhalgh: My Lords, I point out that the National Planning Policy Framework is clear that local planning authorities are expected to identify all types of housing, including the housing outlined by the noble Baroness.

The Earl of Clancarty (CB) [V]: My Lords, what guarantees can the Minister give that we will not lose to commercial development buildings used, or empty buildings that might be used, for arts and cultural

purposes at a time when those activities are extremely vulnerable? That is so important for communities and the country.

Lord Greenhalgh: My Lords, certain uses—such as theatres, pubs and other venues—are protected in the planning rules. This will continue to ensure that we have entirely the sorts of uses that the noble Lord is seeking to protect.

Baroness Andrews (Lab) [V]: My Lords, is the Minister aware of the recent report of the Leasehold Knowledge Partnership on the deregulation of upward extension developments? This report has calculated how great would be the profits to developers but how little would be the benefit to public housing, as well as documenting the crucial loss of rights and assets to leaseholders. Will the Minister please meet me and other noble Lords to discuss our concerns over this issue as soon as possible?

Lord Greenhalgh: I am aware of the issue raised by noble Baroness and would be happy to meet her as soon as she is able to.

The Deputy Speaker (Lord Lexden) (Con): My Lords, all supplementary questions have now been asked.

12.51 pm

Sitting suspended.

Arrangement of Business

Announcement

1 pm

The Deputy Speaker (Lord Alderdice) (LD): My Lords, the hybrid proceedings will now resume. Some Members are here in the Chamber, respecting social distancing, and others are participating remotely, but all Members will be treated equally. If the capacity of the Chamber is exceeded, I will immediately adjourn the House.

Spain: Travel

Private Notice Question

1.01 pm

Asked by Baroness Smith of Basildon

To ask Her Majesty's Government, further to the letter from Baroness Vere of Norbiton to all Members on travel corridors and Spain, sent on 26 July, what support they will provide to those who have (1) visited, or (2) travelled through, Spain and are subsequently required to self-isolate on their return to the United Kingdom and are unable to fulfil work-related obligations as a result.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con) [V]: My Lords, we encourage employers to show flexibility by allowing employees who return from Spain to work from home where possible—[*Inaudible.*]

Lord Ashton of Hyde (Con): My Lords, as the Minister's reply is inaudible, we will adjourn for five minutes to try to get her sorted out.

1.01 pm

Sitting suspended.

1.06 pm

Baroness Vere of Norbiton [V]: My Lords, we encourage employers to show flexibility by allowing employees who return from Spain to work from home where possible while self-isolating or offering paid leave. We expect that many employers will have their own policies for self-isolation. Some may continue to offer full pay for all or some of the isolation period. Those who need urgent support may be entitled to new-style employment and support allowance or universal credit.

Baroness Smith of Basildon (Lab) [V]: My Lords, it was not any better the second time. The Government have failed to understand the practicalities and financial impact of self-isolation. The letter sent out by the noble Baroness only contained guidance for office workers if they were being forced to go back to work, saying that the Government were encouraging employers to be understanding and adding that staff could go to ACAS. That is not acceptable; it is totally irresponsible. She and I are working from home today, as is everybody else who is asking her a question on this issue, but for millions of people, usually in the lowest-paid jobs, that just is not possible. Even if their employers are understanding, their landlords and others may not be. Pricing people out of self-isolation is dangerous for all of us. Will she report back to the House tomorrow on what action Ministers are taking to provide financial support, including statutory sick pay, for those who the Government say must self-isolate?

Baroness Vere of Norbiton [V]: My Lords, the Government have been absolutely clear: urgent support is available for those who need it. That may be the new-style employment and support allowance or it may be universal credit, depending on the individual circumstances. I will happily write to the noble Baroness with more detail of both those schemes. My letter to her was not intended to be comprehensive, but it set out many of the things that we are doing.

Lord Browne of Ladyton (Lab) [V]: My Lords, this is a disaster for the self-employed and owners of small businesses. On Sunday, Dominic Raab told anyone who risked losing money to look at their insurance, among other things. Since March, there has been a general market failure in the provision of cover for all pandemic risk, including business interruption. There is no insurance policy available that covers loss of income in these circumstances. The Government are aware of this and, in response to Written Questions, have undertaken to engage with the insurance sector on this issue “in due course”. “In due course” is already too late. Will the Government undertake to engage with the sector, which wants to talk to them about this, now?

Baroness Vere of Norbiton [V]: The noble Lord is quite right that the impact of the pandemic has been very significant both on those who are employed by companies and on those who are self-employed. We

are doing what we can to offer support where needed. As for engaging with the insurance industry, that work is ongoing.

Baroness Randerson (LD) [V]: My Lords, I accept that the Minister’s answer today might be different from the one she might give if I asked the same question tomorrow, because yesterday the Government’s advice changed within the day. For the moment, will she tell us whether this sudden imposition of quarantine—it has provided a sharp shock to the tourism and transport industries, which were painfully trying to restart their businesses—will be accompanied by additional support from the Government to those industries to help them to withstand the impact of this sudden government stop advice? Will she agree that it is time that the Government encouraged people back on to our own trains and buses so that they can have some holiday in the UK?

Baroness Vere of Norbiton [V]: My Lords, the Government will be criticised whichever way they turn on this one. The noble Baroness, Lady Randerson, is now accusing us of acting too quickly, while under other circumstances it might be too slowly. It was absolutely essential, when we got the risk assessment from the Joint Biosecurity Centre, that we put in place these measures to protect public health. We put them in place for the Spanish mainland first and, once further consideration had been given, we added the Canaries and the Balearics. The noble Baroness will also know that we are encouraging people to travel on public transport if they can do so safely.

Baroness Pidding (Con) [V]: As we are living through these uncertain times with the coronavirus pandemic, it is unfortunately inevitable that all plans for foreign travel have some risk involved. Quite understandably, the Government need to be nimble in updating advice and prescribing precautionary measures. As we have seen over the weekend, advice can change at very short notice. Does the Minister agree that all people looking to escape in the coming weeks to sunny holiday destinations need to bear this in mind and be prepared for a change in arrangements?

Baroness Vere of Norbiton [V]: My noble friend is absolutely right: travelling nowadays is not the same as it was before. I implore all people looking to go abroad to check their travel insurance. Many travel operators are now offering flexible packages, including packages that can be cancelled with a refund if they need to be. I encourage people to look around the market. The travel industry is responding and, although travel is not the same, it should be possible for at least some people to get away this summer.

Lord Craig of Radley (CB) [V]: My Lords, other European nations with large tourism in Spain did not adopt this Government’s abruptly introduced self-isolation rule. How many, if any, have done so since the weekend? What differing scientific, economic or other factors have the Government identified which led to this major difference of judgment and action and which those who might lose pay or even their job through self-isolation can explain to their employer?

Baroness Vere of Norbiton [V]: The Government obviously looked at their own advice and that from the Joint Biosecurity Centre, but it is the case that Norway has pretty much the same requirements as the UK. Belgium, France and, I understand, Germany have also put in place some restrictions on all or parts of Spain.

The Lord Bishop of St Albans [V]: My Lords, it is not only holidaymakers and travel firms that are suffering. Luton Borough Council, in my diocese, owns Luton Airport. As a result of the lockdown, it has a significant hole in its finances, affecting every person living in the borough. It is surely in the interest of every country to find a better way to provide travel corridors based on regions rather than simply designating entire countries. What consideration are Her Majesty's Government giving to the idea of having regional travel corridors?

Baroness Vere of Norbiton [V]: The right reverend Prelate raises a very important point. For the time being, we are taking the approach by country for border measures, but we could put them in place for regions in the future. We are not there yet, but we are certainly looking at it, because it is an appropriate consideration.

Lord West of Spithead (Lab) [V]: My Lords, it is absolutely right that our Government should take action for the safety of our people, despite what any other nation might say. My concern, however, is that many of the Government's decisions relating to the Wuhan virus seem to be kneejerk and have a scattergun effect. It is not at all clear that policy is joined up across Whitehall. In early July, I was in France; on return, government policy, after some indecision, was for self-isolation for two weeks. This advice changed the day after my return and nobody officially took any notice of my whereabouts. While I believe that people should use their common sense, will the Minister tell us what mechanism has been put in place to ensure that the two-week self-isolation for those returning from Spain is being complied with?

Baroness Vere of Norbiton [V]: The noble Lord is right that there are enforcement measures in place for people returning from Spain or elsewhere, where a self-isolation period of 14 days is required. PHE is undertaking spot checks as part of the enforcement approach and there is a possibility of a £1,000 fixed penalty notice for those people who are not self-isolating.

Lord Palmer of Childs Hill (LD) [V]: My Lords, have the Government thought through what happens when someone returns from Spain to go back to work the next day? The Minister talks glibly of financial support, but if travellers are required to self-isolate, will they actually have a job to go back to? The Minister's letter says that travellers who are there can continue their trip, so that does not seem to be too urgent. Would not the correct procedure be to give two weeks' notice of the restriction to allow travellers, including the sun-tanned Transport Secretary, time to return without quarantine?

Baroness Vere of Norbiton [V]: My Lords, the reason why we had to remove the travel corridor from Spain is that the infection rate for Covid cases increased at an alarming rate. There was a massive acceleration at the end of last week. We therefore did not have the luxury of a two-week period of grace in which we could warn people in advance. It was absolutely essential that we put in place the measures that we did in order to keep our public safe.

Baroness Buscombe (Con) [V]: My Lords, it is extraordinary and wrong that this Question has warranted the status of a PNQ. The trouble with Labour and the Liberal Democrats is that they love spending other people's money. They complain about austerity and then want to spend yet more of taxpayers' money on people who have chosen to take risks by travelling mostly for pleasure in the middle of a worldwide pandemic. Perhaps we should change the word "pandemic" to "plague", like Tim Smit. Is it not time for everyone to stop treating people as if they were incapable of taking proportionate risks and accepting the consequences? Will the Minister reassure her colleagues that they are doing absolutely the right thing in very difficult and ever-changing circumstances?

Baroness Vere of Norbiton [V]: I thank my noble friend for her comments. Of course, to a certain extent, she is right. Whenever one travels during a pandemic or otherwise, there are always risks that are simply not present when one is at home. At the moment, with the pandemic, the risks are certainly much higher, but they can be mitigated, as I set out earlier, by travel insurance and by looking at those travel providers that offer travellers flexibility.

Viscount Waverley (CB) [V]: My Lords, with a second spike being a racing certainty and with an evolving and differing set of guidelines on the continent, what assurances are being sought by Border Force to ensure that passengers are correctly stating their original departure point and not abusing open Schengen borders by travelling via a transit airport? By the by, with pets now seemingly threatened with Covid, is an embargo anticipated on pets entering the UK?

Baroness Vere of Norbiton [V]: Border Force has the power to check people's information when they arrive in the country. If it finds it to have been filled in incorrectly, that person can be subject to a £100 fixed penalty notice.

Lord Hayward (Con) [V]: My Lords, I understand that there is now a European-approved 40-minute test, which can allow the Government to negotiate secure testing sites at airports, whether in Spain or other countries. That would help to avoid unnecessary self-isolation on return and the associated loss of earnings. Would the Minister be willing to look at these schemes?

Baroness Vere of Norbiton [V]: I reassure my noble friend that we are already looking at a range of different options. For the time being, the position remains unchanged: there is a 14-day self-isolation period. However, we are considering options on how to manage the risk of imported cases. We are looking at ways of

[BARONESS VERE OF NORBITON]

testing people on certain days, but we must understand that testing people on arrival is sometimes inappropriate because of the longer incubation period of the virus, which means that it does not show up in the tests. Again, I reassure my noble friend that we are looking at all eventualities, because obviously we would like to decrease the number of days in self-isolation if we possibly can.

Baroness Uddin (Non-Afl) [V]: The impact of this will be further job losses and hardship not only for an already shrinking travel industry but also for those individuals who find that on their return they have to self-isolate. Not everyone has the luxury of working from home and they will face financial stress. As has been pointed out, they may not be entitled to statutory sick pay. This will not be the last time that our country has to face this kind of enforcement. We need an urgent response in this instance and I agree wholeheartedly with my noble friend Lady Smith of Basildon that the Government must act to ensure that the harms to families and businesses are minimised. What will the Government do to mitigate the financial stresses on those who are confined? Will they be tested and tracked and how will they be monitored for compliance?

Baroness Vere of Norbiton [V]: As I mentioned to the noble Baroness, Lady Smith of Basildon, we have in place urgent support for those people who are desperately in need. I have committed to write to her with more details and I will certainly make sure that the noble Baroness, Lady Uddin, also receives a copy of that letter.

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

Business of the House

Motion to Agree

1.23 pm

Moved by Lord Ashton of Hyde

That with effect from 2 September until further Order members may participate remotely as well as physically in sittings of the Grand Committee (“hybrid Grand Committee”), and that for the purposes of sittings of the hybrid Grand Committee:

1. The procedure shall follow, so far as practical, procedure in Grand Committee save that—

- a) no member may participate unless they have signed up to the Speakers’ List,
- b) speakers shall be called by the Chair, and
- c) sittings may be adjourned between items or classes of business at the discretion of the Chair.

2. Debates on motions relating to statutory instruments and measures in the hybrid Grand Committee (including related instruments debated together) shall be time-limited to 1 or 1½ hours, and this time limit may be varied in accordance with this paragraph with the unanimous agreement of members taking part in the hybrid Grand Committee at the commencement of that sitting.

3. Motions for general debate shall be time limited to 3 hours and this time limit may be varied with the unanimous agreement of the members taking part at the commencement of proceedings;

4. No amendments to bills may be tabled after the deadline prescribed by the Procedure and Privileges Committee.

5. The provisions of this Order shall be applied in accordance with guidance issued under the authority of the Procedure and Privileges Committee from time to time, which may vary the provisions of the Companion to the Standing Orders insofar as they apply to sittings of the hybrid Grand Committee.

Lord Ashton of Hyde (Con): My Lords, on behalf of my noble friend the Leader of the House, I beg to move the first Motion standing in her name on the Order Paper.

Baroness Uddin (Non-Afl): My Lords, I take this opportunity to express my thanks to the staff and to the Government and Opposition Whips for their remarkable patience and advice throughout this challenging period. I salute all those in the incredible digital support team for their guidance in helping us to steer through the new adventures of Zoom and Teams.

There has been a Parliament-wide acknowledgement of the impact of Covid on people’s emotional, physical, psychological and financial well-being. Some noble Lords have lost loved ones, while a number have found the new ways of working to be frustrating and challenging in equal measure, as I have—I put my hand up to that—as has been described so eloquently in this Chamber by the noble Lords, Lord Shinkwin and Lord McConnell.

Our work is underpinned by our giving service to our country and promoting people’s well-being to the best of our abilities. I believe fervently that each of us has done just that by contributing to the work of Parliament based on our knowledge, experience and expertise. My question is simple: where do Members go should they need advice, guidance and counsel? I assume that the House provides comprehensive access to advice and counselling services for staff, should they require them, so will the noble Lord ask the noble Baroness the Leader of the House whether she will consider working across all political parties to facilitate, even on a temporary basis, a form of one-stop hub for Members as the House is opened up again for increased physical participation?

Lord Trefgarne (Con): My Lords, I will not delay your Lordships. I regret very much the need for hybrid arrangements both in your Lordships’ House and now, as we are to decide shortly, in Grand Committee. I think that we have all been given to understand that the hybrid arrangements will end when the two-metre requirement goes and I look forward to that very much indeed. In the meantime, would it not be possible to provide more accommodation for your Lordships in, for example, the Royal Gallery, in the Robing Room or perhaps in the galleries around the Chamber?

I want particularly to ask about the voting arrangements during the hybrid proceedings. Is it not possible for noble Lords to cast their vote here in the

Chamber, or perhaps in Grand Committee, by, for example, handing their vote to the clerk? I have been told that doing so is possible in special circumstances but not routinely, but I hope that that can be changed. So far as the hybrid voting arrangements are concerned, I am not keen on the idea of allowing anyone situated remotely anywhere in the world to do so. That is surely not a satisfactory position. I express the hope again that your Lordships' House will return to normal as soon as possible.

Lord McConnell of Glenscorrodale (Lab): My Lords, I will resist the temptation to go into the wider issues raised by the noble Lord, Lord Trefgarne. There are points that need to be debated about the hybrid system and the voting system and it is unfortunate that we have not had the chance to do so over these weeks, when we could easily have spared an hour or so for that discussion.

I want to raise two specific issues in relation to the Motion before us. The first concerns the timings. I wonder if the noble Lord the Government Chief Whip could outline whether those involved in the discussions on the arrangements for September have given any consideration at all to the fact that, when we meet at one o'clock on a Monday afternoon, it is physically impossible for Members who have to travel from north of Glasgow and Edinburgh to attend the Chamber. That is fundamentally and perhaps even constitutionally wrong. Given that nine years ago your Lordships' House withdrew the potential for reimbursement on an overnight basis, a Member would have to incur the costs and make the arrangements to travel down on a Sunday to take part in proceedings at one o'clock on a Monday. At the moment, the first train that I can take out of Stirling is at 6.40 am. I can make the connection to the 8 am train from Edinburgh, which gets into London at 12 40 pm, but there would be a significant risk in trying to get to this place from the train station for one o'clock. A similar problem exists at the end of the week, but I understand that that may be impossible to avoid because of the fact that, because so many train services are not running at the moment, it is not possible to return home after the last debate on a Thursday. I understand that that is the situation at the moment and it is something that we need to live with.

If the Grand Committee is to meet on a Monday, has any consideration been given to the Grand Committee or your Lordships' Chamber, or both, meeting later than one o'clock on a Monday, so that everyone can take part? On that issue of taking part, we are all willing to be flexible and we understand that there had to be some arrangement between the four groups or blocs in your Lordships' House when it came to speaking lists and the selection of Members to ask questions, which I appreciate had to be done for a short time through the party Whips. However, if there is any justification for an unelected House in this Parliament, it is because people bring their individual experience, judgment and knowledge to their contributions to Questions and debates, so it cannot be right over the long term for the final selection of those who can speak to be made on a party basis by the Whips. What consideration have the Government given to reviewing that system if, for example, we are in a situation where

the number of Peers who will be able to take part in the new Grand Committee proceedings will be so small that they will need to be selected by the party Whips under the system as it currently stands?

1.30 pm

Lord Adonis (Lab): My Lords, following on from my noble friend, can the Chief Whip tell us precisely how many noble Lords will be able to take part physically in the Grand Committee proceedings?

I want also to raise an issue on procedure. We all understand the need for accommodation to be made in respect of hybrid proceedings and, for as long as there are safety considerations, that will need to continue. However, there is a fundamental contradiction between the first and the second line in the Motion before the House. The first line states:

"The procedure shall follow, so far as practical, procedure in Grand Committee".

However, the second line states that

"no member may participate unless they have signed up to the Speakers' List".

It is stark staring obvious that Members do not need to have signed up to the speakers' list in order to participate in person. That is not true in the Chamber, nor is it true in Grand Committee. This is a particular issue in respect of Committee stages, which of course is what the Grand Committee largely exists for, although some other debates can take place, because of the give and take in Committee. At the moment, we now have the utter absurdity that in order to intervene after the Minister, if you are in the Chamber, you need to email the clerk who will email the Lord Chairman sitting on the Woolsack, who will then call you. If, as I found once, you do not get your email in fast enough, you cannot be called after the Minister even though you are actually in the Chamber and you can catch the eye of the Lord Chairman. This is palpably absurd. The reason for it is the levelling-down mentality that nothing that cannot be done in the virtual House should be done in the physical House.

We are all trying to make the best of these procedures and I even had some sympathy for that concept when only a handful of Members were participating in the Chamber and it might have been thought unfair that noble Lords who were taking part virtually would not have the same opportunities as those who were present in the House. However, now that we are encouraging Members to come back to the House where they can and we will have Members physically present in the Grand Committee, it seems utterly absurd and contrary to good practice to deprive noble Lords of their rights in the Chamber and in Grand Committee because of the understandable need to bring other noble Lords in remotely.

The Chief Whip cannot change procedures in response to this debate, but I do not think that the arrangements that have been proposed are either correct or sustainable. It is regrettable that they have been replicated in the arrangements being made for the Grand Committee proceedings from September, so I hope that the noble Lord may be able to give us an undertaking that this issue will be considered further—perhaps even before the beginning of September.

[LORD ADONIS]

On that note, I wish him a happy holiday. I say to him and to the staff of the Clerk of the Parliaments that we are all enormously appreciative of the work that they have done to make the House operate as well as it has over recent months. It is the aim of us all to make it work better and not to take away in any way from the phenomenal contribution that those who have enabled us to continue working during this time of crisis as we have.

Lord Cormack (Con): My Lords, I entirely endorse what the noble Lord, Lord Adonis, just said about my noble friend the Chief Whip and others in the usual channels and elsewhere who have enabled us to function through some extraordinarily difficult times.

However, having said that, I believe that we have to move on. We have to try to get back to as near to normality as possible, as soon as possible. That means encouraging noble Lords in all parts of the House to regard it as the normal thing to be here and the exceptional thing to participate virtually. I must confess that I had never used a computer before. I was determined that I was not going to be excluded from your Lordships' House, so I made what my noble friend the Chief Whip would probably say were far too many interventions via virtual participation. But I hate it. It is a horrible thing talking into a screen, not being able to see your colleagues and not being able to sense the reaction of the House. We must get back to that and to a self-regulating House as soon as possible.

With these lists, all spontaneity has gone. The Government cannot be held adequately to account because the Minister, whoever he or she may be, can get away with whatever he or she wants. There is not the opportunity to question them save in the very artificial form to which the noble Lord, Lord Adonis, referred in respect of Committee, when you have to send an email and get another email back and then you can ask a question. Some noble Lords, particularly those participating virtually, have abused that system by making a speech that they should have made on the amendment concerned or even at Second Reading. I am glad to see noble Lords on the other side of the House assenting to some of these points, because they are important.

I know that there is a fundamental problem about numbers, which will perhaps remain for a very long time. I therefore put to the House what I have put privately to the Clerk of Parliaments and others: we should give serious consideration to moving the Chamber to the Royal Gallery. In 1983, that happened. The late Manny Shinwell, who had just celebrated his 100th birthday, was nearly killed by a bit of timber falling from the ceiling. Thank God it was not the end of an illustrious career, but, because of that, this Chamber had to be vacated for restoration and, for a time, noble Lords met in the Royal Gallery. As a Member of the other place for nearly 20 years by then, I found this very interesting and in sharp contrast to the war years, when of course—I remembered it because my noble friend Lord Trefgarne was here in 1947 for the first time—the Lords met in the Robing Room. That would be completely impossible, but it would be possible to have more people, physically distanced, in the Royal Gallery.

I know that there are problems, but they have been overcome in the past and they should be overcome now. We could have noble Lords sitting on individual seats, or the Benches could be put in and augmented. It could be tiered, as it is for the State Opening of Parliament every year. It is a serious suggestion that I commend to your Lordships for serious consideration.

One or two other things would help edge us back towards normality. We are brilliantly served by our staff in this House, but I find it very sad to go into the Library and find not a single clerk on duty. Surely there could be a rota system—again, I am glad to see noble Lords assenting—because that Library is of fundamental importance to every Member of your Lordships' House, and there should be clerks on duty so that Members can consult them. I hope that that can be the case, whether we are serving in Grand Committee or on the Floor of the House, when we come back in September.

I have another suggestion which may not command such universal assent. We are brilliantly served by the Clerk of the Parliaments and all the clerks, but, in edging towards normality, although none of them could ever be accused of being anything other than impeccably dressed, it would be nice to see them properly dressed when we come back in September. Again, it would make the place a little more normal and a little more like the House of Lords that we know and most of us love.

I am grateful to my noble friend for introducing this Motion. I wish him success. I wish him a restful and happy summer—no one deserves it more—but when we come back, let there be more of us and let us be functioning in a more normal way.

The Earl of Caithness (Con): My Lords, I want to ask my noble friend on the Front Bench to pay particular note to what the noble Lord, Lord McConnell of Glenscorrodale, said about travel. He lives in the tropics compared to where some people in Scotland live. I remember that when I was appointed to a committee that sat on a Monday afternoon, I had to give up serving on it because I could not get down from Caithness in time. Indeed, I sat on a Back-Bench committee with the noble Lord, Lord Alderdice, which looked at the whole problem of better servicing people who live far away from the Chamber and giving them a fairer opportunity to speak and participate in this House.

I thoroughly agree with what my noble friend Lord Cormack said about the Library. One cannot even use a computer in the Library at the moment; this morning, I came in to do some work and found that I was totally unable to do so.

On voting, I agree with my noble friend Lord Trefgarne. I hope that my noble friend on the Front Bench will give consideration to the idea that, in future, the only people who can vote will be those who are physically here in the Chamber.

Lord Balfé (Con): My Lords, my first point is this: I wish we could make a clearer rule as to what the arrangements are here. I have got in thanks to the kindness of the Deputy Speaker, but I was told that we had to put our names down to ask questions. I was not clear about it; if that is the system, I think we need a note of guidance.

I agree totally with what was said by my good and noble friend Lord Cormack and the noble Lord, Lord Adonis. I agree with a lot of what other people said, but in particular with those two noble Lords.

I have two questions. First, the order will have effect from 2 September until a further order is made. Can the Chief Whip give us some indication as to when this procedure will be reviewed—in other words, when a further order might come up? Secondly, I want to put on record that one of the great difficulties I find when dealing with SIs, and with amendments to Bills, is the inability to get up when the Minister is answering and say, “I’m terribly sorry, but I don’t think you’ve understood my point”, or to intervene at the point where it is absolutely relevant. You cannot then send an email to the clerk to ask to get up afterwards. I therefore ask that this be looked at.

I will not speak again, but on the next Motion the Chief Whip is going to tell us why Topical Questions are no longer to be tabled, and I can well understand why that is. However, I ask that attention be given to the quality of Answers and to the length of time that we are kept waiting, not only for Answers to Written Questions but for answers to letters. Perhaps I can remind Ministers that a letter from a Member of this House to a Minister should not normally, as has happened to me, be replied to by a civil servant who tells me that the Minister is busy. It does not take very long to scribble a signature, and one of the few advantages we have in this House is to be able to call Ministers to account. I was even more annoyed that the answer was totally irrelevant to the letter that I had written in the first place. That did not help; had it been a relevant letter, I might have excused it, but it almost totally missed the point of the questions I had asked. I thank the House for indulging me.

Lord Ashton of Hyde: My Lords, I was not quite expecting so many questions on this Motion, but I am delighted to reply. I thank noble Lords for their thanks to the staff of the House; I reiterate and endorse every word of that. A fantastic job has been done, not only by the Clerk of the Parliaments and his staff but by the Government Whips Office staff, whose workload has increased dramatically thanks to some of the issues we have talked about, first in the Virtual Proceedings and then in the hybrid House. I am not sure that all noble Lords realise quite what goes into putting the day together and getting ready the Speaker’s brief and the speaking lists and so on. I will come on to some of that later, but I appreciate and echo the words of noble Lords.

1.45 pm

Having thanked the staff and the Whips, the noble Baroness, Lady Uddin, asked about the facilities that will be available in September to Members of the House, both physically and in the area of counselling and things such as that. On the physical facilities, the Clerk of the Parliaments will write today to all Members before they go away for the summer to explain the arrangements that will be made when we come back. I echo many of the comments about how we want to come back as soon as we can and in as great numbers as we can. However, we have to respect the medical

advice from Public Health England and the Government’s own advice in respect of social distancing, and we will continue to do that.

I think that noble Lords will be reassured by the thought that has gone into coming back. Obviously, we will have to keep a watching brief on that and review it before we come back and when we are back. If there is to be a spike in the infection rate, it is likely to be towards the autumn and winter, so we will have to do that.

Even if we come back completely in a physical sense, which we would all like to do, we will have to keep the facility to have a hybrid House as a contingency measure if necessary. We are able to do that, and in a much smoother way than has been done. Despite some of the criticisms that noble Lords have made, which I will come to, it has been remarkable, and we must not take for granted the work that has been done. If we think back to where we were before the crisis happened and the way we have managed to vote and participate, albeit in a different way, it is remarkable that 780-odd Members of this House have been able to do that from all over the country, and indeed sometimes from abroad. Therefore, as I said, the Clerk of the Parliaments will write about offices, working spaces and things such as catering, which will be available.

The noble Lord, Lord McConnell, and my noble friend Lord Caithness, brought up some things which they have mentioned before, in particular the starting time. Obviously, the starting time is a balance of interests—sometimes competing interests. We have to take into account the interests of Members, the administrative staff, the Government Whips Office, the broadcasters, and committees. I take the point the noble Lord makes, and we will keep that under review. However, the good news is that, due to the hybrid nature of the House and the remote voting, Members are able to take part from wherever they live. The point the noble Lord makes relates in particular to when he wishes to come physically to the House in time for, say, votes, but at the moment, they can be done remotely. However, I take his point.

Therefore, there is partly some good news about the Virtual Proceedings, and allowances will go back in September broadly to what they were before, albeit some of the problems the noble Lord mentioned were the result of changes made nine years ago but not of those made because of the Covid crisis.

My noble friends Lord Trefgarne and Lord Cormack explained how they do not like the hybrid system. I can assure them that we are extremely keen to go back to normal as far as possible, subject to the constraints I mentioned. I think there is some unanimity on this on all sides of the House. It may be for different reasons. The Opposition may be more interested in spontaneity and being able to hold the Government to account. From my and the Government’s point of view, the flexibility has gone in dealing with government business, and for all of us it is very difficult to have a self-governing House when there is no House to self-govern. Some of the problems that have been talked about regarding Committee stages are partly as a result of the fact that the majority of noble Lords are dispersed and so the mood of the House is much more

[LORD ASHTON OF HYDE]

difficult to understand, and the House itself is not able to regulate some Members who speak too long or irrelevantly. That will get better as more of us come back.

My noble friend Lord Trefgarne also talked about voting. The Procedure Committee is clear on this. It was decided when remote voting was brought in that there should be parity between all Members, whether participating virtually or physically, and that voting would be done remotely. The only exception to that was Members who had technological problems, who could talk to the Clerk at the Table. However, the Procedure Committee has been clear that all voting should be done remotely. I am glad to see that despite what he said, my noble friend has managed to vote remotely 18 out of 22 times, so obviously he has mastered the technology.

My noble friend Lord Cormack said that we should encourage noble Lords to come into the House, and I agree with that. The difference between then and now is that before, we encouraged Members to stay away and to attend only if they wanted to. In September, subject to the virus situation not changing, we want to encourage Members to come but to stay away if they have underlying health conditions or indeed if they do not want to attend.

The Royal Gallery was considered. There is no current digital audio or video connectivity in there, it does not have heating and cooling systems, which are required for sustained use, and in September we will use the Royal Gallery for the Printed Paper Office and seating. Therefore, together with the new Grand Committee room, there will be many more opportunities for Members to attend, and the galleries will be used for Members to be observers as well, which will count as being in the Chamber.

The noble Lord, Lord McConnell, talked about the allocation of speakers' lists. I do not know how the Opposition do this, but the Whips' Office has been keen to be fair, and we have had discussions in the usual channels to make it as fair as possible across the parties. We have done it largely in proportion to the size of the different groups in the House; within that, it is up to each party and group how they wish to allocate within the slots that are available. It is not true to say that the Whips have decided who has spoken; if your Lordships listen to some of the speeches, they will see that that is borne out. The Convener and Government Whips have some discretion but, certainly in our case, it has been limited in its use.

My noble friend Lord Cormack also mentioned how the clerks dress. On the issue of wigs in particular, he used the word "normal"; I do not know whether that was normal clothing. However, I take his point. The reason was that many more clerks were needed to sit at the Table who did not have the clerical garb and wigs, which have to be individually fitted. However, when we come back to the normal House, that will be reviewed as well.

In addition to thanking staff, the noble Lord, Lord Adonis, asked about the capacity of the Grand Committee. That will be 50 Members virtually plus 28 physically. Interestingly, looking at the statistics on

the use of the Grand Committee in its normal form, that is as many Members as went into it before. Therefore, using the mitigations we have of 28, the physical numbers in Grand Committee will be at least as good as what we had. It will be different: there will be screens around Members and they will be sitting down, and we have to wear masks as we go in and out because we will be in close proximity. However, there will be more capacity.

Turning to the speakers' list, the way the Committees work and how we intervene, the problem is largely because of something that the noble Lord, Lord Adonis, is very keen on: the broadcasting element of Parliament. If we have an outside broadcasting unit sitting in Millbank, the broadcasters have to know which Peer is speaking next so they can feed them into the broadcast feed. They therefore have to know in what order they are going to come. That makes interventions very difficult. The method of putting in an email and being able to speak after the Minister in Committee was a crude attempt—and I admit that it was crude—of the Procedure Committee to try to bring in some intervention-type process so that if the Minister did not answer satisfactorily or a Member needed some elucidation, then they could do that. Nobody is suggesting that it has the spontaneity of the physical Chamber, but that was the reason why it was done. A lot of the difficulties of the hybrid Chamber have been connected with how the broadcasters—the outside broadcasting unit—were able to manage the combination of the virtual House and the physical House.

My noble friend Lord Balfé asked about the arrangements. The arrangements are clear: Members do not have to put their name down for a Business of the House Motion, which is an entirely physical Motion. They do have to put their name down for hybrid business for the reasons I have mentioned. He also asked about the phrase "until further Order" from 2 September. The reason for that is that we constantly keep these issues under review, so this Business of the House Motion is in force until changed by another order. There is no suggestion at the moment that there will be another order, but there might be, so that is why that is there.

On my noble friend's point about Topical Questions and the quality of the Answers, I hope that the quality of my answer been satisfactory. I agree with him about Ministers answering Members' letters. If a Member of Parliament in either House writes to a Minister, the Minister should reply and take responsibility for that answer. I hope that is satisfactory and I beg to move.

Motion agreed.

Business of the House

Motion to Agree

1.57 pm

Moved by Lord Ashton of Hyde

That with effect from 2 September topical Questions for Written Answer may no longer be tabled.

Motion agreed.

1.58 pm

Sitting suspended.

Arrangement of Business

Announcement

2.03 pm

The Deputy Speaker (Lord Russell of Liverpool) (CB): My Lords, some Members are here in the Chamber, respecting social distancing, while others are participating remotely, but all Members will be treated equally. If the capacity of the Chamber is exceeded, I will adjourn the House immediately.

A participants' list for today's proceedings has been published and is in my brief, which Members should have received. I also have lists of Members who have put their names to amendments in, or expressed an interest in speaking on, each group. I will call Members to speak in the order listed. Members' microphones will be muted by the broadcasters, except when I call a Member to speak. Interventions during speeches or "before the noble Lord sits down" are not permitted and uncalled speakers will not be heard. During the debate on each group, I will invite Members, including Members in the Chamber, to email the clerk if they wish to speak after the Minister. I will call Members to speak in order of request and call the Minister to reply each time.

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

Agriculture Bill

Committee (7th Day)

2.05 pm

Relevant document: 13th Report from the Delegated Powers Committee

Clause 40: Power to make regulations for securing compliance with WTO Agreement on Agriculture: general

Debate on Amendment 264 resumed.

Baroness Neville-Rolfe (Con) [V]: My Lords, I am pleased to follow the noble and learned Lord, Lord Hope of Craighead, albeit after several days' rest from this marathon Committee stage. He has taught me a great deal in this House.

I am a supporter of the World Trade Organization and its predecessor, GATT. Trained as an economist, I know that trade brings great benefits in terms of world prosperity, as is convincingly explained by the theory of comparative advantage. This is particularly important when we face recession and the shock of the Covid pandemic affecting every corner of the globe. As noble Lords know, I am an advocate of well-informed consultation. However, we must have regard to WTO rules, and I doubt that these suggestions are compatible with them. The UK benefits greatly from the international order and enduring economic ties, especially in free trade. In closing, the Minister may want to comment on whether the amendments in this group could fall foul of WTO rules.

Baroness Bakewell of Hardington Mandeville (LD):

My Lords, Amendments 264 and 265 in the name of the noble Lord, Lord Foulkes of Cumnock, relate to the WTO Agreement on Agriculture. The noble Lord made the case for the Secretary of State to be required to consult with relevant stakeholders before making regulations for the purpose of securing compliance with the UK under the Agreement on Agriculture. As always, he set out his case with great clarity.

The second amendment removes the power from the Secretary of State to allow others to make the decision for him or her, or to delegate to others and any other person who might exercise discretion in this matter. The noble Lord, Lord Foulkes, does not believe that the reason for these powers is clear. There is no explanation of what they may be used for.

Amendment 269 in the name of the noble Lords, Lord Hain and Lord Wigley, would insert a new subsection at the end of Clause 42. As the noble Lord, Lord Hain, set out so clearly, this supports delivery of Welsh animal and plant health, food safety and environmental standards, which should not have the effect of lowering these below EU standards. The noble Lord is concerned about the large areas of Wales that are heavily dependent on agriculture. Food standards are extremely important for sustainable food production. The noble Lord, Lord Wigley, said that there are opportunities for agriculture in Wales and that building on food standards will be important. The products in Wales stand up against produce from the rest of the world.

The noble Baroness, Lady McIntosh of Pickering, supported these amendments—particularly Amendments 264 and 265—and believes that this is a genuine oversight. The noble and learned Lord, Lord Hope of Craighead, also supported the noble Lord, Lord Foulkes.

My noble friend Lord Purvis of Tweed feels that the regulations are concerned with WTO compliance. Is this compliance of Scottish and Welsh farmers for their benefit or for the benefit of English farmers? My noble friend had discussions with the Trade Minister about continuity agreements but did not get reassurance. Can the Minister confirm that these regulations will not be used in negotiations with the US? We seek that reassurance.

Lord Grantchester (Lab): I thank my noble friend Lord Foulkes for leading the debate on this group of amendments—relating to Part 6 and the WTO Agreement on Agriculture—by moving Amendment 264, to which the noble Baroness, Lady McIntosh of Pickering, added her name. As is customary on each day of the Committee's deliberations, I declare my agricultural interests as recorded in the register.

The United Kingdom has been an independent member of the World Trade Organization, and was also a member as a member state of the EU, when it was one. On leaving the EU, the UK will continue to ensure that domestic support schemes are consistent with WTO rules. The Minister will correct me on this interpretation if needed.

The Bill's Explanatory Notes remind me of the non-distortion trading requirements of green box designations and so on, which characterised the discussions on CAP reform of decoupled income support payments

[LORD GRANTCHESTER]

and environmental programmes many years ago. This will not be the issue at the WTO once the UK begins to “record”, if that is the correct terminology, the various trade deals that it seeks with other countries around the world. There will be many challenges over, for example, state aid provisions. As we know, the countries implicated in the various EU rollover deals that the UK seeks ratification of have already lodged objections with the WTO.

There are various angles to this, as other speakers referred to in our proceedings last week. First, as my noble friend Lord Foulkes explained, his amendment would require the Secretary of State to consult relevant stakeholders. That is necessary as agriculture and food are matters devolved to the other nations of the union. In Amendment 269, my noble friend Lord Hain and the noble Lord, Lord Wigley, are concerned about compliance and consistency with the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016, specifically with regard to the sustainable brand values of Wales.

In other parts of the Bill, we have expressed our concern at the quality of the Government’s discussions with the devolved Administrations and how that will translate into representations at the WTO. The noble Lord, Lord Purvis, expressed this point in his remarks. Last Thursday—I remind noble Lords that this was at 10 minutes to midnight—he asked the Minister to clarify the status of the legislative consent Motion from the Scottish Parliament with regard to this part of the Bill. Regulations could have a significant impact on the design and implementation of support schemes in Scotland and Wales—by the way, no one has yet seen the full details of those schemes because the Government are yet to finalise them. By what mechanisms will the Secretary of State resolve any disputes that may arise with the devolved Administrations, such that he or she can fulfil the functions of Clause 40? Can the Minister confirm that any regulations made under the powers at Clause 40 will be only with the express agreement of the Scottish Parliament and the Welsh Assembly by the affirmative resolution procedure, as in subsection (4)?

My noble friend Lord Foulkes also asked about subsection (3), which may have relevance in this respect. However, the power under Clause 40(3)(c) seems inexplicably wide and vague. I also have concerns about paragraph (c), which refers to provision for “a person”—unspecified—

“to exercise a discretion in dealing with any matter.”

No provision seems to have been given for any oversight or reporting publicly. Can the Minister explain what the Government have in mind in needing these powers?

The clause refers to the Secretary of State. It may be assumed that, as this is the Agriculture Bill and the responsibility of the Minister’s department, this will not be the Secretary of State for the trade department. Which Secretary of State will be responsible to Parliament on this matter? Where will the cross-over apply in relation to WTO engagement?

2.15 pm

Finally, the WTO Agreement on Agriculture has long been seen as disadvantageous for developing countries, even though there are slightly different rules for such countries. There are strong arguments for being more sensitive to this and for other features of trade to be more beneficial towards development. Does the Minister see the inclusion of these powers in this Bill as being able to contribute to that goal in some way? How would the future role of the Government be made effective in reconciling their interests, as well as reconciling different ambitions of agriculture among the big trading blocs and developing countries?

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, I thank all noble Lords for contributing to this interesting debate, and particularly the noble Lord, Lord Foulkes, for his amendment. I declare my farming interests, as set out in the register.

Part 6 of the Bill allows regulations to be made to ensure compliance with the United Kingdom’s obligations under the WTO Agreement on Agriculture. I should say immediately to the noble Lord, Lord Grantchester, that Defra and the Defra Secretary of State will be responsible for the WTO Agreement on Agriculture. To be clear, the Agreement on Agriculture is an international treaty that sets out a number of general rules and commitments on agriculture trade practices, as agreed by WTO members. These measures fall under three pillars, the domestic support pillar being the focus of Part 6. The regulations will set out procedures and arrangements to ensure that the UK as a whole complies with existing obligations under this international treaty.

We have a bilateral agreement in place with the Welsh Government on the making and operation of regulations under Part 6, and we have offered to extend this agreement to the Scottish Government and DAERA Ministers in Northern Ireland. In practice, we are already working very closely with officials from all Administrations on drafting regulations under these powers. As the noble Lord, Lord Grantchester, raised it, I can report that good progress has been made and that officials from all four Administrations are working together to finalise a draft of the regulations. A concordat will shortly set out the detail of administrative arrangements and other routine matters, in order for these regulations to be in place for the end of the year.

Furthermore, my honourable friend the Farming Minister, Victoria Prentis, placed on record in the other place a commitment to consult with the devolved Administrations on the making of the regulations under Part 6. We have therefore already given strong assurances of our commitment to consult with the devolved Administrations on the making of regulations under these powers.

In reply to the noble and learned Lord, Lord Hope, I reiterate that the Government fully recognise the devolved status of agriculture. That is why Clause 40(1) makes it clear that regulations can be made only for the narrow purpose of ensuring WTO compliance, a function that is reserved to the UK Parliament. Consultation with the devolved Administrations in cases such as this is a matter of good practice, and is done regularly on many matters. While it is usual

practice to place commitments to consult on the record, as we have done in this case, we certainly do not wish to signal that consultation with the devolved Administrations will be carried out only where there is a legislative requirement. Indeed—and I hope noble Lords will understand this and will have seen this—Defra has a strong record of consulting the devolved Administrations where appropriate.

Amendment 265 seeks to remove the part of the clause which will allow functions to be conferred or delegated by the Secretary of State, or provide for a person to exercise discretion in dealing with matters relating to Part 6. Again, this was a point that the noble Lord, Lord Grantchester, raised. This amendment would prevent the Secretary of State delegating routine matters, such as the collection and collation of information related to support schemes for agriculture. It is quite proper that routine matters such as data gathering can be delegated to independent bodies. For example, certain data on farm subsidy payments is currently collected for all four Administrations by the UK Co-ordinating Body—an arrangement that works well for all parties. The intention of Clause 40(3) is to mirror existing arrangements as far as possible, to ensure a smooth and efficient process for all Administrations.

In our debate on these amendments on Thursday, the noble Lord, Lord Purvis of Tweed, asked about the policy framework for limits on the regulations. I can confirm that discussions have been held with the devolved Administrations outlining our intention to put in place limits which will enable them to maintain existing levels of agricultural support spending, if they wish to do so. Any impact on the design and implementation of schemes will therefore be limited to measures to ensure that schemes do not breach WTO obligations. The opening subsection makes it clear that the power can be used only for ensuring compliance with WTO rules.

The noble Lord, Lord Purvis, also asked about the future classification of agricultural support. As an independent WTO member, the UK will continue to have the same rights and obligations as the EU under the WTO Agreement on Agriculture, and will retain the same avenues for challenging disputes raised by other WTO members. It is of course important that we get classifications right to avoid any risk of challenge. That is why Clause 42(3) allows for provision to be made for a process for the appropriate authorities to decide how different types of domestic support should be classified.

The noble Lord, Lord Purvis, also asked about the status of the LCM in the Scottish Parliament. In May, the Scottish Government recommended legislative consent for all provisions that apply to Scotland and that those we maintain are in scope of the Sewel convention, except subsections (4) and (5) of Clause 42, which have now been removed by Amendment 268, in my name. Defra Ministers have written to their counterparts to inform them of the changes. We await the view of the Scottish Parliament, which is currently in recess.

On Amendments 266 and 269, and in response to the question raised by the noble Lord, Lord Purvis of Tweed, during Thursday's consideration, Part 6 deals exclusively with ensuring UK compliance with the WTO

Agreement on Agriculture, as laid out in Clause 40(1). None of the areas cited in Amendments 266 and 269, or raised by the noble Lord, Lord Purvis of Tweed—including animal welfare, food labelling, animal health, hygiene standards, plant health standards, food safety and traceability for agricultural products, and environmental standards—are within scope of the Agreement on Agriculture. As such, it would not be possible for regulations on these amendments to be made under Part 6. In reply to my noble friend Lady Neville-Rolfe, my understanding is that the amendments are compatible with WTO matters. However, I hope that the pragmatic points I have raised on the amendments in this group assure her that the Government seek to ensure the very important compliance with the WTO rules.

I hope that, with the reassurances I have given, the noble Lord, Lord Foulkes, will feel able to withdraw his amendment.

The Deputy Chairman of Committees (Lord Russell of Liverpool) (CB): I have received one request to speak after the Minister from the noble Lord, Lord Purvis of Tweed.

Lord Purvis of Tweed (LD): My Lords, I am grateful for the Minister's fulsome response, which is characteristic of him, as well as for the good news that the talks are progressing well. No doubt we will have an opportunity during the remaining stages of the Bill after the Recess to see how well they have gone.

I wanted to come back after the Minister. I hear what he said and we have heard, not only on this piece of legislation but previously on the Trade Bill—which we will come back to—Ministers saying from the Dispatch Box that they have good intentions of consultation with devolved Ministers. However, we have seen that they have had to apologise for not carrying out consultation, including on the continuity agreement on the Faroe Islands, which was so obviously an issue which linked with Scottish Ministers, and which was not carried out. That is why this House is right to continue to press this case.

I have two questions, which arise from the Minister's full response. The first relates to the fact that the determination for these regulations will still be made by a UK department, which means, in effect, an English department. Are the Government closed to there being a distinct process, separate from a UK government department, which would look at WTO and state aid compliance? The noble Lord, Lord Grantchester, was correct to say that these issues are linked with state aid issues. I know there is an ongoing question as to whether this should be dealt with by a UK government department or a separate body that looks at compliance. Is the Government's mind closed on that?

The second question relates to the WTO. As Clause 40(5) states, this is about compliance with "the Agreement on Agriculture" ... (as modified from time to time)."

The noble Lord, Lord Grantchester, indicated that there are live discussions at the moment, especially with those developing countries that seek both changes to the Agreement on Agriculture and potentially a new agriculture agreement. With regard to the Trade and Agriculture Commission which is launching today,

[LORD PURVIS OF TWEED]
can the Minister indicate whether, as part of its remit to report to the Government, it will consider the ongoing discussions at the WTO about either a successor to the Agreement on Agriculture part of the WTO agreement or significant modifications to it? If there are modifications to it, there will have to be a new set of regulations to ensure that the UK is also compliant.

Lord Gardiner of Kimble: My Lords, I hope I have been very clear that we are dealing with a situation where ensuring WTO compliance is a function reserved not to the English Parliament but to the UK Parliament. I have also said, and demonstrated by the active discussions already ongoing within the four nations, that this is a matter on which we place great importance and on which we are working together. However, I emphasise that this is a function reserved to the UK Parliament. That will continue to be the case as we collaborate with the devolved Administrations. We have come to a bilateral agreement with the Welsh Government, and we await the Scottish Government and DAERA Ministers—our work has been successful and collaborative.

On any future development of the Agreement on Agriculture and the WTO agreement, we would all of course have to be mindful of what any such changes would be. At the moment, there are three distinct pillars of the Agreement on Agriculture, and I cannot crystal-ball-gaze as to what may happen in the future. The bottom line always is that the UK Government would have to be compliant and have to work to ensure compliance, as is their responsibility. The point that I have always made is that this is done, and should be done, working with all parts of the United Kingdom, so that this is of benefit to all parts of the United Kingdom. That is of course one of the strengths of having a United Kingdom.

Lord Foulkes of Cumnock (Lab Co-op) [V]: My Lords, a great deal has happened since I moved this amendment at twenty minutes to midnight, last Thursday. I must say I am particularly glad that I did not try to spend the weekend in Spain, so here I am in Edinburgh, able to respond to the points that have been made during the debate.

There has been one very encouraging development over the weekend. I have been approached by the special adviser to the rural affairs Cabinet Secretary in the Scottish Government, seeking to work closely with us in considering amendments in Committee and on Report. This is a very good development. I pointed out that the Minister earlier on Thursday did say that he would talk with his colleagues about further meetings with the various Governments between Committee and Report. I also pointed out that a number of Scottish Peers are interested in this Bill—my noble friend Lord McConnell, the noble Lord, Lord Purvis, and the noble and learned Lord, Lord Hope, and many others. If we as Back-Benchers co-operate and discuss things with the Scottish Government, that can only be of assistance in opening up agreements between the United Kingdom Government and the devolved Governments. I am certainly willing to be very helpful and as co-operative as I can.

Since this is the last time I am speaking, I thank the Minister for his usual courtesy—he is unfailingly courteous to us all in these debates—and the Minister and shadow Ministers for their diligence. They have been really diligent during the course of this Committee. I also add my thanks to the Public Bill Office and the Government Whips' Office, which have been really helpful to those of us who have moved amendments. In what is a new and difficult procedure for us all, they have really helped. I am sure other Members who have moved amendments will agree with me on that.

Having said all that, I look forward to returning on Report to the points I have raised during the discussion on this amendment. Meanwhile, I beg leave to withdraw the amendment.

Amendment 264 withdrawn.

Amendments 265 to 267 not moved.

Clause 40 agreed.

Clause 41 agreed.

2.30 pm

Clause 42: Regulations under section 40: classification of domestic support and provision of information

Amendment 268

Moved by Lord Gardiner of Kimble

268: Clause 42, page 38, line 28, leave out subsections (4) and (5)

Member's explanatory statement

This amendment removes the specific power in clause 42(4) for the Secretary of State to make regulations requiring the Scottish Ministers, the Welsh Ministers or a Northern Ireland Department to provide information to the Secretary of State in connection with the Agreement on Agriculture. Clause 42(5), which relates to that power, is also omitted.

Amendment 268 agreed.

Amendment 269 not moved.

Clause 42, as amended, agreed.

The Deputy Chairman of Committees (Lord Russell of Liverpool) (CB): We now come to the group beginning with Amendment 270. I remind noble Lords that anyone wishing to speak after the Minister should email the clerk during the debate. Anyone wishing to press this or any other amendment in this group to a Division should make that clear in debate.

Amendment 270

Moved by Baroness McIntosh of Pickering

270: After Clause 42, insert the following new Clause—
“International Trade Standards Commission

- (1) The Government must establish an International Trade Standards Commission within 12 months of the passing of this Act.

- (2) The International Trade Standards Commission must establish criteria for maintaining standards as high as or higher than standards applied within the United Kingdom at the time of import for agricultural goods imported under a trade agreement between the United Kingdom and any other state.
- (3) “Agricultural goods” under subsection (2) includes, but is not limited to, standards relating to—
- (a) animal welfare,
 - (b) protection of the environment,
 - (c) food safety, hygiene and traceability, and
 - (d) plant health.
- (4) A Minister of the Crown may not lay a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 that contains provisions relating to the importation of agricultural and food products into the United Kingdom unless satisfied that the criteria established by the International Trade Standards Commission under subsection (2) have been met.”

Baroness McIntosh of Pickering (Con): My Lords, I am delighted to open the group of amendments leading off with that in my name and to thank the noble Baronesses, Lady Henig and Lady Ritchie of Downpatrick, and the noble Lord, Lord Krebs, for lending their support to this amendment.

It is very timely, as today we learned that the official launch of the new Trade and Agriculture Commission has taken place. We learned that the commission will report directly to the International Trade Secretary and will produce an advisory report at the end of its six months’ work. I congratulate my noble friend, his department and the Department for International Trade on recognising the wish for such a commission. I hope he will look kindly on the need for Amendment 270 and possibly some of the other amendments in this group.

A million people have signed up to say we would like to support our farmers. Since the Covid-19 pandemic, people care much more about where their food comes from and the standards to which it has been produced. In Amendment 270 I ask that the Government establish an international trade standards commission within 12 months of passing the Act. At the time I drafted and submitted this amendment, we did not think even in our wildest dreams that there would be such a commission, so obviously the name change is not reflected in this amendment.

My disappointment is that the trade commission is not permanent; its work will wind up after only six months. We were told at its official launch that it will function as an advisory board to the Department for International Trade and the Secretary. I make a plea that the advice and recommendations given by the international trade commission be as binding on the Government as those of the Migration Advisory Committee. We heard from our noble friend Lady Williams at the Second Reading of the immigration Bill that the Home Office follows the MAC’s recommendations very closely indeed. That is the sort of recommendation-following I would like to see from the new Trade and Agriculture Commission.

I believe that it should be permanent and that the model we should look to is that in other countries with which we seek trade agreements. For example, why not model it on the US International Trade Commission, which is independent, non-partisan and quasi-judicial?

It is a federal agency fulfilling a range of trade-related mandates, providing analysis of international trade issues to the President and Congress and adjudicating on intellectual property and trade disputes. We could look to similar trade commissions that are also permanent and independent in New Zealand, Australia and other such authorities.

In proposed subsection (2) of Amendment 270, we say:

“The International Trade Standards Commission must establish criteria for maintaining standards as high as or higher than standards applied within the United Kingdom at the time of import for agricultural goods imported under a trade agreement between the United Kingdom and any other state.”

I congratulate and thank my noble friend the Minister, who confirmed on Thursday that Britain will not lower its high standards of animal health, welfare and environmental protection, but today I make a plea to my noble friend: we need fair competition and a level playing field. We need to give our farmers an assurance that they will not be undercut by imports of substandard farm produce and that their good husbandry will be recognised. It is good husbandry in particular that we should take cognisance of, rather than necessarily the processes.

A number of figures on stock density were bandied about on Thursday. I put it to the Committee that in the US—it is a matter of note—there are no federal laws on the control of stock density for pigs. In nine states, sow stalls are banned. In the remaining states, it is legally permissible to keep sows in stalls for the entire 16-week gestation period. Similarly, sow stalls are legally permitted in Brazil. I applaud the fact that in the UK we have a gold standard for stock density for pigs and that we currently have a relatively level playing field with our competitors in the European Union.

Proposed subsection (3) refers to:

“‘Agricultural goods’ under subsection (2)”,

which

“includes, but is not limited to, standards relating to ... animal welfare ... protection of the environment ... food safety, hygiene and traceability, and ... plant health.”

On a personal note, I will probably be accused of being protectionist. I am protectionist. I am protective of the chicken, the cattle and the lamb produced under potentially inhumane and intensive conditions that we would simply not tolerate in this country. Their production frequently bears no resemblance to ours, and those imports should not have any place against the produce we currently produce to our high standards in this country.

In proposed subsection (4), we go on to say:

“A Minister of the Crown may not lay a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 that contains provisions relating to the importation of agricultural and food products into the United Kingdom unless satisfied that the criteria established by the International Trade Standards Commission”—

now the Trade and Agriculture Commission, obviously—“under subsection (2) have been met.”

That encapsulates my wish that the commission will give binding advice and operate independently and that the advice will be followed by both the international

[BARONESS McINTOSH OF PICKERING]
trade and agriculture departments. At the moment, it appears that every time a press release is issued by the new commission it is issued from the department, and that does not demonstrate any act of independence whatever. I hope my noble friend's department, Defra, and the Department for International Trade will look at this.

You cannot have a perverse situation whereby farmers continue to meet our high standards of trade, welfare and environmental protection, only to be undercut by potentially substandard imports from third countries. I have a question for my noble friend. I understand that we have probably left the expert trade in agriculture group, which meets fortnightly under the auspices of the EU Commission. What will replace it? I hope the replacement will be the new Trade and Agriculture Commission but if not, which body will hold the Government's feet to the fire as they set out the detail and criteria that will be followed in negotiating international trade agreements? In my view, the Trade and Agriculture Commission will be the best place to do so but should have sight of trade texts and provide detailed feedback, which is why Amendment 270 is so badly needed. If the commission is to wind up after six months, that is not satisfactory.

I will comment briefly on two of the other amendments in this group. Amendment 271, in the name of the noble Lord, Lord Grantchester, and other noble Lords, is well thought out, but my concern is that it does not set out the role of the international trade commission or who would draft criteria against which the international trade agreements being concluded would be measured. Subsection (5)(b) of Amendment 271 just refers to a take-note report submitted, presumably, to both Houses. I believe that there should be full scrutiny through the normal means of Select Committees, assuming that the trade commission will be a permanent body.

Amendment 279 again has been well thought out and is commendable, but I believe it is fatally flawed. Having read it, I wait with great anticipation to hear what the noble Lord, Lord Curry, says. It is not satisfactory that the report will have been submitted but we cannot revert to the Trade and Agriculture Commission because it will already have been wound up by then.

In summary, we must not have a credibility gap. I am enthusiastic about the launch of the Trade and Agriculture Commission today, but it must be allowed to do its duty. It must be a permanent body and accountable to the relevant bodies, particularly Select Committees of both Houses. It should have comprehensive terms of reference, which include current and future trade talks. Its recommendations should be mandatory, in the same way as those of the Migration Advisory Committee. I beg to move.

Lord Grantchester: If there is one strong theme running through many of the amendments, it is that of standards. I am grateful to all noble Lords who have raised concerns, whether on animal health and welfare, on husbandry methods in agriculture and horticulture, on environmental and climate aspects, on food, nutrition and labelling the final product, or on intra-UK relationships and international aspects at the WTO. They are all important, because they all matter.

This country has decided. The answer is that the UK wants to bring back control, so that decisions are made at UK level. This group of amendments determines how our standards will be set, at the outset of our EU exit, and how they will be maintained.

I shall speak to Amendment 271, and I am grateful to the noble Lord, Lord Cameron, and the noble Baronesses, Lady Hodgson and Lady Bakewell, for adding their names in support. This amendment is needed, as the Agriculture Bill is a domestic measure setting a new approach to food production support by setting new domestic standards in law. That includes all present laws and regulations that pertain in the UK. All food, wherever it comes from, must adhere to this basic threshold. It is important that domestic agricultural production is on a level playing field with all production of food available and sold to UK consumers. Let us be clear: these are food production standards, not just food safety standards. British consumers have constantly demanded high production standards even, at times, in excess of standards within the EU.

2.45 pm

It is not just my postbag that shows concern about the lack of application shown by the Government. Which? has conducted extensive research on the matter and produced a report that finds that 95% of respondents agree with the statement that it is important for the UK to maintain existing food standards. Interestingly, Which? finds that those from lower socioeconomic backgrounds are less likely than those from higher socioeconomic households to believe that imported food produced to lower standards is available in the UK—11% compared to 16% in more affluent households.

Amendment 271 puts domestic standards into the Agriculture Bill and ensures full accountability for the process with which imported food must comply in the UK's parliamentary system. It takes the Parish amendment, which was deliberated by the Commons earlier, and makes various key improvements. For any chapters of a trade agreement relating to agri-food, the original Paris Agreement prohibited ratification of the entire trade deal unless certain steps were taken, including regulations being laid to specify the standards that would apply to food imports. A trade deal does not only have to be, on balance, beneficial to the UK in its provisions.

Given that this is the Agriculture Bill, this amendment narrows the scope of the Parish amendment to food, but still requires the same regulations to confirm which standards would apply. It would also require the Commons to approve formally the relevant chapters of trade deals and for your Lordships' House to debate them. This follows the same model that was used for the Brexit ratification process, so that any constitutional conflict would be avoided and the decision to rest made in the House of Commons. This would ensure better accountability of the process for maintaining food standards, with the formal setting of standards across the United Kingdom and the full participation of the devolved Administrations. This would avoid conflict arising between the reserved matters that the Government may claim and devolved outcomes that the devolved Administrations may reject.

This side of the House believes that Amendment 271 to enshrine domestic standards into law is a demonstrable first step that must be taken, so that future production and trade policy decisions do not result in a flood of substandard food on to the UK market. We do not believe that provisions contained within the European Union (Withdrawal) Act 2018 are sufficient to safeguard against future regulations, under the Specific Food Hygiene (Regulation (EC) No. 853/2004) (Amendment) (EU Exit) Regulations 2019 and others, which could dilute UK standards.

This amendment has nothing to do with any trade commission and is set up independently of the other amendments being tabled on a trade commission. The simplest way to decide this matter is by enshrining the UK's position here in law. The Conservative voters who read the Conservative Party manifesto can be forgiven for thinking this is what they were going to get, when they voted to get Brexit done. The Conservative Government are happy to enshrine Brexit twice in legislation; they are happy to enshrine the position on Huawei into law and to do it again on wearing face masks. I would welcome the Minister's U-turn on food standards as well, as soon as he can make it.

Baroness Jones of Moulsecoomb (GP) [V]: My Lords, here we are on day seven of four—Douglas Adams would be proud of us. But seven days in Committee, for a Bill of this importance and relevance, with the huge impact it will have, is not particularly long.

My Amendment 273, which is supported by the noble Lords, Lord Randall, Lord Greaves and Lord Addington, for which I thank them, is relatively simple. It would simply ensure that UK standards regarding food safety, the environment and animal welfare cannot be undermined by imports produced to lower standards. That seems self-evident to me. In fact, this group of amendments is one of the most significant in the whole Bill, because it is the one area that is strongly supported by the public. It is a fact that the Government have managed to ensure that there is an opposition of green groups, farmers, NGOs, producers, supermarkets—a whole mix of people who would not usually share a particular view. If the Government tried to ignore this issue, I hope there would be a Back-Bench revolt, because it is incredibly important.

There is huge recognition out there that trade deals are a threat to standards. We need protections in law to ensure that these standards are not undermined. The US Secretary of Agriculture has described our environmental and animal welfare standards as protectionism which should be removed in a trade deal. Well, I am with the noble Baroness, Lady McIntosh of Pickering, on this: I want to protect. That is a very good word and we should all be proud of and want to use it on issues that the majority of Britons really care about. I am terrified that our Government, desperate for the political victory of securing a US trade deal, will give in to the Americans on this issue. It is not just the United States, of course. What about future dealings with, for example, Brazil, which burns huge swathes of the Amazon rainforest to make way for cattle pastures? Trade policy is a huge tool for international diplomacy. Your Lordships must be able to trust the Government to make the right decisions when they make these deals.

The merits of these amendments aside, we will have to have this same fight again on the Trade Bill. The Minister might even say that the Trade Bill is the proper place to discuss these issues. But one has only to read *Hansard* on the Trade Bill in the other place from last week to see that Ministers told MPs that the Agriculture Bill had dealt with all these issues and that MPs had nothing more to worry about. It is normally considered out of order to refer to proceedings in the other place, but it is very important when the Government simultaneously tell each House the opposite thing. That is exceptional and needs drawing to your Lordships' attention.

I hope the Minister will commit to working constructively to bring forward an amendment on these issues on Report. I am certain that we will pass one of these amendments, and it might as well be one that the Government can accept. We will pull together on this, along with the British public, to make sure we protect our farmers, our farming regimes, our standards on animal welfare and the way our food is produced.

Lord Hain (Lab) [V]: My Lords, I agree with what the noble Baroness, Lady Jones, said about public interest in this particular issue. I also follow my noble friend Lord Foulkes in thanking the Minister, the public Bill staff, the Government Whips and the broadcast facility staff for their marathon effort and courtesy.

My Amendment 276 would require new international treaties on the import of agricultural and food products to comply with World Trade Organization safety rules and the UK's own standards. It was first proposed by the chair of the Environment, Food and Rural Affairs Select Committee, the Conservative MP Neil Parish, and is backed by the British Veterinary Association, the National Farmers' Union, the RSPCA, the Wildlife Trusts, Friends of the Earth, Greenpeace, the Soil Association and the World Wide Fund for Nature. It reflects a lack of trust that we can rely on the Conservative Party manifesto, which promised:

"In all of our trade negotiations, we will not compromise on our high environmental protection, animal welfare and food standards."

Sadly, the amendment was voted down by government loyalists in the other place. We note that whenever Ministers have been challenged in debates on the Bill to back up this pledge with legal protections, all that has been offered have been vague aspirational murmurings. I hope I do not give any offence to the Minister, who is diligent on these matters, but that is the truth.

The legal protections that European Union membership provided in these and many other areas, including agricultural workers' rights and targets for reaching net-zero emissions for the agriculture industry, are nowhere to be found in the Bill. It has become clear that the Government regard such protections for our farmers and the environment as a barrier to a trade deal with the United States. So desperate are the Brexiteers to declare UDI from the EU that they are prepared to prostrate themselves at the door of Donald Trump's "America first" trade and sell out our farmers, while turning a blind eye to environmental degradation and poor animal welfare standards abroad.

Now we are no longer part of a major trading bloc—the biggest trading bloc in the world—the Brexiteers' sacred cow of sovereignty will not prevent Washington

[LORD HAIN]

using its superior economic weight to set the terms of any deal with an isolated United Kingdom. British farmers and our food processors would be undercut by imports of food whose production is banned here. Of course, cheap, poorer-quality US food imports will remain cheap only as long as our domestic production proves viable enough to provide a meaningful competitive market. Farmers would face a choice between lowering standards and seeing their livelihoods destroyed. Minette Batters of the National Farmers' Union has said:

"Farmers are going to feel betrayed ... I don't recall anyone selling a vision of post-Brexit Britain as one involving lower-standard food filling shop shelves while British farmers ... go out of business."

If UK agriculture cannot survive, prices of imports will rise, leaving the country dependent on imported food of dubious quality.

Lowering UK standards will, in turn, create barriers to agreeing a trade deal with the European Union, which is needed to preserve farmers' important EU export markets, since US food standards are incompatible with those of the EU. Europe is not only the most significant destination by far for our agricultural exports; in addition, the EU has negotiated international trade agreements on our behalf with our most important non-EU trading partners, so replacement deals will also have to be negotiated to ensure continued agricultural access to those markets. The EU is also our largest source of food imports, providing fully 30% of our food supplies, so more empty shelves could be in store.

Even before the Brexit decision was made, UK farming already faced major challenges, including increasing globalisation, international competition, changing consumer expectations and preferences, accelerating technological innovation, and longer-term pressures brought about by climate change. As everyone knows, farmers are subject to price volatility and market pressures that continue to put their livelihoods at risk. The added uncertainty of future trade deals with the EU puts their future export markets at risk. The EU provides a vital destination for UK food exports, with the Irish Republic, France, Germany and the Netherlands being the principal markets.

A trade deal with the US would also threaten the National Health Service and would be imposed without consent. The Trade Bill, which had its First Reading in your Lordships' House last week, makes no provision for parliamentary scrutiny of future trade deals and will grant the Government Henry VIII powers to change the law on trade agreements without parliamentary approval. The devolved Administrations do not have any role in negotiating or approving international trade treaties.

Rather than taking back control, the UK could even become a satellite state of Donald Trump's US in a race to the bottom. That is the reality of these harmful plans for a hard Brexit, which threatens not just our food producers but animal welfare and the environment. The pandemic has shown the importance of food security, a healthy diet and a harmonious relationship with nature. These plans need to be opposed before it is too late.

3 pm

Lord Empey (UUP): My Lords, I thank the Minister, the noble Baroness, Lady Bloomfield, and other noble Lords for their perseverance. The Minister has been granted the patience of Job. I fear that his patience may be frayed when we reach Report, but we thank him, the Public Bill Office and others for their enormous work in this marathon.

I will speak to Amendment 278 in my name, and thank the noble Lord, Lord Wigley, for lending his name to it. It is clear from this group of amendments that an underlying fear exists. I want to see trade deals with third-party countries, but on the basis of helping the United Kingdom grow its economy and be more efficient, not of undermining significant parts of our industry. Over the last 40-odd years, the Government, consumer bodies, processors, retailers and farmers have expended an enormous amount of time, energy and money ensuring that UK food is produced to the highest standards possible. Why we would suddenly allow very inferior food products produced to a much lesser quality and standard into the United Kingdom to compete against our own superior goods I do not know, but it is possible.

I thank the Minister for arranging a meeting with the noble Lord, Lord Grimstone, and others, so that we can at least hear his point of view, and that of the Department for International Trade, but there are too many straws in the wind that concern me. We hear talk of tariffs being applied to imported products, whether from the US or elsewhere, to level the pitch, but what is introduced one day can be taken away the next. The Minister must understand that not all parts of the United Kingdom are playing on the same level pitch. My part of the country is still in the EU and, pertaining to the previous group of amendments, we are still subject to state aid rules. Who will negotiate and implement those, and who will deal with any infringement of those? It is unclear. From our point of view—this has resonance for other parts of the UK—the standards we will be required to adhere to will be the standards of the European Union. There is nothing wrong with having different standards, provided there is an equivalence, and that can apply also to finance and other things, but who is to determine the equivalence?

This goes back to the point made by the noble Baroness, Lady McIntosh, when she introduced this debate. A flash-in-the-pan commission will certainly not be able to do it. With no disrespect to the Minister and his colleagues, last October, when the withdrawal agreement was being made, promises were made about the arrangements not only to people in Northern Ireland but to the whole country. Those promises were not kept. Many of our representatives ended up endorsing a proposal that produced a border in the Irish Sea, and yet there continues to be a denial of this. Lest someone from the Box sends the Minister a note telling him that Northern Ireland will have unfettered access to the UK market, I point out that this is not guaranteed, because it is subject to negotiation with the European Union, which at present could require us to make export declarations if we are sending products to Great Britain. The Minister needs to bear that in mind.

We do not want to make life difficult for our international trade negotiators, but if a situation arose whereby our farmers were confronted with different and lower standards in Great Britain, then because Great Britain is our biggest single market, automatically our farmers would be uncompetitive, and that would apply also to those operating in less favoured areas, such as the Scottish and the Welsh. This is a very serious business that we are discussing. I know that the Minister will be anxious to reassure us, and I have absolutely no doubt that he is sincere in that undertaking, but between 2 October and 17 October last year, I saw black become white. Therefore, he cannot allow an undertaking to be sufficient. It must have a basis in law, and this Bill, since we are discussing agriculture, seems a logical place to put it.

Someone who has been in the system for a long time knows that when an amendment comes, it can be argued that “Now is not the right time, we are in the middle of negotiations” or “This is not the right vehicle because we have another vehicle coming down the track which would be a more suitable location for it.” We can deal only with the vehicle that is in front of us at any point in time. What might come around the corner is fine, but if there is a sincere commitment to maintaining current or equivalent standards, it should have no difficulty being written on to the face of the Bill. Consumers and producers throughout the United Kingdom are basically supportive of that. Were it our tradition in this House to vote on amendments in Committee, I would pursue that today, but another opportunity will arise on Report in the autumn. I urge the Minister to ensure that there is a positive response then.

Some of us find ourselves left in the EU and required by an international treaty, supported by the UK Government, to adhere to EU regulations, even though we will have no input on them, which is another matter. There is so much at stake here, and we believe that maintaining our standards is good for the health of our nation, our producers and our food security and supply, and for allowing the sector to reinvest and be efficient. However, if we decide, for whatever political reason, to cut and run, which could happen, and since decisions can be made overnight, as we have seen in recent months, we need some legal assurances that we are not going to be left in such a position in the future.

I appeal to my noble friend the Minister to ensure that when we come to Report, he and his colleagues consider the widespread views in this House and ensure that our agriculture sector, food processing and all the welfare issues that have been addressed are not forgotten about, and accept that a nod and a wink will simply not be sufficient.

Lord Curry of Kirkharle (CB) [V]: My Lords, I declare my interests as listed in the register. It is a huge privilege to follow the noble Lord, Lord Empey. I appreciate the comments of all the previous speakers on this group of amendments.

I will speak to Amendment 279 in my name, and thank the noble and learned Lord, Lord Wallace of Tankerness, for his support. I apologise in advance for taking slightly longer in introducing this amendment. It is impossible and would be quite wrong to run

groupings of amendments in order of importance, but this group is among the most important we have debated over the seven days that we have spent on the Bill this month.

While having my long-awaited haircut last week, the hairdresser asked, “Are you involved in this chlorinated chicken issue?”, as it has become known, such is the level of public awareness. I am slightly concerned about being accused of jingoism in this wide-ranging debate about our production standards. Having farmed all my life, I know that our production standards are not always perfect. However, over the past 35 years that I have been involved at national level, we have striven to respond to consumer concerns, and even anticipate changes, and react accordingly. This is a dynamic space, and the standards of crop and livestock husbandry, including animal welfare, food safety and care for the environment, that we have in place today have been hard-won and are being delivered every day on our farms.

Standards are reviewed every year to make sure that they are relevant and appropriate. We absolutely must not undermine consumer confidence in our food. I experienced the consequences of that in the 1990s with BSE in beef when I chaired the MLC: beef sales dropped by 30% overnight. Scaremongering over hormones in imported beef could have a similar impact.

It is important to state that I had been working on this amendment and had it ready to table before the Secretary of State for International Trade, Liz Truss, announced the establishment of the Trade and Agriculture Commission, which has been launched today. Subsequently, the membership was also disclosed. I then found myself in a slight quandary. Do I table the amendment or not in view of the announcement? After careful consideration, I decided to proceed with the amendment for reasons that I will outline in a moment.

I was delighted by the announcement that the Government plan to establish the commission and I commend the Government for taking action. It was a pragmatic and sensible response to the rising tide of public concern about this issue. The appointment of Tim Smith as chair of the commission is an inspired choice. I know him well, as I do many other members of the commission. I am absolutely confident that, under Tim’s leadership, the commission will be thorough, will carry out its task with diligence and integrity and will seek additional expertise and advice if needed, which it will be, to ensure a good understanding not only of the issues at stake but the global marketplace that we are trading in and stakeholder views, in particular those of the environmental NGOs and consumer organisations. So I welcome this commission.

I have three fundamental concerns, hence my reason for deciding to proceed with this amendment. The first is the authority and influence of the commission. The second, linked to the first, is the role of Parliament and the obligation on the Government to respond to the commission’s initial report. My final concern is the longevity of the commission. There is no question that when the Secretary of State announced the establishment of this commission, it was an attempt to head off pressure to include a standards clause in the Bill.

[LORD CURRY OF KIRKHARLE]

Much public comment since the announcement has described this as a sop and described the commission as toothless. This must not be a sop. The role of the commission is hugely important. It has a critical role, not only in defending our existing domestic standards but, importantly, in influencing future global standards of international trade. The current terms of reference understate the importance of the role and the influence of the commission.

Under the current terms, the commission will set up for six months and will submit an advisory report to the Secretary of State, which will be presented to Parliament. It will then be disbanded and disappear into the mist. There is no obligation on the Secretary of State to take its recommendations seriously or respond positively, and no clear indication that Parliament will be given dedicated time to scrutinise and debate the recommendations of the commission. The amendment addresses that weakness.

3.15 pm

Finally, on longevity, I fully understand the Government's reluctance to create another quango, but I disagree with the short-term remit of the commission. In response to comments earlier by the noble Baroness, Lady McIntosh, I refer to proposed new subsection (14) of my amendment. It states that the Secretary of State "may ... confer further functions on the TSC"—

the trading standards commission—after its initial report has been published. Under proposed new subsection (15), the Secretary of State can amend the initial period of six months,

"provided that such an extension is agreed by the TSC."

I absolutely agree with the noble Baroness about the need for it to have a continuing role. As the noble Baroness said, similar bodies exist in New Zealand, Canada, Australia and the United States and they have an ongoing role. That is critical and we should follow the proven example of other trading nations. The task of the TSC for the first six months is to set out the road map—to define the terms under which trade deals should be negotiated. It would be irresponsible then to leave matters hanging in a vacuum and have no independent scrutiny of the deals negotiated to ensure that they conform to the recommended framework.

I have one other important point. Agreeing a trade deal and having our global trading partners sign up to an agreed standard is the first easy step. It is not the end of the journey. There is a need for an ongoing monitoring role to ensure compliance with the agreed standards. I am deeply concerned about that. Every farm in Britain that is a member of an assurance scheme—the vast majority—whether organic schemes, LEAF or Red Tractor, is inspected every year to ensure compliance. One of the commission's tasks would be to ensure, as far as possible, that that element is included in an ongoing monitoring role. Agreeing standards is, as I said, easy. Verifying that those standards are in place will be a huge challenge.

In conclusion, I reiterate what I said at the beginning: I welcome the establishment of the Trade and Agriculture Commission and its membership. The amendment is not proposed to replace the commission with an alternative

body, but preferably to strengthen, enhance and extend its role as already announced. It is very much in the Government's interests to accept the amendment, and I hope that the Minister will be able to do so. I look forward to his response.

Lord Bruce of Bennachie (LD) [V]: My Lords, my Amendment 280 is in this group, and I am grateful to the noble Lord, Lord Wigley, for his support. It is slightly different from the groups of amendments that we have already heard about, although I support most of the comments made in support of those amendments.

The specifics of this amendment relate to the lamb and beef sectors, which potentially face an existential threat in the event of a no-deal Brexit. The amendment therefore calls on the Government in that event to produce a report for Parliament to deliver their analysis of the impact on the lamb and beef sectors within three months of no deal having happened.

The situation for cattle and sheep farmers in the event of no deal, or indeed a hard Brexit, is unclear and complicated. The Agriculture and Horticulture Development Board has produced a series of reports outlining the challenges facing these key livestock sectors, which are crucial to the uplands of England and pretty well the whole of Scotland, Wales and Northern Ireland.

According to ADHB, around 82% of beef exports and possibly more, amounting to £400 million to £500 million a year, goes to the EU, while 89% of lamb exports, worth more than £400 million a year, also goes to the EU. That is not only crucial to the profitability of UK livestock farms, but disruption could dramatically upset the supply and demand balance in the domestic market. There is also a significant export market in live calves and lambs for finishing, which contributes to the viability of many farms.

In the weeks after the referendum result, I was informed that in some livestock markets, lamb sales for export fell by 80%. Although demand recovered, because by definition there was no alternative source to be found at short notice, it gives an indication of how things will change. Of course, in the meantime, EU importers have had a chance to plan.

In the event of no deal, tariffs will be imposed at levels which could make the trade uneconomic. The tariff on a beef carcass is 92% and on a lamb carcass it is 45%. Not only that, there are additional tariffs on cuts which can add up to over 100%—more than the cost of the cut itself. In addition, even if we secure a tariff-free agreement, all meat products entering the EU from third countries, which will be us, have to be veterinary approved to EU standards and inspected at the point of entry. Without such approval, we will be banned from exporting lamb and beef to the EU altogether. Will the UK be able to secure EU-approved health certificates by 31 December? How will the need for border inspection affect costs? Despite assurances to the contrary, we know there will be a massive increase in bureaucracy even with a deal. The government website is advising people to prepare for this by hiring a customs agent or taking on extra staff.

The European Affairs Committee of the British-Irish Parliamentary Assembly, of which I am a member, looked at the Brexit arrangements being put in place

by the Port of Dublin at a cost of more than €30 million. They involved substantial changes to the port layout to provide time and space for inspection plus back-up lorry parks off-site to manage the flow through the port. At the moment, a beef sandwich for sale in Marks & Spencer Dublin is shipped in from Liverpool. How will that have to change in the event of a hard Brexit? How will cross-border movements be managed? It will surely depend on trust, and the refusal of the UK Government to allow the European Commission to have an office in Belfast does not bode well. The unique arrangement of the Irish protocol, and the need for cross-border movement of beef and lamb, can work only if the origins of the products are clear and transparent.

Prices of beef and lamb may fall, which may seem to be to the benefit of the British consumer in the short run. However, if there is a large-scale welfare cull by farmers unable to feed the animals with no market in prospect, much of the stock may never reach the shelves. In any case, in that situation the UK lacks the cold storage to absorb a mass cull on this unprecedented scale. At the same time, if it sees the rearing of sheep and cattle undermined and bankrupt farmers—some of them will be bankrupt in these circumstances—leaving the sector, it could lead to future shortages and a radical change in the landscape, especially of our uplands. To prevent that happening will require rapid and substantial government intervention.

It is argued that we can find new markets, but in a fiercely competitive international marketplace we will not be able to replace the volume and value of the EU market any time soon. On day one, we lose the trade deals in place for the EU, with in most cases no successor deal in play or in short or even medium-term prospect. In any case, what is the cost and environmental logic of shipping meat across the world instead of to our neighbours? I know New Zealand does it, but on a radically different agricultural regime which we cannot match. For UK farmers, it may not even be profitable. If we leave the transition without a deal, the disruption will be immediate and catastrophic. We will not have significant alternative trade deal markets. The likelihood of any deal with the USA by then is nil. If a deal is ever negotiated, it will be on “America first” terms, and if we end up importing products that do not meet our own or EU standards the EU will insist on rigorous measures to prevent them reaching its markets.

Obviously, this is a probing amendment, but it has serious intent. No deal would plunge the sector into immediate, and for many farmers existential, crisis. A report within three months will not be enough without immediate action, but at least farmers will know that there will be a quick assessment. I urge the Minister to accept the amendment or to propose a similar government alternative. We are facing not just the prospect of millions of lambs for premature slaughter but the decimation of a sector which dwarfs the fishing industry in its importance in terms of jobs, value, heritage and landscape, yet is largely ignored by Government and the media. I hope the Government and the House will recognise that no deal will be so disruptive in this sector that it will transform British farming for a generation and change the landscape of much of the United Kingdom.

Baroness Henig (Lab): It is a great pleasure to follow the noble Lord, Lord Bruce of Bennachie. At the outset, I join others in thanking the Minister for his patience, tolerance and good humour throughout the seven days of this Committee. It is much appreciated across the House.

I shall speak to Amendment 270, to which I was happy to put my name, and I am very pleased to support the noble Baroness, Lady McIntosh, who moved it so ably. We have already heard this afternoon that the Government have set up their own Trade and Agriculture Commission. Unlike the ones envisaged in these amendments, it is a bit of a makeshift. It will sit for only six months in the first instance, draw up an advisory report for the Government and then disperse. However, many of the issues it has been charged with advising on are extremely relevant to the Bill. For example, one of the tasks is to look at what sort of

“Trade policies the Government should adopt to secure opportunities for UK farmers, while ensuring the sector remains competitive and that animal welfare and environmental standards in food production are not undermined.”

Another of its tasks is:

“How the UK engages the WTO to build a coalition that helps advance higher animal welfare standards across the world.”

These are important issues and show that the Government agree with many of the sentiments expressed in this amendment, but, unfortunately, at the moment the Government’s commission is to help them to navigate the next six months only. The Government’s commission has no parliamentary oversight, as we have heard, and the RSPCA commented that it will not protect in any effective way United Kingdom animal welfare standards, so I think we must try to push the Government further along this road.

At the moment, under the Constitutional Reform and Governance Act 2010, there will be little chance to scrutinise the trade agreements which will have such a major impact on United Kingdom farming and agriculture and there is no parliamentary oversight of such agreements. Taking control of agricultural policy from the EU should not mean the Government taking more control with no oversight and no role for Parliament or any of the other agencies. There has to be the opportunity for more scrutiny and debate than is at present being proposed.

On Thursday, I spoke about strong public support for existing standards of food production and animal hygiene and welfare, and that has been supported this afternoon by other speakers. We heard, very importantly, from the noble Lord, Lord Empey, that Northern Ireland will retain its existing high standards in these areas, and I have no doubt that Scotland and Wales will wish to do so as well. That seems to be a very strong argument for a body such as is being proposed in Amendment 270 to uphold and oversee the standards regime. We have heard that other countries have such bodies. The noble Baroness, Lady McIntosh, told us about Australia, New Zealand, South Africa and the United States of America. It is found to be extremely useful in those countries. We in the UK at the moment have no such machinery. I think we need to find a way of establishing a standards regime with regard to food, animal welfare and hygiene—a regime that then becomes part of our governmental and parliamentary machinery.

[BARONESS HENIG]

I recognise that these are relevant to the Trade Bill as well as to this Bill, but because they will have such a profound effect on all the issues discussed in this Bill, I think we have to discuss them in the context of the Agriculture Bill as well as the Trade Bill. We may well hear the argument that the Government have a set of powers in negotiating trade treaties and that they must not be undermined. We have heard that argument before and I am readying myself to hear it again at the end of this group of amendments, but we have to find a way of promoting consensus on standards across not just England but Wales, Scotland and Northern Ireland. We have to do it in a non-partisan way. That is why a commission along the lines set out in Amendments 270 and 279 could play such an important role and why I put my name to Amendment 270 and hope that the Minister and the Government give it their most urgent support.

3.30 pm

Lord Cameron of Dillington (CB) [V]: My Lords, I put my name to Amendment 271 with a degree of sadness, just as, I am sure, the current Defra Secretary of State did when he was temporarily out of office last year. He put down his own, similar amendment to the Bill as it was last year and wrote an article in the *Guardian* supporting his views.

As others have said, the problem lies with the Government's manifesto commitment, saying:

"In all of our trade negotiations, we will not compromise on our high environmental protection, animal welfare and food standards",

and then trying to reconcile that with achieving a trade deal with America and, inevitably, other countries. To make the situation more complicated, at the same time we are trying to prove to the EU negotiators that, if anything, the standard of products available in the UK, and thus possibly available for re-export to the EU, will go up and not down—that there will be no regression on what has become known as the level playing field. A further factor of course is that the British public are adamant that we should support our farmers against cheap imports. There is absolutely no wish, out there, for a race to the bottom. Having had numerous assurances from numerous Ministers that there is nothing to worry about, it seems odd to me that we cannot have something on the face of the Bill.

As far as I am concerned, this is not a food safety issue. The Food Standards Agency and Her Majesty's Revenue & Customs have all the powers they need to audit and control the quality and safety of the food being sold in this country, so there is no need to worry, for instance, about chlorinated chicken as such. It is the production methods, not the product, that matters. If the President of the United States and his regulators think that disinfectant is the cure for all ills—including, apparently, Covid 19—then that is up to them.

However, if certain states—and it is only certain states—allow their farmers to breed their chickens with a higher density than is legally allowed in the UK and they do not have to clear out the litter between batches, and we are then forced to accept their product as imports, that is something that we should get hot under the collar about. Under their sub-standard

regulations, production costs are much cheaper. Capital costs per head, for instance, are some 13% cheaper. Therefore, if our farmers are to compete on an equal footing, they have to risk going to prison for breaking our laws or we have to change our laws in a race to the bottom—or, best of all, we should just insist on some form of certification indicating that the US farms supplying us with chickens are breeding to our standards. It is not a very difficult thing to do. Every farmer in this country supplying a supermarket has to have every aspect of their farming processes supervised and certified by that supermarket.

Similarly, hormones in beef are not really a problem in the human diet—although they might undermine consumer confidence, as the noble Lord, Lord Curry, has just said—but many would argue that their use is an unnatural way of rearing meat. Again, the main point is: do we lower our standards, which have been in place in this country for some 35 years, or do we just say no? Ractopamine in pigs is another matter altogether, of course. It is an additive used to manipulate growth and is known to cause lameness, trembling and shortness of breath. It should not be used to produce pork eaten in this country. If we were to import such pork—not that I think we will—it would be tantamount to exporting animal cruelty.

This is not a party-political issue. The Government are aware that farmers have the people on their side. More than a million people signed the NFU petition, and voters will not forgive the Government if they sell our farmers down the river. I think their gut feeling is that, if it were the other way round and the US was insisting that we raised our standards before we could export to it, there would be absolutely no doubt that we would jump to it without a murmur. That is what happened in the 1980s when New Zealand wanted to sell its lamb to China. New Zealand had to produce an entirely different product. That is the way these things work. Who on earth wants to market their goods on the basis that they are cheap and dodgy?

Turning to the letter from the DIT on the Trade and Agriculture Commission, I have to say that I am not overly impressed. Both the commission's terms of reference and its output would be at the beck and call of the DIT, its short life would hardly allow its members to get their feet under the table, and its recommendations would be only advisory. In other words, it would have no teeth and a very short-term say. I fear that it is more of a PR sop than a genuine effort to provide a solution to this problem.

Personally, I am not fussed which solution we as a House support: this detailed amendment—Amendment 271, to which I have put my name—the rerun of the Neil Parish amendment in the name of the noble Lord, Lord Hain, or Amendment 279 in the name of the noble Lord, Lord Curry. However, on the latter, like the noble Baroness, Lady McIntosh, I would have to insist that his commission was given, on the face of the Bill and not just at the whim of a Secretary of State, an extended life to continue its work on trade deals into the longer-term future. Anyone who thinks that all trade deals will be wrapped up in a year or two is fooling themselves. I suspect that the key period

will be from three to 10 years from now, so it is vital that this commission can still do its work during that time.

Let us think what a difference we could make. As the current Secretary of State at Defra said in his *Guardian* article last year:

“In the US, legislation on animal welfare is woefully deficient”. Maybe we can help with that. We should note, for instance, that in the EU free trade agreement with Chile, the EU insisted on animal welfare provisions in the agreement, and Chile’s animal husbandry and slaughter standards have indeed gone up since. We should remember that we in the UK are the third biggest market for food imports in the world, and countries will remain very keen to sell their products to us, even if we stick to our guns—maybe especially if we stick to our guns. Being able to sell into a quality market is no bad advertisement for your goods, so perhaps we can make a difference to the way livestock is reared in all parts of the world. Let us be ambitious about this.

Lord Greaves (LD): My Lords, if the Government are not too keen to listen to the voices from Opposition Benches or even from expert Back-Benchers on their own side, they really ought to listen to someone like the noble Lord, Lord Cameron of Dillington, who speaks in this House as the voice of the countryside and of farming communities.

This group of amendments is very important. Even though we are now on the seventh day in Committee on the Bill, it is one of the most important groups of amendments that we will discuss. That is why I was very happy to put my name to the amendments from the noble Baroness, Lady Jones of Moulsecoomb, and the noble Lord, Lord Hain, which between them cover food standards on the one hand and animal welfare, plant health and the environment on the other.

I repeat those four things because they sum up just why politically this is such an important issue for the Government. This is an extremely unusual issue, in that it unites a whole series of people in the country who would not normally march down the street together. I know that this Government are rumoured to take daily opinion polls and have a focus group every 10 minutes to work out what people think about things, so they must know that what I am saying is true and that somehow they have to draw the line and put it into legislation, otherwise people will never be satisfied.

This is also an issue that unites the media, and not just the farming media or the liberal-left minority media who normally get involved in this matter. It also includes the right-wing tabloids—the *Daily Mail*, the *Daily Express* and the rest of them—and the *Daily Telegraph*. We have seen what happens when they get behind a campaign such as this: the Government cannot win unless they are able to satisfy them that everything is okay.

I ought not to be giving political advice to the Government; I ought to be telling them to do hopeless things that allow me to go out on to the streets to campaign and say what rotten folk they are. However, this is too important for that. I know that Ministers in this House are not the final decision-makers on what they can and cannot do; they are working for their

bosses in other places. Nevertheless, we have here a Minister who has influence and authority in the department, and we are relying on him to come back with something that will satisfy us and the country. I say that in all honesty, although perhaps he does not want to hear it.

On issue after issue, we now have a country where a large number of people are very frightened about their health, because of Covid and everything that has happened. A lot of people are scared to go out of their house, and if they are willing to do so they will want to wear a mask for the next 10 years. A lot of other people are on the side there, but a lot of the people who matter are very frightened. We also have a Prime Minister who has just launched a campaign to make sure that we are all a bit less fat. I can appreciate that and I will join his campaign, but these issues are all linked: good health, good food, relying on good farming and good production processes, and all within a good environment that allows people to go out and enjoy themselves and get exercise.

It seems a long time since we started this Committee. When we were discussing access, perhaps on the first day, and people were worried about the speed at which we were going, I said, “Well, you ain’t seen nothing yet”. For good or for bad, I have been in your Lordships’ House now for over 20 years, and I have to say that seven days in Committee for a Bill of this complexity, importance and size is not unusual; it is normal. I do not think it is because we have had to operate within this hybrid system. I join everyone who compliments the staff, the leadership and everybody else who found a way for us to have something that approximates to a Committee. Even though I agree entirely with what the noble Lord, Lord Cormack, said earlier in the House about the need to get back to a new normality—if that is not a contradiction—because we have to make more progress, nevertheless we have had something approximating a Committee and everybody needs to be congratulated on that. However, I do not believe that this Committee a year ago it would have taken less than seven days; in fact, it might even have taken a bit longer.

To go back to the amendment, I am not an expert on a lot of the things in this group, although I know about the environment, but they are so important to people. Everybody cares about food. Increasingly they care about good food, increasingly they care about the environment and increasingly they are realising that the future of farming is in jeopardy unless we get it right.

I beg the Government to listen to what is being said here today by voices across the House, by voices from the rural parts of Yorkshire and Northern Ireland, by the noble Lord, Lord Cameron, from the countryside—people who know what they are talking about. Unless something comes back, I think the Government will suffer serious defeats on Report. Another old tradition of the House is that ping-pong goes on for longer than two days, and this may be a sufficiently important issue that we might even get back to proper ping-pong.

The noble Lord, Lord Empey, said that the tradition in this House is that we do not vote in Committee. That is absolute rubbish. It is a modern invention by

[LORD GREAVES]

Governments trying to have an easy time. There are traditions and traditions in this House. I do not know whether Lord Palmerston would recognise our House today as the one that he presided over, but I do know that for the first 10 or more years that I was a Member here we always voted in Committee. I am not suggesting that we should in hybrid, because that is a bit different, but voting in Committee is a very good way of getting shot of some issues early, one way or the other, and allowing the major issues to go to Report. So when people tell you that what happened last year or the year before are the traditions of this House, it is bunkum. The traditions of this House go back longer than any of us—even those of us who have been here rather longer than we ever thought we would be.

3.45 pm

Lord Randall of Uxbridge (Con) [V]: My Lords, I start with an apology to your Lordships, and particularly to the Minister. On Thursday evening I implied that my contributions to this Committee would be at an end. My excitement at seeing the light at the end of the tunnel made me forget that there was this group of amendments—so I apologise for that.

I do not think I need to add to what has already been said. I have been listening to lots of speeches, some of which are rather like those pieces of classical music that you think are going to end; they carry on a bit and carry on, and only eventually do they come to an end. I do not want to do one of those. I just want to say to my noble friend and to Ministers generally that I understand where the problem is: there is perhaps a conflict between two departments, the department that the Minister represents and that of trade.

I would also say, with the experience of having been a Whip in the other place for a long time, that sometimes you have to read the Room, and I would say that there are things the Government could be looking at. If they thought the establishment of the commission was a good compromise, it was a good start, but I am afraid its composition leaves many people a little wary and, as my noble friend Lady McIntosh said, the short period for which it is going to be in existence is also a concern.

I say to my noble friends on the Front Bench that I was always taught in business that if you are having a problem with cash flow, it is rather like a car that is heading towards a brick wall: it is better to either slow down and then go round that brick wall or to stop. It is not a good idea to go rushing at full speed, hoping that you can brake at the last minute and avoid a crash. I would say that a little more has to be offered.

This is important. I understand the arguments and I support Amendment 273. Things have moved on a bit, but we need to see a little more, otherwise I am afraid that things will not be all that easy for the Government in this regard.

Lord Wigley (PC) [V]: My Lords, I am delighted to follow the noble Lord, Lord Randall. I note his constructive comments on brick walls and the dangers of driving at them at speed, and I am sure the Government too will have noted them. I again draw attention to my entry on farming matters in the register of interests.

My name stands on Amendment 276 in the name of the noble Lord, Lord Hain, Amendment 278 in the name of the noble Lord, Lord Empey, and Amendment 280 in the name of the noble Lord, Lord Bruce. I am delighted to support all three noble Lords who have spoken and I will not repeat the comments that they have made, save to pick up the very important thread that the noble Lord, Lord Bruce, has introduced previously and repeated today: namely, the real dangers in the present climate for hill farmers. I am concerned about them in Wales, but of course that is an equal concern in other parts of the United Kingdom. I certainly am not prepared to see them sold down the river in order to secure a trade deal with Trump's America. That is where I come from on this bank of amendments.

I very much endorse the comments made by the noble Baroness, Lady McIntosh, in introducing Amendment 270 and her comments on the need to avoid unfair competition from subsidised imports and the need for there to be a level playing field. I agree with the comments made earlier regarding the vital importance of this amendment made by the noble Lord, Lord Curry, and repeated by Lord Greaves; this may be the most important bank of amendments in Committee.

I pick up the point concerning the commission that has been announced today. It may last for only six months and it may not have real teeth, but it gives an indication of the direction in which we should be moving. Perhaps it may be a main thread for us, when we return to these matters on Report, to take up the weaknesses in the commission suggested by the Government, put it on a permanent basis and give it real teeth. If we are able to do that, we might be able to introduce some safeguards, which undoubtedly people the length and breadth of these islands want with regard to the security of the food that comes on to the market and that they will be consuming.

I also endorse the point made by the noble Lord, Lord Hain, about the range and width of the bodies which support the aims of these amendments. With such a cross-section of bodies, the Government would clearly be very ill advised to ignore their comments.

All these varied amendments underline the real concern in all parts of these islands, but also all parts of the Committee, with regard to the significant dangers of food being imported whose standard is below that required of UK-produced food. I accept that Ministers in both Houses have given assurances on these matters but, to my mind, there have to be safeguards in the Bill—in legislation—to underpin any assurances of this sort. They have to be on a statutory basis if they are to have some meaning. That is why I hope very much that we may have some indication from the Minister today that the Government will still consider further steps, over and above the commission announced today, in trying to meet the real fears described by so many noble colleagues in this debate. Finally, I join others in thanking both the Ministers for their diligence during Committee. I look forward to returning to many of these issues on Report.

Baroness Ritchie of Downpatrick (Non-Aff) [V]: My Lords, I am delighted to follow the noble Lord, Lord Wigley, and to support Amendment 270 in the

name of the noble Baroness, Lady McIntosh of Pickering, to which I have added my name. I also support the other amendments in this group.

This debate on food and trade standards is one of the major issues in the Bill. It directly correlates with the debates we had last week on food security and insecurity. If we have strong food standards, as we do, and which we do not want undermined or undercut in any way, it therefore relates back to the issue of food security. The major issue then was that, as a result of Covid, many people were experiencing insecurity and an inability to access that sound food supply.

Like the noble Baroness, Lady McIntosh of Pickering, I welcome the establishment today of the Trade and Agriculture Commission. I welcome its official launch as it contains representatives from the farming unions and the hospitality sector throughout the UK, including the devolved regions. Where I am disappointed is that it does not have a statutory base, as referred to by the noble Lord, Lord Wigley, is time-limited and will simply report after six months. Like him, I see it as a staging post for the Government. It should be a means for the Minister, who has been very gracious in all his responses to us during the seven days of debate in Committee, to have talks within the usual channels and with ministerial colleagues in Defra on how they can put this commission into the Bill and give it the required statutory basis.

None of us, particularly our farmers and those involved in food production and the food supply chain, wants to be undermined by cheap imports of lower standards from other countries. Coming from Northern Ireland, I definitely do not want to see that. I know that the noble Lord, Lord Empey, has referred to the peculiar and different situation of Northern Ireland, which for agricultural purposes will still be subject to the state aid rules of the EU. In that respect, because there has been little movement on the development of the protocol, will the Minister have conversations with ministerial colleagues to find out what discussions have taken place between the Government and the Northern Ireland Executive, particularly the executive office, about not only the implementation of the protocol but what efforts are being made on a no-deal Brexit? What discussions have been taking place generally about Brexit? It is my understanding that, because of divisions within the executive office on policy and stances, such discussions have not yet taken place.

However, there is the facility of the Joint Ministerial Committee, which the noble Lord, Lord Empey, and I, along with former Ministers from the Northern Ireland Executive would be fully aware of. That would be a very good mechanism for ironing out difficulties because, at the end of the day, we want to see proper trade and agricultural standards right throughout the UK, and with our neighbours as well. But we do not want to see unfair competition or any undercutting of our farmers; we want to see good husbandry and the very best agricultural standards.

I want to see the commission become permanent, like it is in the United States, Australia and New Zealand. Any advice that comes from the commission should not be advisory; it should be binding on the Government, as is the case with the Migration Advisory

Committee; and the commission should be independent of government. There is such a wide range of people already on it that it has the ability and capacity to do that.

In supporting Amendment 270 I thank the Ministers, the Front-Bench teams for the Opposition and the Liberal Democrats, and the Cross-Benchers, for all their work during these seven days. I thank them for their advice and support. I support the general thrust of the amendments on underpinning good agricultural standards. That is what we all want to see. I urge the Minister either to accept the amendment today, subject to the name change, or to come back with a revised amendment on Report, indicating that the Government are prepared to put this commission into the Bill and give it the statutory basis that is required.

Lord Wallace of Tankerness (LD) [V]: My Lords, it is a pleasure to follow the noble Baroness, Lady Ritchie of Downpatrick, who has eloquently articulated the concerns that are the theme of this group of amendments and referred to the ways in which they might be effectively addressed.

I speak in support of Amendment 279, which contains a proposed new clause on a trade, food and farming standards commission. The noble Lord, Lord Curry of Kirkharle, tabled this amendment and has comprehensively described it. He also indicated the flexibility in it, to address the point raised by the noble Baroness, Lady McIntosh of Pickering. But I take on board the comments made by the noble Lord, Lord Cameron of Dillington, about why it might be better to have any extension of that commission in the Bill, rather than it being in the hands of the Secretary of State. That can be considered before we reach the next stage.

As explained in the Marshalled List, the purpose of this new clause is to give real substance to underpinning the Government's manifesto commitment

"not to compromise on the UK's high environmental protection, animal welfare and food standards through its international trade policy".

I note that my noble friend Lord Greaves speculated that this might be the kind of issue which would go to more than one or two rounds of ping-pong in subsequent stages, later in the year. It might be pertinent that what we seek to do in some of these amendments is actually to give substance to the Government's manifesto commitment.

In a letter last month to MPs the president of NFU Scotland, Andrew McCornick, urged support for the kind of trade, food and farming standards commission set out in this new clause. He argued that as the UK embarks on negotiating future trade deals,

"it is vital that future trade deals do not curtail our ability to grow our reputation as a nation of provenance and quality by undercutting domestic production with imported produce with which we cannot compete on price and production method."

Subsequent to that letter, the Secretary of State for International Trade announced a Trade and Agriculture Commission and, on 10 July, she announced its membership together with those issues on which the commission must directly report to her. As we have heard, it has been formally launched today; indeed, I believe that it met last Friday.

4 pm

The intention behind that may sound good; the proposals are promising and undoubtedly a step in the right direction but, of course, the proposed commission lacks a statutory basis. While it must report to the Secretary of State, who says she will send the advisory report to Parliament, that falls short of the comprehensive proposals set out in this proposed new clause. Not only does the commission proposed in it have a wider remit, it also gives Parliament a more direct role in dealing with its recommendations and the Government's response to them.

I have no doubt that, when the Minister replies to this debate, he will seek to assure us that the Government do not intend to permit lower standards and we should trust them on that. But there's the rub: many people, farmers and consumers simply do not trust them. I emphasise that this is not personal to the Minister—who I regard as one of the most respected members of the Government Front Bench—but rather to the Government as a whole. Why should people trust them?

As recently as Monday of last week, the Government voted down an amendment in the House of Commons that would have set a requirement for imported agricultural goods to meet animal health and welfare, environmental, plant health, food safety and other standards at least as high as those that apply to UK-produced agricultural goods. This followed the rejection of a similar amendment tabled by the Conservative MP Neil Parish—as referred to by the noble Lord, Lord Hain—during proceedings on the Bill in the House of Commons. This rejection prompted a Perthshire farmer, quoted in the *Scottish Farmer*, to say

“it's very easy to see the direction of travel that this Tory Government is taking.”

One Orkney beef and sheep producer who contacted me said:

“Whilst ideally we would like all food products coming in being produced to equal standards it is clear to see that this Government don't think like this.”

My noble friend Lord Greaves has mentioned that this is an issue that has united so many people, and it is this vein that Scottish Land & Estates, in its briefing to noble Lords recommending support for this new clause, said:

“This issue has united farming, consumer, environmental and animal welfare organisations and codifying the commitment in law would strengthen the Government's hand in trade talks and create a line that could not be deviated from. If this is not addressed, we face a very real prospect of British farming being undermined by imported food which can be produced to a standard which would be unacceptable, disproportionately cheaper and illegal in the UK. All we ask for is a level playing field.”

Therefore, the Minister must spell out why the Government seem so reluctant to accept amendments such as these when failing to do so merely fuels suspicion and fears about the Government's true intentions.

Responding to the announcement of the Government's commission and its membership and terms of reference, the RSPCA chief executive, Chris Sherwood, described the commission as a potential “Trojan horse” for reducing our outstanding farm standards and asked whether:

“When the commission publishes its report, Parliament needs to have the opportunity for transparent debate on its recommendations and the ability to pass a binding resolution”.

That is what this proposed new clause seeks to do: to give Parliament the opportunity for transparent debate and the ability to pass binding resolutions

This proposed commission is not a regulator; it will not spawn a bureaucracy or have a veto over trade deals. However, it would ensure that, against a backdrop of anxiety about producers being undercut by diminished standards, Parliament would have a voice. Surely, that would give real substance to “taking back control”?

Baroness Hodgson of Abinger (Con) [V]: I am pleased to follow the noble and learned Lord, Lord Wallace, and will speak to Amendment 271 in my name, ably spoken to by the noble Lord, Lord Grantchester, and also in the names of the noble Lord, Lord Cameron, and the noble Baroness, Lady Bakewell. We represent many sides of the House.

However, before doing so, I add my voice to those thanking my noble friend the Minister for his courtesy and patience through this long marathon of a Committee stage. I also thank the Public Bill Office and Government Whips' Office for all their hard work. I know they have spent many hours making sure that we could debate this.

As others have stated, the Bill gives us the chance to ensure that we support our farmers by not allowing products into this country that have not been raised to the same standards that we insist on here. It is blatantly wrong to insist on standards for our farmers and then to let in food not raised in that way that undercuts our domestic production.

At Second Reading, I was struck by my noble friend the Minister, for whom I have enormous respect, talking as though all is in order now. The fact is that, at the moment, we are letting in food not raised to the same standards. As others have observed, the Conservative Party 2019 manifesto contains an important commitment:

“In all of our trade negotiations, we will not compromise on our high environmental protection, animal welfare and food standards.”

This is particularly important in the case of meat, where we not only undercut our own farmers but at times encourage poor welfare standards in other countries by buying their products. If we believe in good welfare standards—and there is a real moral case for this—we should not be turning a blind eye to what is going on in other parts of the world.

There has been a lot of publicity about chlorinated chicken, but the more concerning issues are the stocking densities and the amount of antibiotics pumped into them to keep them healthy. Of course, it is not just chickens from the US but those from other parts of the world, where we know even less about the quality of the production systems.

I gather that some of the Government's opposition to this proposed new clause hinges on the UK's lack of ability to produce enough to answer demand. In the case of chicken, this mainly revolves around the fact that British people like to eat breast meat rather than the dark meat. If more dark meat was eaten, we could probably more or less answer our domestic needs.

However, surely we need to tell those countries that want to export to us that we require a certain standard of welfare in their food production. During this time

of Covid, we have realised how important it is to produce our own food, and our farmers have continued to work throughout. Surely, we should be looking after our farmers and encouraging more production in this country?

Others have commented on the new Trade and Agriculture Commission and I do not propose to do so too. All I will say is that sometimes commissions can be a way of kicking issues into the long grass. This issue really needs addressing because, as others have stated, it has such enormous public support. In a recent poll, over four-fifths of people—81%—said that they think the Government should block food imports that do not meet the UK’s environmental and animal welfare standards, even if this could mean that consumers miss out on lower food prices. Please let us take this opportunity, not only to support our farmers but to ensure that, if we believe in welfare standards, we stop importing food that does not meet them.

Lord Krebs (CB) [V]: My Lords, it is a great pleasure to speak in support of Amendment 270 in the name of the noble Baroness, Lady McIntosh of Pickering, which I have also signed. I also support other amendments in this group with a similar intent.

In their joint letter to MPs and Peers dated 5 June 2020, the Secretary of State for International Trade, the right honourable Elizabeth Truss, and the Secretary of State for Environment, Food and Rural Affairs, the right honourable George Eustice, stated that, in all their trade negotiations, the Government

“will not compromise on our high environmental protection, animal welfare and food standards”.

However, when asked in a House of Lords debate about trade deals that could allow imports farmed to less rigorous standards, the noble Lord, Lord Agnew of Oulton, Minister of State at the Cabinet Office and Treasury, stated that

“there has to be a balance between keeping food affordable for people ... to ensure that they are able to eat healthily, while not undermining in any way the quality of the food we eat.”—[*Official Report*, 6/5/20; col. 520.]

This second statement seems to leave wiggle room, so what is the Government’s position?

As the noble Lord, Lord Hain, and other noble Lords, said, the Government are unwilling to make a legally binding commitment to not dilute standards of imported food. As my noble friends Lord Curry of Kirkharle and Lord Cameron of Dillington, and many other noble Lords, said, the Trade and Agriculture Commission will not have enough teeth or last long enough to do the job that is needed. I also note that it has no consumer representative among its members.

My concern is this: assuming that the Government do allow food produced to lower standards to be imported—which I think is inevitable—who will end up eating it? The boss of Waitrose has already said that his stores will not sell food produced to lower standards, such as chlorinated chicken. It is very likely that other supermarkets will follow Waitrose’s lead. The same will be true of the major restaurant chains, which will wish to protect their brands. So where is the lower-standard food most likely to end up? It will probably be in the small, low-end independent restaurants and in fast-food takeaways such as fried chicken shops.

It will primarily be eaten by less well-off consumers. I therefore ask the Minister to unequivocally state that the Government will not allow a two-tier food system to develop in this country in which poor people eat poorer quality food produced to lower standards.

Lord Addington (LD): My Lords, as I have listened to this debate my speech has got shorter and shorter. If ever there was a person ringing a bell and saying: “Press officer beware”, it is my noble friend Lord Greaves. I find myself strongly agreeing with the noble Lord, Lord Randall, who said that the Government are getting into trouble here. Will they please do as the noble Baroness, Lady Hodgson, said and honour their own manifesto? That is all we are really asking for, and any of these amendments would take steps towards making sure that we know the standards are there.

It is an old cliché that we trust this Minister implicitly but the one who follows him could be the devil incarnate. However, the closest we get to binding anybody to anything is to put it in to law, even though, ultimately, it can be changed. If we do not get something on the face of the Bill—and I cannot see any other bit of legislation it could go into—there is no other way of at least making the Government stand up and say: “Yes, we are changing it because ...” That is what this is about.

I hope that the Minister is taking this on board. As my noble friend Lord Greaves also said, there will be ping-pong; a backhand, a forehand and the odd smash might be involved in this one. The House could get involved in a long discussion, asking the Government to honour their own manifesto commitment. I would not have thought any Government would want that.

The Earl of Lindsay (Con) [V]: My Lords, I share the concerns about how standards will be maintained when negotiating new trade agreements and therefore, in principle, support what many of the amendments in this group are trying to achieve. In that context, I welcome the establishment by the DIT and Defra of the new Trade and Agriculture Commission. However, at the same time, I strongly support the important point made by my noble friend Lady McIntosh of Pickering and the noble Lords, Lord Curry of Kirkharle, Lord Cameron of Dillington and Lord Krebs, and others. A trade standards commission needs to be more than a temporary body with a six-month lifespan. It should be a permanent body with a continuing and influential role in any and all future trade negotiations, as is the United States International Trade Commission, among other examples.

4.15 pm

The UK’s enviable reputation for high standards in food and farming has been achieved through the support of successive Governments for a national framework of standards, conformity assessment and accreditation, collectively referred to as the UK Quality Infrastructure. Here, I declare an interest as the chair of the United Kingdom Accreditation Service, which is the UK’s national accreditation body and a key component of the UKQI. UKAS accreditation is central to ensuring the effectiveness of standards in the UK food and farming industries, through underpinning their

[THE EARL OF LINDSAY]
implementation with a robust verification and certification system. As the noble Lord, Lord Curry of Kirkharle, said, verification of compliance with standards in respect of imported products is going to be a huge challenge. I therefore support Amendment 279 in his name, proposing that the remit of the proposed trade, food and farming standards commission include any relevant recommendations on the testing regimes, assurance schemes and certification bodies that might be needed to ensure that imported agri-food products sold in the United Kingdom are produced to appropriately high standards. A standing trade standards commission with this remit would be able to determine how accreditation and linked, mutual cross-border recognition arrangements that underpin standards could be used as a central part of future trade negotiations and agreements.

Before closing, I record my support for Amendment 271, which would require agricultural and food imports to meet domestic standards, and Amendment 273, which would ensure that UK standards on food safety, the environment and animal welfare cannot be undermined by imports produced to lower standards. In doing so, I declare an interest as a vice-president of the Chartered Trading Standards Institute, which also supports these amendments.

Baroness Young of Old Scone (Lab) [V]: My Lords, I support the spirit of these amendments, all of which seek to enshrine the Government's manifesto commitment in the Bill. Recent polling shows that over 75% of the public think that it would be unacceptable to import food from the USA produced to lower standards. There would be pressure on our farmers to compete by lowering standards in this country. I am sure that the Minister will offer a number of assurances. He will say that the Government have repeatedly guaranteed, in statements, that the manifesto commitment will be observed. I would prefer something on the face of the Bill. As other noble Lords have said, Ministers and Governments come and go. The Minister may also say that the Trade Bill is the place for any statutory requirement on standards. However, that Bill is silent on this issue so far and I am sure that, when it comes to this House, noble Lords will be told that it is out of scope. Here and now are the place and time for statutory assurances on standards.

I will focus on environmental standards. Compared to the UK, substantially more highly hazardous pesticides are allowed in several of the major countries that we are seeking to do trade deals with—India, the USA and Australia. These pesticides are highly poisonous to pollinators, aquatic ecosystems and apex predators. Stocking densities can have a huge impact on air quality and habitats. It is worth while safeguarding our environmental standards as well as food safety and animal welfare.

The third thing the Minister may say is that import standards are against WTO rules, although I think I heard him reassure us earlier that he would not say that. I am sure that sensibly designed and properly justified import restrictions can be made compatible with WTO rules, and the UK should be taking the lead on this. However, we get a clue from the US and

Indian negotiating mandates, both of which reveal that they see harmonising UK import standards as a threat. For “harmonising”, we should read “lowering”.

The Minister may also say that the same effect in protecting standards can be achieved by differential tariffs for products produced to a lower standard than our domestic one. The noble Lord, Lord Grimstone, has talked about this as well. Differential tariffs would need to be prohibitively high—that would be the whole point of them—to influence behaviour, so they would almost certainly be rejected by negotiating partners. We also hear that Secretary of State Truss is inclined to phase out such differential tariffs in general.

The Minister might also say that we could take a labelling solution: food labelling could safeguard standards and the public could then choose whether they wanted higher standards at higher costs. This would not work, because much of this food will go into ingredients for the out-of-home catering sector, where ingredients standards are rarely visible.

As the noble Lord, Lord Krebs, outlined, it would be pretty invidious if the better-off could choose to buy food produced to higher standards while those on a lower income would have to buy what they could afford, regardless of standards. This is not even Marie Antoinette's “Let them eat cake”; it is worse—it is “Let them eat crap”. Apart from that, the US trade vote is against unjustifiable labelling. So we need provisions on standards on the face of the Bill, not just a labelling solution.

I turn briefly to the Trade and Agriculture Commission; I agree with much of what has already been said. The Government have already shown how little their commission would consider environmental standards by announcing a membership primarily about food and farming, with a tiny, last-minute concession of one person with an environmental background. Those representing human health and animal welfare standards do not get much of a look-in either. As has been noted, the Government's commission is also flawed in having a limited term of six months, being purely advisory and reporting solely to the Secretary of State for International Trade. It is a fig leaf and we should not trust it.

I support the alternative commission promoted by the noble Lord, Lord Curry of Kirkharle, in his Amendment 279. It would persist beyond six months to scrutinise future trade deals and would be additional, not an alternative, to having the maintenance of import standards in the Bill. Most importantly, the commission proposed by the noble Lord, Lord Curry, would report not to the Secretary of State for International Trade but to Parliament, and there would be a requirement that its recommendations on the vital issue of trade standards would be fully debated in Parliament.

I agree with the noble Baroness, Lady Jones of Mouslecomb, that the Government have driven pretty much all interest groups on to the same side of this issue. No one thinks that the Government's commission is anything other than a fig leaf. I hope the Minister will concede that he has a losing hand and can bring a decent amendment forward on Report.

The Earl of Shrewsbury (Con) [V]: My Lords, I too thank the Minister and all his colleagues for their stamina and good temper all the way through this mammoth

Committee. I must declare an interest as a member of the NFU. My younger son is a free-range farmer in Lincolnshire, and he is extremely concerned—along with many of his colleagues in the free-range egg-producing world—about foreign imports produced to lesser standards.

The Minister will not be surprised to learn that I was going to speak to Amendments 270 and 271. But, having listened to the debate, I support virtually all the other amendments and I agree entirely with all that was said by the noble Lords, Lord Cameron and Lord Curry, and by my noble friend Lady Hodgson. The Minister will be very aware of the groundswell of opinion throughout the country: well over 1 million people signed the food standards petition, run very well by the NFU, with huge media coverage.

I welcome the establishment of the international Trade and Agriculture Commission, but it must have real teeth and I too would prefer it to be permanent—we must keep it in the future. I do not want it to be giving advice to the Secretary of State of which they can take not a blind bit of notice. It must be there to guide the Secretary of State and Parliament on the standards that we need to keep and enhance in the future. We are a world-class act in the standards we produce in our agricultural industry; we must keep that up and go even further.

In my view, nearly all the arguments have already been stated on numerous occasions, so I will not repeat them. Suffice it to say that my brief words are simply to keep up the pressure and to hold Her Majesty's Government to their pledges on food standards and to ensure that they do not compromise them in any ongoing or future trade deals.

Lord Morris of Aberavon (Lab) [V]: My Lords, I join others in thanking the Minister for the superb way he has replied to so many of our debates in this marathon Committee.

I want to speak to Amendment 271, in the name of my noble friend Lord Grantchester, and Amendment 280, in the name of the noble Lord, Lord Bruce. Amendment 271 goes to the heart of our anxieties about the future of agriculture and, indeed, the food we eat. Having heard a great deal of the arguments in the course of the Bill's passage, there is little I can add, so I will be comparatively brief. As my noble friend Lord Grantchester put it so succinctly, this amendment is of vital importance and should be enshrined in law. I welcome an assurance given in the past, but this is so crucial that it should be put on the face of the Bill, as so many other noble Lords have indicated.

I am a member of the EU International Agreements Sub-Committee of this House, and we are examining future trading agreements in detail; it would not be appropriate to comment further at this stage. I am particularly concerned with proposed new subsection (2)(b) in Amendment 271. It would be intolerable if we lowered our standards of agricultural food imports so that we imported at a lower standard than our existing domestic standards in animal health and welfare, food safety and hygiene and liability in general. I would be firmly opposed to any lowering of our standards.

I also support Amendment 280, in the name of the noble Lords, Lord Bruce and Lord Wigley. As I said at Second Reading, many of my family have been, and

are, sheep breeders—my family has been doing this for centuries. Some of them may regard me, given my occupation as a lawyer and not a sheep breeder, as the black sheep of the family.

As agriculture was among my responsibilities as Welsh Secretary—indeed, I got responsibility for this transferred to the office—I attended most, if not all, of the meetings of the EU Council of Ministers whenever sheep were discussed. I did so because sheep and livestock farming were so important to Wales.

The price of lamb is heavily influenced by how much we can get from exporting, and the price of exports reflects back on the domestic market. A tariff would put many sheep farmers out of business: the economy and their viability are fragile enough as it is. Many of them have no alternative, hence the need for a report in the terms of the amendment if no agreement is reached, so that this House can give proper consideration to it.

The noble Lord, Lord Bruce, has rightly put the case of a catastrophe if no deal is reached. Specifically, I would like to hear the Minister's views, and if, and to what extent, he dissents to the case put so admirably by the noble Lord, Lord Bruce.

The Earl of Caithness (Con): My Lords, I agree with those noble Lords who have called this probably the most important group of amendments we have discussed on the Bill; I concur with that. I say to my noble friend Lord Trenchard that, just because we support these amendments, it does not mean that we are anti-American, any more than he is anti-British because he does not like our side of the argument. That does not add to the value of our discussions.

I would like to congratulate the Government on creating the commission today, but I ask the Minister to clarify what it is called. The government press release today refers to the "Trade and Agriculture Commission", and also to the better-named "Agriculture and Trade Commission". Which is it? If the Government cannot make up their mind, perhaps the Minister could clarify this for them.

I was pleased to see that the chairman, Tim Smith, said that its report will give evidence-based advice. That is hugely important, but it begs the question that so many noble Lords have raised: what is going to happen to that advice, and what will happen when it has given that advice? The launch of the commission today is just the first stage, which is why I support the amendment in the name of the noble Lord, Lord Curry of Kirkharle—indeed, my noble friend Lady McIntosh has another amendment—which would prolong the life of the commission. It needs to be there, it needs to report to Parliament and it needs to have its advice acted upon by the Secretary of State.

4.30 pm

I notified my noble friend that I was going to ask him some questions on this. Can he reassure me that the appropriate structures have been set up to determine the standards of any food that is imported into this country, how it is produced and that the labelling of the food is done to the highest standards? It concerns me that the US trade negotiating team has stated that

[THE EARL OF CAITHNESS]

it does not think that the labelling is a good idea in any sense. Can he reassure me that the US team is wrong about that? Will he also comment on the threat of the enforcement of trade deals by offshore tribunals, which would allow corporations to sue the Government if domestic law affected their anticipated profits? That is surely a very serious consideration that we need to be informed about.

My third question concerns the point raised by the noble Lord, Lord Empey, and the noble Baroness, Lady Young of Old Scone, about tariffs. Will my noble friend confirm that if the deal that is proposed with the US goes ahead, tariffs will automatically end after 10 years, so they are just a temporary sop? Will the same apply to other trade deals?

I thought the noble Lord, Lord Krebs, made a very good point, which I support from the evidence we got on the Committee on Food, Health, Poverty and the Environment. When we were questioning the industry, we finally got a commitment from Waitrose that it would not sell cheaper, imported food created to lesser standards—but I am hugely suspicious of the food industry as a whole, and I believe that the noble Lord, Lord Krebs, is absolutely right that unless we have the necessary protections, we will develop a two-tier food system in this country, which will not be good for those who are poorest and least able to afford the food that they should be having.

Baroness Harris of Richmond (LD) [V]: My Lords, I have heard my county of North Yorkshire mentioned a number of times in Committee and I want to speak particularly to Amendment 271, in the name of the noble Lord, Lord Grantchester, because of the fear I have of our having to accept WTO rules as a result of crashing out of the EU without a decent trade deal. Our farmers in North Yorkshire, as elsewhere, will bear a great deal of pain if that happens. The Government made clear manifesto commitments, as we have heard repeatedly throughout the passage of the Bill, not to compromise, *inter alia*, animal welfare or food standards in any future trade deals, yet they offered no amendments to the Trade Bill, which we will have to rigorously scrutinise when we return to Parliament in September. This Bill is a foretaste of what may well yet happen unless we make sure that this legislation is absolutely watertight.

Our food must maintain the very high standards we have come to expect, ensuring that animal welfare and environmental protection remain at the very heart of our food production. The director of policy for NFU Scotland, Jonnie Hall, said:

“The UK Agriculture Bill is a once-in-a-generation piece of legislation and it must safeguard the sustainability of domestic food production and the integrity of domestic food consumption.”

As we have heard from the noble Lord, Lord Krebs, and others, Waitrose, Aldi, Sainsbury’s, M&S and the Co-op have all now said that they will never sell chlorinated chicken or hormone-treated beef from the US—where, incidentally, 50 million Americans get sick each year from the food they eat. As Sue Davies, head of consumer protection and food policy at Which? said:

“We do not want to import these unacceptably high rates of foodborne illness into our health system”.

Chlorine-washed chicken is barred from the EU because it is used to disguise farming practices that increase the risk of such infections as salmonella and campylobacter. There is also ractopamine, a horrible drug fed to pigs to make them grow fatter, which is banned in the EU and in 160 other countries, including China and Russia; 17-beta estradiol, another growth-promoting hormone, which EU scientists believe is a complete carcinogen; and bovine somatotropine, given to cows in the US to increase milk yields—again, banned in the EU, Canada and Japan on animal welfare grounds as it is associated with increased lameness and mastitis in cattle, which leads, of course, to greater use of antibiotics, as we have heard from the noble Baroness, Lady Hodgson of Abinger, and others, but is used and approved in the US. All these drugs have been banned in the UK, thanks to EU regulations, but they are quite legal on the US factory farms.

More than 1 million people have already signed the NFU petition to promote sustainable models of production and consumption across the world and I end with its concluding sentence, which calls on the UK Government

“to put into law rules that prevent food being imported to the UK which is produced in ways that would be illegal here.”

We must not sell our farmers out to the United States or other countries whose animal welfare and food production standards are so far below our own.

Viscount Trenchard (Con): My Lords, I repeat my declaration of interests as stated in the register. Since the Government announced the establishment of the Trade and Agriculture Commission on 10 July, under the chairmanship of Tim Smith, formerly chief executive of the Food Standards Agency, I believe that Amendment 270, in the name of my noble friend Lady McIntosh, and Amendment 279, in the name of the noble Lord, Lord Curry, are redundant. Besides, there are other problems with both the proposed commissions. My noble friend’s commission would be required to maintain standards at levels

“as high as or higher than”

those which apply now. The rather more detailed Amendment 279 is surely similarly redundant and would undoubtedly shackle UK producers to the restrictive EU regime, although it does contain two important concessions: new subsection (4)(e) recognises that,

“different production systems and regulatory approaches”

may produce equivalence of outcomes; and new subsection (4)(g) acknowledges that import restrictions may be detrimental both to consumer interests and to developing countries.

My noble friend Lady McIntosh just said, in her eloquent speech, that she wishes to retain the level playing field between EU and UK farmers. If she believes that such a level playing field exists, I fear she is mistaken. As I pointed out on Thursday, French livestock farmers benefit from €1 billion in voluntary coupled support every year. This compares with the mere €39 million available to Scottish crofters. I agree with my noble friend that my right honourable friend the Secretary of State was right to confirm that we will not compromise on our high environmental protection,

animal welfare and food standards in all our trade negotiations. However, rules that enforce precise standards may be unnecessary or disproportionate. Standards are not two-dimensional: low or high. Outcomes may be similar but reached by very different rule books.

Among the problems with our EU standards is that some introduce distortions to the market without bringing any benefit. In the words of the Prime Minister in his Greenwich speech in February:

“There is no need for a free trade agreement to involve accepting EU rules on competition policy, subsidies, social protection, the environment, or anything similar, any more than the EU should be obliged to accept UK rules”.

The Prime Minister also said:

“But I must say to the America bashers in this country, if there are any, that in doing free trade deals we will be governed by science and not by mumbo-jumbo because the potential is enormous.”

I have heard quite a number of America bashers, including several of my noble friends, express their views during our debates on the Bill. I ask my noble friend the Minister to confirm categorically that we will diverge from EU rules and standards, at least in order to be able to adopt an SPS regime which does not violate the WTO's rules. The EU is in violation of WTO rules on GMOs and hormone-treated beef. The UK will also be in violation of WTO rules in these and other areas, such as those where we do not have a sector which EU rules protect, such as olive oil.

Amendment 271 in the name of the noble Lord, Lord Grantchester, rightly requires the UK to ensure that any new trade agreements will conform to the WTO's SPS agreement. This allows countries to maintain standards that are stricter than international standards if those standards are justified by science or by a non-discriminatory lower level of acceptable risk that does not selectively target imports. I worry that proposed new subsection 2(b) may conflict with proposed new subsection 2(a) because it would appear to target imports selectively in cases where the exporter's rules or standards violate the WTO's SPS rules.

Similarly, Amendment 273 in the name of the noble Baroness, Lady Jones of Moulsecoomb, Amendment 276 in the name of the noble Lord, Lord Hain, and Amendment 278 in the name of the noble Lord, Lord Empey, all require, in effect, the Government to import food only from countries which apply hygiene, animal welfare or environmental standards which are equivalent to or exceed those currently allowed in the EU or UK. However, if we were to insist that our trading partners meet our welfare standards, many currently available imported goods would be prohibited from sale in the UK. If we try to restrict our trade negotiators in the ways these amendments would require, we will fail to make good trade agreements with other countries and we will not be able to secure the great benefits that our independent trade policy can deliver in many other areas, such as financial services, digital and data. We would lose the opportunity to improve our domestic regulatory environment and we would render Brexit largely meaningless.

As for Amendment 280 in the name of the noble Lord, Lord Bruce of Bennachie, I understand that the Government remain confident that they will successfully negotiate a free trade agreement with the EU prior to

the end of the year. This amendment is not appropriate for inclusion in a Bill which sets out new, long-term future arrangements for agriculture.

Lord Trees (CB) [V]: My Lords, I will speak particularly to Amendment 271 but I broadly support most of the amendments in this group, which are all about maintaining standards. There has been quite a lot of repetition. I am afraid I will also be guilty of that to some extent, although I will try to be brief, and there will be repetition in the future as the debate continues. I add my thanks to those of other noble Lords to the Ministers—the noble Lord, Lord Gardiner, and the noble Baroness, Lady Bloomfield—who have maintained great courtesy throughout and have given us detailed answers to our many questions in Committee.

In negotiating a free trade agreement, the Government have repeatedly stated, as has been said, that they will not compromise on our high environmental protection, animal welfare and food standards. But Ministers and Governments come and go, and as long as there is no statutory commitment to this goal, there is bound to be uncertainty. The commitment to create a Trade and Agriculture Commission is a step in the right direction but as currently proposed it is advisory and ephemeral.

4.45 pm

The arguments for high standards are widely agreed but we need to ensure that these can be maintained in a global trading environment; that our farming industry is not unfairly undermined by creating an unlevel competitive playing field; and that we can help improve international standards by levelling them up, as was referred to by the noble Lords, Lord Curry and Lord Cameron. It would be folly to kill off our own industry, which safeguards our food security while maintaining high standards, and to essentially export poor welfare and poor environmental standards.

It has been said several times that this is protectionism about a US trade deal. I am concerned about much more than the US. This is about numerous trade deals in many countries in the years to come. It is about far more than chlorinated chicken or hormone-treated beef, although I will return to those in a moment. We should be concerned about, among other things, animal housing and husbandry standards, welfare at slaughter, transport, and antibiotic use and misuse—which, apart from animal welfare implications, have huge public health consequences. We should also be asking questions about what amount of environmental degradation has been involved to produce certain foods.

The Government may argue that there are legal or WTO limits on what can be done but it seems to me that there are some inconsistencies in this argument, and I would be grateful for answers to the following questions. Let us take the issue of hormone-treated beef: personally, I am content to eat it; indeed, I and anyone who has been to the USA will almost certainly have eaten it. There is data suggesting that 90% of all the beef in the US has been so treated. But I accept that many people will not want to eat it and I do not disagree with that ban. I am also aware that WTO rules do not allow methods of production to be a means of limiting importation of food products that satisfy sanitary and phytosanitary regulations. So how

[LORD TREES]

is it possible, for example, to ban the import of hormone-treated beef and yet not define standards for the use and misuse of antibiotics, which have arguably much greater animal welfare and public health implications? Why can we not ban beef from cattle reared on cleared rainforest, which has far more serious environmental consequences than hormone-treated beef does?

Another argument that will be deployed against this amendment is that it ties the hands of our negotiators. I am not persuaded by that argument. Are not their hands strengthened by having a clear mandate, with red lines enshrined in our legislation, consistent with the Government's own manifesto? After all, we have already partly tied the USA's hands with chickens and beef, have we not?

In conclusion, I am content with the current stance on chlorine-washed chicken and hormone-treated beef, but our ability to maintain that ban raises questions as to why we cannot go even further. I would very much appreciate an answer to these apparent inconsistencies in order to understand and accept the rejection of this amendment.

Lord Lilley (Con): My Lords, I declare an interest in a small agricultural holding in France and, more seriously, in the WTO, in whose creation I played a part when I was Secretary of State for Trade and Industry.

As many noble Lords have mentioned, the Government have pledged not to reduce health, animal welfare or environmental standards in this country. I am sure they will honour that pledge, not least because no other country is asking us to reduce our standards.

The issue confronting us with the amendments is on what terms we will trade with other countries which may have different standards from ours. Amendments 270 and 271, among others, would prevent any trade deal which does not exclude all imports of agricultural products which have not been produced and processed according to standards which are equivalent to or exceed EU standards.

It is quite reasonable for farmers to seek a degree of protection or financial support if it is necessary to enable them to compete with foreign producers who face lower welfare costs or who enjoy subsidies, but the amendments do not seek a proportionate level of protection or support—they propose a total ban on imports produced to different standards from our own. That is despite the fact that, in practice, our farmers, through greater efficiency and higher quality, compete successfully within the EU without tariffs or subsidies with French beef farmers who, as my noble friend Lord Trenchard said, receive £1 billion of subsidy, and with Polish farmers who produce poultry to higher densities than ours. Both the noble Baroness, Lady McIntosh, and the noble Lord, Lord Cameron said that only a minority of American states have welfare standards lower than ours, but that does not seem to prevent farmers in other American states competing with them successfully.

However, the arguments used in favour of the amendments often claim to be based on concern for animal welfare and human health rather than protection of farmers, and do not address the practical consequences of banning all relevant imports from countries with lower animal welfare standards than our own.

I want to raise a few questions with both my noble friend the Minister and the proponents of the amendments. First, can my noble friend confirm that restrictions of the kind implied by Amendments 270 and 271 would be against WTO rules? The WTO has never allowed import bans based on so-called ROMP rules—rules on methods of production. That may be right, it may be wrong; but we have to accept the rules or face retaliatory tariffs.

Secondly, can my noble friend confirm that if we adopted the amendments, it would make it impossible to reach a free trade deal not just with America but with the EU, for the simple reason that some EU member states do not impose as stringent animal welfare rules as we do, and they certainly would not allow us to police their rules domestically? We have happily traded with some member states despite their lower standards for decades, so it is a bit odd that we should raise this obstacle now.

Thirdly, can my noble friend confirm that WTO rules allow countries to ban products that are a threat to human health, as long as the ban is based on objective scientific and medical evidence? Consequently, there is not the slightest likelihood that the UK Government or Parliament will alter our laws to allow sale of food which is contaminated with substances dangerous to human health.

Fourthly, I ask the authors of the amendments to clarify whether their desire to ban American chicken treated with pathogen-reduction agents or hormone-treated beef is based on concern for the welfare of the animals in America or concern for health of humans in Britain? If the latter, do they also want to outlaw the use of dilute chlorine washes of salads, which are permitted at present, and to ban the use of chlorine in swimming pools and to make water potable? If the former—i.e., if they are really basing this on animal welfare—do they accept that they will simply be acting against WTO rules? The EU realised it could not base its ban on chlorine and other washed chickens on the ground of concern about the cost of production in America or the welfare of American chickens. It had to base it on fears of a supposed threat to health of humans, but that was found by a WTO panel to lack scientific evidence.

Fifthly, what is the logic, I ask the authors of the amendments, of continuing to import agricultural products which have not been produced or processed under standards as rigorous as the UK's from countries such as Thailand, Argentina, Brazil et cetera, while seeking to ban them under deals which we may do in future with the EU, the USA and so on?

Finally, I ask the authors of the amendments why these bans would apply only to future trade deals, including those where we still have to ratify continuity deals? Are they aware that this might put at risk continued preferential access for UK exports to more than 22 other markets—for example, putting at risk over half a billion pounds of Scotch whisky exports? If they are really concerned about the health of British industry, and the agricultural industry in particular, they should think very carefully about the amendments.

Lord McCrea of Magherafelt and Cookstown (DUP)

[V]: My Lords, I declare my interest in a small farm holding, which is in the register of interests. I also pay tribute to the courteous and patient manner with which the Minister has dealt with a very wide range of amendments debated since the Bill has been in Committee.

I appreciate that the Bill deals primarily with the needs of England, but it contains powers which are relevant to Northern Ireland and provides certainty for the distribution of direct support to local farmers for the forthcoming year. The continuity provided by the Bill will afford the devolved Minister time and space to bring forward new proposals for longer-term farm support in Northern Ireland.

It is, however, of great regret that the other place rejected the inclusion of measures which would have upheld standards of imports in a number of areas, including food, welfare and environmental standards. The amendment tabled in the other place would have been a welcome addition, and this House must right that wrong and give protection to consumers and farmers. It is vital that we do not outsource our food production to countries which do not have the same high standards as our farmers have to comply with. The Bill should be sent back to the other House reflecting this. That is why I support Amendment 271, which places an obligation on the Secretary of State to ensure that the standards to which any agricultural or food product imported into the United Kingdom under a trade agreement are processed and produced are equivalent to or exceed the relevant domestic standards and regulations relating to animal health and welfare, protection of the environment, food safety, hygiene, traceability and plant health. The standards that British farmers adhere to, with significant cost implication for them, leaves them at a price disadvantage compared to cheaper imports.

It is also worth noting that producers and agri-food businesses stand to be doubly hit if the threat from barriers within the UK internal market stemming from the Prime Minister's disastrous agreement on the Northern Ireland protocol are not mitigated. Therefore, I also strongly support Amendment 270 on the creation of an international food standards commission with legal standing to scrutinise import standards for food. This would help to ensure a level playing field for our farmers and no future dilution of standards.

While the establishment of the UK Trade and Agriculture Commission and the inclusion of the UFU representation is a welcome step in ensuring that the interests of local producers are represented, it must be more than a talking shop. There must be legislative protection. Advisory reports are not legally binding, and although Ministers Eustice and Truss in the other place have indicated they wish to act in good faith, agriculture needs firm guarantees.

The recent pandemic has demonstrated the importance of food security in the United Kingdom. Therefore, it is evident that there is growing support for British produce. The Government's approach to trade talks and funding must reflect the desire of any local farmer to maintain exemplary standards, to produce safe food and to ensure that our environment is safeguarded for future generations.

In the current climate farmers need certainty and continuity. Agriculture is the cornerstone of job creation and growth in the Northern Ireland economy, sustaining approximately 100,000 jobs and adding value in the region of £1.5 billion to that economy. That contribution must be sustained for the future. We welcome the Government's commitment to retain the same level of direct support to farmers until the end of this Parliament. However, we must have the same commitment around replacement funding for rural development funding. I trust the Government will listen to the views clearly expressed by numerous Members of your Lordships' House and will make the necessary changes to this Bill.

5 pm

Lord Dobbs (Con) [V]: These amendments collectively require us to impose our own standards on others. That is a perfectly legitimate objective, but none of this Bill is about lowering standards; that is a fiction. What we are confronted with here is a raft of amendments that will throw our food security into doubt by making trade negotiations far more difficult. We need new trade deals; we want new trade deals—not any deals but fair, equitable deals. But why would any trading partner agree to sign trade deals with us that imposed our standards on them without any chance of negotiation or discussion?

Of course, we care about animal welfare and plant welfare and the environment. These are hugely important causes. We also care very much about the future prosperity of our farms. But will these amendments guarantee all these things? Of course not. The provisions of any Bill have to be more than a collection of good intentions; they have to be practicable. We could get all sorts of certification put in place and paperwork about standards signed, but paperwork itself and on its own is not the answer. We cannot root out sweatshops in the centre of Leicester so how can we realistically promise to set standards in chicken coops on the outskirts of Hanoi?

There is a balance to be struck between the operation of the market and the support of sensible regulation. We have a tremendous interest in the production standards of our trading partners, but are we, for instance, going to refuse to buy foodstuffs from desperately poor third-world countries, those most in need, because they find it impossible to meet all our standards of production or environmental requirements even though they satisfy all our food safety and hygiene requirements? That would seem an extraordinary unintended consequence.

Maintaining and improving production standards in many of our trading partners is a process of evolution, wholeheartedly embraced and backed by well-informed consumers in this country. I think the questions from my noble friend Lord Caithness about sensible labelling were very well put. Better-informed consumers will do much more to raise standards in the long term than the undeliverable demands of these amendments. Nothing in the Bill requires us to buy or to eat anything we do not want, and if my noble friend Lord Lilley had not made his excellent speech, I would have been happy to do it for him.

[LORD DOBBS]

The Bill is not an attempt to lower standards, to force cheap and dodgy food down the throats of unsuspecting consumers, and least of all to sell out to cruel foreigners. These amendments, as high-minded as they sound, will not achieve their stated objectives. What they are likely to do is undermine the market system that has steadily and hugely effectively delivered food of a higher quality, of a wider choice and at a lower price to our consumers over many, many years. These amendments will not even help our own farmers in the long term because their logical conclusion will be to cut off future export opportunities by making trade deals very much more difficult to negotiate; they might even make them impossible. I would suggest that the desire to make a post-EU future difficult or impossible may well be the hidden agenda behind so much of what we have heard.

Lord Morrow (DUP) [V]: My Lords, I, too, to acknowledge the tolerance, patience and courtesy that the Minister has shown throughout this debate. It has been long and, I suspect, quite tiresome for him at times, but it is appreciated. I speak in general support of Amendments 270 and 271, which call for the establishment of an international-UK food trade and farming standards commission. I say at the outset that I think it is regrettable that the Prime Minister agreed to the calamitous Northern Ireland protocol which will disadvantage and have a negative effect on the agricultural industry in Northern Ireland and on trading in general. It is most unfortunate and will require close scrutiny in the days ahead.

The strengthening of the Bill is essential so that the frequency of reporting on food security is increased to an annual requirement. The establishment of a food and farming standards commission would go some distance towards achieving that. I cannot overemphasise the importance of the agricultural industry to Northern Ireland. It sustains some 100,000 jobs, with a value of approximately £1.5 billion to the local economy. The Government's commitment to retain the same level of support to farmers until the end of the Parliament is to be welcomed but we all have a duty to look beyond this. A long-term strategy is vital. Any future trade deals must ensure that agricultural imports meet our environmental, animal welfare and food standards. The Government need to clearly define how they intend to achieve this. The Bill will shape our agricultural industry for years to come and must ensure that food imported into the UK is produced to standards that are at least equivalent to those required of producers in the UK. I trust the Government will see the merits of a trade and standards commission, which will add transparency.

I have little doubt that many in your Lordships' House are in receipt of representation from across the UK urging support for the inclusion in the Bill of vital safeguards for food safety, environmental protection, and the welfare of animals. It cannot be ignored; public interest in this issue is immense. The UK is less than 60% self-sufficient in food. We have learned something from the current pandemic, not least how vulnerable our ability to import food is and how the food chain can be severely strained and tested if we are too reliant on imported goods. Protecting local food production is therefore vital.

I trust the Government will recognise the importance of standing with our agriculture industry at this time. We must not miss the opportunity to ensure that the Bill secures vital safeguards for the high standards of food safety, animal welfare and environmental protection that are so highly valued by all the people of the United Kingdom. This has been a very interesting debate right from day one and I look forward to Report.

The Duke of Montrose (Con) [V]: My Lords, we have heard many arguments put forward in this debate. I can say only that the fears that the noble Lord, Lord Morrow, has expressed are slightly greater than those in Scotland, but there are fears there, nonetheless. I declare an interest as a livestock producer in Scotland, with a particular involvement in sheep. Like the noble Lord, Lord Curry, and many other Peers, my conviction is that this group of amendments deals with the most vital element of the Bill. In particular, I support the noble Lord's Amendment 279, and in the same spirit I support Amendment 270 in the name of my noble friend Lady McIntosh.

My noble friend the Minister will be very aware that Scotland has particularly strong feelings on market standards. There are good reasons for this. Scottish land and business, as the noble and learned Lord, Lord Wallace, told us, have laid down their concerns. Some 80% of Scottish land was classified under the common agricultural policy as areas of natural constraint. Noble Lords will know that these areas are where there is limited or no cropping capability and livestock is the main product keeping some form of resident economic activity on the ground. Agriculture might produce only 1% of Scottish GDP, but that same ground is the background for the Scottish tourism industry, which constitutes a large part of the service sector. Overall, that sector contributes 75% of the Scottish economy. Tourism is a major component of it.

Another vital component for Scots is the nature and quality of our food and drink. As the noble and learned Lord, Lord Morris of Aberavon, drew to your Lordships' attention, this agricultural sector is also highly reliant on exports. These exports are built on the same high-quality production. In particular, the trade of sheep with France has been the benchmark for prices of sheep production for the past 40 years in this country, so the introduction of any tariffs or deviation from our present common production standards carries an immense risk to that trade.

As we have heard, the Government have today launched the Trade and Agriculture Commission to address our concerns. This appears to have aroused considerable interest from the various devolved authorities and trade bodies, which have been asked to join in the setting up of such a body. I think we can all welcome that. The noble Lord, Lord Curry, was very clear in pointing out the shortcomings of the current proposals when he spoke to his amendment. Perhaps the Minister will correct me, but I think the Government will be unlikely to give us much of an idea of the effect the body will finally exercise in time for anything meaningful to be included in the Bill, hence the need for your Lordships to propose what are likely to be workable criteria and make it plain to the Government what we would find acceptable.

As my noble friend Lady McIntosh explained, her Amendment 270 proposes a body not unlike what the Government have initiated, but which also points to the main areas that must be addressed. One of its features is that it would not try to limit the negotiating power of government, but, from having heard my noble friend, I like to think that she will watch to see whether the Government will introduce some of the stipulations she mentioned in the next stage of the Bill. If she does not find them there, I hope she will table them in the form of amendments on Report.

I listened to the noble Lord, Lord Bruce of Bannachie. I sympathise with the sentiment behind Amendment 280, but I feel it will report only after the main event. Amendment 279 in the name of the noble Lord, Lord Curry, also looks for a supervisory body, but does not demand the same powers envisaged in some of the other amendments. It goes into considerable detail, which is critical for the industry. If the noble Lord's proposal was followed, it would mean that the Government would have the issues presented in a public forum in which they would have to justify their proposed outcomes. It gives much more detail than the current proposals. I say to the noble Lord, Lord Wigley, that we will have to see what shape things take as Report comes along, but I hope there will be something to give us a greater sense of security.

5.15 pm

Lord Naseby (Con) [V]: My Lords, I pay tribute to my noble friend on the Front Bench and his team. My goodness he has shown patience beyond belief and reminds me of the problems I had when I was Deputy Speaker in the other place. I am essentially a practical man. I hope my noble friend will listen carefully to the speeches made by my noble friends Lord Trenchard and Lord Lilley, who raised some very relevant issues that we as a Government have to face.

I will only really address Amendment 270. I pay tribute to my noble friend Lady McIntosh for tabling it before she knew whether there would be a Trade and Agriculture Commission. As has been pointed out, the commission and her proposals are not identical, but they are not dissimilar. I welcome what the Government have done so far.

Should the commission's recommendations always be binding? I think not. I have listened to all sorts of advisory boards over many years across two Houses. I thank them, but they never were all binding. They certainly ought to be listened to very carefully, but they must be challenged on occasion.

Should the commission be a permanent body? I think it should, but every time we have a permanent body it is absolutely vital that we review its performance. I have noticed that the traditional review period is about five years. A bit of a drift has been going on to move beyond five years. Five years is about the right length.

I am not a farmer, but the quandary for me is that people say that farmers are being undercut by substandard producers. That raises the question: what happens if the producers are not substandard?

I always take an interest in what I suppose in the farming world are minority areas. I have long been involved with trees. I declare an interest in that I have a

very modest 40 acres of woodland, approved by the Forestry Commission on a 10-year plan. We currently have problems with ash importation and with oak, partly from importation and partly from indigenous problems. There is a continuing need in that area, which I think is covered by the Bill, to ensure that we support research and development, and control of imports to ensure that they are of a proper quality for our saplings.

Where is the incentive for our farmers to improve their products so as to reduce the trade deficit? That seems a vital area. I have not noticed a lot of discussion about that in the many hours we have listened to these debates.

I take an interest in two other areas. There is a huge opportunity in horticulture. It is a small industry in the UK compared with what it was 40 or 50 years ago, but we must have joined-up government. We have a situation where one of the key restrictions on development in horticulture is the cost of power. If you have glass, you need cheap energy. We are producing good, environmentally friendly energy and more green energy as a percentage of supply than we have ever done. Lo and behold, along comes Ofgem with a proposal to reduce the profit percentage of energy suppliers—to halve it, in fact. Where will the investment come from in green energy and in the pricing of the product to help the horticulture industry? Someone must have a close look at Ofgem and ask it to stop meddling.

Finally, as I have mentioned before, viticulture is a tiny embryonic industry, but I hope it warrants at least somebody in the relevant department keeping a watch on it. It is growing fast and is well disciplined, but is competing across the world against the continent, the US, New Zealand, Australia and South Africa, to mention a few places. It is a good industry, which employs people and uses land that was not particularly well used in the past. It is a very exciting opportunity.

The Earl of Devon (CB) [V]: I remind noble Lords of my Devon farming interests and note my American links. I join other noble Lords in thanking both Ministers and the many House and departmental staff for their efforts. I congratulate Minette Batters of the NFU and many others for their tireless work on these issues. Jamie Oliver has been a leading voice for high standards in our national diet; I thank him and his audience as well. But I remain unconvinced that protection of our national food standards is necessarily the right course. I invite the Committee to consider the unashamed promotion of our national food standards as an alternative.

It is now day seven of this Committee stage, and I am embarrassed to note that, in this wide-ranging agricultural debate, the Devon cream tea has yet to be mentioned. It is my ancestral duty to correct that and to remind your Lordships that it was my Saxon predecessor Ordwulf, alderman of Devon, who first recorded serving scones, cream and jam to the builders of Tavistock Abbey in 997 AD. As an aside, could the Minister confirm whether the Duchy of Cornwall is answerable to Parliament? If it is, Devon would be most grateful if the Minister could confirm whether the Duke of Cornwall has any more ancient records of serving the cream tea. If he does not, it might settle an important local debate, once and for all.

[THE EARL OF DEVON]

Why is this particular piece of peninsula politics relevant? When I left California with my family, seven years ago, we served cream tea to our friends using Devon clotted cream, which was abundantly stocked in the local Santa Monica deli. When we left London for Devon some two years later, we tried the same, but could not find Devon cream in London; it was all from Cornwall. I came to realise then that the brand value of Devon cream is stronger in America than in England.

Along similar lines, we recently saw Her Majesty's grandson Peter Phillips gamely promoting Jersey milk to the Chinese, whose appetite for meat and dairy is set to rise exponentially over the coming decades. Consider also our traditional French nickname, *les rosbifs*, and recall the celebration of English beef by William Hogarth and Henry Fielding, who famously wrote:

“When mighty Roast Beef was the Englishman's food,
It ennobled our veins and enriched our blood.
Our soldiers were brave and our courtiers were good
Oh! the Roast Beef of old England”.

We can combine this ancient heritage and global brand recognition with modern environmental science. Studies increasingly identify grass-fed meat and dairy, typical of our western counties, as offering a lower carbon footprint and higher environmental benefit than alternative confinement systems, which house livestock indoors, feeding them intensive arable crops, hormones and antibiotics. Nations around the world are beginning to set net-zero targets, following the UK's bold lead. I note that Joe Biden recently targeted net zero for the United States by 2050, which will include carbon-neutral food and farming.

Rather than protecting our farmers from high-carbon low-welfare imports, as these amendments seek to, might we not consider placing all our efforts on promoting our low-carbon high-welfare exports and re-establishing British farming as a world leader? It is for this reason that I am concerned that the trade, food and farming standards commission could be a regressive step. I do not believe that the commission that has been agreed by the Government and launched today has nearly the mandate it needs to achieve what the industry and consumers want. The commission will report in six months with a series of recommendations, but it will have no real impact on the Government's negotiating strategy and no binding say. It is transparently a way of kicking the agricultural standards issue into that very same long green grass on which we West Country farmers pride ourselves.

Finally, I note that the Government are conducting dual negotiations with both the EU and the US, whose experienced trade delegations have long been driven directly by their farming interests. In contrast, our trade negotiators are mere debutantes due to be ravaged by their weathered counterparts, without a farming chaperone to protect them. We are all aware of the strength of the agricultural lobby in the US. This fall, the midwestern farming states are due to reprise their enormously influential role in US national politics. Similarly, none can forget the scenes of French farmers shutting down Paris with manure, in defence of their interests. Farmers have a radical sway over politics

across Europe. Here, conversely, farming interests are conservative and convivial, as is graphically illustrated by the genteel hereditary voices—including mine—that have been so vocal in this debate.

I worry that this Government are not fearful enough of our farmers. They may need to become so, if our rural interests are to be fully realised in the ongoing trade negotiations.

Lord Judd (Lab) [V]: My Lords, I originally put my name down to speak to Amendment 271, in the name of my noble friend Lord Grantchester. I am glad this is a cross-party amendment; that is very significant.

I make this observation as an old-timer: this has been a particularly significant debate. It has been powerful for revealing the great wealth of experience and wisdom available in this House—noble Lords speaking with real authority because they are absolutely involved in the issues we are discussing. That needs to be recognised. It is epitomised by the Minister and my noble friend Lord Grantchester, both of whom are rooted in farming communities.

I say to the Minister, again as an old-timer, that it is not often you see a Minister have such great respect and understanding across the House. This is enhanced by the way he listens and responds, and because of his authority, speaking from his background. It is one thing to have generated good will and respect in the House—that is to be treasured—but the real test of the Minister will be what he delivers in response to this debate. We may say that the quality of everything he has said is significant but then find that it had no effect whatever on the legislation that is put forward. The test will be the clout he brings to bear within the department and, significantly, with his fellow Ministers, who I am certain will not all be sympathetic.

In speaking to Amendment 271, it is important to recognise that it is not only by our arrangements on international relations and trade that we will be able to ensure the high standards and quality of our agriculture—and that is vital—but we have to look to our own laurels. Not everything is perfect in our own country; think of foot and mouth and factory farming. Both for animal welfare and, more importantly in some ways, for human health, these are experiences about which we must be very vigilant. In taking a tough line in our relationships with the outside world, which I am sure is right, we must redouble our efforts all the time in the standards we achieve in our own agriculture.

5.30 pm

I am glad that animal welfare has again been a focus in the context of this group of amendments, because animal welfare matters desperately to a civilised nation. I remember standing on the quayside in Portsmouth when I was an MP for Portsmouth and hearing evidence of the distress of animals we were cheerfully dragging across the country and exporting abroad. This matters if we are a civilised nation, of course, but it also matters to the quality of our agricultural produce, because only if we have good animal welfare and a good standard of life for our animals will we maintain the highest standards.

We also have to remember that the volatility of Covid-19, for example, is highly relevant. We now know the significance of the way in which a virus of this kind can be transferred from animals to human beings—and now we discover, with the story today about the pet cat, how it can be conveyed from humans to animals. Here, again, the need for vigilance in our own standards and the way we conduct our own affairs cannot be overemphasised.

I will briefly mention two other amendments. The amendment from the noble Baroness, Lady Jones of Moulsecoomb, struck me as worthy of serious attention. Climate change has a two-way relationship with agriculture. Agriculture can be, will be and is already affected by climate change, but climate change is affected by our agricultural products. It is no good just generalising and thinking wishfully about this; we have to have some muscle in the legislation. I therefore focus for a moment on subsection (3) of the proposed new clause advocated by the noble Baroness, which says:

“The Secretary of State must, within six months from the day on which this Act is passed, publish interim emissions reductions targets for agriculture and related land use that align with budgetary periods as they relate to carbon budgets.”

Unless we have some muscle such as this in our legislation, we will find we are slipping off course time and again.

My last point is on Amendment 279. This commission advocated by the noble Lord, Lord Curry, could have a significant part to play, but please let us remember that we have expertise, knowledge and wisdom in our own parliamentary system. We must not in any way downgrade the significance of parliamentary scrutiny of all these things and the responsibility of Members in both Houses to keep the Government on their toes and doing what is necessary in the national interest.

Baroness Scott of Bybrook (Con): My Lords, we have been on this set of amendments for over three hours now. We need to finish Committee tonight, so I ask noble Lords whether they can be a little quicker with their comments in future, then we might get done.

Lord Inglewood (Non-Affl) [V]: My Lords, I am delighted to follow the noble Lord, Lord Judd, who—it may not have been apparent to your Lordships—was speaking from just over the hill from me in Cumbria. I put my name down to speak to Amendment 270 in the name of the noble Baroness, Lady McIntosh, but my thoughts cover the entirety of the amendments we are considering at this point.

I am a farmer; I farm. My business and I face serious challenges, but I dare say I speak for many other farmers when I say that we are up for it—and anyway, we do not have much choice, do we?

Earlier in Committee, I said—slightly oversimplifying and slightly tongue in cheek—that since the end of the Second World War, Governments have paid public money to farmers because they wanted them to produce food and farm. In the brave new world into which we are now going, it has all changed and been turned on its head: farmers are paid public money to do everything and anything on land except produce food, while the food they might produce will be paid for by the market. While there is clearly a change entailed here, it

is important to see that there is also a continuity: the central place of farming in the rural economy. It is merely the context in which it operates that is changing.

I do not believe this change of direction can work if food suppliers to this country from elsewhere in the world do not have to meet the same or equivalent standards demanded of domestic producers. The reason for that is that, regardless of any immediate direct impacts on either consumers or the environment, UK producers will not be able to compete and then the whole construct of the future of rural Britain will be put under threat and may well collapse. Were that to happen, not to provide a degree of protection would be a form of state aid given by the UK Government to foreign farmers. I do not believe that is an acceptable political response to taking back control. In short, it is not on.

In my view, unless the Government properly kitemark their intentions and policies with legally watertight guarantees—which, we understand and have heard this afternoon, is exactly what the British public want—under the proper control and in accordance with the procedures well established in the British constitution by Parliament, why should the rest of us place reliance on what we are told? I would like to hope that this matter can be clarified and resolved before Report.

Lord Flight (Con) [V]: My Lords—[*Inaudible.*]

Baroness Scott of Bybrook: I am afraid that we cannot hear the noble Lord. Can he get closer to his microphone?

Lord Flight [V]: Is that better?

Baroness Scott of Bybrook: Yes, I think we can hear well enough. Go ahead.

Lord Flight [V]: I think that it would be a tragedy if British agriculture suffered rather than benefited from Brexit. It appears to be—[*Inaudible.*]

Baroness Scott of Bybrook: I am really sorry, but the sound has gone again. Perhaps we can move on to the next speaker and try to get the noble Lord back later.

Baroness Quin (Lab) [V]: My Lords, as this is the last time that I expect to speak in this Committee stage, I add my thanks to the Minister, the noble Lord, Lord Gardiner, and his colleague, the noble Baroness, Lady Bloomfield. I also thank Front-Bench spokespersons for all their work in scrutinising and speaking to all the aspects of this very wide-ranging Bill. I express my thanks, too, to all the staff of the House who have been involved in organising and arranging these marathon proceedings.

The issues raised in these amendments are of huge public and parliamentary concern. They focus on the importance of having high standards in our food and agricultural production, and of ensuring that our producers are not forced to compete on unfair terms. Indeed, many have spoken in favour of a level playing field for our producers, and I agree with those comments. However, it seems highly ironic that we are having this discussion when the Government seem intent on ignoring the political declaration which they signed with the

[BARONESS QUIN]

European Union as part of the withdrawal agreement and renegeing on the commitment in that declaration to have a future relationship with the EU containing robust commitments to ensure a level playing field.

In that respect, I agree strongly with my noble friend Lord Hain, who expressed concerns about the state of the current negotiations with the EU, which are so vital not only for our agricultural sector but for our economy as a whole. I welcome the establishment of the Trade and Agriculture Commission, but I share the concerns and views expressed about it by the noble Lord, Lord Curry of Kirkharle.

Finally, I add my strong support for Amendment 280, so powerfully spoken to by the noble Lords, Lord Bruce and Lord Wigley. I had intended to add my name to this amendment, and I apologise to both noble Lords for not having done so before the available time had expired. As someone who lives close to an upland sheep-farming area in the north of England, I associate myself fully with their remarks.

It is not an exaggeration to say that the prospect of either no deal with the EU or a poor deal that would not allow a continuation of the current frictionless trade is causing great fear and alarm among farmers in the rural areas that I know best. Indeed, their work and way of life are seen as being under threat as a result. Therefore, in conclusion, I hope that the Minister will assure us that the Government are determined to safeguard European Union access for these important sectors, particularly as the negotiations with the EU enter a crucial stage.

Lord Holmes of Richmond (Non-Afl) [V]: My Lords, I congratulate my noble friends the Minister and Lady Bloomfield on their fortitude, stamina and good humour throughout all six—getting on for six and a half—days of Committee on this Bill. I thank all the House staff and all those in the broadcasting unit who have done such an excellent job in keeping our Committee stage covered.

If the Minister is tempted to move in this area, he has an embarrassment of riches. The majority of amendments in this group are really variations on a theme and push the same points. Is he tempted to bring forward a government amendment on these issues on Report, or does he believe that the Bill as currently drafted, and indeed wider government policy, take the issues set out in the amendment into account? If he were minded to move an amendment on Report, he could probably do no better than move the one tabled by our right honourable friend—his boss—the Secretary of State. Perhaps akin to when on the golf course always letting the boss have the winning putt, if he were to go back to the department and suggest an amendment to that effect, that would be quite a neat piece of parliamentary business, in that the Secretary of State could oversee a Bill on which he brought forward an amendment that he had tabled as a Back-Bench Member.

5.45 pm

As has already been mentioned by many noble Lords, this is probably one of the most important aspects of the Bill. Many noble Lords have waited a

long time to get to day seven of Committee to make their points. I believe that the weight of support and feeling must cause the Government to pause and think again on this matter. Does the Minister agree that, when it comes to the trade negotiations, standards are a benefit, not a burden, and an enabler of economic growth, not a drain on it? In that context, I am incredibly supportive of the comments and work of my noble friend Lord Lindsay, who does much work in the area of standards. Does the Minister agree that, not just in agriculture but across the piece, Britain has a comparative advantage when it comes to standards?

In conclusion, the danger is that if we do not address this issue, wittingly and unwittingly much will get traded away. The trade deals will be third party but, if we are not careful, they will have a significantly detrimental impact on our farmers, agriculturalists and horticulturalists. It will be a case of not just third party but third-party fire and theft of those businesses.

Lord Purvis of Tweed: I know that the Minister will be relieved that I am in the last chunk of speakers on this group. The degree of consensus across the Chamber in support of Amendments 270 and 271, in particular, has been quite remarkable, and those are the amendments that I wish to address.

With regard to Amendment 270, much of what I was going to say has been said, so, perhaps untraditionally in the House of Lords, I will not say it. However, I have two questions which I do not think have been raised. First, when I helped to scrutinise the Trade Bill, with great fanfare the Government announced the UK strategic trade advisory group. It was designed to be permanent, have regular meetings and support the consideration of standards. I would be interested to know how that will interact with the Trade and Agriculture Commission. There is a standing group. Is the expectation that the commission will be absorbed into that group?

Secondly, we have a network—again, launched with great fanfare—of international trade commissioners around the world, but I am still unsure what their role will be when other trade commissioners are appointed by the Secretary of State. Will they have any interaction with this issue? I suspect not, but if that can be clarified, I will be grateful.

As the noble Baroness, Lady Henig, and others have mentioned, these issues were raised in our debates on the Trade Bill. However, when they were, the Minister said that that Bill was not the appropriate place for them. As we have heard, when they have been raised in debates on the Agriculture Bill, it has been said that this Bill is not the appropriate place for them either. At some stage, we will have to find an appropriate place for these issues, as has been made clear in the Committee. I suspect that this Bill is that place.

This House expressed its opinion and passed an amendment on standards during discussions on the Trade Bill. I wrote to the Trade Minister, the noble Lord, Lord Grimstone, when he was appointed, asking why the Government had reintroduced the Trade Bill stripping out the amendments that the Lords had made to it. He said in his reply to me that the amendments that the Lords had passed were “otiose”. After looking

up that word—I confess to the Committee—I was disappointed to hear what the Minister had said, but this is now the time and place, and I do not think that this issue is otiose.

I am grateful to the noble Lord, Lord Lilley, who is not in his place, and the noble Viscount, Lord Trenchard, who is, for their contributions. I suspect they are more in tune with the feelings of Conservative Back-Benchers in the other place than here. It is worth listening to what they say because I suspect that they speak for the authentic view of the Conservative Party this year in many respects when it comes to trade. I am sorry to disappoint the noble Baroness, Lady McIntosh of Pickering; I wish that hers was the authentic voice but, because we cannot guarantee that, we must have some protections in place in this legislation.

What struck me was that both the noble Viscount and the noble Lord tried to say, in the false narrative that they perpetuate, that there are now clear distinctions and indeed contradictions between producer interest, consumer interest, environmental interest and animal welfare interest. They are all now combined and cannot be easily separated, as in the past. The noble Lord, Lord Lilley, reminded us of the establishment of the WTO in 1990. He did not mention another piece of pioneering development in 1990, when he was Trade and Industry Secretary: the Food Safety Act. He felt no contradiction at the time between putting enhanced standards for food safety for our consumers on the statute book and being the Secretary of State for Trade and Industry. Perhaps he has forgotten about that—but he is not here to intervene, even if that was allowed under the rules. We now need a system where we have strict enforcement of high standards for our market, we stop illegal activity and avoid those illegitimate goods coming in and we do not diminish and devalue market access, which is a cherished commercial benefit for our country.

There is still the narrative of differential—you can buy premium products for food if you pay extra because they have that extra bit of safety added to them—but we should have got rid of that concept a long time ago. If you go to Tesco and buy any good egg there—and surely they should all be good—the chances are that it was laid in my former constituency in the Scottish Borders just outside Peebles. If you visit the website of the farm company that produces most of Tesco's eggs across the whole of the United Kingdom, the very first thing that comes up on the home page is that it adheres to the British Lion quality standard, the award assured by the British Retail Consortium and the RSPCA. They are not necessarily statutory but they are industry standards that add reassurance for the consumer.

There has been a lot of reference to the United States and I want to say a couple of things about the relationship with the United States. In the US, as we have seen, many states have lower labour rights, and therefore cheaper labour costs, than we have. That may be regretted by the noble Lord, Lord Lilley, and others, but it is the case. Feed is cheaper, they can reuse their litter and they use massively cross-subsidised soy and grain production for feed, so they have cheaper inputs and

they would already be uncompetitive for us for those reasons. However, the US, in its negotiating mandate with its UK, seeks

“comprehensive market access for U.S. agricultural goods in the UK”,

including by eliminating

“Non-tariff barriers that discriminate against U.S. agricultural goods”.

What are these areas? Not all of them are statutory. Yes, we have inherited elements from the EU, such as the EU broiler welfare directive on stock density, and we monitor welfare and environmental outcomes such as CO₂ levels. There is no equivalent of those in any part of the United States. We have non-legislative standards that have no US equivalent, which they see as barriers but we see as something to be protected—and, I say to the noble Earl, Lord Devon, promoted—such as on the welfare of farmed animals and on the condition of animals. We have salmonella control for food safety; we have antibiotic stewardship, where we collect data for good practice not required by law; and we have a farm assurance scheme that 90% of our chickens, turkeys and ducks are reared to.

Finally, I will turn to an element that still puzzles me greatly about negotiations with the EU. This is where I think we get to the nub of some of the concerns. The US is asking of us what it is asking of the EU, which effectively is to remove some of these barriers, which are protections for standards, thus enabling American producers to be more competitive with us—in effect, making their products cheaper. However, in our negotiations with the EU, the draft text that the Government published states that they are not seeking mutual recognition for testing and certification for foodstuffs. In practice, that means a great burden for our food exporters, who will have to provide prior approval with the supplier along with compliant testing certificates, which are linked to the comments of my noble friend Lord Bruce. We do not seek mutual recognition of this testing and compliance regime. Could it possibly be that Dominic Cummings thinks that if we did do this, it would reduce our scope to agree a trade deal with China or with America, where our standards framework, our testing and our certification are seen as less of a barrier? I hope the Minister will state that that is not the case.

Simply repeating that we would not see legislative reductions is not sufficient. We have to have the protections that the amendments would put in the Bill. This is not an otiose issue. The time is now and the time is right under this Bill to amend it.

The Deputy Chairman of Committee (Lord Duncan of Springbank) (Con): The House will be pleased to know that we are returning to the noble Lord, Lord Flight.

Lord Flight [V]: My Lords, I apologise for my computer not working properly.

It will be a tragedy if British agriculture suffers rather than benefits from Brexit. It appears that aspects of the Bill are not helpful to British agriculture, although it gives us the ability to restructure in our best interests. I was concerned to see *Country Life*, of all magazines, with headlines like

“British farming sold down the river”

[LORD FLIGHT]
and comments such as

“What a way to repay our farmers, by importing lower-standard products that steal their market”.

Is the Bill, with its many amendments, good or bad for our farmers? That seems to be the fundamental question. Defra Secretary George Eustice has insisted on upholding high welfare and safety standards and insists on the same welfare and food safety rules for imports as there are for our own farmers’ products. We need to put into law what Michael Gove promised when he was at Defra: namely, that Britain would lead the world in animal welfare and food safety.

But it now appears that we are going into trade negotiations having told other countries that we will not insist on either proper agricultural standards or environmental rules, so British farmers will be required to meet higher standards than pertain in other countries and will compete with food and goods exported by those who carry none of the same costs. Liz Truss is rightly pushing for free trade deals with the US and Brazil, knowing that the easiest way to achieve them is to signal her surrender on food exports. If that occurs, though, what a way to repay our farmers if we are importing goods or foods that steal our markets through lower standards and subsidies.

But are we misunderstanding the Bill? Is it not a trade Bill but rather a domestic Bill? It establishes a legalistic framework by which we can create a new system for supporting our farming industry post Brexit. The Bill also sets out a list of activities that could be supported by the Secretary of State. There are prescriptions for reforming our agricultural markets in line with farmers’ objectives. The key issue is to ensure that cheap goods and food imported to the UK do not undercut UK food production costs and standards. Arguably there should be a ban on food imports that do not meet UK standards. What is needed is for the Government to set out how and where this legislation is a friend to our farmers and how we can prevent unfair competition.

6 pm

Baroness Kennedy of Cradley (Non-Afl) [V]: My Lords, this has been a long and important debate, with a great deal of agreement across the House. I do not intend to speak at length, repeating points already made. But I add my voice in support of the intentions behind Amendment 270, in the name of the noble Baroness, Lady McIntosh of Pickering, and Amendment 271 in the name of my noble friend Lord Grantchester.

A major concern for the future is that trade agreements with other international partners will be at the cost of lower standards in food safety, environmental protections and animal welfare. The Trade and Agriculture Commission set up by the Government and launched today is welcome but, as many noble Lords have noted, it is advisory and therefore cannot enforce import standards. It has no teeth, it is not representative, it does not report to Parliament and it will end in six months’ time.

The UK has a chance, with these amendments, to have a world-leading trade commission ensuring that food standards are upheld for British consumers and farmers alike. It should not be up to the supermarkets

and food chains to decide the policy of the standards for the food we eat. Their commitment not to sell or serve chlorinated chicken is of course welcome and the right thing to do, but not everyone everywhere will follow their lead. It is the Government’s job to protect our food, animal welfare and farming standards in any future trade deal. We need to bar imports from producers that produce to lower environmental or animal welfare standards. If we do not, it will spell disaster for our farmers. They must not be undercut by cheaper quality produce. With the proper, stronger, regulatory framework suggested by Amendments 270 and 271, we can maintain high standards in our food and farming and protect public health.

Lord Cormack (Con): My Lords, I have had quite a long wait as I am the 40th speaker, but I have heard all the other 39. We have had varied contributions, but there has been a remarkable degree of consensus supporting the amendments in general and in particular Amendment 270, so ably moved by my noble friend Lady McIntosh, and Amendment 279, spoken to by the noble Lord, Lord Curry of Kirkharle, and supported by the noble and learned Lord, Lord Wallace of Tankerness.

As I listened, it seemed to me that, as this is the longest and most important Agriculture Bill in my parliamentary lifetime of 50 years, we should ask: what is and should be its prime purpose. It should be twofold. It should be to protect British farming and agriculture. There have been debates on other days, some of which I have taken part in, where there has been talk of public benefit and public good, rather avoiding the central purpose of farming, which is to produce food for our people. It is therefore to protect farming. But I was also much taken by the speech of the noble Earl, Lord Devon, when he talked about the need to promote farming.

As I listened to the noble Earl and others, it seemed to me that we could produce a fairly good group of people from your Lordships’ House to protect and promote British farming. I thought of the noble Lord, Lord Trees, who made a notable speech, the noble Earl, Lord Devon, of course, the noble Lord, Lord Cameron of Dillington, who always speaks with a quiet and almost magisterial authority on these things, and the ever-wise noble Lord, Lord Inglewood, now a non-aligned Peer, so he can indulge in being semi-detached, which I am frequently accused of being myself.

I was taken, too, by the speech of my noble friend the Duke of Montrose, who talked powerfully about the importance of Scottish lamb and its French market. He echoed what the noble Lord, Lord Hain, said a few days ago in a slightly different context when he talked about 90% of Welsh lamb going to the European Union. We must face up to the fact that, as we have left the European Union and the transition period will come to an end on 31 December, we must do all that we can to protect that market for our agricultural goods. It is absolutely incumbent on the Government to do everything they can to negotiate a deal that achieves that purpose.

I am not suggesting—no one should—that British farming practices are perfect. There were disturbing pictures a few weeks back of the River Wye, perhaps the loveliest river in England, polluted by the effluent

from intensive chicken farming. It is nowhere near as intensive as what goes on in America, which is why the birds have to be washed in chlorine before we can eat them. Just this week we had a graphic reminder from the Prime Minister's personal campaign, which he launched yesterday, against junk food, much of which is either produced here or has some British ingredients. So we are not perfect, but we have high standards. I do not always take a lot of notice of manifestos, but the Conservative Party manifesto in December made a total commitment to ensure that our standards would be enhanced rather than diminished. If the Bill does not create a situation whereby that can happen, it is, in the immortal words of the noble Lord, Lord Reid of Cardowan, not fit for purpose.

The Government have themselves acknowledged the value of a commission, but a commission whose recommendations can easily be set aside and whose life is very limited will not really deliver for British farming and the British people. That is why I believe that my noble friend Lady McIntosh and the noble Lord, Lord Curry, indicated the right way to go: the establishment of a permanent body that we can all respect, whose judgments and pronouncements will carry weight and which will itself fulfil something of the purpose I referred to a moment ago of both protecting and promoting British farming.

I end by echoing the tributes to my noble friends Lord Gardiner and Lady Bloomfield, because they have certainly borne the burden of the heat of the day. But seven days is not too long to devote to the preliminary scrutiny of the most important Bill of its kind in half a century. The Government will have to show enormous flexibility if they regard our powers of scrutiny as real and important when we come to Report. The seven days will certainly be equalled, or even exceeded, and there could be quite a lot of contact with another place as a result of Report. But my noble friend has great talents of diplomacy. He has a quiet, persuasive ability and I hope he will bring the Bill back on Report incorporating much of what has been proposed in Committee. It would therefore have a speedy and triumphant progress through your Lordships' House.

Lord Burnett (LD) [V]: My Lords, I rise to speak to Amendment 271 and declare my interests as set out in the register.

At Second Reading, I stated that for various reasons, which I gave in my speech, if we crash out of the EU at the end of the year without an agreement, there will be overwhelming pressure on the Government to compete a trade agreement with the United States as soon as possible. I also gave reasons why this might take more time than has been anticipated. However, from recent press reports, it appears that the Government are leaning towards negotiating what Matthew Parris, in his excellent article in the *Times* on Saturday 25 July, described as "a new status with the EU as an economic satellite but excluded from its decision-making." Other reports support this opinion. The EU will make some concessions and such a free trade agreement would, according to Mr Parris, leave us still able to enjoy relatively frictionless trade with our former EU partners as long as we essentially copy the EU's level playing field rules, but do so voluntarily as a sovereign nation.

However, this is still speculation. We must protect the British people and ensure that they have safe and high-quality food to eat, produced in accordance with high animal welfare and environmental standards. These are the standards we currently follow or exceed. We must retain our vital EU markets and, as emphasised by the noble Lord, Lord Hain, and my noble friend Lord Bruce of Bennachie, in their compelling speeches, Amendment 271 largely follows the wording of another amendment put down in the other place by the honourable member for Tiverton and Honiton, Mr Neil Parish, chairman of the Environment, Food and Rural Affairs Committee and a highly respected Member of the other place. He put his amendment to the vote and although it was lost, a number of Government members and MPs voted with him, as did the opposition parties.

Over the past few months, a number of Ministers have stated that whatever the pressures, the Government will adhere to the high food safety, environmental and animal welfare standards that we have achieved within the European Union. This should be reason enough to enshrine these standards in our own primary legislation. Ministers come and Ministers go, as I said at Second Reading. If it is not in primary legislation, there are real problems.

I commend to the House an article dated 12 September 2019, written by Chloe Anthony, a lecturer in law at the University of Sussex, and Dr Emily Lydgate, a fellow of the UK Trade Policy Observatory—a partnership between the University of Sussex and Chatham House—entitled *UK food safety Statutory Instruments: A problem for US-UK negotiations?* Referring to the statutory instruments created under the European Union (Withdrawal) Act 2018, these authors argue that some provide extensive scope for Ministers to make future changes to food and safety legislation without the parliamentary oversight that primary legislation would provide. We in this House and the other place are aware of the problems of overseeing secondary legislation and the power it gives to Governments. Much of the existing legislation on food safety, animal welfare and environmental standards can be altered by statutory instrument. One statutory instrument can deal with a number of different matters and, save in exceptional circumstances, it is not amendable by either House. The only exception to that rule is when the parent Act provides otherwise. This is not the case in the legislation we are debating. Matthew Parris reminds us in his article that our largest trading partner is the EU, at 47% of our trade, and our second largest is the United States of America at 15%.

6.15 pm

Three large economies dominate world trade: the European Union, the United States and China. There is a saying: "A picture is worth a thousand words". I refer to the superb cartoon by Mr Peter Brookes, again in the *Times*, on Wednesday 15 July. It sums up admirably the state of our current relations with the United States and China, and brutally explodes the myth of sovereignty in this small, interdependent world. The cartoon is in two frames. One shows the Prime Minister saying:

"I won't kowtow to a bullying superpower threatening us over Huawei".

[LORD BURNETT]

The other shows our Prime Minister grovelling at the feet of President Trump, who is saying to him:

“Ban it ... or else!”

None of us knows the outcome of these negotiations. At this late stage, we are still in a state of uncertainty and confusion. Our fellow citizens and our businesses are being massively and adversely affected by this paralysis, in addition to the terrible Covid tragedy. It is our duty to enact this clause to ensure that the Government fulfil their commitments.

Baroness Boycott (CB) [V]: My Lords, I echo the thanks for the Ministers’ patience and the brilliance of the technicians who have helped so much in these last weeks. I will speak in support of Amendment 276 in the name of the noble Lord, Lord Hain, and Amendment 279 in the name of the noble Lord, Lord Curry.

On Amendment 276, I add only that any treaty or trade agreement that we enter into obviously must take into account our goal of net zero. It seems ridiculous that we should countenance anything else. On Amendment 279, I am very pleased to hear what the noble Lord, Lord Curry, says about the new Trade and Agriculture Committee. I have read it described as a fig leaf and a trojan horse. The RSPCA said:

“We fear this industry-heavy commission will not have animal welfare at its heart”.

I urge the Government to support this amendment, which seeks to beef up the role, status and longevity of the new commission.

After listening to this debate and realising how much agreement there is and that everyone knows that we cannot let our food standards slide, I want to bring into play one other factor. A report from the Nature Friendly Farming Network survey last week said that 96% of people want higher environmental standards to be a key requirement of all future trade deals, to combat the threat of cheap imports. What thought have the Government given to the court of public opinion? There can be little doubt that the majority of this House and many in the other place who supported Neil Parish believe that we should retain our current standards in all our trade deals. However, we are not the only people who matter.

For the record, when I was editor of the *Daily Express* and Monsanto was poised to move into Britain, having done secret deals with many of our seed companies, I joined forces with Malcolm Walker, the founder and owner of Iceland. We ran a huge public campaign that defeated Monsanto’s endeavour. I am not against genetic modification across the board, but we were against Monsanto’s bullying tactics, which seemed to threaten the stability and independence of our Parliament. This campaign gathered force across the left, the right and the centre and in the end, Monsanto was stopped.

Our Government gave a manifesto commitment to uphold our standards and I believe that they will be taken aback by the level of public anger towards the end of this year. There are very few people—pretty much no one, as far as I can see—who actually want to do anything to jeopardise our food standards. It seems an extraordinary irony that our Prime Minister should yesterday have launched an anti-obesity strategy and

an encouragement to get us all to eat healthier, better and fresher food, and tomorrow Henry Dimbleby launches the first draft of his food report, also commissioned by the Government, yet the Government are suggesting that we might adopt lower food standards which will harm not just our farmers but our health, our planet, the animals who live on it and the environmental standards for which so many people have fought for so long. As the noble Lord, Lord Krebs, said, where will this cheaper food end up? He is right that it will be in cheaper stores and chicken shops, which will only add to the health inequalities which have such an impact on Covid survival rates. This is not joined-up government thinking—quite the contrary.

We should never be a country that, in the words of my noble friend Lord Curry, exports its cruelty to others. We should not be the buyers of products that have necessitated cutting down rainforest, sentencing pigs to live in farrowing crates or chicken to lie in their own excrement for their whole miserable little life. If we fail on these amendments, we should be ashamed, but your Lordships should rest assured that nothing short of a legally binding agreement will satisfy the British public.

Baroness Neville-Rolfe [V]: My Lords, it is always a pleasure to follow the noble Baroness, Lady Boycott. Like her, I thank the Minister, my noble friend Lady Bloomfield and the Bill team for their patience and productivity. We need to complete Committee today, so I will be brief and confine myself to expressing doubts about Amendment 270. I am looking forward to hearing from my noble friend the Minister, but I think that this amendment and some of the others in this group would in practice lead to problems in trade negotiations in a way that would cause insurmountable problems of compliance with the World Trade Organization. I cannot see a way around this. Noble Lords do not pay enough attention to the importance of trade, wherever it takes place, at a time when we face recessionary shock. We must tread a careful path.

Since the Bill was first presented in the other place, the Government have gone a long way. They have established the Trade and Agriculture Commission, which was launched publicly today, and as Red Tractor is involved in its work, I should again register my interest as its chair. It is a victory for the farming unions which fought for it. It is a well-judged move by the Secretary of State for Trade to get it off the ground quickly in time to provide a sounding board and have an impact on current trade negotiations. In these circumstances, I really cannot see the value in the proposal before us today.

Baroness Humphreys (LD) [V]: My Lords, it is a pleasure to follow the noble Baroness, and it has been a pleasure to take part, albeit a very minor part, in these early stages of the Bill. I have been full of admiration for the passion and knowledge about agriculture shown by so many noble Lords. My family’s connection with farming ended when my great-great-grandfather’s farm in north Wales was taken over as a result of the rent increases imposed during the agrarian revolution of the late 1800s, which precipitated the social change his son described so graphically in his autobiography.

It seems to me that as we discuss the importance of agricultural and food standards in relation to Amendment 271, we could be standing at the cusp of another type of agrarian revolution, one which could again lead to changes in the viability of farms, not just in Wales, but in the whole of the UK. The threat of cheap, poor-quality imports leading to the lowering of domestic standards and a reduction in farm income is very real.

I was conscious, as I listened to some earlier debates, that most of the speakers spoke from experience of large farms in England, and it was a pleasure to hear the noble Lords, Lord Wigley and Lord Hain, speak earlier about small family farms, which are so prevalent in Wales. As a young female farmer, Beca Glyn, said in her blog, these farms make,

“valuable contributions ... to animal welfare, landscape management and culture; especially the Welsh language”.

Wales is, of course, hilly and mountainous and our climate is mild and wet. This means that only a small proportion of our land is suitable for arable cropping, but grass for the grazing of livestock is in abundance. Our upland and hill farms therefore provide grazing for hardy breeds of cattle such as Welsh Blacks and for hardy Welsh Mountain sheep. Our farmers, who work hard in sometimes very difficult conditions, are proud of their produce and the standards they achieve in animal welfare, and none more so than farmers around the Conwy Valley, where I live. I cannot imagine that there has ever been a time when the quality of our farmers' produce has been appreciated and valued by customers in the UK and in France as much as it has been in recent years. I share the concern of the noble Baroness, Lady Quin, about future access to the French market for our sheep.

For our local butchers, mart operators and abattoirs, quality is key, a quality that comes from adhering to high standards. Search their websites and Facebook pages, and the words “pride”, “high standards”, “quality” and “traceability” appear in abundance, so it is hardly surprising that farmers and consumers across Wales have been justifiably appalled and angered by the refusal of the Government to agree to an amendment which would guarantee a commitment to equivalent standards on imported agricultural or food products in this Bill. For them, there is no logic that an Agriculture Bill says nothing about protecting the standards which they have strived for and to which they have adhered. They cannot understand why a Government who committed in their manifesto, just seven short months ago, not to compromise on British farming's high standards, found it so difficult to accept the amendment introduced at Third Reading in the other place.

Sadly, even the commission announced by the Government today, with its temporary nature and inability to give binding advice, will be seen by farmers and consumers alike as an ineffective sop. Unfortunately, and I dislike having to say this, this has now become a matter of trust. Farmers and consumers alike question why the Government are so reluctant to enshrine their manifesto commitment in law. They ask: could it be that a manifesto commitment is easier to renege on? The Minister is held in the highest regard in your Lordships' House. He is courteous at all times, even at midnight on Day 6 in Committee, and I know he is a

man of his word, but Amendment 271 is on the Marshalled List because farmers' leaders and consumers have asked for it to be there. They know that in reality we are not dealing with a Minister we know and trust but with a Government who increasingly talk in doublespeak and cannot always be guaranteed to stand by their word. That is why their word has to be on a statutory basis in the Bill.

Lord Clark of Windermere (Lab) [V]: My Lords, I am very pleased to follow the noble Baroness, Lady Humphreys. When she was describing the difficulties of farmers in the north of Wales she could have been describing my county of Cumbria. The similarities are uncanny, but we knew that, even down to the weather. This seven-day Committee stage has been one of the finest debates that I have been involved in in almost 50 years in the Houses of Parliament. I think a lot of it is due to the way in which we have been led by the two Ministers. I am speaking as a member of the Opposition and am proud to be a Labour Peer, but the noble Lord, Lord Gardiner, has been an admirable Minister. He deals with us all, from whatever side, equally and in a tolerant way and tries to answer the questions, and he is ably assisted by the noble Baroness, Lady Bloomfield, who shows the same tolerance. I thank them both very much.

My colleague, the noble Lord, Lord Cormack, speaks with a great deal of sense and independence. He said that this was the most important agricultural Bill he had ever been involved in since he and I came into Parliament in 1970. He is absolutely right, but it is more challenging this time because, finally, we have realised that agriculture is not completely about farming. It is about forestry. It is about horticulture. It is about land use. It is about food standards and quality. It is about the environment. It is about what can be done through agriculture to cope with climate change. Today, this group of amendments brings home to us the result of Brexit and, accompanying that, trade deals.

6.30 pm

Finally, although I have the highest admiration for the Minister, I must accept that there is another problem. It is a problem for any Cabinet and Government: the Prime Minister can do what he wants but there is also the Chancellor of the Exchequer. The Chancellor warned us only last week that there will be cuts in public services in the coming year. I think everyone believes that the NHS will be excluded and that there will not be austerity cuts. We have to make sure of that and protect everything, including the finance of farming and agriculture.

At one level, if we look at the Trade and Agriculture Commission today, I must admit that there are major flaws. Being temporary means that it does not really have much clout. It has not had a successful PR launch, either. I also believe that, with 15 members, it is probably too large. We need a permanent commission with a smaller membership and with authority. I am not sure that it can build up that authority in six months.

I am very supportive of Amendment 271 and most of the other amendments in this group. I have heard some fine speeches from the noble Lords, Lord Curry of Kirkharle, Lord Inglewood, Lord Bruce and

[LORD CLARK OF WINDERMERE]

Lord Hain, and my noble friend Lady Quin, but at the end of the day, there is unity in this Committee on this Bill. We have to commit as much as we can in primary legislation because unless it is in primary legislation, the Executive will defeat the legislature and, I believe, will not provide us with the agricultural Bill that we and the country need.

Baroness Scott of Needham Market (LD) [V]: My Lords, I confess that I have some sympathy with the Minister. He is universally admired and respected in this House but he faces a weight of opinion that I have rarely seen in my 20 years in the House of Lords. Members from all Benches and from right across the UK, including some of the country's leading experts in their field—backed by the NFU, a coalition of more than 20 environmental and animal welfare groups, the British press and more than a million signatories to a petition—have major concerns about standards going forward after Brexit.

However, I have no sympathy at all with the Government, who profess to have an absolute, unwavering commitment to standards but refuse to put them in the Bill. If they thought that the creation and announcement of the Trade and Agriculture Commission was going to be a sop to noble Lords, today should have disabused them of that idea. As the noble Lord, Lord Curry, highlighted, this body is advisory only. If ever there were a time when we should have the lessons of advisory bodies foremost in our minds, it is now, when we have the recent experience of SAGE.

A number of noble Lords asked why the commission has been set for only six months. As the noble Lord, Lord Cameron, said, we are likely still to be negotiating trade deals in three to 10 years' time.

Among many others, the noble Lords, Lord Trees and Lord Cameron, and the noble Baroness, Lady McIntosh, raised issues such as good husbandry and the way in which poor husbandry elsewhere can be used to undercut British farmers. They highlighted important issues, such as stock density and the overuse of antibiotics.

The noble Lord, Lord Krebs, and the noble Baronesses, Lady Young and Lady Boycott, highlighted the question of where this cheap food is likely to end up and suggested that it will be with the poorest in our society. I think that they are right. No one should have to choose between their health and conscience on one hand and their budget on the other. These standards should be guaranteed for everyone.

Many noble Lords commented that this is the most important sets of amendments that we face. I agree: they are important in their own right but they are also important when it comes to thinking about parliamentary sovereignty. It is of course correct that Parliament did not approve, or even properly scrutinise, trade deals negotiated on our behalf when we were members of the EU, but that was entirely our decision; other member states chose to do it differently. Now, having apparently taken back control, the Government still see no role for Parliament in negotiating future trade deals, including on the important issues that we have debated today and despite the enormous public interest in relation to not just food but health, environmental and safety standards.

In recent weeks, we have heard a lot about how these commitments are enshrined in the Conservative manifesto. Manifestoes are meant to be an indicator of the Government's legislative programme—they are not an end in themselves. The noble Baroness, Lady Humphreys, commented that this is a question of trust in government. I absolutely agree. The Government have a problem here because they are telling business that, post Brexit, there will be a deregulatory bonanza and the creation of Singapore-on-Thames, yet in this regard, we are supposed to believe that these protections and such regulation are absolutely guaranteed. For many people, that is not credible, which is why we need something guaranteeing these standards in the Bill. My party has consistently called for the retention of high standards for food, the environment, safety and animal welfare after Brexit. We seek to ensure that this Bill and others will protect UK consumers and UK farmers.

The Minister has quite a job ahead of him on Report.

Lord Grantchester: This has been another very good debate on a key issue in the Bill. I thank all noble Lords who spoke on these amendments, which cover the key variances in opinion on approaches to food standards.

Amendment 276 in the name of my noble friend Lord Hain, which other noble Lords have signed, is essentially the amendment proposed in the other place by Neil Parish and others. Unfortunately, that amendment was defeated. I spoke on this in regard to my Amendment 271, which answers various deficiencies that that amendment encountered. However, I am very grateful to my noble friend for his remarks on the amendment, as he underlined the huge support that it secured with so many of the industry's representative bodies, including the National Farmers' Union.

If I may, I will group together Amendment 273 in the name of the noble Baroness, Lady Jones of Moulsecoomb, which other noble Lords signed, and Amendment 278 in the name of the noble Lord, Lord Empey, which the noble Lord, Lord Wigley, signed. Both approach the issue of food standards from the position that, after IP completion day, existing UK standards must not be undermined. Amendment 273 underlines the importance of equivalence of standards protecting food safety, the environment and animal welfare. It is clear in its objectives but, unfortunately, it does not provide for how this process will be conducted or implemented, including how the ratification—or denial of ratification—of any international trade deal will be endorsed or refused.

Amendment 278 specifies that the Secretary of State must produce a register of UK production standards, against which agricultural goods must be assessed, which must be updated annually. I do not know whether this is necessary when there is a statute book, or how this process will be judged. I thank the noble Lords, Lord Bruce and Lord Wigley, for Amendment 280, which is focused on the situation should the UK Government not conclude a satisfactory agreement with the EU in time. It requires that the Secretary of State report to Parliament on the impact of this on the beef and lamb sectors. There have been many debates

on the no-deal Brexit situation and its impacts. Even after the Government's announcements on the temporary tariffs that would apply in that situation, I share the amendment's concerns. However, I remain confident that there will be an agreement between the UK and the EU in time.

A food and trade commission has been proposed by the National Farmers Union for some time. While we can support such a commission, it does not replace our Amendment 271. Depending on its terms of reference, membership and powers, it could become a welcome means to monitor ongoing improvement in food standards and production standards equivalence in all future trade deals, but only as a second step, having secured the importance of the provisions enshrined in Amendment 271. There was always an apprehension that any food and trade commission would just continue anxiety about whether it will be effective in maintaining the UK's production standards.

I thank the noble Baroness, Lady McIntosh, who led on Amendment 270, and the noble Lord, Lord Curry, who spoke in support of the NFU's Amendment 279. I have great regard for the comments of the noble Baroness, Lady McIntosh, coming as they do from a former chair of the important Environment, Food and Rural Affairs Select Committee in the other place. I also greatly appreciate what the noble Lord, Lord Curry, has achieved over many years. I have attended many conferences where he has spoken and have sought his advice on one or two issues in the past. However, both speakers struggled to reconcile their amendments' proposals with what has now been set up. It was rather confusing: were they really promoting their amendments? On this side of the House, we would not be able to support the present proposals, or able to welcome the version of a food and trade commission launched today. That is a very disappointing position to be in.

The noble Lord, Lord Curry, spelled it out himself: it is not permanent and it does not follow any legislative step to enshrine UK standards. It is not independent; it is merely advisory. It has no formal powers and does not envisage any role for Parliament. His amendment makes no provision regarding wide representation of the many interests that need to be included on any commission. The obvious omissions of consumer interests, animal welfare and environmental organisations and others, have resulted in a crescendo of objections following the announcements. The British Veterinary Association, the RSPCA, Greener UK and Which? have all issued statements of disappointment.

This puts the National Farmers Union and proponents of the commission in a difficult position. Do they withdraw their amendments? They will feel embarrassed in farming circles. We do not need another talking shop for the NFU and its sister organisations in the devolved Administrations to debate for a few months. How does this differ from the trade advisory group that the noble Lord, Lord Purvis asked about? We need decisive and independent scrutiny, after having secured provision for our position. The co-operation between the commission proponents and the Government is interesting. Will the Minister confirm whether Amendment 279, in the name of the noble Lord, Lord Curry, was drawn up with his department's help

before it was agreed with the NFU? I understand that his department was taken aback when the Department for International Trade seized it as a method to buy off Back-Bench Conservative dismay at the Government's position, so that Neil Parish expressed anxiety at the department's approach to food production standards.

6.45 pm

We are still where we have always been on our cross-party amendment to enshrine standards in legislation. Over the short summer weeks until we return to these matters on Report, I would welcome further dialogue with the noble Lord, Lord Curry, the NFU and others. It is imperative that we achieve demonstrable progress across the House, especially regarding the food service sector—that is, food produced for consumption out of the home. Will the Minister continue to want to be seen to vote down amendments upholding the clear commitment to maintain the UK's food standards on animal welfare, environmental protection and nutritious plant health?

Lord Gardiner of Kimble: My Lords, this debate has taken four and a quarter hours. I have taken careful note of the range of views, but I well understand that there is a considered view across the Committee about certain points. My noble friend Lady Bloomfield and I are touched by the generous comments made by so many noble Lords. If we sit late tonight, we will have had about 54 hours in Committee, compared with 16 hours in the other place. Before any noble Lord starts to say that that shows what important work we do, when I referred this to my honourable friend the Minister for Farming, she said, "We gave it very thorough consideration; perhaps some noble Lords might have taken it to extreme levels." I pass on that one, however.

Given the time, I want to spend a little time setting out the legislative context in which all these matters should be considered. As I said at Second Reading, the European Union (Withdrawal) Act 2018 retains our standards on environmental protections, animal welfare, animal and plant health, and food safety at the end of the transition. This provides a firm basis for maintaining the same high level of protection for both domestic and imported products. I feel like repeating that. Because of the time, I will not, but I emphasise those points.

We already have the rules and robust processes in place to protect UK standards. The independent work of our food regulators, the Food Standards Agency and Food Standards Scotland, and rigorous processes will continue to ensure that all food imports into the UK are safe and meet the relevant UK product rules and regulations. This will include imports under new free trade agreements. For example, regulated food products need to pass the FSA's risk analysis process before being placed on the UK market. This process is rigorous, independent and based on robust scientific evidence. The process will bring a substantial weight of expertise to bear. The FSA has doubled the number of risk assessors since 2017. It can draw on the expertise of 100 scientific experts and support staff and has recruited 35 additional members to its advisory committees. It has also taken wider consumer interest into account, such as the impact on the environment, animal welfare

[LORD GARDINER OF KIMBLE]

and food security, drawing on appropriate expertise and stakeholders to do so. Moreover, the expertise of other government departments and agencies will be brought to bear in the risk assessment process, as required, including the Animal and Plant Health Agency and Defra officials.

The noble Lord, Lord Empey, asked about equivalence and who will determine it. Equivalence will be considered by experts in the Animal and Plant Health Agency and the Food Standards Agency. The expert advice and evidence on regulated products will then be presented to Ministers in the UK and devolved Administrations for a decision on whether these products should be placed on the UK market. Secondary legislation would need to be laid before Parliament to authorise new regulated products to be placed on the market and the usual scrutiny processes would apply.

We will repatriate the functions of audit and inspection, currently carried out by the European Commission, to ensure that trading partners continue to meet our import conditions for food and feed safety, animal and plant health and animal welfare. This will include UK officials auditing the food production systems and rules of other countries and carrying out inspection visits to facilities in the countries themselves. I did not hear any of that during the debate. We will also verify that requirements are carried out as stipulated through checks at the border. This will provide a robust system to maintain our high standards going forward. Our audits will ensure that trading partners have the necessary infrastructure and regulation in place to export safe food and animal products to the UK, which either meet or exceed UK import conditions, and will then ensure that these standards are maintained. Again, I did not hear much about any of that during the debate.

Given the protections outlined, the Government believe that sufficient measures are already in place. We are committed to ensuring that trade agreements do not compromise our high standards and will continue to take into consideration the views of relevant stakeholders across the food supply chain on the impact of trade deals. A range of established stakeholder groups is already in place to advise the development of government policy on trade. These include the Strategic Trade Advisory Group and the agri-food chain business group, as well as various supply chain advisory groups such as the arable group, the livestock group and the food and drink panel. These groups already provide valuable expert advice to help government develop trade policy.

The Government listened closely to valuable feedback from Parliament and stakeholders and, to strengthen these existing arrangements, recently established a Trade and Agriculture Commission—I say this to my noble friend Lord Caithness. It will operate under the auspices of the Department for International Trade. Defra is closely involved in its work. It will deal with policy areas that my department leads on and Defra officials are members of the commission secretariat. Earlier today, the Defra Secretary of State delivered a message alongside his counterpart in DIT at the official launch of the commission. If anyone studies the composition of this commission, they will see a wealth of authoritative expertise from across the four countries of the UK.

The chair of the group, Tim Smith, has over 30 years' experience in the sector and is a former chief executive of the FSA. I also worked closely with Nigel Gibbens during his time as Defra's Chief Veterinary Officer; his expertise on animal health and welfare will be invaluable. These individuals, and the rest of the membership, will drive a strong and independent piece of work, which I am sure will stand up to scrutiny.

The noble Lord, Lord Krebs, asked about consumer and other bodies. Beyond the membership itself, there will be many ways to engage the commission's members and other structures that will feed into the group to inform its advisory role. The exact shape and frequency of these will be formalised soon, subject to the chair. Members were approached to join the commission following a process of consultation. We believe that we have ensured that there is an appropriate range of views and expertise on the commission.

With reference to Amendment 279, the remit of the newly formed Trade and Agriculture Commission will cover many of the principles set out by the noble Lord, Lord Curry. It will bring together stakeholders across the industry and the four UK nations, using their expertise to advise on how best the UK can seize new export opportunities that our trade policy can deliver, in particular for small and medium-sized enterprises. The aim is to promote our high-quality agri-food produce internationally, while ensuring that animal welfare and environmental standards in food production are not undermined.

The Trade and Agriculture Commission will help to shape the future of trade and agricultural policy in our current negotiations and in those to come. It will also provide advice to help promote our agenda at the WTO and other international fora, including on international standards for animal welfare and environmental protections, and to advance and protect consumer interests and those of developing countries. This inclusive approach, along with the weighty expertise of members, ensures that the advice the commission produces at the end of its six-month term will be representative and robust. The commission's report will also come before noble Lords, who will debate it when the Department for International Trade presents it to Parliament.

The Trade and Agriculture Commission's recent establishment could not have come at a more opportune time, as our trade negotiations with the United States, Australia and New Zealand are live. While measures under the Bill will not come into effect until Royal Assent, the new commission has already started work and will have the opportunity to make recommendations at this crucial time. The Government are committed to building a transparent and inclusive trade policy. Parliament already has a role in scrutinising a finalised trade agreement before it is ratified, under the Constitutional Reform and Governance Act 2010.

My noble friends Lord Lilley and Lady Neville-Rolfe asked about WTO rules in relation to Amendments 270 and 271. I am advised that both these amendments would raise issues under WTO rules.

The noble Lord, Lord Krebs, asked about food. High standards and high quality are what our domestic and global customers demand, and that is what we

should provide. Our standards should and will ensure that consumers are able to have confidence in choosing products that conform to UK values, whatever their budgets.

My noble friend Lord Trenchard asked about the UK and EU standards. The UK Government will take a science-based approach to SPS measures and take their own sovereign decisions on standards and regulations, in line with the principles of the WTO SPS agreement and other relevant internationally recognised guidance. We will ensure that our high standards of food safety and animal welfare are not compromised.

The noble Lord, Lord Trees, asked about environmental protections. WTO rules allow for the adoption of measures on public policy grounds, such as protecting human, animal and plant life or health. This is subject to discipline in the relevant agreements, including that these measures do not arbitrarily discriminate between WTO members and are not disguised restrictions on international trade.

My noble friend Lord Caithness asked about labelling requirements on imported food. Food labelling rules apply to all food intended for supply to final consumers or to caterers. Imported food needs to be fully compliant before it is placed on the market in the UK. Furthermore, the name and address of a food business in, or importer into, the UK after the transition period will be required on the label. There are no exceptions to food labelling rules for imported food. My noble friend also asked about tariffs and the US deal. The third round of negotiations is taking place this week. We will always ensure that the UK FTAs are fair and reciprocal, and that any opening up does not cause an unwanted downturn for domestic producers.

On enforcing FTAs and offshore tribunals, the Government are clear that when negotiating FTAs we will continue to protect our right to regulate in the public interest, including in such areas as environmental standards. This right to regulate is recognised in international law.

The noble Baroness, Lady Ritchie of Downpatrick, asked important questions about Northern Ireland. The withdrawal agreement joint committee met again on 16 July and the Northern Ireland Executive representative again attended, in line with the *New Decade, New Approach* deal. They exchanged updates on implementation of the protocol and discussed preparatory work for future decisions.

My noble friend Lord Dobbs rightly emphasised that exports and the promotion of trade are important elements in this. I thought that we had a very good discussion on these with so many noble Lords referring to, and being rightly proud of, many products from all parts of the kingdom. If I had longer, I would name-check not only the noble Lords but their produce. However, we can all be proud of the great products that our farmers create and produce with their great husbandry across the nation.

I turn to the final amendment in this group, Amendment 280. The political declaration sets an aim for tariff-free and quota-free trade between the UK and the EU. The Government are working hard to achieve that. There are currently no tariffs and no quotas for trade between the UK and EU. Talks with the EU

suggest that we will maintain tariff and quota-free access; the best way to achieve this is through a free trade agreement. Reducing the cost pressures and processes associated with trade is in the interests of people and businesses across the UK, including the beef and lamb sectors.

7 pm

For quotas that form part of the commitments within our goods schedule, which has been lodged at the WTO, the UK has already agreed a common approach with the EU to apportion EU 28 tariff-rate quotas between the UK and EU 27 in order to ensure existing trade flows are maintained. Legislation will be presented by the Treasury later this year under the Taxation (Cross-border Trade) Act 2018 to establish new tariff quotas in UK law.

We already have means of monitoring these markets, including the lamb and beef sectors. Defra and the devolved Administrations have developed a UK agriculture market monitoring group that allows officials in Defra and the devolved Administrations to monitor and assess the impact of market developments across the UK. This will enable any market disturbances to be identified and allow Ministers to consider appropriate actions.

I am mindful of what many noble Lords have said not only about the lamb and beef sectors but about agriculture in general. I assure noble Lords that we in Defra are absolutely mindful and want to have a successful conclusion to our negotiations not only with the EU but across the world.

As I say, I think we may have missed some tricks in this House by not demonstrating enough the positivity and the opportunities for British agriculture. In the blend of how we have been, I detect too much negativity, and that does rub off in a not very helpful way for our important sector, because we want to be proud of exporting that great British produce around the world.

I well understand the point that has been made by so many noble Lords that this must be on the face of the Bill. I respectfully remind noble Lords that, yes, we are a revising and scrutinising House; there is another one that is the elected one and we should always be mindful of that as well. However, I have said that I have listened very carefully to what noble Lords have said, and I am well aware of the arithmetic of this House and the arithmetic on this particular matter. However, we should also be mindful that there is another Chamber that is the elected House.

It has been very interesting and, as I say, I have found it very valuable to have the intricacies of some of the points that have been made about particular amendments. However, this evening, I hope that my noble friend Lady McIntosh of Pickering will feel able to withdraw her amendment.

Baroness Bennett of Manor Castle (GP) [V]: My Lords, speaking in this particular spot I feel I have to echo the thanks and compliments to the Minister from many noble Lords in this debate for his usual detailed answers that fully engaged with the issues, as we have seen throughout this debate and particularly in this marathon session.

[BARONESS BENNETT OF MANOR CASTLE]

I note what the Minister said about food standards and attempts to guarantee those in the UK, which—if we think back the horsemeat scandal—have not always been successful. In establishing the Trade and Agriculture Commission, the Government have acknowledged that there are issues here to be addressed, which the amendments in this group are seeking to get to grips with on perhaps a deeper and longer level.

I am sure the Minister knows that, just this month, the first shipment of Chinese-cooked chicken went into the United States market—unlabelled—and, were chicken to be shipped from the US to here, it could equally make its way here. It is planned that, by the end of the year, uncooked chicken will be going from China to the US, despite the issues of food adulteration that have occurred in that country, and also the issues of avian influenza, for example.

My question is not specifically about the Chinese chicken in the US potentially coming here; it is a broader question. How can the Trade and Agriculture Commission, operating for six months, deal with the situation of the continually changing global trade in food and issues that will keep arising after its six-month term?

Lord Gardiner of Kimble: My Lords, I thank the noble Baroness for that question. As I say, that is precisely why we have established stakeholder groups as well. I think the commission is going to be invaluable to the Government; it will set the parameters and the issues at large with an expert group, but we will always continue to work with stakeholders because we want to have successful trading partnerships around the world, particularly—as I say—promoting great British food and drink.

Lord Curry of Kirkharle [V]: My Lords, I do not feel in the least embarrassed by my amendment, as suggested by the noble Lord, Lord Grantchester. It is precisely because of concerns about the limited authority of the commission that was launched today that I have tabled Amendment 279. I reassure him that I did not collude with Defra in constructing the amendment; however, I did it with the full support of the NFU.

I will respond to the Minister's usual very comprehensive response. I am very, very positive indeed about the future of agriculture after we leave the European Union. I have said a number of times that this is one of the most exciting points in history—in my lifetime—and we have a great opportunity to promote British agriculture, food and standards around the world. It is a really interesting and exciting opportunity.

However, I am disappointed that the Minister has not been willing to recognise the weight of opinion in the debate this afternoon. I am sure the noble Baroness, Lady McIntosh, will reinforce this. I ask the Minister to reflect on the comments made today before we return in September for Report. The importance of this issue will not diminish over the summer and it would be really helpful if the department were willing to table its own amendment on this subject on Report.

Lord Gardiner of Kimble: I am glad that the noble Lord, Lord Curry, has answered the question put by the noble Lord, Lord Grantchester, because I was

mightily confused at the idea that the noble Lord, Lord Curry, had had a discussion with me or any Defra official.

I said I had made a very careful note of the points that were made. I do not think I can say any more than that at this stage, but I will certainly be ensuring that my ministerial colleagues know the strength of feeling across much of the House. However, it is also incumbent upon me to say to your Lordships that we are a revising and scrutinising House, and the other place—the elected House—also has a very strong constitutional function to fulfil.

Lord Bruce of Bennachie [V]: The Minister recognised the importance of having a deal; without one, it will be a disaster, especially for producers of cattle and for the whole of the lamb sector. However, even with a deal, there will be a requirement for veterinary health certificates and there will obviously be inspections. Is the Minister mindful of the fact that this in itself will create some friction and cost? Would the department be willing to look at that situation and determine whether support is required to maintain that flow of export, even in the circumstance that we have a deal, while acknowledging that with no deal there is very little we can do other than face disaster?

Lord Gardiner of Kimble: I am most grateful to the noble Lord; that is an important point. The department is working on all those matters, because we recognise that we need a successful trading agreement, and we are mindful of the importance of the speedy passage of products, particularly in the food sector. The department is fully seized of and is working on these matters so that we have the resources and personnel in order to effect what the noble Lord is seeking.

Baroness McIntosh of Pickering: My Lords, I thank my noble friend the Minister for taking us to this point. I do not think he has satisfied the Committee; I will return to that. However, I thank him most fulsomely for his approachability, patience and ability to cover such a wide range of subjects, not just this evening but throughout the proceedings.

I add my thanks to the clerks, the Public Bill Office, the Government Whips' Office, the broadcasting and digital services—without whom we would have struggled to even begin to discuss this—and, especially, the Bill team, who have been here at all hours of the day and night as we have discussed this.

I was delighted when I heard that a commission was being set up, having first secured a Question for Short Debate on 25 February this year asking what steps the Government were taking

“to establish a trade standards commission in advance of negotiating trade deals.”—[*Official Report*, 25/2/20; col. GC 67.]

I have found, both in the other place and in this House, that I have been advised to follow the advice of my noble friend Lord Randall of Uxbridge. I urge my noble friend the Minister—as he regroups and as we leave once proceedings have concluded this evening—to consider that the best possible solution would be for him to use his very good offices and come forward with a compromise amendment, pulling out some of the key themes on which

there has been a huge consensus. However, there have been one or two noble Lords we have not been able to persuade at this stage.

I would like to meet the Minister's lawyers in the department to discuss whether or not this will be compatible with the World Trade Organization. My information is that, according to the WTO, exemptions are allowed for countries to set their own standards, based on the science, in limited circumstances, applying measures

"only to the extent necessary to protect animal, plant and human life or health",

which we also discussed in the context of Amendment 256.

I regret that my noble friend the Minister missed the opportunity to put my mind, and those of the noble Lord, Lord Purvis of Tweed, and others, to rest. Noble Lords asked what the relationship will be with the existing expert trading and agriculture commission—it has various titles. We did not get a reply to that, which was unfortunate. I believe that the Trade and Agriculture Commission is the body best suited to set out the detail and to consider what the criteria will be on reaching each of the trade agreements that come before the House.

I do not agree with the noble Lord, Lord Purvis, on everything, but we did have—as he reminded the House this evening—major success on the Trade Bill, with a number of amendments adopted which I now consider to be government policy. It is absolutely essential, whether we are discussing the Agriculture Bill, the Trade Bill, the immigration Bill or the Environment Bill, that we say the same thing on each Bill.

I am delighted that my noble friend the Minister has recognised the remit of the commission, but I am disappointed that it is going to last for only six months. I think the mood of the Committee this evening is that this is not long enough; it should be permanent and should look at the text of each individual agreement and give its views on those.

The noble Lord, Lord Purvis of Tweed, said that the time has to be now. I believe that this is the Bill and this is the occasion and, if not this evening, I beg leave to return to this group of amendments and to the themes that we have discussed. However, for the moment, I beg leave to withdraw my Amendment 270.

Amendment 270 withdrawn.

7.13 pm

Sitting suspended.

7.45 pm

Baroness Scott of Bybrook: My Lords, we still have quite a lot of business to do tonight and it is getting late already. I suggest that noble Lords are concise and to the point, so that we can get this important Bill through in a timely manner.

Amendments 271 to 274 not moved.

The Deputy Chairman of Committees (Lord Russell of Liverpool) (CB): We now come to the group consisting of Amendment 275. I remind noble Lords that anyone wishing to speak after the Minister should email the clerk during the debate. Anyone wishing to press this amendment to a Division should make that clear in debate.

Amendment 275

Moved by Lord Cameron of Dillington

275: After Clause 42, insert the following new Clause—

"Agricultural research

- (1) The Secretary of State may by regulations modify the definitions contained in Part VI of the Environmental Protection Act 1990 in relation to products of breeding techniques for agricultural purposes where nucleic acid changes could have occurred naturally or through traditional breeding methods.
- (2) Regulations under subsection (1) may only be made after the Secretary of State has held a public consultation on any proposed modifications to the definitions.
- (3) Regulations under subsection (1) may only be made in relation to England.
- (4) Regulations under subsection (1) are subject to the affirmative resolution procedure."

Member's explanatory statement

To enable the Secretary of State to make changes to the Environmental Protection Act 1990, as it applies in England, in relation to breeding techniques after the UK leaves the EU. This would allow for regulation of new precision breeding techniques compatible with international definitions.

Lord Cameron of Dillington [V]: My Lords, in introducing this amendment I declare an interest as chair of the advisory board of the Government's Global Food Security programme. On this board we look at all UK research relating to food. We cover not plough to plate but one stage further at either end—soils to stomach—thus tracing a chain from the billions of bacteria in soil that convert sunlight and water into crops, all the way through to the billions of bacteria in our stomachs that convert those crops into human energy.

The first thing to say about crop research in the UK is that the days when it was all about yield per hectare are long gone. If there is a primary target in present research objectives it is nutrition per hectare but, most importantly, without any degradation of ecosystems and natural resources. This has been the case in the research community for the last five to 10 years. Actually, there are many objectives in crop and animal research these days, and there could be many more as the world changes. Crops that have resilience are often better than crops that have high yields.

The questions being asked include: how do you breed plants that can resist the many different diseases and pests present in every country without having to put chemicals into the environment? We have already debated the problem of agricultural sprays in this country, but it is even more important in the developing world, where literacy is a problem among farmers and chemicals therefore tend to get used far too liberally, often to the detriment of the farmer's health. The other thing about gene resistance to pests is that it is better for biodiversity. Why? Because, unlike sprays, it does not kill the pest; it just protects the crop from the pest.

Next, how do you breed a plant that can resist droughts brought about by climate change? Irrigation schemes are expensive and use valuable water. Seeds are much cheaper, so you can breed either a plant that requires less water or, more often, one that comes to fruition—that is, to harvest—two or three weeks earlier, during which time its older counterpart might have shrivelled and died.

[LORD CAMERON OF DILLINGTON]

How do you breed a plant that resists flooding—either one that can stay alive underwater for several days or one that, when threatened, spurts upwards to keep its head above the floodwaters? How do you breed plants that are salt-tolerant or that produce crops less susceptible to the dreadful post-harvest losses you get in Africa, or plants that have a longer shelf life for our supermarkets and thus reduce the need for plastic?

How do you breed a wheat that minimises its gluten content to help coeliacs? How do you reduce the major allergy features of peanuts? That would surely save a few lives. How do you produce plants, such as tomatoes, that can be grown in an urban context—small plants that are covered with fruit but can grow on walls or in window boxes—or a cassava plant that does not have to be dried and processed within 24 hours, or a cocoa plant resistant to mildew or phytophthora? Finally, turning to yield, can you breed a wheat or rice that produces a much larger grain?

The answer is that all of the above are part of gene-editing research programmes at different stages of development in different parts of the world. We are not talking only about wheat, maize and rice here but sweet potatoes, cassava, cowpea, sorghum, millet, coffee, cocoa, fruits and vegetables, et cetera. Let us face it: we are too dependent on wheat, rice and maize, from the point of view of both resilience and, above all, nutrition. More work needs to be done urgently on these so-called orphan crops.

My point is that the opportunities and urgent needs are there in their thousands. If we are to meet our sustainable development goals and keep up with our exploding world population, speed is of the essence. Speed is the essence of what this amendment is all about—but not reckless speed. I want to make this absolutely clear: we are not asking or wishing for any reduction in the stringent regulatory requirements or supervision of all forms of breeding techniques of plants or animals. Defra's Animal and Plant Health Agency insists that all new varieties must undergo at least two years of official tests and trials. Furthermore, the Home Office animal experiment regulations also license and test every stage of gene editing, over many years, so we already have a well-functioning UK regulatory system, with an impeccable track record of food safety, animal husbandry and environmental protection. This will continue and can easily embrace these new breeding techniques. But, as with traditional breeding, once the crops have passed all the tests and we know they are safe to grow, farmers should be allowed to grow them for sale.

The speed that is necessary comes from the scientific precision of breeding plants and animals using gene editing. Let me explain. Genetic changes used by traditional plant breeders are mutations that arise randomly in crop plants. Normally, a breeder will select for a handful of beneficial changes, in a background of thousands of other mutations that are either neutral or sometimes even negative. At a plant-breeding station, the greenhouses are full of hundreds of hybrids, of which probably only one or two are desirable. The removal of undesirable off-target characteristics, by back-crossing and selection, is what breeders have been doing for thousands of years since the domestication of crops and livestock.

In gene editing, the genetic changes are the same as those used by traditional breeders, but targeted more precisely. There is only a small or non-existent background of trial and error, so the precision of the breeding technique is the clue to its safety for the environment and the world around it.

One of the problems with a recent EU court ruling on this, which is raising concerns even among the most conservative member states, is how you can tell a gene-edited plant from a naturally bred one. There is no way of telling unless you were present at its conception. Some members of the German Green Party have also questioned the ruling. Their point is that, if the technique is regularly used in human health—to genetically manipulate antibiotic clusters, for instance—why should it not also be used to benefit the wider world? I agree with them. With the strong backing of more than 100 EU scientific organisations, the Commission is now looking carefully at the rules on precision breeding, with a view to reporting next April. I strongly suspect that the EU rules will change.

So we seek both precision and speed. Instead of taking 10 to 12 years or longer to develop a new seed, we are talking about two to three years. This allows the development to be driven by a wider range of research organisations, mostly led by small businesses and public research organisations, not just large multinationals. It allows some of the world's best agricultural research stations, which we have in this country—places such as Rothamsted, John Innes and James Hutton—to team up with smaller research stations in developing countries, which have special crops, often with special local problems. By working with these poorer countries, as well as with UK agriculture, we can help farmers everywhere produce the food that their local population requires.

Another important point is that this proposed amendment would not affect, in any way, the control or current status of genetically modified crops, in which entire genes or even groups of genes can be transferred between species. This would remain strictly outside this law, with even their controlled experimentation, in government research stations, having to be licensed in exceptional circumstances. This amendment, however, would bring our rules into line with most other countries, apart from the EU, where precise improvements are made within the same species—improvements that could have occurred naturally or through traditional breeding methods.

Another final issue I will touch on quickly is the possibility of unintended consequences of gene editing. I have already commented on the greater likelihood of risks from traditional breeding techniques, both in plants and animals, but the main point to emphasise—and this applies to all scientists, whatever techniques they are using—is that modern scientists are always wrestling with the effects of their work on the wider environment. How will this affect the soil, the air, the local flora and fauna, including humans, and even the landscape? The idea is that their work should benefit the world in all its aspects. If they do not think like that, in this country at any rate, their regulators certainly do.

As we emerge from this Covid disaster, it is vital that our scientists are able to employ the precision and speed needed to breed the best and most useful crops

with safety. I urge the Government to accept this amendment, which empowers them to consult and act on the possibility of making changes to the Environmental Protection Act 1990. I beg to move.

Lord Krebs [V]: My Lords, it is a privilege to follow my noble friend Lord Cameron of Dillington, who has so beautifully set out the basis for this amendment. I am sorry that, on this occasion, I part company with a number of Peers whose views I hugely respect and with Greener UK, whose support, on this and other Bills, I have much appreciated. I speak as a career academic scientist whose specialism is ecology and the environment.

I will make three points. First, I will reiterate the scientific difference between gene editing and genetic modification. Gene editing is like traditional breeding, but more targeted. It involves tweaking the genes that are already there in the organism. It is roughly analogous to adjusting one of the ingredients in a recipe to improve the flavour of the dish. On the other hand, traditional genetic modification involves inserting new genes from a different organism. It is a bit like the introduction of a new ingredient into the recipe to change the nature of the dish. For example, one of the major GM crops is Bt maize, with a toxin gene from the bacterium *Bacillus thuringiensis* that confers resistance to corn borer. Gene-edited crops, with their ingredients adjusted, could be safer, more nutritious, more productive and more resistant to climate change, as my noble friend Lord Cameron of Dillington so eloquently explained.

But—this is my second point—the difference between genetic modification and gene editing is not relevant to those who object to gene editing. The objection is not about science but something else. Opposition to modern genetic technology, whether gene editing or GMOs, is often presented as three worries: the food made from GM crops is not safe to eat; the crops are not safe for the environment, for instance because genes could jump into wild plants or because it is part of the intensification of agriculture, which destroys habitats and biodiversity; and genetic technologies favour big agritech companies at the expense of small farmers.

The worriers also invoke the precautionary principle, saying that we should never adopt new technologies until we are 100% sure they are risk free. Ironically, the same individuals often invoke the precautionary principle as a call for new technologies to be used, even when the science is incomplete, for example on reducing pollution levels in the environment. In reality, these arguments are all code for a different vision of the future of agriculture, one that returns to traditional low-intensity methods, such as organic farming. In fact, organic farming and gene editing should not be in opposition. Organic farmers have as much to gain as conventional farmers, if not more, from the genetic improvement of their crops to make them more disease resistant without pesticides, more nutritious, more productive and so on.

My third point is that the amendment calls for public consultation, which is key if we are to avoid the mistakes of the 1990s. Noble Lords will recall that the first GM food on sale in the UK was tomato paste made with Flavr Savr tomatoes. These tomatoes do not go squidgy on ripening, so they produce a sweeter product. The GM tomato paste tasted better, was slightly cheaper

and was clearly labelled. It sold well, until the campaigning groups launched their highly successful “Frankenstein foods” campaign. Before long, the supermarket shelves were cleared of all products involving GM.

8 pm

You might say, “So what? We still have plenty of delicious food on our shelves and we have no need for new technologies.” However, there is a moral dilemma for those who argue against new genetic technologies. We are fortunate in having enough to eat, at least for the moment, but other parts of the world where food is scarce have suffered directly as a result of the campaign against modern genetic technology. For example, in 2002 there was a famine in Zambia and the President of Zambia refused US food aid in case it contained GM material. I was head of the Food Standards Agency at the time and a deputation from Zambia came to see me to find out why, if EU countries rejected GM foods, they should be considered suitable for Zambia. I tried to explain, without success, that there was no human health problem with eating US maize, but the President of Zambia subsequently said:

“Simply because my people are hungry, that is no justification to give them ... food that is intrinsically dangerous to their health.”

The truth is that, as novel foods, GM foods and, in future, gene-edited foods, are subject to rigorous scrutiny for safety and environmental risks—although, as I have said, the gene technology debate is not really a debate about the science. Furthermore, in future it is not just going to be the people in sub-Saharan Africa who are short of food who will need new technologies. We in this country will have to be smarter about how we produce food for ourselves—more food with less damage to the environment.

The amendment we are debating would enable the Government to start a public consultation on harnessing the potential of the brilliant UK plant science research community to make our agriculture greener, more productive and more sustainable. It is often claimed that the public are against novel gene technology but the most detailed study of this issue, by Professor Nick Pidgeon of Cardiff University, shows that this is simply not true. Nevertheless, it would be wise for us to proceed cautiously by an open and transparent public consultation before we adopt gene editing as part of our armoury for producing food in future.

Baroness Hayman (CB) [V]: My Lords, I should apologise to the Committee for making my first contribution on the Agriculture Bill at what I think is the seventh hour of the seventh day. I hope the Committee will give me a few minutes to speak to the amendment to which I have added my name, and which has been so ably described by my noble friends Lord Cameron and Lord Krebs. Their comprehensive and lucid explanations mean that I need not delay the Committee long.

I served two decades ago as a Minister at MAFF with responsibility for GM issues. As my noble friend Lord Krebs said, it was not a happy time. There was a highly polarised and often bitter debate to which I have no desire to return, certainly not in the form it took then. I very much hope that any future discussions

[BARONESS HAYMAN]

on GMOs will be much more nuanced, seek to find common ground and be focused on the outcomes we are trying to achieve, rather than on very divisive attitudes. The term “culture wars” was not in such common usage then, but it was an early example of that.

That debate brought me into contact with many plant scientists who inspired me with their vision of the potentially beneficial effects of crops that could be transformative, particularly in the developing world; that could withstand drought and thrive in high salinity and soils that needed fewer pesticides and herbicides; that could improve the nutrition and yield of very basic crops on which people’s lives depended; and that could improve the environment and build resilience to climate change.

Gene editing techniques offer these potential benefits, providing specific, targeted changes that conventional breeding could achieve but which might take 10 or 12 years, in one-quarter of that time. These are not just dreams for the future: as my noble friend Lord Cameron made clear, these are actual pieces of research that plant scientists are working on. They are relevant to this country as well as to the developing world. Work is going on to produce elite varieties of sugar beet that are resistant to beet yellows virus, which threatens to reduce the yield of sugar beet in this country by 50% and is of such concern to my farmer neighbours in Norfolk. Meanwhile, the possible development of salt-tolerant strains of rice, maize that can withstand drought, and many more applications, could mean the difference between famine and survival for many families in some of the most deprived areas of the world.

In that context, I argue that it is our responsibility to provide the appropriate regulatory framework for these advances, after what has been widely seen as the flawed ECJ judgment of 2018. We do not have to create something *de novo*, because we have regulatory frameworks in place for assessing varieties that are bred conventionally to have new qualities, but which, with gene editing, would simply be produced quicker and with more precision. We have the rules available, and this amendment would allow us to consult and see whether this is publicly acceptable when the difference between gene editing and introducing new DNA into a product—transgenic work—is actually explained. I believe it is possible to do that in a responsible way. I feel that very strongly because after I left MAFF, I became, for a time, a regulator. I chaired the Human Tissue Authority and served as a member of the Human Fertilisation and Embryology Authority. We faced similar issues to those that underlie the debate today: exciting scientific possibilities and new technologies, the risks and acceptability of which needed to be assessed. An appropriate level of regulation that commanded public support was essential.

These are never simple issues but if we approach them openly, they can maximise the benefit of scientific advance within the framework of public safety and confidence. We have set that framework in this country in other areas, such as human fertility and embryology, and those frameworks have been admired and followed in many other parts of the world. I believe we need now to do the same in the field of gene editing. I hope

that the Government, who have on many occasions accepted the logic behind this amendment, will respond positively when the Minister speaks at the end of this debate.

Lord Rooker (Lab) [V]: My Lords, it is an absolute pleasure to follow the noble Lords, Lord Cameron and Lord Krebs, and the noble Baroness, Lady Hayman. I was privileged to be able to put my name to the amendment. It is the only time my name appears on any amendment, because I was not sworn in to your Lordships’ House until late June and I missed part of the early debate. I do not want to repeat points, but my experience is worth sharing with the House.

First, I want to make a topical point, which is that I was not impressed on Sunday by the BBC “Countryfile” programme, which dealt with this subject, nor by “Farming Today” yesterday. I will not go over the details, but they were not impressive examples of how to explain the technique to the public. It is a simple change to allow faster methods of plant breeding by access to novel gene-editing procedures. Such changes that take place would be the same as, but faster than, traditional plant breeding methods. Plant breeding is not politically sexy; it does not get a high profile in journals and on TV, and most members of the public would not have a clue about what goes on with the plant breeding technology we use.

As has been said, gene editing has nothing to do with genetic modification, because no foreign DNA is used. The European Union currently makes no distinction between gene editing and GMO technology, and that is the purpose of the amendment, although that might change. The EU regulations have emptied some UK laboratories, because people and companies left to work outside the EU. Companies abandoned first-class labs, one of which I visited in the Home Counties after I left the Government in October 2008, and it was tragic to see the empty space and the lost scientific opportunities.

Of course, new methods need handling with care for plants and consumers. I have got scars from 1997 to 1999, when I dealt with genetic modification. Going back to the previous debates, I was taken by what the noble Baroness, Lady Boycott, said about Monsanto. During that time, I met the man from Monsanto, and I explained to him that lectures to me and other Ministers about how we should grow our food from the company that gave us Agent Orange did not go down very well. Monsanto, of course, does not exist now; it is subsumed into the companies.

When I arrived at the Food Standards Agency, when I was at Defra the second time, from 2006 to 2008, it did not really figure. When I got to the Food Standards Agency in 2009 as chair, we had been charged by the Government with running an information campaign. In fact, we had started the process, we had appointed Professor John Curtice to chair some of the public meetings and deliberations. But it was ended. There was a reluctance from some groups to embrace any idea of new technology. The anti-science groups are still vocal and are clearly deliberately linking Amendment 275 to GMO technology. I have had hundreds of emails and notices, like everyone else, and I have actually read the standard line. It is more difficult to describe products

in a single plant species as Frankenstein food, so they do not do it. But the idea is to link the two together using the letter G, which is alleged to be the one that frightens people. It is precision breeding, nothing more nor less.

We need better productivity in agriculture and better resistance to disease and climate change. We cannot stand still while our competitors—the United States, Brazil, Australia, Japan—are able to use gene-editing technologies. It does not make sense. The EU, over the years, in my personal experience as a Minister and as a regulator, has moved away from the science as a result of lobbying by pressure groups, which are almost at a religious zealotry in terms of opposition to the technology. Unlike with GMOs, there is no reliable test to distinguish between gene editing and conventional plant breeding. Why should there be? It is the same plant. Nothing extra is added from another species, so I am not surprised there is no test.

8.15 pm

I appreciate that some see gene editing as the thin end of the edge, but I do not see GM technology as negative. We use it in imported products. Reference was made to tomato paste, which in 1997 was outselling non-GM tomato paste by two to one. It tasted better, it was fully labelled and it fulfilled all the conditions, but the minute that there was talk of Frankenstein foods, it was off the shelf quicker than you could say “tomato paste”. To use GMO technology as a means of attacking gene editing is backward and anti-science, and there is also a degree of dishonesty about it.

I finish with adding to the list of examples that we were given by colleagues as a result of some of the applications from a recent paper by the German institute. We are not just talking about England and the United Kingdom. Our science has a contribution to make to the rest of the world where it is more difficult to grow crops, where people cannot grow enough food, where starvation is the order of the day and where there is a lack of water. There is more likely to be a war over water than a war over oil if we are not careful. Crops that can exist with less water and are less prone to difficulties with the climate must be a gain. There could be wheat with bigger grains and a bigger grain weight, powdery mildew resistance in wheat and tomatoes, bacterial blight resistance in rice, reduced gluten content in wheat, drought tolerance in maize and wheat, and salt tolerance in rice.

Behind all those examples and some 40 others across the world, work is going on and products will come to market. Why should we not use our science when we know we can give a lead and take the public with us? It is very important that the contributions are handled publicly, and I hope that this debate will be part of that. The House of Commons did not have an opportunity to debate this amendment because of the way the Bill was truncated right at the end. I do not think that the all-party group’s deliberations had finished in time. There has to be a much wider opportunity than this Bill in terms of our food production, and the science of food must be explained and used to make the case to the public. As the noble Lord, Lord Krebs, said, organic farmers have nothing to fear from this. Indeed, they should embrace the science because it could be of great assistance to them.

The Earl of Lindsay [V]: My Lords, as vice-chair of the APPG on Science and Technology in Agriculture, I believe that the Bill is a timely opportunity for the Government to consult on and thereafter create the option in future to oversee and regulate precision-breeding tools such as new gene-editing technologies. I therefore fully support the amendment and agree with everything said so far in its support. I also note the wide support that the amendment has attracted from reputable institutions across the UK, in mainland Europe and elsewhere in the world.

It is universally accepted that agriculture and food production must become more sustainable in a world that faces considerable challenges from climate change, environmental degradation and an increasing and more affluent global population. Most would accept that we need to be more innovative if we are to reduce the dependency on pesticides and fertilisers and tackle biodiversity loss while at the same time providing food that is sufficient, nutritious, sustainable and affordable.

The new generation of precision-breeding tools, properly regulated, would make a major contribution to delivering these vital objectives. It would be a step change in our ability to deliver a more sustainable, productive and climate-resistant agriculture. Finally, it would also align with the regulatory stance of other countries around the world whose scientists, breeders, farmers and consumers already benefit from access to these valuable precision-breeding technologies.

Baroness Young of Old Scone [V]: My Lords, I have rather drawn the short straw in being the first speaker to disagree with the rather stellar line-up promoting Amendment 275. I have huge trepidation in doing that because all noble Lords who have spoken so far are people whose views I hugely respect and who have the best possible motives.

I have listened very carefully to what they have said and remain pretty concerned about any loosening of the regulation of gene-edited crops. I shall not talk about health issues and the health impact, but will focus on the environmental issues associated with gene-edited crops. I was chairman of English Nature at the time that this was giving the noble Lord, Lord Rooker, scars in the late 1990s and I was on the opposite side from him then, but I hope that the noble Lords who have spoken so far will not dismiss my arguments as emotional. I am talking about science as much as they are, and I would be disappointed if that were dismissed as Luddism. One of the failures of this debate to date, as it was 20 years ago, is that it immediately starts polarising, opposing voices are demonised and there is a sense of battle lines being drawn up. That is something that we should not repeat.

There is no doubt that there may be benefits from gene-edited crops that would be hugely valuable in the face of growing world populations and climate change. Some have already been talked about, including high yields, increased nutritional content, greater proof against drought, pests and extreme weather, less use of land and less application of fertilisers, but there are undoubtedly well-evidenced down sides as well. Let me go through those that bear weight with me. First, there is the undeniable issue that once gene-edited species have been released, that is irreversible and if there are any

[BARONESS YOUNG OF OLD SCONE]

consequential ill effects, they cannot then be put back in the bottle. So this is important and tricky stuff. Secondly, there is the possibility of gene flows taking place between crops and close wild relatives. The impacts of that, which may be unforeseen, need to be carefully taken into account. Thirdly, and I take issue with the noble Lord, Lord Krebs, on this one, producing insect-resistant crops is not just stopping the insects eating the crops; it will have an impact on the biomass of insects in just as dramatic a way as killing insects with pesticides. We have to think about what is happening to our insect populations if many of our crops are to be developed with insect resistance. That is their food source. Fourthly, although gene-editing tools are coming on by leaps and bounds, even CRISPR and the like are not yet as precise as is claimed and there is substantial research evidence of unforeseen changes in other parts of the genome.

At the moment these crops are regulated as GMOs and there is a full assessment of the environmental impact before they can be released. The noble Lord, Lord Gardiner, responding to the noble Viscount, Lord Ridley, on 4 March this year, said that the Government would take a “science-based approach” to gene editing and there would be “strict controls” to safeguard the environment with

“a robust case-by-case safety assessment taking full account of the scientific evidence.”—[*Official Report*, 4/3/20; col. 609.]

How does the Minister see such assessments taking place if there is a change from the regulatory framework for gene editing, and where will scientific advice on the impacts on the environment come from? I made some inquiries with the chairman of Natural England a couple of weeks ago, which formally advised the Government on the impact of genetically modified crops on the natural environment, and he has revealed that Natural England, English Nature’s successor, can no longer afford a specialist team in this area so it has disbanded any expertise that it had.

Of course, a perfectly good EU review of the whole issue of gene editing of crops and animals is under way and due to be published next April, so why are we rushing to make an amendment to the Bill that would jump the gun? Can we not wait to see what that review reveals? Rushing to deregulate gene editing, as some wish to do, to bring us into alignment with the US risks us pursuing the US market, which will always be a smaller, specialist market for UK food products, and risk our not being able to continue to do business with our major existing EU markets, depending on what they decide.

Therefore, why not wait to see what the EU decides to do after April 2021? In the meantime, the Minister would have the opportunity to lay out more clearly how his assurances on controls to safeguard the environment would work and it would enable a much broader public debate on acceptability. The noble Lord, Lord Krebs, talked about open and transparent consultation, but changing the entire regulatory regime for gene editing under cover of darkness in the Agriculture Bill without any prior public consultation does not seem the right way to start off in an open and transparent way with the general public, who, for good reason or bad, are sensitised to this issue.

This artificial need for haste feels very like going back to the bad old days of the late 1990s, which the noble Baroness, Lady Boycott, recalled during a debate on previous amendments. Monsanto tried to ride roughshod over British public opinion and the British political process. It got a very bloody nose and set any case for responsible genetic modification back by 20 years.

The signs are there again. One side has terrific zeal that this technology will solve all problems; the other side is denigrated as an unscientific bunch of woolly-pully tree-huggers. Public concerns are reduced to an equation that says, “Well, if we explain it more carefully to the public, of course they’ll accept it”, but that is the worst possible way of approaching a public consultation exercise that involves something very near and dear to the hearts of all people in this country—what they put in their mouths and what happens to the environment.

Let us not fall into the trap of 20 years ago. Let us take this steadily and have a properly scientific, open and transparent debate, and let us not set off on the wrong foot by accepting this amendment.

Lord Taylor of Holbeach (Con) [V]: My Lords, I declare my interest as a member of a family farming and growing business, as listed in the register. Perhaps I can reassure the noble Baroness, Lady Young of Old Scone, that that is exactly what the amendment is about. It is about a consultation—it is about talking about the issue and trying to get some sense around it. I usually like to hear what the noble Baroness has to say but I found what she said today terribly negative and almost backward-looking.

At the heart of this is a consultation on a future regulatory status for new precision breeding techniques such as gene editing. I think we all agree that there is no foreign DNA involved in gene editing. It offers an enormous step change in the speed and precision of breeding crops and livestock. Therefore, it opens up significant opportunities for scientists, breeders, farmers and growers to keep pace with demands for more productive and sustainable production systems, with improved resource-use efficiency, more durable pest and disease resistance, improved nutrition and resilience to climate change. That is all to the good, I say.

The amendment has attracted widespread support, and not just the support of science. It will also ensure that our small and medium-sized breeding companies have the same access to these promising new techniques as the very large multinational companies, which the noble Baroness, Lady Young, mentioned. For example, down the road from me in Spalding is Elsoms Seeds, an independent, family-owned business that recently celebrated its 175th anniversary. The company wrote to me to express its support. Why? Elsoms works with a wide range of different crops, including small-scale vegetable crops and speciality crops. Having access to these techniques in a proportionate and enabling regulatory environment would be a game-changer for the company and the growers it supplies, not least in helping the fresh food sector to cope with the challenges of pests and diseases when so many chemical products are, probably rightly, being withdrawn from the market.

8.30 pm

As the noble Lord, Lord Cameron of Dillington, said, the main advantages of gene editing are speed and precision. One compelling example of how gene editing could transform future prospects for British farmers was presented at the recent meeting of the All-Party Group on Science and Technology in Agriculture, which has been active in pressing for this amendment. It relates to sugar beet. We grow beet ourselves so I have an interest in the solution to a problem that all beet growers have to live with, which noble Lords can see on “Countryfile”. As the noble Baroness, Lady Hayman, said, yellows virus is a real problem. While integrating these novel sources of resistance into elite beet varieties using conventional breeding could take 10 to 12 years, with gene editing it could take as little as two to three years for these varieties to be available to growers. These are game-changing technologies that could mean the survival of beet growing in this country.

The potential to help our plant scientists and British-based seed companies to address global challenges such as food and nutrition security, climate change and sustainable development means that we should adopt this technology. What the amendment suggests, and what I believe is correct, is a real and practical opportunity to have a public debate about reframing our legislation on gene editing and to help develop a post-Brexit food and agricultural sector driven by science-led and evidence-based policy.

Baroness Bennett of Manor Castle [V]: My Lords, I thank the noble Baroness, Lady Young of Old Scone, for leading the way for those of us speaking in opposition to the amendment. As a relatively new Member of your Lordships’ House, I am very glad that such a respected Member went first.

I begin by reflecting on the scope of this debate. I think it was the Minister who said that it had taken 54 hours a couple of hours ago. There has been a great deal of dissatisfaction with this Bill. That is very obvious. We have just spent a long time on the trade issues. There is also the lack of agroecology at its centre, where it should be; the lack of duties on the Government, only access to powers; food not being a public good; and the lack of regular reporting.

I refer to all of that, not to try to use this speech as a round-up but to make a specific point about the amendment. In a discussion before Committee started, the Minister said that the Government were minded to consider this amendment outside the Bill’s scope at this time. I find myself in a slightly odd situation, since I am often in the Bill office arguing for things to be in Bills that I am told are outside scope. However, I put it to the Government that they need to ask themselves whether they want to engage in this debate in this Bill when so many other issues will be hugely contentious when we get to Report. Indeed, a noble Lord who has been in the House for many years suggested earlier that Report might be as long as Committee.

I will pick up on a point that the noble Baroness, Lady Young of Old Scone, made. Some people, primarily advocates for this technology blazing ahead, try to turn this into a culture war. They try to label those

who say, “Hang on, slow down, what are you doing?” as anti-science. I regret that, because my first training was as a scientist. I very much embrace and am fascinated by agroecology. I share the interest in soil science of the noble Lord, Lord Cameron of Dillington. I am very much interested in the science of nutrition. All these sciences take a holistic approach to our interaction with the natural world and with our food system. They are fundamentally different kinds of science and approaches from the silver bullet, single-step approach that GM technology represents.

In the past, we have seen that kind of approach and technology dominate for decades. It is the approach that produced the green revolution. We have seen quite a few reports coming out of India reflecting on the huge damage that taking that approach has caused, including enormous problems with water, pests, pesticides and a lack of variety in diet.

I refer to some of the issues that noble Lords have already raised. In an earlier debate, the noble Viscount, Lord Trenchard, talked about rapeseed and the difficulty of growing it here without neonicotinoids. Of course, that crop was only introduced to Britain in the 1970s. There has been quite a bit of discussion about sugar beet, a crop that is responsible for 10% of the entire soil loss of some of the richest soils, certainly in England. This crop also produces sugar, which we already have far too much of.

We need to think about what crops we grow and whether we grow them in the right places. I often discuss with farmers the growing of wheat in Scotland. There is a reason why Scotland is famous for oatcakes. Wheat is a crop that is fundamentally unsuited to the Scottish climate. We need to look at these things holistically, rather than essentially trying to ram square pegs into round holes, often for the convenience of large multinational companies that want a small number of certain crops and their food to taste the same all around the world.

I referred to the issue of time. I do not think that this is the place to engage fully with the issue of technology and its potential dangers, but I want to pick the noble Lord, Lord Cameron of Dillington, up on a phrase he used, which I think another noble Lord repeated. He said that GM technology is producing precise changes. I refer noble Lords to a report in *Nature* on 25 June. The headline read: “CRISPR gene editing in human embryos wreaks chromosomal mayhem.” This actually refers to a series of pre-print reports that have not yet been peer reviewed, which, in the age of Covid, is very much the way a lot of medicine is going. If noble Lords want to wait and see on that one, I refer them to a debate in your Lordships’ House on gene editing, when the House considered a Motion in the name of the noble Baroness, Lady Bakewell. I quote from that debate the noble Lord, Lord Winston, whom I am sure noble Lords would wish to listen to on these issues. He said:

“CRISPR is not an accurate technique.”—[*Official Report*, 30/1/20, col. 1530.]

So, there are far more issues and questions about these technologies than has been suggested in the debate thus far.

[BARONESS BENNETT OF MANOR CASTLE]

I want to come back to the practical arguments that those who do not really want to engage with the scientific debate might be interested in listening to. I want to make a point about subsection (3) of the new clause proposed by the amendment. It states:

“Regulations under subsection (1) may only be made in relation to England.”

If you were to bring an amendment such as this at the next stage of the Bill—whether a government amendment or otherwise—certainly, it should refer to widespread consultation and discussion with the other nations of the United Kingdom. Seeds and pollen and other such crops will not be stopped by Hadrian’s Wall—even less so by Offa’s Dyke. This issue has to be considered on a scale across the United Kingdom; then, of course, Ireland may raise some pretty interesting concerns about and issues with the land border.

That brings me to a final point and gives me a chance to engage with the noble Earl, Lord Devon, who talked about the wonders of Devon cream teas. I am going to indulge in Yorkshire parkin and the wonderful products of the rhubarb triangle. Many noble Lords at many stages in this debate have spoken about the reputation of food from the UK, its potential in export markets and how that reputation is founded on images of cleanness, wholesomeness and quality. The noble Lord, Lord Krebs, reflected on international views of the use of GM technology in crops and how that affects people’s views. If noble Lords are concerned about promoting in that area of export markets—it is not my personal focus, which is on producing local food for local consumption—some of which can be small volumes of high-value products that are valuable and useful ambassadors for Britain around the world, they want to look very carefully at this amendment and consider what its impact would be.

Viscount Ridley (Con) [V]: My Lords, like the noble Baroness, Lady Hayman, this is my first contribution on this Bill since Second Reading, but I will be brief and I declare my farming interests. The amendment in the name of the noble Lord, Lord Cameron of Dillington, is one that the Government and the House should embrace with enthusiasm. Noble Lords will recognise that I have been raising precisely this issue of gene editing in plants in Oral Questions for some years. I have become something of a cracked record on the subject. I say to the noble Baroness, Lady Young, that the amendment would not change British policy on biotechnology; it would merely require the Government to consider doing so after consultation. Who can be against debate? If we then decide to go ahead, we would be in a position to rescue the British plant breeding industry, as my noble friend Lord Taylor said, which has a perfect safety record but is being left behind in the rush to make crops that need fewer pesticides and less fertiliser, are more nutritious and more drought-tolerant and can be grown with fewer emissions. If we fail to act today, British farming will be using more chemicals and generating more emissions than it would otherwise.

I was therefore surprised at Second Reading to hear the noble Baronesses, Lady Parminter and Lady Bennett of Manor Castle, argue against this proposal. I genuinely do not understand why Liberal Democrats or Greens

would argue effectively in favour of more chemicals and more emissions in agriculture. Indeed, harking back to the very lengthy debate on previous amendments today, I suggest that if we do not take steps in this direction we may find that other countries reject our agricultural exports because of the low environmental standards of this country. That is where we are headed. We will be hoist by our own petard.

Many modern varieties are produced by scrambling the genes of seeds with gamma rays or chemical mutagens and then selecting from the resulting hopeful monsters. That is an extremely imprecise technology, but it is the one, I am afraid, that the noble Baroness, Lady Bennett of Manor Castle, is recommending because that is the method by which much-loved organic varieties, such as Golden Promise, the barley variety used in brewing, were generated. To quote the noble Baroness, Lady Young, once these varieties are released, it is irreversible. They cannot come back. Is that not a worse technology? However, that method is not subject to strict regulation, despite the fact that it produces lots of unintended changes to DNA. It is specifically exempted from the GMO rules in the European Union.

In July 2018, as we have heard, the European Court of Justice decided, against the advice of its Advocate-General and virtually all European scientists, not to give gene editing the same exemption as that mutagenesis method. This puts the EU and the UK at odds with the rest of the world. Japan, Australia, Argentina, Chile, Brazil, Colombia, Israel, Canada and the US all say that if no foreign DNA is introduced, the plant is not a GMO, which is what the Cartagena protocol gathered by the United Nations also says. India, Bangladesh, the Philippines, Indonesia, Nigeria, Kenya, Paraguay, Uruguay and Norway are all moving towards enshrining the same position in law. Only New Zealand is still in the same camp as the European Union.

I refer to one other point raised by the noble Baroness, Lady Young: if we use gene editing or genetic modification to make crops resistant to insects we will reduce the biomass of insects. That is not the case because, as the example of sugar beet, raised by my noble friend Lord Taylor shows, the alternative is not no resistance against insects but using pesticides—insecticides, in the case of sugar beet. We have had to give up on neonicotinoids, so it is worse pesticides. They kill not just the aphids you are aiming at but innocent bystanders—other insects that happen to be about—so the effect on the biomass of insects of introducing insect-resistant crops has been shown to be positive, not negative.

8.45 pm

The noble Baroness, Lady Bennett, raised the point of agroecology, and some argue that organic agriculture is a better way to go to achieve fewer emissions and chemicals in farming. However, organic agriculture is a very small and declining sector of British agriculture, covering just 2.7% of this country’s farmland, and falling. Organic farming actually has higher emissions because it depends on more mechanical methods of weed control, such as ploughing and tilling and, as I have said, it depends on far more unpredictable and massive genetic alterations through mutagenesis to

produce its varieties. Gene editing offers the greenest future for farming. If we want more skylarks in our fields, we should support this amendment.

Lord Curry of Kirkharle [V]: I support this amendment as tabled and ably presented by my noble friend Lord Cameron of Dillington and supported very convincingly by other contributors this evening. I support it for two reasons: first, it is in line with the stance that has been quite rightly taken by the Government when debating these issues in Brussels, so why would they not support it?

Secondly, this is an important test case in that our ability as an industry to explore new science is at risk if we are denied the opportunity to consult on this technology. We have world-leading science institutions and we need to re-establish our reputation as a place where sound science is welcome, trialled and tested. Scaremongering by comparing gene editing to genetic modification is unhelpful and the difference has been explained very convincingly by my noble friend Lord Krebs. I hope the Minister will support this amendment.

Finally, I endorse all the compliments that have been paid to the two Ministers—the noble Lord, Lord Gardiner, and the noble Baroness, Lady Bloomfield—for their endless patience and gracious responses during the seven days we have spent on this Bill, and to the staff who have enabled these debates to take place with remarkable efficiency in difficult circumstances.

Baroness Parminter (LD) [V]: It is always a pleasure to follow the noble Lord, Lord Curry. On this occasion, however, I believe this amendment is a Trojan horse seeking to end the classification of gene editing as genetic modification and replacing the EU regulatory framework with the Americans' proof of harm.

Good regulation is about managing the risks and the benefits of a process, and while we have heard about the potential benefits of gene editing from the noble Lord, Lord Cameron, and other Peers, there are risks too. Although the noble Viscount, Lord Ridley, may not wish to acknowledge these, I am grateful to the noble Baronesses, Lady Young of Old Scone and Lady Bennett of Manor Castle, for articulating some of them. For brevity's sake, I am not going to repeat them now.

I accept that the amendment sets out some undertakings before the Secretary of State could uproot regulations governing the food on our plate, but this Bill is not the place to do it and the amendment is, at the very least, pre-emptive. The Government must do two important things: first, they must lay before Parliament the policy statement on environmental principles as committed to in the Environment Bill, which will explain how environmental principles, including the precautionary principle, will be interpreted now we are outside the EU.

The Government have said that they remain committed to the precautionary principle. We are signatories to the Convention on Biological Diversity, which invites governments to take a precautionary approach with regard to synthetic biology. The Americans, with their proof-of-harm regulatory framework, uphold neither the convention nor the precautionary principle. Until Parliament has fully debated how environmental principles

will be interpreted now we are outside the EU, there should be no consideration of changes to gene-editing regulations.

Secondly, the Government must introduce new laws on animal sentience, as they promised to do in the 2019 Conservative manifesto. These laws should place a duty to pay all due regard to the welfare needs of animals as sentient beings and, given that gene editing allows animals to be altered for food, would inform policy in this area. In America they sell AquAdvantage salmon, gene-edited to grow to size in half the normal time of three years. Animals are sentient creatures with intrinsic worth and should not suffer to obtain more productivity and profit. These invasive procedures can be painful, and animals that do not deliver the required traits are euphemistically “wasted”. It is not just me who is concerned. The Royal Society conducted research on gene editing in 2017 which found that the public were very concerned at its use on animals, particularly to increase the productivity and profitability of meat production.

The Bill rightly commits to the highest animal welfare standards and working within environmental constraints to enhance biodiversity and provide the food that we need. Into it has been smuggled this Trojan horse, studiously avoiding the words “genetic modification” or “gene editing”, at a parliamentary stage that limits wider debate. I cannot support this pre-emptive approach to remove a regulatory framework that takes a precautionary approach and requires mandatory food labelling. The welfare of our farmed animals, our biodiversity and public trust in our food are too important for that.

Lord Trees [V]: My Lords, I am pleased to speak in support of Amendment 275, proposed by my noble friend Lord Cameron of Dillington. Under strict regulatory processes, and after consultation—I emphasise that that is in the amendment, as referred to by other noble Lords—it is about applying exciting new technologies, supporting our superb UK biotechnology industry to continue as a global leader and an economic success. Above all, it is about strengthening global food resilience and security while potentially reducing chemical or drug use.

The amendment has particular relevance to plants but I want to support it with respect to animals and their diseases. I draw a contrast with the opinions of the noble Baroness, Lady Parminter, who I respect immensely. The priority of disease control in animals increasingly lies in prevention, and key tools in prevention are management and husbandry, vaccines, and genetic resistance. Genetic resistance has of course occurred spontaneously by natural evolutionary processes in wild animals.

Apart from knowing what the R number is, many noble Lords will now be aware from the Covid-19 pandemic of the remarkable innate resistance of, for example, bats to viral disease. They carry infections that are lethal to humans, such as rabies and the Covid-19 virus, without apparent clinical disease. By definition, the process of natural selection occurs over many years, so conventional breeding methods to create disease resistance in domesticated animal species are extremely slow and raise real ethical problems.

[LORD TREES]

Now we have the amazing potential ability to very precisely identify the parts of an animal's DNA that permit specific pathogen invasion and then, in a very targeted way, adapt them by gene editing so as to be non-permissive to infection. This mimics changes to an animal's DNA that might occur spontaneously but very rarely in nature, and does it in a fraction of the time. It is distinct from the wider techniques involving genetic modification yet is currently included within them and prohibited in current EU legislation, as many other noble Lords have said.

In relation to animal disease, there is already promising research to breed pigs with resistance to African swine fever, a highly infectious pathogen in pigs, distributed worldwide, that in recent years has killed millions of pigs in China, is now killing pigs and infecting wild boar, which are symptomless carriers, in continental Europe, and presents a real and present danger to our own domestic pig population in the UK.

The Roslin Institute at the University of Edinburgh has recently created, using gene editing, pigs with resistance to the porcine reproductive and respiratory syndrome virus, a disease endemic in the UK pig herd and a welfare concern as a cause of severe disease and high mortality, as well as having a substantial economic impact.

Finally, I stress that unlike processes involved in gene cloning, for example, using gene editing to establish a founder stock which breeds normally involves relatively few animals and no more intrusive processes for the animals initially than are used in normal veterinary practice. I very much support this progressive, forward-looking amendment.

The Deputy Chairman of Committees (Baroness Henig)

(Lab): I call the noble Lord, Lord Taverne. We are having problems, so I call the noble Lord, Lord Blencathra.

Lord Blencathra (Con) [V]: My Lords, I declare my interests as set out in the register. I thank my noble friend the Minister for his sterling work over the last seven days in Committee, for his incredible stamina, and for his courtesy and politeness when replying to debates. I will be very brief, since the noble Lord, Lord Cameron of Dillington, has set out very clearly and convincingly the essential case for permitting gene editing as soon as we are free of the EU, very ably supported by my noble friend Lord Ridley, who also made a thoroughly learned speech.

Did we not hear passionate speeches last week on controlling the use of pesticides? Gene editing will give us crops which will not need pesticides because they will be pest-resistant. I passionately believe in growing more of our horticultural crops and a lot more under glass. That is expensive, but what if we could double the yield of tomatoes grown under glass? That has been achieved by Professor Lippman in the United States with just one type of tomato. We can do that with all crops, vegetables and fruits, increasing yields, making them more pest- and drought-resistant. We might be able to make them more water-resistant so that we do not lose so many thousands of tonnes of potatoes, as we did in the wet autumn of last year.

Imagine the health potential of crops which are more nutritious, sweeter but with less sugar or gluten, crops which ripen with less heat or sunshine or mature in a shorter period. The potential, as described by my noble friend Lord Ridley, the noble Lord, Lord Cameron of Dillington, and other noble Lords, is enormous. This will be the next agricultural revolution and the UK can be in the lead in Europe and the world once again. Our crop geneticists will also overtake America once we are freed from the dead hand of the EU. Those who argue that we still need the EU court controlling our affairs should remember that it was the EU court which ruled that gene editing should be governed by the same controls as genetic modification, a decision that made no sense in science, morality or logic.

I hope that the Government will look favourably on this amendment, and, if the wording is not perfect, that they will bring forward a government amendment on Report.

Baroness Bakewell of Hardington Mandeville: My Lords, I too rise with some trepidation after the contributions from luminaries with such vast experience, for whom I have tremendous respect.

In his first speech on the steps of Downing Street, the Prime Minister set out his priorities for government. He outlined the role that genetically modified crops could play in our future:

“Let's start now to liberate the UK's extraordinary bioscience sector from anti-genetic modification rules, and let's develop the blight-resistant crops that will feed the world.”

Given that statement, it is surprising that this amendment was not introduced in the other place when the Bill was debated there. Did the Prime Minister not trust his fellow MPs and colleagues to pass the amendment?

In November 2017 the Environment Secretary, Michael Gove, ruled out allowing more GM foods in the UK. However, negotiations for a free trade deal with the US are expected to include a push for loosening restrictions on GM foods in the UK to create a market for US GM crops. The cultivation of GM crops is currently banned in both Northern Ireland and Scotland.

9 pm

Liberal Democrats are concerned that growing GM crops on a commercial basis will lead to cross-pollination. However, we have been in favour of allowing field-scale trials. Liberal Democrats adopt the EU precautionary principle; the US uses the proof-of-harm principle. As my noble friend Lady Parminter said, the sentience of animals is important and should be protected. There is evidence that gene editing causes harm to animals.

The Prime Minister's new-found love for GM crops is motivated by a desire not to feed the world but instead to ingratiate himself with President Trump, to achieve a successful US trade deal and to pit himself against strict EU regulations that the UK could free itself from.

The noble Lord, Lord Cameron, introducing his amendment, made some powerful points in favour of relaxing the rules around gene editing, many of them relating to providing more food for countries that cannot grow enough crops to feed themselves. He gave

several examples of how altering the genes of crops could make them more resilient to climate change. He was supported by the noble Lord, Lord Krebs, who gave the powerful example of Zambia's resistance to taking GM food when the population was subject to famine.

I am extremely sympathetic to helping third-world countries to be more resilient and to be able to feed their populations properly, but is the Agriculture Bill the right place for this to be introduced? Is not the Agriculture Bill for addressing the agriculture industry in this country? While growing crops that can withstand climate change should be addressed, this can be done only in conjunction with radical moves to address climate change itself, not working around it so that we can carry on as normal.

The noble Lord, Lord Cameron, also addressed what the unintended consequences of gene editing might be. My noble friend Lady Parminter also spoke knowledgeably about this aspect and presented a different synopsis. The changes to gene editing crops could be used as a cover to water down all UK environmental and animal welfare legislation and allow poor-quality US food to be imported. Farmers have repeatedly called for amendments to Brexit Bills to guarantee UK standards in future trade deals—we have just completed a very long debate on this subject—but the Conservative Government have failed to provide reassurance.

In the US, GM foods do not have to be labelled. Greenpeace and WWF have expressed concerns that GMs are presumed safe, with no additional testing required. Furthermore, one company, Monsanto, has a near monopoly on the world's supply of genetically engineered seeds. The noble Lord, Lord Taylor of Holbeach, and the noble Viscount, Lord Ridley, spoke in favour of the benefits to crop and plant production. The noble Viscount is right that our organic farming is lagging far behind other countries'. It is time it was given a boost, and gene editing will not do that.

Stricter labelling and environmental assessments of gene editing crops would be required if the UK were to allow responsible GM. Furthermore, ensuring that our farmers are not exploited by GM food companies would be vital.

Those supporting this amendment are on a mission to get it accepted. The noble Baroness, Lady Young, has spoken about the previous polarisation of the debate and the demonisation of those opposed to gene editing. I hope we will not degenerate into this state on this occasion. As the noble Baroness, Lady Bennett of Manor Castle, indicated, those of us opposed to gene editing are not anti-science.

The lobbying on behalf of a relaxation of rules on gene editing has been heavy. Cogent arguments have been made on both sides. The noble Baroness, Lady Hayman, spoke from personal experience and the noble Lord, Lord Rooker, is passionately in favour of gene editing. My noble friend and colleague Lady Parminter made a strong case for waiting until more scientific information is available, in particular in regard to animal sentience.

The fact that this amendment was not introduced in the other place leads me to believe that it has something of the back door about it and is not the way to proceed. The noble Baroness, Lady Young of Old Scone, also

indicated this. We should wait for the interpretation of the environmental principles before we rush headlong into permanently altering the food on our plates. We need broader regulations and we need to prove that animal sentience is not harmed; then we can move on. Our current precautionary principle is the right one and ensures transparent food labelling. I believe that the country is not ready for us to throw this away. It will be essential to have proper public consultation on this matter, not just in England, and I look forward to the Minister's response.

The Deputy Chairman of Committees (Lord Lexden)
(Con): I now call Lord Taverne, with whom I think a connection has now been made.

Lord Taverne (LD) [V]: Hello, can you hear me? Nobody can. Just a moment—

Baroness Scott of Bybrook: My Lord, we can hear you.

Lord Taverne: Then that is all right.

I have two apologies to make. First, I was listening to the noble Baroness, Lady Young of Old Scone, having followed the great debate with enormous interest—and admiration, to a large extent. Then suddenly the link with Zoom was broken and it has only just been restored, so I have heard no speeches since then. That is my first apology.

Secondly, I have not taken part in the debate before on the Bill, either in Committee or at Second Reading. The fact is that I was really concerned only to make some sort of contribution on Amendment 275. To declare an interest, I have been interested in this subject ever since I founded the organisation Sense about Science in 2002. I was its chairman for the first 10 years—so that is the background against which I now declare some interest.

I listened with enormous admiration to the speech made by the noble Lord, Lord Cameron. There is no point whatever in my attempting to rival him by saying what the merits of this amendment are, but I will say just one thing. I am very worried about the fact that the Lib Dems, who will debate this in future, have shown some signs—as I think the previous speaker seemed to indicate—that they are against the amendment. The overwhelming evidence, and an overwhelming amount of support from the science community, has come in favour of this amendment. It is not just from the Royal Society and SAGE but from all the agriscience businesses. They have all been very keen that it should be passed. Of course, we will see about this on Report; there will be a debate then and we will find out what the Government's reaction is.

The Committee should also look at the people who sponsored this amendment. The noble Lord, Lord Cameron, gave a wonderful description of his knowledge and experience in this field. He advanced arguments which it will be very hard for the opposition to answer effectively. The noble Lord, Lord Krebs, is a very eminent member of the Royal Society and a former chairman of the Food Standards Agency—again, a person of great scientific credentials. Then there is the noble Baroness, Lady Hayman, our former Speaker, who also had a very good reputation as a Science

[LORD TAVERNE]

Minister, and the noble Lord, Lord Rooker, who was another excellent chairman of the Food Standards Agency. Unfortunately I was unable to hear whether the noble Lord, Lord Willetts, spoke, but I think he would vouch for the fact that Sense about Science, the organisation I am associated with, is very reputable. He too was a very eminent Science Minister.

If somebody says, “We are not anti-science”, in light of the arguments advanced and the overwhelming support from not only the scientific community but the National Farmers’ Union and the British Society of Plant Breeders—people with practical experience of agriculture—how could they possibly say that the evidence is against them?

I hope that the Liberal Democrats will prove that they are a pro-science party, as I believe they are. How can anyone say that they are pro-science when they completely ignore the overwhelming weight of evidence and support for this amendment? That is really rather like Messrs Gove and Cummings saying, “Don’t take any notice of the experts”.

I hope that the Government will give a favourable response. After all, the amendment proposes a democratic procedure of open discussion and consultation. I hope that, when they come to debate this, the Lib Dems will not take the path of proving—to their great disadvantage—that they are an anti-science party.

Baroness Jones of Whitchurch (Lab): My Lords, I start by declaring an interest as the chair of Rothamsted Enterprises, which is part of the Rothamsted agricultural research institute, and as the vice-chair of the All-Party Parliamentary Group on Science and Technology in Agriculture. Like the noble Baroness, Lady Hayman, throughout my career I have been inspired by many scientists, and certainly by those I have met in those capacities.

The noble Lord, Lord Cameron, introduced his amendment with his signature expertise. We have had a very good debate today, with a range of well-informed and passionate contributions. Not everybody was in agreement, but we heard some serious arguments why, when we leave the EU, we should revisit the European Court of Justice ruling that gene editing should be subject to the EU GMO directive. We recognise that some countries within Europe are already calling for that review.

I think we can all agree that, in the right context, advances in science and technology can make a huge contribution to our food production efficiency, environmental targets and climate change obligations. During the passage of the Bill, we have debated the great advantages of, for example, precision farming, robotics and satellite technology. Science can also help at a microbiological level by, for example, giving better analysis of soil health, crop variety resistance to disease and microbes in water quality, as we have heard.

The world of farming is changing, and we need to be alive to the opportunities that this brings for the sector. I am very excited about many of the developments occurring at research institutes around the UK. However, that does not come without risks, and we need to be alive to these as well. Therefore, we argued strongly for the retention of the precautionary principle in UK law when we were dealing with the EU withdrawal Act.

When dealing with food production and the widespread use of pesticides and herbicides, the public need to have absolute confidence that the system of checks in place is robust and secure. The EU provided that security; some might say that it was overly bureaucratic and gold-plated, but it was based on the best scientific evidence and had the interests of consumers at heart. Therefore, when we leave the EU, we need to ensure that any alternative regulatory regime is equally robust. This was a point very well made by a number of noble Lords this evening.

A number of noble Lords have explained in detail the difference between gene editing and genetic modification; of course, I accept that there is a difference. Clearly, gene editing is more akin to the use of classical plant breeding techniques, or even natural variation, whereas genetic modification introduces DNA from another organism. We are therefore talking about two separate techniques. However, I think it fair to say that most members of the public do not make this distinction. They remain suspicious, and they have the right to be heard and to have their concerns addressed. I will not relive the history of our experiment of trying to introduce GM technology back in the 1980s, but much of that concern was fuelled by suspicion of the motivations of the seed and fertiliser companies, so any modern debate has to address those issues head-on as well.

9.15 pm

This brings me back to the amendment in the name of the noble Lord, Lord Cameron. In many ways, our disagreements are not fundamentally about the science; they are more about the process. First, it is unfortunate that the amendment has been tabled at this relatively late stage in the Bill’s consideration. If it had been tabled in the Commons, MPs could have had a genuine dialogue with their constituents, which would have helped shape its direction. An issue of this importance needs proper parliamentary scrutiny and debate. As it is, it is fuelling the suspicion of those who fear it is being slipped through for ulterior motives.

Secondly, the wording is not in the spirit of genuine public debate. It calls for a consultation on the use of the powers to change the definition in the Environmental Protection Act, rather than a consultation on whether these changes are the right way to proceed in the first place. It fails to set out proposals for a properly robust UK regulatory regime to oversee any use of gene editing, should the definitions in that Act be changed.

Thirdly, as several noble Lords have said, the Bill is not the right place for an amendment of this kind to be considered. Fundamentally, the Bill is about the alternative provision of financial assistance to farmers to replace the common agricultural policy. Unless it is being proposed that gene editing research should be funded as part of ELMS, I do not see its relevance to the point of the Bill.

Finally, the amendment has been tabled at a particularly difficult time in international trade negotiations. I do not want to rehearse the arguments from the previous debate. However, as we leave the EU, we should be maximising continued trade opportunities for UK foods to enter EU markets. If we unilaterally remove the restriction on gene-editing technology in England,

there is a danger that we will incur additional barriers to exports at a time when the farming economy is already financially insecure. On the other hand, if we remove the UK's restrictions on gene-editing technology, it would open the door to imports of food from America, which is already using this technology. This could easily undercut our own food production costs. I therefore argue that this is an added complication in the trade negotiations which our farmers could well do without at this particularly sensitive time.

However, I agree with many noble Lords that a review of the legislation governing both GM and GE is now due. However, it should be a separate review with a programme of public engagement and debate. That is the way to build public trust in the activities of agricultural scientists and farmers in the future. We cannot, therefore, support the amendment as it stands and I hope that the noble Lord, Lord Cameron, despite his passion and good intentions, will withdraw it.

I hope that all noble Lords can agree that we need a separate, structured consultation that will enable us to reach an informed outcome, in which the science, its potential and its limitations are fully and widely understood. Perhaps, on that basis, we can avoid culture wars and get closer to some degree of consensus on this very controversial issue. I look forward to the Minister's response.

Lord Gardiner of Kimble: My Lords, this has been another thought-provoking debate. I thank the noble Lord, Lord Cameron of Dillington, for tabling an amendment that seeks to address an issue with current regulations affecting the use of gene editing and other precision breeding techniques in agriculture. Until 2018, there was uncertainty within the EU as to whether the living products of this technology should be subject to the same regulatory framework as genetically modified organisms, because the legal definition of a GMO was open to interpretation.

In 2018, the European Court of Justice ruled very clearly that these products must be treated in the same way as GMOs, even if the changes to their genetic material could have been produced by traditional methods, such as crossing varieties of the same species and selecting only the improved individuals. The UK Government intervened in the case to argue for a more scientific outcome. Our position was, and is still, that if the products of gene editing could have been produced naturally or by using traditional breeding methods, they should not be regulated as GMOs.

The Government are committed to taking a more scientific approach to regulation. Many scientific institutes, along with the breeding industry and some EU member states, such as Sweden, share our view that the current rules are unscientific and a solution is needed soon if we are to reap the economic and environmental benefits these technologies have to offer, such as more resilient crop varieties, reduced use of synthetic pesticides and more disease-resistant animals. The Government are committed to this task and to following due process, so that any necessary changes are properly informed and there is confidence in them.

I am grateful to the noble Lord, Lord Cameron of Dillington, for his examples of gene-editing research from around the world. The UK is at the forefront of

genetic research and the Government are keen to build on this excellence. We want farmers to have access to crop varieties that are more resilient and require fewer synthetic pesticides.

I was struck by what the noble Lord, Lord Trees, said. He is one of the most respected veterinary surgeons in the country and, of course, our veterinary surgeon in this House. I was struck by the potential and the opportunities he outlined for breeding disease-resistant farmed animals. Again, I cannot believe that he would promote something that in any way compromised the welfare or interests of animals. I have to be careful, because two members of my family are in the veterinary profession, but I think it is one of the remaining very well-respected professions. Eminent scientific bodies in the EU and UK have advised that it is the characteristics of an organism and how it is used that determines whether it is a risk to human health and environment, not how it was produced.

It is important to highlight that gene-edited organisms resulting from changes to genetic material that would not arise naturally or from traditional breeding methods will need to be regulated as genetically modified organisms. They should not come under the gene-editing exception. It is important that the Government address this matter, both by making any necessary legislative changes and by ensuring public confidence and trust. It is important that these issues are heard and addressed transparently. To this end, I place on record that the Government will consult publicly on this issue. Defra is working on the details so that a consultation can be launched in the autumn. I have given firm assurances that the Government will consult on the issues raised by this amendment and I hope, therefore, that the noble Lord, Lord Cameron of Dillington, will feel able to withdraw it.

The Deputy Chairman of Committees (Lord Lexden (Con): My Lords, I have received no requests to speak after the Minister.

Lord Cameron of Dillington [V]: My Lords, I thank all noble Lords who have taken part in this debate, particularly my fellow sponsors of the amendment. I also thank the Minister for his very full reply, which I shall read carefully and reflect on. It is clear that people on both sides of the fence feel strongly on the subject. I think we can all agree that the most important thing is to feed our grandchildren with the least possible damage to the environment and the future of the planet. Those in favour of the amendment believe that using precision techniques is the best and safest way to do this, while those against think that the tried and tested random mutation is better, albeit slower. I want to respond to one or two of the points raised.

One cannot put traditionally bred plants back in the bottle; nor can one stop any cross-fertilisation in the wild, but properly regulated precision breeding is just less likely to do so, in my view. However, I agree that the wider consultation is a really good idea, which is why this amendment specifically recommends it and why it seems that the Minister has picked up on it. As a Scotsman, I picked up the remarks about wheat in Scotland. I should tell the noble Baroness, Lady Bennett, that in the 1990s, a field in Aberdeenshire held the world record for winter wheat yields for several years. It is the long summer days there.

[LORD CAMERON OF DILLINGTON]

The noble Baroness, Lady Bennett, also made a comparison with human medicine, with reference to an article in *Nature*. However, it is very misleading in this discussion about which is the best between precision breeding and traditional breeding. The removal of undesirable off-target characteristics is what traditional breeders have been doing for millennia. This back-crossing, as it is known, has never been possible with human medicine for obvious reasons, so the arguments and comparisons do not apply. Of course, scientists are cautious about the use of gene editing in humans. Meanwhile, compared with precision breeding, traditional animal and crop breeding is much more likely to produce off-target characteristics to be removed. Precision breeding is, as I said, much safer and more accurate.

I repeat what I said in my opening speech to the noble Baroness, Lady Parminter: this amendment in no way affects the legislation on GMOs and is not the thin end of any wedge. Several noble Lords mentioned or hinted at this, but I am not sure how we are pre-empting parliamentary debate with this amendment. If that is so with this amendment, presumably all amendments over the past seven days are pre-empting debate. Surely it is the opposite: we are promoting debate. If the Bill is about only rewarding new ways of land management, presumably the debate that we have just had on trading standards is also trying to slide an amendment through by the back door. I will say no more, but we all know that the Bill will go back to the Commons, which can have its say over all or any of our changes.

On animal cruelty, also mentioned by the Minister, I strongly refute that gene editing could be considered more cruel than traditional breeding methods. Think of the results of traditional breeding from the wolf over the years, which include dogs with noses that are so squashed they can hardly breathe and Pekingese whose eyes drop out. Meanwhile, the process of taking an egg from a chicken or fish and editing its genetic make-up is not in any way cruel. If, for instance with the salmon egg, you can increase its resilience to sea lice, as they are doing at Roslin, you would be doing both the salmon and its surrounding environment a heap of good as there would be no need for environmentally damaging treatment to remove the lice, which also harms the salmon.

With mammals, you also take an egg, treat it and re-insert it into the mother—a process no crueller than IVF in humans to help a mother have a much-wanted child. If, for instance, you thus increase resistance to PRRS in pigs, as again they are doing at Roslin, you are reducing the enormous suffering and deaths from that appalling respiratory disease. Of course, if you alter the genes of one animal, you should get hundreds or even thousands of their progeny with the same characteristics without touching them in any way. Breeding resistance to disease into future generations is so much more sensible than the ongoing use of antibiotics or medicines as the best way of helping animals live pain-free and disease-free lives.

I will stop there. But as this is the last time that I will speak in Committee, I want to thank the Minister for his extreme patience and professionalism, expertise in the subject and fluency at the Dispatch Box. I am

full of admiration for the skill and extraordinary tolerance with which he has handled us troublesome Members, and I thank him for the conscientious way that he has dealt with the Bill. With that, I beg leave to withdraw the amendment.

Amendment 275 withdrawn.

Amendments 276 to 282 not moved.

Clause 43 agreed.

Schedule 5: Provision relating to Wales

Amendments 283 to 288 not moved.

Schedule 5 agreed.

Clauses 44 and 45 agreed.

Amendments 289 to 291 not moved.

Schedule 6: Provision relating to Northern Ireland

Amendments 292 to 294 not moved.

Schedule 6 agreed.

Clause 46 agreed.

The Deputy Chairman of Committees (Lord Lexden) (Con): My Lords, we now come to the group beginning with Amendment 295. I remind noble Lords that anyone wishing to speak after the Minister should email the clerk during the debate. Anyone wishing to press this or any other amendment in this group to a Division should make that clear in the debate.

9.30 pm

Clause 47: Regulations

Amendment 295

Moved by Lord Carrington

295: Clause 47, page 40, line 28, leave out “primary legislation,” Member’s explanatory statement

This amendment seeks to remove the power for statutory instruments to be used to amend primary legislation

Lord Carrington (CB) [V]: My Lords, I declare my interest as a farmer and landowner as set out in the register. I have tabled Amendment 295 with the kind support of the noble Lords, Lord Greaves and Lord Addington, and the noble Baroness, Lady Jones of Moulsecoomb, and Amendment 298 with the support of the noble Lord, Lord Greaves, and the noble Baroness, Lady Jones of Moulsecoomb, after discussion, of course, with the National Farmers Union. Both amendments relate to general and financial provisions in the Bill.

The purpose of these probing amendments is to understand from the Government how they intend to use the power of modifying primary legislation. Such an action highlights the relative lack of parliamentary scrutiny involved with statutory instruments. Many of us have a general discomfort with statutory instruments being used to amend primary legislation for non-specific purposes. I would be most grateful if the Minister could indicate how this power would be used in a fully accountable manner.

Baroness Jones of Moulsecoomb [V]: My Lords, I have stayed up until what is for me a very late hour in order to do two things at the time of these amendments being moved. The first is to join in the accolades for the noble Lord, Lord Gardiner, and I would like to spread that out to the digital team, all the staff, the Bill team and everyone who has helped to keep the House of Lords going. I felt personally that the noble Lord's patience began to fray once or twice during some of these late debates, but he held it together and has been amazing, and of course I thank his deputy, the noble Baroness, Lady Bloomfield.

The second reason why I have stayed up so late is to support the noble Lord, Lord Carrington. I signed these amendments yesterday because, over the past few months, I have been infuriated by the actions of this Government, who seem to think that now they have a majority of 80-odd in the other place they can behave as they like. Many of us do not think that is true. I had thought about not contributing to this debate and just asking *Hansard* to cut and paste the other speeches that I have made about the Government's use of Henry VIII powers, but I felt it was perhaps more responsible to repeat the points myself. I just do not understand why the Government keep coming to Parliament asking for permission to rewrite primary legislation without needing to go through the full process of amending it. That is rule by diktat; it is anti-democratic and dictatorial. I shall always be opposed to it unless the Government can give some overwhelmingly important reason for it. I do not expect the Minister to answer that question, but I think this Government are taking too much power into their own hands and it is time they accepted that they are vulnerable to scrutiny. The British public will not like the fact that they are so overbearing.

Lord Thomas of Gresford (LD) [V]: My Lords, it is a pleasure to follow the indignation expressed by the noble Baroness, Lady Jones of Moulsecoomb. Sir Edward Leigh summed up the Government's attitude to a Henry VIII clause admirably when he said in the other place, when speaking on the then current European Union (Withdrawal) Bill:

"We have heard a lot about Henry VIII. When I was a rebel I used to care about these things. Now I am a loyalist I let the Government get away with it ... Henry VIII is a bastard, but he is my kind of bastard."—[*Official Report*, Commons, 11/9/17; col. 466.]

The Proclamation by the Crown Act 1539 was the work of Thomas Cromwell, Henry VIII's Secretary of State—very well delineated in Hilary Mantel's trilogy. He sometimes had trouble getting his Bills past Parliament. The Act said:

"The King for the time being, with the advice of his council, or the more part of them, may set forth proclamations under such penalties and pains as to him and them shall seem necessary, which shall be observed as though they were made by act of parliament".

Importantly, even Henry's proclamations could not interfere with existing legislation and rights. It did not give power, as this Bill does, to repeal existing legislation, so Clause 47 is a Henry VIII-plus provision. Under King Henry's Act, an offender could be subject to forfeitures or imprisonment for not obeying an article of a proclamation and, what is more,

"if any offending will depart the realm, to the intent he will not answer his said offence, he shall be adjudged a traitor."

That meant hanging, drawing and quartering in those days. I recall that it was part of the Conservative Party's manifesto in 2019, as part of its push to modernise itself, to reintroduce treason into our courts as an active criminal offence.

Back to Henry VIII: his Statute of Proclamations was one of the first statutes to be repealed in its entirety following his death in 1547. "Rightly so", noble Lords may think. It lasted only 12 years before it was immediately repealed. Sir William Blackstone in his *Commentaries on the Laws of England* vol. 1 chapter 7, published in 1765, said that Henry's Act was

"a statute which was calculated to introduce the most despotic tyranny, and which must have proved fatal to the liberties of this kingdom, had it not been luckily repealed".

In case noble Lords think I am lost in history, I move from Henry VIII and Sir William Blackstone to the noble and learned Lord, Lord Judge. Speaking in a debate on a report of the Constitution Committee, he said caustically,

"we are giving these powers to the Prime Ministers of our day which the men of the 1539 Parliament were not prepared to give to the dictating ogre who ran the country in theirs. We give powers that Parliament would not give to the great king."—[*Official Report*, 12/6/19; col. 460.]

With that background, let us look at the current Bill and its amendments. Clause 47(3) states:

"Any power to make regulations under this Act includes power ... (d) to make supplementary, incidental, consequential, transitional, transitory or saving provision."

Subsection (4) says:

"The provision which may be made by virtue of subsection (3)(d) includes provision modifying primary legislation, retained direct EU legislation or subordinate legislation."

"Modify" is a weasel word against which the Delegated Powers and Regulatory Reform Committee, of which I was a member up to last year, has inveighed on many occasions. It dare not speak its name in its place in the Bill. Noble Lords have to turn to Clause 48—the definitions clause—to discover what it really means. That clause says that

"'modify' includes amend, revoke and repeal (and related expressions are to be construed accordingly)".

Noble Lords may think there is not much more you can do to existing legislation, although the definition, by use of the word "includes", leaves it open for further interpretation.

That, of course, is not the end of it since Clause 50 permits the Secretary of State or the appropriate authority—the Welsh Government or whoever—to modify the Agriculture Bill itself when it becomes an Act, so there is the power to modify this Act by a simple statutory instrument, hence Amendment 298.

At Second Reading, I said:

"At some unknown future time, the Minister will slot a package of policies into this frame as and when he has worked them out. He will introduce a series of unamendable SIs for minimum scrutiny and, save for one issue only, with no consultation."—[*Official Report*, 10/6/20; col. 1811.]

I suspect Sir Edward's "my kind of bastard" will do just that. The noble Lord, Lord Carrington, is entirely right to inquire how the power in this Bill will be used.

Lord Marlesford (Con) [V]: First, I declare my interest in Suffolk farming, as in the register. I also echo so many others in paying tribute to my noble friend Lord Gardiner of Kimble for the brilliant way in which he has shouldered the very heavy burden of a seven-day Committee stage of this Bill. We owe him a deep debt of gratitude and he is one of the finest Ministers I have known in this House.

I am glad to follow the noble Lord, Lord Thomas of Gresford, because I take a rather similar view of Henry VIII clauses, but I recognise that complicated legislation sometimes needs to be reinforced at short notice by statutory instruments. There is one particular point I want briefly to mention at this late hour: the frequent inclusion in statutory instruments of powers of access to premises without a warrant. This has been an abominable abuse of our democracy. The police and the other forces of law and order always require a warrant if they are entering premises, unless they are in hot pursuit, for example. But all too often, particularly in the field of agriculture and food, numerous inspectors, who are not even required to have the courtesy of asking for an appointment to come in, can pounce. I am not saying it is never necessary to pounce, but I am saying that a warrant from a magistrate is absolutely essential before they behave in that manner.

I have been campaigning on this issue for many years, along with my noble friend Lord Selsdon, and we have succeeded in greatly reducing the number of statutory instruments which include powers of entry without a warrant. Indeed, the Joint Committee on Statutory Instruments, in the days when it was run by the noble and learned Lord, Lord Brown of Eaton-under-Heywood, kept a very strict eye on this issue and would challenge when it found statutory instruments slipped in for powers of entry without a warrant. I think that is now less common, but given the taking into the Government's hands of the whole of agricultural and food policy, previously delegated to Europe, I want to fire a warning shot. I ask the Minister to be quite sure that officials in all these departments are warned that they should not reintroduce the habit of scattering like confetti into statutory instruments unlimited powers of entry with no need for a warrant. It is undemocratic and intolerable, and it must not start again.

9.45 pm

Lord Campbell of Pittenweem (LD) [V]: My Lords, like others, I begin by expressing my admiration for the stamina, professionalism and tolerance which the noble Lord, Lord Gardiner, has displayed throughout these extensive proceedings. I am similarly appreciative of the efforts of the staff of all kinds who have ensured that this marathon Committee has, at last—but not quite—come to an end. I would also like to adopt—as the lawyers say, *brevitatis causa*—the most erudite analysis pronounced by the noble Lord, Lord Thomas of Gresford, on the history of Henry VIII powers, getting up to date with a reference from the noble and learned Lord, Lord Judge, who I shall say a word or two about in a moment.

Henry VIII powers, when they are made, are almost always in the interests of the Government, not the public. With a framework Bill, together with the authority

to use Henry VIII powers for repealing certain statutory provisions, this Government could easily create for themselves a blank canvas upon which to make detailed provision, which to a large extent would be sidestepping Parliament. That surely cannot be right.

Let me finish by issuing a recommendation to noble Lords. The noble and learned Lord, Lord Judge, in a lecture in April 2016, conducted an analysis rather similar to that of the noble Lord, Lord Thomas. He finished by saying

“what was once a small stream of delegated legislation ... has become an inundation.”

Amendment 295 will not necessarily stem the tide, but it may slow down the flow to a certain extent.

Baroness Northover (LD) [V]: Clearly, there are major risks with Henry VIII clauses, and we have more of them in this Bill. My noble friend Lord Thomas reminded us of the roots of the term, and that the tools were once weaker than those used by the Government today. Statutory instruments are unamendable and almost never voted down. These clauses use secondary legislation to amend primary legislation. We are getting more and more instances of their use.

The House of Lords Select Committee on the Constitution has been very critical of this. As the committee put it:

“A distinguishing feature of the Brexit bills was the extent of the delegated powers they contained. Many were skeleton bills, providing broad powers to ministers to create new policy regimes and public bodies for the UK after Brexit with little or no detail as to what policy would be implemented or the nature of institutions which would be created.”

The University of Bristol Law School has noted:

“It seems that the desire to ‘take back control’ from the EU has morphed into an altogether more sinister desire on the part of the Government to minimise scrutiny of its policy choices.”

The noble and learned Lord, Lord Judge, to whom other noble Lords have referred, has called for such clauses to be

“confined to the dustbin of history”.

He is surely right.

There was huge concern about this when the predecessor Bill was published in 2018. There have been improvements, but they are insufficient. It is still not clear what the policy will be in the coming years, with so many “may”s and so few “must”s in this Bill. All noble Lords who have lasted this long in the proceedings on the Bill to contribute to this group have expressed concern. The Minister is probably relieved that some stood aside, but I expect they would have said similar things. However, even that would not have tested the patience of the Minister, who richly deserves a summer holiday back in the English countryside. But he will have much to think about.

Despite the changes from the 2018 Agriculture Bill, the Delegated Powers Committee remains concerned, and these amendments reflect that. These amendments also reflect the NFU's concern. Nothing is certain for British agriculture at the moment, and these powers need to be clarified and curtailed. I look forward to the Minister's response.

Lord Grantchester: I am grateful to the noble Lords, Lord Carrington and Lord Greaves, and others for tabling Amendment 295 to Clause 47, “Regulations”,

under Part 8, “General and Final Provisions”, and Amendment 298 to Clause 50, “Power to make consequential etc provision”. They are correct to look at every opportunity the Government may feel they need to extend their powers on what is essentially a framework Bill without a lot of detail.

The amendments made me check the 13th report of the Delegated Powers and Regulatory Reform Committee of your Lordships’ House. The committee’s oversight of each piece of primary legislation is always cogent and thoughtful. In consequence, any criticism is always considered and answered carefully by the Government. On rereading the report, I am slightly surprised that the Delegated Powers Committee did not flag up these clauses’ ability to make amendments to primary legislation by secondary orders. The House has usually argued that unless there are very good reasons for doing so, changes to primary legislation should come only from a new Bill.

I have now reread the clauses very carefully and wonder whether this provision was not flagged because the relevant subsections do not actually confer a delegated power to modify primary legislation but contain a provision that already modifies primary legislation, retained EU legislation or subordinate legislation; that is, something that is already delegated and clarifies how other powers may be used. I would welcome the Minister’s explanation.

I do not wish to prolong proceedings but, together with my noble friend Lady Jones of Whitchurch, I echo the remarks of other noble Lords in appreciating the uniformly consistent and fulsome answers that the Minister, the noble Baroness, Lady Bloomfield, and the whole Bill team have provided to all our inquiries. All responses have been comprehensive and expressed constructively in all our deliberations. The praise given by your Lordships is well deserved for the patience shown towards us. I have always found the ministerial answers most helpful.

After a very long Committee stage, I just add that I have not found the Committee essentially negative towards the Bill; rather, my impression is that as the Committee has proceeded with its inquiries, the ambitions contained in the Bill have become better appreciated.

Lord Gardiner of Kimble: My Lords, this has been a very helpful debate. I thank the noble Lord, Lord Carrington, for his amendments and for the opportunity to explain why the Government are seeking the delegated powers in Clauses 47(3) and 50(1) for themselves and, I should add, the devolved Administrations in Wales and Northern Ireland.

The Government’s request for delegated powers in this area is reasonable and proportionate. I am reminded of the noble and learned Lord, Lord Judge, and the discussions I have had with him on other Bills, so I understand—not only as a Minister but as someone who believes in proper scrutiny—the points that have been made. But here we are seeking provision to make technical changes for which securing further primary legislation would be cumbersome and far too slow. There would be paralysis if every change to primary legislation had to be made by further primary legislation, particularly during this period of change.

As Sections 7, 8 and 9 of the European Union (Withdrawal Agreement) Act 2020 demonstrate, delegated powers to amend primary legislation are an indispensable tool in ensuring that the law is updated in a timely and efficient manner.

It is certainly not our intention to compromise or circumvent appropriate parliamentary scrutiny. That is why Clause 47(5) ensures that any use of these powers to amend primary legislation would be subject to the affirmative resolution procedure. The flexibility provided by these delegated powers is needed, as it is not possible to anticipate every consequential, supplemental, transitional, transitory and saving provision that may be required at the end of the transition period.

At the moment, we do not know what the UK’s future relationship with the EU will look like. As soon as this becomes clear, the UK and devolved Governments will have to make quick operability amendments to ensure the body of legislation that governs the agricultural sector is updated where necessary. As I have said, we are also taking these powers on behalf of the Welsh Government and DAERA so that they can make appropriate operability changes as necessary.

I should perhaps declare my membership of the NFU—it is always interesting to hear “the NFU says this and the NFU says that”. I am a member of the NFU, and the inability to amend legislation where needed could cause considerable uncertainty; we believe it could disadvantage farmers, the agricultural sector and consumers.

I emphasise that the powers to amend primary legislation could be used only where the legislation relates to a specific provision of this Bill. One example of their use is to make savings provisions for the agri-promotion scheme to ensure that existing programmes are able to continue to their conclusion after CAP regulations cease to apply. We are unable to put the savings provisions on the face of the Bill as we do not currently know which schemes will be live at the end of the transition period and therefore which savings provisions would be required.

To my noble friend Lord Marlesford, I say that I absolutely understand the point he has championed about powers of entry without a warrant. Indeed, I have had discussions in the past with the noble and learned Lord, Lord Judge, about this as well. The Government have limited the powers of entry to make a distinction between the property that is occupied as a house—“dwelling”—and the property as a whole. I absolutely understand and appreciate that it is intrinsic to our arrangements that there is respect for a private dwelling place.

I emphasise that this is a measure that we think is proportionate and necessary given the circumstances. I understand what noble Lords have said about Henry VIII powers and, of course, the reason behind the nervousness or dislike, shall we say, of this sort of provision. However, I hope I have demonstrated adequately that this is no ruse or some back way of abusing Parliament; it is actually to serve those we serve better by enabling us to deal with such matters as I have outlined in an appropriate manner. With those assurances, I hope that the noble Lord, Lord Carrington, will feel able to withdraw his amendment.

Lord Carrington [V]: My Lords, I am most grateful and thank the noble Baroness, Lady Jones of Moulsecoomb, the noble Lords, Lord Thomas of Gresford, Lord Marlesford and Lord Campbell of Pittenweem for their invaluable participation in this most concerning penultimate debate on the Agriculture Bill.

At the end of the seventh day—which should, in biblical terms, be the day of rest but certainly was not—my noble friend the Minister overwhelmingly deserves a well-earned rest after this marathon Committee stage, during which he has demonstrated his complete mastery of the subject. We may not always agree with him or be satisfied by his responses, but his patience, courtesy and knowledge have shone brightly, and I think we all thank and admire him.

In respect of my two amendments, I have listened with care to the explanation and reasoning of the noble Lord, Lord Thomas, and the Minister. I will study these further but, in the meantime, I beg leave to withdraw the amendment.

Amendment 295 withdrawn.

Clause 47 agreed.

Clauses 48 and 49 agreed.

Amendment 296 not moved.

Schedule 7 agreed.

Amendment 297 not moved.

Clause 50: Power to make consequential etc provision

Amendment 298 not moved.

Clause 50 agreed.

Clauses 51 and 52 agreed.

10 pm

The Deputy Chairman of Committees (Lord Duncan of Springbank) (Con): We now come to the group beginning with Amendment 299. I remind noble Lords that anyone wishing to speak after the Minister should email the clerk during the debate. Anyone wishing to press this or any other amendment in this group to a Division should make this clear in the debate.

Clause 53: Commencement

Amendment 299

Moved by Lord Gardiner of Kimble

299: Clause 53, page 43, line 35, leave out subsection (1) and insert—

“(1) The following provisions come into force on the day on which this Act is passed—

- (a) any provision of Parts 1 to 7 which—
 - (i) confers a power to make regulations, or
 - (ii) modifies legislation so as to confer a power to make regulations or a power to make an order by statutory instrument;

- (b) any other provision of those Parts so far as it, or a modification of legislation it makes, affects the exercise of such a power (for example by defining an expression used in the provision conferring it);
- (c) this Part, apart from section 49 and Schedule 7.”

Member’s explanatory statement

The Amendment enables legislative powers created by the Bill to be exercised on or after the day on which the Bill receives Royal Assent.

Lord Gardiner of Kimble: My Lords, in moving Amendment 299 I shall also speak to Amendments 300 to 311 in my name. Amendments 299 to 311 enable legislative powers created by the Bill to be exercised on or after the day on which the Bill receives Royal Assent. The consequences of coronavirus have placed great pressure on parliamentary timetables. The Bill has therefore not progressed at the pace we originally anticipated, creating a need to act quickly after the Bill receives Royal Assent. These amendments will allow the Government to introduce the Bill’s provisions smoothly and, in particular, to ensure there is no gap in powers to continue to operate our existing schemes and provide financial assistance to farmers and land managers.

For example, we will need to lay and bring into force a statutory instrument under Clause 10, before the end of this year, to enable the basic payment scheme to continue in 2021. Similarly, we also need a statutory instrument to be in place for the 2021 scheme year to simplify the scheme and cross-compliance rules in 2021. We will need further regulations in place in early 2021, under Clauses 2 and 3, to launch the ELM, tree health pilot and new productivity grant schemes, and to run Countryside Stewardship 2022. There are also vital provisions, under Clauses 40 to 42, for compliance with WTO rules, for which the UK Government become directly responsible from day one following the end of the transition period.

Further important provisions are made by Clause 32 of the Agriculture Bill, which inserts new Section 89A into the Natural Environment and Rural Communities Act 2006, providing an ability to trace livestock and so control disease outbreaks. It is currently scheduled for laying later in 2020 and, ideally, could come into force before the end of the year. The regulations will be made using the affirmative procedure and your Lordships will need appropriate time to scrutinise them before the end of the transition period, so that they may be made ahead of 2021. In our view, farmers and land managers deserve the certainty that they will get the financial assistance they need next year. These amendments will give them that, as well as allowing the agricultural sector to move forward.

I say to all your Lordships who have participated and listened to the Agriculture Bill in Committee that perhaps it has been more extensive than was imagined at the beginning, but I am grateful to all noble Lords. The passion on many of the subjects on which they have spoken comes through a deep-rooted love of the land and all that it represents, the produce of this country and a desire for high standards. I identify with and share all of that. I am embarrassed by some of the generous comments; I rather felt as if I were reading my obituary. All I can say is that it has been a privilege to work with your Lordships. I know that there will be some battles ahead on Report. It is an honest adventure,

and we all seek to do our right and best. On this occasion, I wish all noble Lords that rest from which I suspect we will all benefit. These proceedings would not be possible without the Bill team, the people who work with me at Defra and particularly all those in your Lordships' House, who have worked tirelessly to enable us all to perform to the best of our abilities. I beg to move.

Lord Bhatia (Non-Afl) [V]: My Lords, I support the amendment in the name of the noble Baroness, Lady McIntosh.

The Agriculture Bill establishes a legislative framework and will create a new system to support farmers in the farming industry. As we transition in our departure from the EU, the WTO and the wider world, I hope that we will be able to negotiate a trade deal with the EU, which is our biggest market. The food chain of the farming industry is long and important, supporting tens of thousands of workers. The most important aspect of the Bill is how to maintain financial support for farmers. They provide food security for the nation and, at the same time, ensure the quality standards of farm providers.

The farming industry provides vegetables, grains, wheat and meat products for the nation and for exports. It maintains very high standards of quality for food products, which is well known in this country and across the world. It is important that we do not compromise on quality in our imports from any nation. I suggest that we support some of the third-world and Commonwealth countries in their exports to the UK, while at the same time ensuring that imports from those countries maintain the quality of our standards. As we exit the EU, we have to find ways of reaching the EU, which is our biggest market. That is the biggest challenge for our farmers.

Baroness Bakewell of Hardington Mandeville: My Lords, this is the last group of amendments this evening—indeed, in Committee on the Bill. It seems like an age since we started on 7 July. I realised that the process would be slow and laborious, but never envisaged that it would be quite this long.

The Minister set out the Government's amendments clearly. I commend him and the noble Baroness, Lady Bloomfield, on their patience. I share in the comments of other noble Lords congratulating the Minister on his part in steering this Bill through the House. During the whole process, he has been extremely calm, collected and diligent.

The amendments relate to minor changes in the text to ensure that the commencements listed under Clause 53 will be operational on the day the Act is passed and to provide the reassurance that farmers need. I am pleased that this group is so straightforward at the end of the Bill. Like other noble Lords, the noble Lord, Lord Grantchester, the noble Baroness, Lady Jones of Whitchurch, and I have been with it all the way and are looking forward to a break. I do hope that the noble Lord, Lord Grantchester, and the noble Baroness, Lady Bloomfield, will be able to get away and have a proper rest and a break—and not take with them their laptops, iPads or iPhones. I am grateful to my noble friends Lady Scott of Needham Market and Lady Northover for taking some of the weight.

I would normally say at this stage that I look forward to our debates on Report in September, but I think that would be stretching the truth beyond what is acceptable in your Lordships' Chamber, so I will just wish everybody a restful August.

Baroness Wilcox of Newport (Lab) [V]: My Lords, this group of amendments relating to changes in the commencement provisions are, as noble Lords have indicated in the debate, about switching when various clauses and delegated powers come into force. Some stakeholders appear to have expressed concern that Amendment 299, which brings certain powers into force as soon as the Bill receives Royal Assent, means that there will be less scrutiny of the regulations and policy changes that will be brought forward. This should not be the case in your Lordships' House, as they should still be subject to the standard parliamentary processes.

However, I have the following questions for the Minister to help to clear up any uncertainties and to ensure that this is on the record, should future ambiguities arise. How many regulations do the Government expect to be brought forward? How quickly will this happen? Can the Minister confirm that any regulations will be regular SIs, rather than made SIs, which come into force immediately and get formally green-lighted only later in the process? I would be grateful for verbal answers or answers in written form if the details need to be checked further.

That brings the scrutiny and amendments to the Bill in Committee to a close before the Minister speaks again. What an extraordinary introduction this first Bill that I have taken through the House in my role as Opposition Whip has been. I must note the superb support I have received from my noble friends Lady Jones of Whitchurch and Lord Grantchester and the guidance that our staff team has given me during this process. I thank all noble Lords for demonstrating knowledge and understanding of the issues in such detail throughout the seven days of debate on this significant Bill, and for clearly representing the value and importance of the forensic scrutiny evident in your Lordships' House to the wider public realm. I must also add my thanks to the Minister and his Front-Bench team for the detailed and thoughtful answers given throughout the debates. I look forward to picking up on Report on the Bill with the Opposition Front-Bench team in September. I send every good wish.

Lord Gardiner of Kimble: My Lords, I am most grateful to noble Lords for speaking on this, the last of the group of amendments, which is an important group because it will enable the Government to provide the opportunity that the noble Baroness, Lady Wilcox of Newport, hit on. We are absolutely doing this to ensure that there is proper scrutiny and so that we can bring forward those regulations, which will be via the affirmative route, so that noble Lords—I am looking particularly at the noble Baronesses, Lady Bakewell of Hardington Mandeville and Lady Jones of Whitchurch, and the noble Lord, Lord Grantchester—will be meeting again in the latter part of this year. My intelligence on these matters is that we there will be two before December 2020 that we will need to attend to in

[LORD GARDINER OF KIMBLE]

particular, but I put on the record that the whole purpose of doing this and of my amendments is to ensure that the regulations have the proper scrutiny they deserve and so that we can ensure that the farmers who are at the root of the Bill have certainty about what we intend for 2021. We will deal with that before the end of the year so that we can begin these schemes and the payment will come forward in 2021. I wish everyone a most enjoyable August.

The Deputy Chairman of Committees (Lord Duncan of Springbank) (Con): The Minister and all noble Lords will be pleased to know that no one has expressed a wish to speak after the Minister.

Amendment 299 agreed.

Amendments 300 to 311

Moved by Lord Gardiner of Kimble

300: Clause 53, page 43, line 37, after “provisions” insert “, so far as not brought into force by subsection (1)(a) or (b),”

Member’s explanatory statement

The amendment excludes from the commencement power under subsection (2) any provision mentioned in Clause 53(2)(a) to (f) to the extent it is brought into force by the new subsection (1) substituted by Lord Gardiner’s first amendment to Clause 53.

301: Clause 53, page 43, line 39, leave out “to 20” and insert “and 19”

Member’s explanatory statement

Clause 20 has effect from Royal Assent under Lord Gardiner’s first amendment to Clause 53, so it should not be mentioned in subsection (2)(a).

302: Clause 53, page 43, line 40, leave out “to 30” and insert “and 29”

Member’s explanatory statement

Clause 30 will have effect from Royal Assent under Lord Gardiner’s first amendment to Clause 53, so it should not be mentioned in subsection (2)(b).

303: Clause 53, page 44, line 1, after “to” insert “16 and”

Member’s explanatory statement

Paragraph 17 of Schedule 3 has effect from Royal Assent under Lord Gardiner’s first amendment to Clause 53, so should not be mentioned in subsection (2)(c).

304: Clause 53, page 44, leave out lines 3 and 4

Member’s explanatory statement

Clause 35 and Schedule 4 and clauses 38 and 39 and Schedule 4 have effect from Royal Assent under Lord Gardiner’s first amendment to Clause 53, so they should not be mentioned in subsection (2).

305: Clause 53, page 44, line 7, after “provisions” insert “, so far as not brought into force by subsection (1)(a) or (b),”

Member’s explanatory statement

The amendment excludes from the commencement power under subsection (3) any provision mentioned in Clause 53(3)(a) to (c) to the extent it is brought into force by the new subsection (1) substituted by Lord Gardiner’s first amendment to Clause 53.

306: Clause 53, page 44, line 11, after “to” insert “16 and”

Member’s explanatory statement

Paragraph 17 of Schedule 3 has effect in relation to Wales from Royal Assent under Lord Gardiner’s first amendment to Clause 53, so it should not be mentioned in subsection (3)(a).

307: Clause 53, page 44, line 13, leave out “Parts 2 and 4” and insert “Part 2”

Member’s explanatory statement

Part 4 of Schedule 5 will have effect from Royal Assent under Lord Gardiner’s first amendment to Clause 53, so it should not be mentioned in subsection (3)(b).

308: Clause 53, page 44, line 13, leave out “those Parts” and insert “that Part”

Member’s explanatory statement

This amendment is consequential on Lord Gardiner’s earlier amendment to line 13 on page 44.

309: Clause 53, page 44, line 17, after “provisions” insert “, so far as not brought into force by subsection (1)(a) or (b),”

Member’s explanatory statement

The amendment excludes from the commencement power under subsection (4) any provision mentioned in Clause 53(4)(a) or (b) to the extent it is brought into force by the new subsection (1) substituted by Lord Gardiner’s first amendment to Clause 53.

310: Clause 53, page 44, line 20, leave out “Parts 2 and 4” and insert “Part 2”

Member’s explanatory statement

Part 4 of Schedule 6 will have effect from Royal Assent under Lord Gardiner’s first amendment to Clause 53, so it should not be mentioned in subsection (4)(a).

311: Clause 53, page 44, line 20, leave out “those Parts” and insert “that Part”

Member’s explanatory statement

The amendment is consequential on Lord Gardiner’s earlier amendment to line 20 on page 44.

Amendments 300 to 311 agreed.

Clause 53, as amended, agreed.

Clause 54 agreed.

House resumed.

Bill reported with amendments.

House adjourned at 10.14 pm.