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PARLIAMENTARY DEBATES
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HOUSE OF LORDS
OFFICIAL REPORT

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

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

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House of Lords

Wednesday 29 July 2020

The House met in a Hybrid Sitting.

Noon

Prayers—read by the Lord Bishop of Rochester.

Lord Speaker's Statement

Announcement

12.05 pm

The Lord Speaker (Lord Fowler): My Lords, the Hybrid Sitting of the House will now begin.

This is the last sitting day before the Summer Recess, and I would like to use this opportunity to say a few words of thanks before we depart from Westminster for the break.

One of the privileges of being Lord Speaker is the daily insight I am given into the inner workings of the House. Of course, the Chamber and Committee Rooms are where our main public business takes place, but the House is more than that, and there are literally hundreds of people working, even as I speak, to make our proceedings possible and keep the whole show on the road.

I know I speak for the whole House when I thank those in the broadcasting hub and the Broadcasting Unit, some of whom have joined us recently and others who do duties there in addition to their day jobs in other offices. We have been very well served. I would also like to mention the staff of the House, who have worked hard, and often for long hours, to transform our procedures and processes to fit a virtual—and now a hybrid—House. We have continued to hold the Government to account, to scrutinise public policy and to legislate. We owe these staff a debt of gratitude.

I would also like to underline the contribution of those who have continued to come into Parliament on a daily basis. I am thinking of those in the security department and the police who keep those of us in the building safe, as well as the doorkeepers in Black Rod's department. I also extend my thanks to the cleaners and those in the catering service, some of whom have continued to work throughout, the attendants, and those in the Facilities Department and Parliamentary Digital Service, who keep things going even when we are working from home.

They have all shown the enthusiasm and dedication we have come to expect from those who work for Parliament. They deserve our sincere thanks, and I would like to express those on behalf of the House.

As for today, some Members are here in the Chamber, respecting social distancing, others are participating remotely, but all Members will be treated equally.

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.

Corporate Insolvency and Governance Act 2020 Question

12.08 pm

Asked by Lord Leigh of Hurley

To ask Her Majesty's Government what assessment they have made of (1) the operation of the moratorium process set out in the Corporate Insolvency and Governance Act 2020, and (2) whether that process has led to businesses being saved from closure.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con): My Lords, the Government are monitoring feedback from the insolvency industry on how the new moratorium measures are helping to rescue financially distressed companies. The new provisions have been in force only for a short period, and it is too early to know whether any companies have been saved as a result of the moratorium process. Government will review the effectiveness of the measures within three years of Royal Assent.

Lord Leigh of Hurley (Con): The Minister will not be surprised to hear that I still regard it as a shame that companies with bonds—companies rather than businesses—have sought to be rescued. My research indicates that only one, or maybe two, companies have applied for the moratorium. Does the Minister accept that the monitor will now have to do a lot of unnecessary work to prove it is likely that a company will be rescued after the moratorium, and that this might hamper the monitor's roles as both an adviser to the company and one who has to give an opinion on the company?

Lord Callanan: My noble friend is correct; my information is also that there is currently only one company taking part in the moratorium process, so it is too early to say how the measure will proceed. Clearly the role of the monitor is crucial, but as I said, we will review the effectiveness of these provisions in due course.

Viscount Trenchard (Con): My Lords, on 23 June, the Minister told your Lordships' House that he would monitor the operation of the moratorium closely once the Act came into force and that he would not hesitate to take action if it was required. It is clear from his Answer to my noble friend that action is required. Besides the very sensible proposal by my noble friend to extend the purposes of a moratorium to include the rescue of a business, rather than of a company as a legal entity, does the Minister not also agree that the exclusion of companies that have issued bonds amounting to £10 million has significantly and unnecessarily restricted uptake of the new provisions?

Lord Callanan: We are monitoring the operation closely, but as currently only one company is in the process, it really is too early to say how it will work.

[LORD CALLANAN]

The exclusion relating to bonds is to protect financial stability. A moratorium could impact on the rating of those bonds and therefore the exclusion ensures the effective functioning of financial markets.

Lord Allen of Kensington (Lab) [V]: My Lords, since I last asked the Minister a question, more and more retail businesses have gone to the wall, leading to more job losses. Can he explain why only one company is going through the process, when literally hundreds of companies have gone to the wall? Has the moratorium process failed? If it has, what are we going to do to urgently address the new code? As footfall remains lower than pre-crisis levels, what other steps are the Government taking to avoid wider closures and insolvencies, and more and more job losses?

Lord Callanan: As the noble Lord observed, the measures have been in place for only a few weeks. One company has taken advantage of them, but it is an option for companies and the monitors if they think there is a possibility of the company being rescued. I can reassure noble Lords that the Government are fully committed to supporting the retail sector. In addition to the measures that have already been announced, my ministerial colleague, Minister Scully, has had regular calls with key representatives from across the sector and is working hard to address the issues it faces.

Baroness Kramer (LD) [V]: My Lords, the Act as passed does not include amendments that would have prevented banks manoeuvring into a position of primacy over small suppliers and creditors, while the Finance Act 2020 deliberately puts HMRC ahead of small suppliers and creditors. Will the Government commit to monitoring on an ongoing basis, not just in three years, any impact on small suppliers and creditors, and will they act if the evidence shows that the harm is actual and serious?

Lord Callanan: I can certainly give the noble Baroness that reassurance. These are complicated provisions and we accept that they have been in place for only a short period. We will of course continue to keep a close eye on how they are working out in practice.

Lord Holmes of Richmond (Non-Afl) [V]: My Lords, I full-throatedly support the comments of the noble Baroness, Lady Kramer, and my noble friend Lord Leigh of Hurley; I spoke to that effect during the passage of the Bill. I want to ask my noble friend the Minister about the role of the monitor, particularly around passivity and partiality. Are the Government considering passing regulations to require the monitor to submit a statement of their independence and meet a test of independence? Are they considering, in certain circumstances, enabling creditors to challenge the appointment of a monitor?

Lord Callanan: As my noble friend is aware, we debated these matters extensively only a few short weeks ago when we passed the legislation. We are

keeping all aspects of the legislation under constant supervision. It is a complex Act, with lots of new provisions that we think will benefit companies, and we continue to look at how it is working in practice.

Lord Stevenson of Balmacara (Lab) [V]: My Lords, the success of this new system will depend significantly on the courts being able to deal efficiently with new requests for a moratorium from the new court officer, the monitor. Can the Minister confirm that appropriate support and training has been made available to the court system across the country, now and for the future?

Lord Callanan: The noble Lord makes a very good point. I can certainly reassure him that the courts have taken all practical measures within the resources available to accommodate a likely increase in the workload before them. Specialist seminars have taken place to ensure that judges are up to speed with the changes and the processes that have been introduced by the Act. Resources include the numbers of, and the deployment of salary to, fee-paid judges and courtrooms, where required.

Lord Naseby (Con): As someone who was in financial services, I wonder about awareness of the scheme. Is there not a case for putting forward a couple of arbitrary case histories on an anonymous basis—we do not have one yet, but perhaps a framework case could be drawn up initially?

Lord Callanan: I understand the point my noble friend makes, but I think that the provisions are fairly well known and understood in the insolvency profession. There is a wide circle of people who know all about them and who specialise in this area, but I am happy to consider my noble friend's suggestion.

Lord Henty (Lab) [V]: My Lords, in view of the fact that I have just learned that only one company has availed itself of the moratorium process, the answer to my question is now obvious. However, my question is this: has the Minister been able to make any assessment of the effect of the provision that workers be involved in moratoria by being informed? In the light of any such assessment, might it not be better to involve the workforce by consultation in advance?

Lord Callanan: I know the noble Lord feels strongly about these matters, and we discussed this during the passage of the legislation. We strengthened the monitor's role to include a requirement in guidance that the monitor should ensure that the directors of a company have informed all employees that a moratorium has come into force. However, it is too early to see how this will work in practice.

Baroness Bowles of Berkhamsted (LD) [V]: My Lords, due to coronavirus and various related measures, there is the potential for a large backlog when the courts and tribunals fully reopen, financial assistance to companies stops, and the whole process of winding-up petitions is removed. What is the capacity of courts,

tribunals and practitioners to handle that surge, and how will it be monitored, especially for how it influences choices about and during moratoriums?

Lord Callanan: The latest official statistics show that the number of corporate insolvencies decreased by half in June 2020 compared to the same month last year. However, the noble Baroness is right to say that we may well face a large increase in the months to come. We have been working with the courts and have provided the resources to make sure that they can satisfy that demand.

Baroness McIntosh of Pickering (Con) [V]: My Lords, my question goes to the independence of the monitor. Will my noble friend and the Government consider requiring a more stringent review by the monitor to support the rescue of a company as a going concern?

Lord Callanan: Again, we debated these matters extensively during the passage of the legislation. We are satisfied that monitors are appropriately regulated and that their independence is guaranteed. However, we will keep all these matters under review.

Baroness Jones of Moulsecoomb (GP) [V]: My Lords, the Government acted quickly in the pandemic in giving grants and loans to some small businesses. However, those businesses are now coming out of the furlough period, having to pay rent and staff, and might have exhausted their reserves. Have Her Majesty's Government thought about creating an equity fund to help them survive?

Lord Callanan: I thank the noble Baroness for her question. We are aware of proposals for equity investment. For some companies, further debt might not be the right answer. As always, the private sector should be the first port of call, but we will keep the policy under review and will rigorously test any proposals for value for money.

The Lord Speaker (Lord Fowler): My Lords, all supplementary questions have been asked and we now move to the next Question.

Constitutional Reform and Governance Act 2010 *Question*

12.19 pm

Asked by Lord McNally

To ask Her Majesty's Government what plans they have to amend the Constitutional Reform and Governance Act 2010.

Baroness Scott of Bybrook (Con): The Constitutional Reform and Governance Act 2010 puts on a statutory basis the Civil Service Code and guarantees the impartiality of the permanent Civil Service to serve Governments of different political persuasions without

fear or favour. The Government value the advice and service of our impartial Civil Service and have no plans to amend the Act.

Lord McNally (LD) [V]: My Lords, considering some of the noises coming out of 10 Downing Street from Mr Dominic Cummings about the hard rain about to fall on our Civil Service, surely there is a case for updating the 2010 Act. Could the Minister clarify reports on ConservativeHome and by Charles Moore in the *Daily Telegraph* that the Government are about to jettison their manifesto commitment to a constitution, democracy and rights commission, where these issues could be addressed?

Baroness Scott of Bybrook: I do not comment on press speculation. No decisions have yet been taken on the form and scope of the commission on the constitution, democracy and rights. However, we will consult Select Committees about any relevant decisions in the normal way.

Lord Woolf (CB) [V]: In view of the answers that have already been given, I might be unduly cautious in raising my question. I was the judge responsible at the time of the Constitutional Reform Act 2005 for dealing with the independence of the judiciary under the changes that were then made. The Civil Service and the judiciary have in common the fact that their essential activities are based on independence. If there are to be any changes to the relationship between the Civil Service and the Government, as the noble Lord, Lord McNally, suggests—particularly if they are by legislation—the lessons learned from the 2005 Act need to be borne in mind. Will the Minister indicate whether that will be the case? History shows that it is very easy unintentionally to alter fundamentally the relationship of bodies such as the judiciary and the Civil Service with the Government.

Baroness Scott of Bybrook: I reiterate that we have no plans to amend the 2010 Act. The established system—that civil servants are accountable to Ministers, who in turn are accountable to Parliament—continues to work well. There are no plans to alter this. The Government do not accept that the Civil Service has become politicised in any way. All individuals appointed to the Civil Service remain subject to the long-standing principles of the Civil Service Code, which requires them to act with honesty, integrity, objectivity and impartiality.

Lord Mackay of Clashfern (Con) [V]: My Lords, our Constitution Committee criticised provisions in this Act on the ratification of treaties. Have the Government any view as to whether these criticisms should be put into effect?

Baroness Scott of Bybrook: The Government continue to believe that the legislative framework set by the Constitutional Reform and Governance Act is appropriate and provides sufficient flexibility to permit Parliament to undertake scrutiny prior to ratification. In the last Parliament, in July 2019, the Government responded to the Constitution Committee's report, *Parliamentary*

[BARONESS SCOTT OF BYBROOK]

Scrutiny of Treaties. Many of the committee's points were reprised in the EU International Agreements Sub-Committee. Its more recent report, *Treaty Scrutiny: Working Practices*, was published on 10 July. The Foreign and Commonwealth Office is conducting a review of the processes around the implementation of CRaG, and the Government will issue a response to the IAC inquiry in due course.

Lord Rogan (UUP) [V]: My Lords, the Minister will know that her Conservative colleagues in another place faced criticism after voting against an amendment to the Trade Bill that Opposition MPs said would have protected the NHS from inclusion in any future trade deals. Instead, the Government argued that CRaG would fulfil that task. Is the Minister entirely confident that that is indeed the case?

Baroness Scott of Bybrook: My Lords, the Government have made it very clear that the NHS is safe in any trade deals. It will continue to be safe.

Lord Wills (Lab) [V]: My Lords, I welcome what the Minister said about not amending the Act in relation to the Civil Service, although I hope her words "no plans" are not doing too much work for her. In the light of recent revelations about donations to the Conservative Party, can she say whether there have been any discussions anywhere within government about amending Part 4 of the Act, which stipulates that Members of your Lordships' House must be UK taxpayers?

Baroness Scott of Bybrook: My Lords, no. There has been no discussion on any amendments to the Act.

Lord Wallace of Saltaire (LD) [V]: My Lords, I welcome the reiteration of the Government's commitment to the impartiality of the Civil Service. However, since the Act was passed, particularly in the last few months under this Government, the role of special advisers has been expanded. Indeed, if reports are correct, they now play a rather more executive role. Does that not require some adjustment in the relationship between Parliament, parliamentary scrutiny and special advisers?

Baroness Scott of Bybrook: My Lords, I am not sure whether the reports are correct, but special advisers are certainly covered by the Act. They are appointed in accordance with the Act and work within the Act's guidelines.

Lord Young of Cookham (Con) [V]: My Lords, to revert to the proposed constitution, democracy and rights commission, I have twice asked for a debate on it before it is established so that the Government can benefit from your Lordships' views on its remit, priorities and composition. In January my noble friend Lord Howe said that this was a "very good suggestion". Can my noble friend send us on our Summer Recess with a spring in our step by announcing that such a debate will be held on our return?

Baroness Scott of Bybrook: I am really sorry to disappoint my noble friend but no, I cannot. If he takes my Answer to the first Question he will understand why.

Baroness Hayter of Kentish Town (Lab): I will follow up the question from the noble and learned Lord, Lord Mackay, on the work of our Constitution Committee. Despite our excellent new committee to examine emerging treaties, the truth is that, under the Act, the only power the Commons has is to decline its ratification within 21 days of a treaty being laid. It cannot scrutinise it earlier, amend it or refer it back for changes. Surely Parliament should be given a proper role in amending and approving treaties akin to that held by the European Parliament.

Baroness Scott of Bybrook: I can only reiterate that the Government have looked at what has come from the committees and their recommendations, and the Foreign and Commonwealth Office is looking at a review of procedures, taking into account the CRaG guidelines, to ensure sufficient scrutiny and overview of all treaties before they are signed.

The Earl of Sandwich (CB) [V]: My Lords, following the questions from the noble and learned Lord, Lord Mackay, and the noble Baroness, Lady Hayter, can the Government help to make parliamentary scrutiny of international treaties yet more effective within the present terms of CRaG to ensure that the scrutiny committees in both Houses do a thorough job? What further steps will they take to provide Parliament with detailed and comprehensive information at each stage of the treaty-making process?

Baroness Scott of Bybrook: My Lords, that is exactly where the Foreign and Commonwealth Office's review is leading: to see whether it can put in place any further best practice within the CRaG guidelines to make scrutiny and overview much better.

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

Domestic Abuse

Question

12.30 pm

Asked by **Baroness Gale**

To ask Her Majesty's Government what plans they have to ensure that any data collected on domestic abuse includes the abuse of people over the age of 74.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the Government recognise that the over-74s can be victims of domestic abuse, and we are committed to supporting all victims. The Crime Survey for England and Wales collects data on victims of domestic abuse, and the most recent assessment of data collection methods did not support raising the

age limit for respondents above 74 due to a lower response rate. However, ONS will continue to review the upper age limit.

Baroness Gale (Lab): I am a bit disappointed with the Minister's response. There is no cut-off date for domestic abuse, and without the data we cannot know the problem. Is the Minister prepared to address the issue of data collection for those over the age of 74 in the draft statutory guidance on domestic abuse, as this is a neglected area and it could be regarded as ageism?

Baroness Williams of Trafford: I sympathise wholeheartedly with the noble Baroness's point. I have looked into this, because I was slightly perplexed myself as to why the data was not forthcoming. I spoke to Minister Atkins, who said that the issue behind it was the low level of response, making the data not statistically significant. However, the noble Baroness can be hopeful; Professor Diamond has confirmed that the ONS's Centre for Crime and Justice will test whether it is possible to include them at some future date.

Baroness Donaghy (Lab) [V]: My Lords, I used to think that ending up as a statistic was the worst possible fate. Now I realise that not being worth counting is even worse. I congratulate Age UK on its campaign to include the collection of data on those over 74 in the Crime Survey for England and Wales, and to end this discrimination. It cannot be put in the "too difficult" tray. If this is not within the Minister's influence, will she please advise us where the obstacle is? A low response rate is rather self-defeating.

Baroness Williams of Trafford: Well, it is not that the over-74s are not worth counting, nor that it is in the "too difficult" box. The noble Baroness will appreciate that for data to be robust you have to collect enough of it to make what comes out of it statistically significant. I understand that that is where the sticking point is—but Professor Diamond has committed to looking at it again, which is very encouraging.

Baroness Altmann (Con) [V]: I thank the Minister for her answers. I know that she is concerned about this issue. However, the question of statistics is less important than making sure that these people are protected. Can the Minister comment on the need for better links between social care, the NHS and police services to address domestic abuse, which is currently more likely to be handled by the police? This makes sense for domestic homicide but, for ongoing abuse, perhaps the other services could be brought more to the fore.

Baroness Williams of Trafford: My noble friend makes a really good point, because some incidents in isolation do not look like anything but, combined with the work of other agencies, they build up a picture, particularly in the area of elder abuse. My noble friend knows that I am a great supporter of a multiagency approach, because you get more effective interventions and outcomes through it.

Baroness Burt of Solihull (LD) [V]: My Lords, my understanding is that the ONS does not recommend using data from the over-74s because it is collected from people who are required to use a tablet computer—hence the lack of good information the older people get. As an excuse for not using data on over-74s, this is not good enough. So will the Minister take this one back to the ONS and tell it to come up with a system that works for everyone, no matter what their age?

Baroness Williams of Trafford: The noble Baroness makes a good point. I do not know whether the reluctance to come forward is a technology issue or because those over 74 come from an age when domestic abuse was not spoken about and discussed as much as it is now, but I will certainly take back her point about scrutinising whether technology is the impediment.

Baroness Lister of Burtsett (Lab) [V]: My Lords, charities report that there remain significant barriers to older women disclosing domestic abuse and accessing specialist support. As a Question last week about specialist support services went unanswered by the noble Lord, Lord Parkinson, will the Minister tell us now what steps the Government are taking to ensure that such services are adequately resourced to meet all specialist needs?

Baroness Williams of Trafford: This question very neatly segues from the question asked by the noble Baroness, Lady Burt, about the reluctance of older people to come forward and admit they have a problem. On charities, I will give the noble Baroness information that I have from a charity that specifically supports older people who are suffering abuse. We have given £50,000 to Hourglass, which I am sure that the noble Baroness has heard of, for 2020-21, and a further £67,000 to support people through the Covid period, when they might be at a higher risk. The noble Baroness will know that we have also given £76 million to support vulnerable people over Covid, including victims of sexual abuse and domestic abuse, and £28 million to support victims of domestic abuse and their children. I appreciate that the latter point probably does not cover elder abuse.

Lord Singh of Wimbledon (CB) [V]: My Lords, while measures such as collecting data and greater penalties for domestic abuse can help curb unacceptable behaviour, they cannot create a more compassionate society. Does the Minister agree that the only way to do this is to make ethical imperatives such as "honour thy father and mother" a part of our collective moral DNA?

Baroness Williams of Trafford: My Lords, the noble Lord will have heard the Government talking many times about the common values of this country, and some of the expectations that we have in terms of freedom of speech, freedom of religion, and all those things. The values of this country are a sound basis for the way in which we behave, and domestic abuse has no place in it.

The Lord Bishop of Rochester: My Lords, I have sad personal experience of a family situation where the perpetrator of the abuse was an older person, and we are all fearful that lockdown may have led to an increase in such instances. In that context, I am pleased that my diocese of Rochester is the first in the Church of England to establish a strategic partnership with the White Ribbon Campaign. In a world where such abuse, especially when it involves older people, often remains hidden, will the Minister commit to meeting with Members of these Benches, and perhaps other faith leaders, to discuss how the Domestic Abuse Bill's guidance might empower faith communities to be part of the solution?

Baroness Williams of Trafford: I am very sorry to hear the right reverend Prelate's story. I most certainly will meet with him.

Baroness Gardner of Parkes (Con) [V]: My Lords, having been talked out of the last two or three questions that I have attempted to ask, I am glad to be still within the time. No one could have been better at putting this Question than the noble Baroness, Lady Gale, who has done a huge amount to help people in the past. I have always been very impressed by the work that she has done, originally with women and now more generally.

Carers are a very important part of this, and they certainly are aware of what is happening and whether someone is being maltreated. The Government giving £76 million is excellent, but we want to see that it really happens and that it is put to good use. Many suggestions have been put forward today. I am just up to the 10 minutes so I will not go on any longer.

Baroness Williams of Trafford: I am not sure that there is a question to answer. I agree with my noble friend, and the reason that she got in is because the Minister was so quick at answering the questions.

The Lord Speaker (Lord Fowler): I congratulate them both. We now come to the fourth Oral Question, from the noble Lord, Lord Balfe.

Hong Kong British National (Overseas) Visa Question

12.40 pm

Asked by **Lord Balfe**

To ask Her Majesty's Government, further to the Written Ministerial Statement by Baroness Williams of Trafford on 22 July (HLWS415), what is their (1) upper, and (2) lower, estimate for the numbers of people who could participate in the new Hong Kong British National (Overseas) Visa; on what basis "there will be no skills tests or minimum income requirements, economic needs tests or caps on numbers"; and what assessment they have made of the impact of this decision on their wider immigration policies.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the new Hong Kong BNO visa requirements reflect the unique and unprecedented circumstances in Hong Kong, and the UK's historic and moral commitment to British national (overseas) citizens. There is no quota on numbers, and we are working closely with the FCO to forecast how many people are likely to apply. The visa will not set a precedent for our wider immigration policies.

Lord Balfe (Con): I remind the Minister of Auguste Comte, who said that "demography is destiny". We have had a population growth of 6.6 million in the last 20 years and are projected to grow by another 5.6 million in the next 20 years, making ours the fastest-growing population in Europe. The Migration Advisory Committee was consulted about the recent points system, limiting minimum salaries and the like. Has the MAC been consulted about the Hong Kong situation? Has it set down any guidance that should be followed and can we expect the 4 million to 5 million extra migrants that are predicted under this policy? Where does that leave the Conservative Party manifesto?

Baroness Williams of Trafford: The BNO visa is a very generous offer indeed to BNO citizens, which is proportionate to the unique situation that has arisen. The new route will not set a precedent. In terms of the 4 million people who will possibly come over, we estimate that up to 2.9 million status holders are eligible for passports, and at the moment there are around 350,000 passport holders. In reality, a large number of those who are eligible will want to stay in Hong Kong or relocate to other countries in the region. It is not possible at this point to predict with accuracy the number of BNO citizens likely to choose to come to the UK.

Lord West of Spithead (Lab) [V]: My Lords, as captain of a ship based in Hong Kong in the early 1970s, I had a number of locally enlisted personnel in my ship's company and during my career came across a large number of Hong Kong Chinese serving in the Royal Navy and the Royal Fleet Auxiliary around the world. They took part in a number of actions, including Korea and the Falklands, where some lost their lives. Indeed, after my ship had been sunk, I remember commiserating with my Hong Kong Chinese laundryman about the fact that he had probably lost all his money. He cheerfully said, "Don't worry sir, my father sunk with Royal Navy in last war so if in water, in package on my person, all safe." Does the Minister agree that these loyal veterans who served in Her Majesty's Armed Forces deserve priority approval now? Has the wish of the 64 members of the Hong Kong Military Service Corps—which was raised by the noble and gallant Lord, Lord Craig of Radley, at an earlier date—for a full British citizen's passport, which other corps veterans received before 1997, at long last been agreed to?

Baroness Williams of Trafford: I knew that the noble Lord would get a ship into his question somehow. I fear that he might have stolen the thunder of the noble and gallant Lord, Lord Craig of Radley, by asking that question although I am sure that the noble

and gallant Lord will ask it again. The Government are giving careful consideration to the representations from those campaigning for that right of abode for former British Hong Kong servicemen. The new visa creates a pathway to citizenship, as he knows, and it will be available to those who elect to retain their ties to the UK through registering for BNO status. We expect that that will include the majority of Armed Forces veterans in Hong Kong.

Baroness Hamwee (LD) [V]: Applicants for the new visa will have to prove that they are ordinarily resident in Hong Kong and be able to support themselves independently in the UK. Are the Government not concerned that, without the co-operation of the Hong Kong authorities and others in Hong Kong, providing documentary proof of residence and transferring assets are both likely to be extremely difficult, if not impossible for some people?

Baroness Williams of Trafford: I agree with the noble Baroness that this is a difficult situation. The Foreign Secretary said that we need to be honest about the situation that we are in. We cannot force China to let BNO citizens come to the UK if China chooses to put up barriers. But as China is a leading member of the international community it must be sensitive to its international reputation and the free will of BNO citizens in Hong Kong. We will continue to honour that commitment to those holding BNO status.

Lord Duncan of Springbank (Con) [V]: What engagement has my noble friend had with the devolved Administrations regarding participation in any future scheme?

Baroness Williams of Trafford: My Lords, I am dying to know what the other passengers on the noble Lord's train are thinking. As the noble Lord will know, we consult and engage with the devolved Administrations through every part of our considerations on issues such as this.

Viscount Waverley (CB) [V]: My Lords, is the Minister aware that Article 3 of the nationality law states that China does not recognise dual nationality, a situation not dissimilar to that of Iran? This seems potentially to conflict with Article 9, whereby Chinese nationals who obtain naturalisation in a foreign country will automatically lose their Chinese citizenship. Is this the case and, if so, what will HMG do to safeguard the interests of those concerned? Is it anticipated that the Chinese will introduce measures to counter the benefits being offered by the UK?

Baroness Williams of Trafford: The noble Lord is right: there are countries that do not recognise dual nationality. The individuals concerned will have choices to make. We are quite clear that we will continue to honour the commitment we made to people who have BNO status.

Lord Rosser (Lab) [V]: The Written Ministerial Statement does not make clear whether British national (overseas) citizens who enter the UK on the Hong Kong British national (overseas) visa will have recourse to public funds. It simply says:

“BN(O) citizens will need to support themselves independently while living in the UK.”

In some cases, the people of Hong Kong will not be able to bring money with them and could have their bank accounts frozen, so what recourse to public funds will be available to them?

Baroness Williams of Trafford: The noble Lord is right that they will not have recourse to public funds. They will have to demonstrate that they can support themselves for the first six months. They can of course, from thereon in, apply for the visa when it comes into place in January.

Lord Thomas of Gresford (LD) [V]: My Lords, a week ago I suggested to the noble Lord, Lord Ahmad, that the suspension of extradition arrangements with Hong Kong might cause Britain to become a safe haven for Hong Kong criminals. I am told that extradition requests currently under way involve money laundering and drug offences, but nothing political. What checks for obtaining a visa are envisaged on the criminal records of Hong Kong residents with BNO passports who wish to come to this country? Do the Government expect the Hong Kong authorities to co-operate in providing such a record? Would a criminal conviction arising out of the recent protests in Hong Kong bar a Hong Kong resident with a BNO passport from obtaining a visa?

Baroness Williams of Trafford: I shall not guess at the answer to the last question because I simply do not know. The usual checks when obtaining a visa will be made. The noble Lord will know that, from our point of view, the UK's extradition treaty with Hong Kong has been suspended indefinitely until the UK is sufficiently assured that the new NSA established by China in Hong Kong will not be able to initiate extradition requests to the UK and that extradition requests will not be sent in relation to the newly created offences under the national security law.

Lord Empey (UUP): By what authority did the Government unilaterally take a decision that could, in extremis, increase the population of this country by in excess of 3%? Have we learned nothing about the treatment of large-scale immigration measures that have coloured the debate on this matter for so many years?

Baroness Williams of Trafford: My Lords, I think I explained at the beginning that this offer reflects the unique and unprecedented circumstances in Hong Kong and the UK's historic and moral commitment to BNO citizens. It is outside the normal immigration legislation that we have in place.

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

12.51 pm

Sitting suspended.

Arrangement of Business

Announcement

1 pm

The Deputy Speaker (Baroness Henig) (Lab): 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.

EU: Future Trade Agreement

Private Notice Question

1 pm

Asked by **Baroness Hayter of Kentish Town**

To ask Her Majesty's Government, following the last round of negotiations between the United Kingdom and the European Union, whether a future trade agreement will be secured by September.

Baroness Scott of Bybrook (Con): The fifth negotiation round took place in London last week and intensified talks are ongoing. There is convergence in many areas and we will keep working to bridge the gaps. We believe that an agreement can be reached in September and we look forward to the full negotiating round beginning on 17 August.

Baroness Hayter of Kentish Town (Lab): I am sorry that we have a Minister with no involvement in the talks answering. Given that the Prime Minister and EU top politicians accelerated the talks so as to reach an agreement in September, can the Minister inform the House whether we will now drop our hostility to a level playing field so that we can get that much-needed trade deal in place in time for business certainty; remove any risk of no deal, with its security risk of organised crime and terrorism; and allow for ratification here, as well as in the European Parliament, and by member states?

Baroness Scott of Bybrook: I thank the noble Baroness for her question. No, we are not going to forget the importance of the level playing field. The political declaration sets out our commitment to discuss open and fair competition as part of negotiations on an ambitious future relationship. We already start from a place of exceptionally high standards. We have said that we have absolutely no intention of lowering these standards, including on social and employment law, such as maternity leave and shared parental leave, and environmental regulation, such as greenhouse gas targets. We do not agree that an open trading relationship based on an FTA requires extensive level playing field commitments. We are looking for commitments in these areas, like those of a normal FTA.

Baroness Ludford (LD) [V]: My Lords, the Government's damaging and reckless version of Brexit has already imposed a red-tape burden on those trading

between Great Britain and Northern Ireland, through their insistence on quitting the EU single market and customs union. Now the Government admit, in their internal market White Paper, that

"the absence of EU rules could make it easier for new barriers to arise"—

that is, within the UK as a whole. They are struggling to substitute the glue of what they call

"the wider EU ecosystem of institutions and treaty rights"

in holding the UK internal market together. Therefore, why are the Government threatening to make this challenge even harder, and the prospect of an EU deal less secure, by refusing to agree with the EU a level playing field on standards, including an independent regulator on state aid and subsidies?

Baroness Scott of Bybrook: International trade partners will be seeking full access to the UK market. The UK internal market system will provide a stable and consistent regulatory framework that will support UK exporting and inward investment ambitions.

Lord Randall of Uxbridge (Con) [V]: Does my noble friend agree that, while we earnestly want this trade deal, it cannot be at any cost, to the detriment of the interests of the UK or indeed our overseas territories?

Baroness Scott of Bybrook: I totally agree with my noble friend. That is what the Government are working on at this moment and will continue to work on until we get that agreement.

Baroness D'Souza (CB) [V]: My Lords, if, as seems increasingly likely, the UK leaves the EU under WTO terms, are the Government confident, given the unprecedented pressure of economic uncertainty and the degree of disarray in the organisation itself, that the WTO will be able to monitor adequately its own trade rules?

Baroness Scott of Bybrook: We are not going to leave with no deal. We left the EU with a deal—the withdrawal agreement—on 31 January 2020, and we are now in a transition period. The end of that period does not signify no deal and leaving on WTO terms. Preparations by government, businesses and citizens should be based on the guaranteed changes that are to come. The Government's delivery programme ensures that the UK will be prepared for the end of the transition period at the end of December in all trading scenarios.

Baroness Quin (Lab) [V]: My Lords, Ministers have expressed hostility to a level playing field, but in that case why did the Government sign up to one so firmly in the political declaration last year?

Baroness Scott of Bybrook: I thank the noble Baroness. I think that I have answered her question on the level playing field. It is important that, like the EU, we have a level playing field with other countries, including Canada, and we are looking to have an agreement based on these existing precedents.

Lord Wallace of Saltaire (LD) [V]: My Lords, the political declaration of last October also committed us to pursuing a continuing dialogue and close relationship on foreign and security policies. The new Russia report follows that in calling for a “common international approach” to handling Russia with our allies, most of whom are of course members of the European Union. Will the Minister confirm that this has now been abandoned in the negotiations and is not intended to be part of the deal?

Baroness Scott of Bybrook: I am very sorry, my Lords, I cannot answer that but I will write to the noble Lord. As far as security issues are concerned, we have made it clear to the EU negotiators that we are open to co-operation on all security measures.

The Earl of Clancarty (CB) [V]: My Lords, we still hear little mention of services from the Government, even though trade in services was on the agenda in the latest round of negotiations. What progress has been made on a deal for services that is advantageous to UK workers?

Baroness Scott of Bybrook: The deal on services is tied up with the deal on trade, and negotiating those deals will continue throughout the summer.

Lord Cormack (Con): I congratulate my noble friend on responding to her first Private Notice Question. Can she make unequivocally clear that the declaration of last October still stands and will be honoured?

Baroness Scott of Bybrook: I thank my noble friend. I have no reason to believe that there are any changes to that declaration and that it will not be honoured.

Lord Whitty (Lab) [V]: My Lords, perhaps I may take the Minister back to the more familiar territory of transport policy. Given that it now appears that the two most likely outcomes are either a WTO no deal or a sort of bare-bones deal with no tariffs or quotas or other border controls in place, can the Minister update the House on either outcome? What are the likely bilateral arrangements and estimated additional costs for UK-based road haulage, and, likewise, for air freight and cross-channel shipping? Have the Government abandoned the bizarre position of a previous Secretary of State for Transport—namely, that in the event of no deal we would let in incoming traffic without delays but accept that our exporters might face problems across the channel?

Baroness Scott of Bybrook: I thank the noble Lord for that question. We are working with all businesses at the moment through the “Let’s Get Going” campaign, launched earlier this month, so that businesses are ready for any changes. Particularly regarding the borders, because of the impact of coronavirus on transport and haulage businesses, as well as others, the UK has taken a decision to introduce some new border controls in three stages. Those three stages go up to 1 July 2021. We will work very closely with all sectors, particularly

the sector that has to deal with the borders, on how that work is going. We will talk to them about how we deal with the issues that they think may arise.

Viscount Waverley (CB) [V]: My Lords, this agreement must be a win-win deal, otherwise trouble will lie ahead. However, some observers are still suggesting that talks are at an impasse, so it would be helpful to have more clarity on what stumbling blocks remain or what has already been rejected by either side.

Baroness Scott of Bybrook: The EU has listened to the UK on some of the issues most important to us, notably the role of the Court of Justice, and we welcome this more pragmatic approach. Similarly, we have heard the EU’s concerns about the complex Switzerland-style set of agreements; we are ready to consider simpler structures, provided that satisfactory terms can be found for dispute settlement and governance. We have also had constructive discussions on trade in goods and services and on some sectoral agreements—notably on transport, social security co-operation and participation in European programmes. We have also continued to deepen our understanding of each other’s constraints on law enforcement. But, yes, there are still considerable gaps in some difficult areas, so we continue to work on the so-called level playing field and on fisheries.

The Deputy Speaker (Baroness Henig) (Lab): I call the next speaker, Lord Lea of Crondall. I am not sure that he is there, so I will move on to call Lord Adonis.

Lord Adonis (Lab) [V]: Will the Minister comment on the stories in today’s papers that a trade agreement is close with Japan and tell the House whether the Prime Minister has met the current head of Nissan, our largest Japanese trading partner? If she cannot give me that information now, will she write to tell me whether he has met the head of Nissan?

Baroness Scott of Bybrook: My Lords, this shows that I am the government Whip taking this on from the Minister today. I am sorry that I cannot answer that. I have not had a brief on that question, but I will certainly get the noble Lord a written answer on it as soon as possible.

Baroness Ritchie of Downpatrick (Non-Aff) [V]: My Lords, with just five months to go to the end of the Brexit transition period, Northern Ireland remains in the dark about how its new trading arrangements will work. Will the Minister provide your Lordships’ House with a firm date for publication of the details on the border operating model, originally scheduled for release on Monday? Will she also confirm a firm date for work to begin on Northern Ireland’s ports infrastructure?

Baroness Scott of Bybrook: I thank the noble Baroness and had expected her to speak, as always, on Northern Ireland issues. I cannot give her any further information, but it will come out. What I can say is that as part of the campaign of communications, we will provide specific audiences with tailored guidance. This will

[BARONESS SCOTT OF BYBROOK]
include further guidance for businesses and citizens, particularly in relation to Northern Ireland, in the coming weeks. We are already engaging intensively with businesses in Northern Ireland to ensure that they benefit from unfettered access to the whole of the UK market and are prepared for changes as a result of the transition period.

The Deputy Speaker (Baroness Henig) (Lab): My Lords, all supplementary questions have been asked.

Deputy Chairmen of Committees

Membership Motion

1.15 pm

Moved by The Senior Deputy Speaker

That, as proposed by the Committee of Selection, the following members be appointed to the panel of members to act as Deputy Chairmen of Committees for this session:

Barker, B.; Caine, L.; Healy of Primrose Hill, B.; Watkins of Tavistock, B.

The Senior Deputy Speaker (Lord McFall of Alcluith) [V]: My Lords, I beg to move the first Motion standing in my name on the Order Paper.

Baroness Hayter of Kentish Town (Lab): My Lords, unsurprisingly, I welcome strongly the Motion that has just been moved but, slightly cheekily, because it is about Deputy Speakers, I shall echo what the Lord Speaker said earlier today. He paid tribute, absolutely rightly, to all the people who have enabled us over these really trying few months to carry on working in this Chamber and remotely, ensuring that Parliament could continue to do its work.

From these Benches, which may be a bit empty at the moment, I would like to record our thanks to all those people, seen and unseen, who have made all this possible as we enter the holidays. I said to someone as I was coming in that I was clocking off the hours until I went on my holiday; he looked to me and said, “Not half as much as me, my Lady”. Can we record our thanks to them—to the seen, who we have here with us, and the unseen? The cleaners have had to do different work from what they have done before; *Hansard*, with occasional sound issues, has been trying to work out what we were trying to say; the catering staff have had to protect themselves and travel by public transport. There has been the most enormous amount of work. I have got to know a whole lot of broadcasting staff while at home; they have even occasionally told me whether my hair was straight before I came on.

It has been a varied and enormous amount of work. We should not take any of it for granted, so of course I support this Motion. I wish luck to the new Deputy Speakers who we are now to appoint, as well as thanking all those who have got us here.

The Deputy Speaker (Baroness Henig) (Lab): My Lords, unless any other noble Lord wishes to speak, I call the Senior Deputy Speaker to reply.

The Senior Deputy Speaker (Lord McFall of Alcluith) [V]: My Lords, I echo the sentiments of the noble Baroness, and of the Lord Speaker this afternoon, about the tremendous commitment, endeavour and efforts of all staff of the House. They have done us proud in the past four or five months and I am glad to ensure that these sentiments are fed back to them.

Motion agreed.

Arrangement of Business

Announcement

1.18 pm

The Deputy Speaker (Baroness Henig) (Lab): My Lords, we now come to the second Motion in the name of the Senior Deputy Speaker. As there is no speakers’ list, only those in the Chamber can participate, other than the mover, and those wishing to do so should give notice of their intention in advance.

Liaison Committee Report

Motion to Agree

1.19 pm

Moved by The Senior Deputy Speaker

That the Report from the Select Committee *New special inquiry committees 2020–21* (2nd Report, HL Paper 102) be agreed to.

The Senior Deputy Speaker (Lord McFall of Alcluith) [V]: My Lords, I beg to move that the Second Report of the Liaison Committee be agreed to. I am once again very grateful indeed to all the Members of the House who put forward proposals for new special inquiry committees. The Liaison Committee has had an excellent range of topics to choose from—24 in total—and the proposals underlined the range and breadth of expertise in your Lordships’ House. The Liaison Committee always has a difficult task in choosing which committees to recommend, and this year was no exception.

The process through which that choice is made has been modified for this year, as a result of Member feedback and changes agreed during the review of committees. A new stage in the decision-making of the Liaison Committee has been introduced, at which each Member who has succeeded in having their proposal shortlisted for further scoping was invited to attend and make their case to the committee. These exchanges with Members promoting individual topics were vital in informing our decision-making.

I hope all will agree that the committee’s initial recommendations cover subjects which will make excellent use of Members’ talents and contribute to debate and policy-making in highly topical and cross-cutting areas. Our timescales for decision-making and appointment

have also been modified, as a result of the parliamentary response to Covid-19 and the extension of reporting deadlines for previous special inquiries. We are proposing two committees for appointment in the report before the House today, but intend to revisit this and potentially recommend further committees for appointment before the end of the year.

We agreed the following proposals for special inquiry committees: first, National Plan for Sport and Recreation, proposed by the noble Lord, Lord Moynihan; and, secondly, Risk Assessment and Risk Planning, proposed by the noble Lord, Lord Rees of Ludlow.

As the report details, the UK is due to host several large international sporting events in the coming years, and the 10th anniversary of the London Olympics is also on the horizon. Sport will be at the forefront of many headlines, and a committee with this focus will be topical and of public interest. The committee could examine issues including the strategy-making of Sport England, the part played by the Government in delivering sport and recreation, and the role of national governing bodies.

An inquiry focused upon risk is highly pertinent given our current circumstances, and would allow an opportunity to focus upon the risk identification process, risk ownership, the national risk assessment and risk register, and the work of the Civil Contingencies Secretariat.

We considered all proposals received against our published set of criteria, considering which could: make best use of the knowledge and experience of Members of the House; complement the work of Commons departmental Select Committees; address areas of policy that cross departmental boundaries; and confine the proposed inquiry to one Session.

The committee took care and time in coming to its conclusions. I hope the House will agree with me that our initial recommendations will provide a timely and manageable set of inquiries. I end on a note of gratitude for the work of all our committees. The enthusiasm with which Members from all sides of the House approach this aspect of our work is exemplary. We should all be proud of their work. In that vein, I beg to move.

Motion agreed.

The Deputy Speaker (Baroness Henig) (Lab): My Lords, we now come to the third Motion in the name of the Senior Deputy Speaker.

Liaison Committee Report

Motion to Agree

1.23 pm

Moved by The Senior Deputy Speaker

That the Report from the Select Committee *A Common Frameworks Scrutiny Committee* (4th Report, HL Paper 115) be agreed to.

The Senior Deputy Speaker (Lord McFall of Alcluith) [V]: My Lords, I beg to move that the Fourth Report of the Liaison Committee be agreed to.

As a consequence of the UK leaving the European Union, powers previously exercised at an EU level that intersect with devolved competences will flow back directly to Edinburgh, Cardiff and Belfast. In a number of areas, the UK Government and the Scottish and Welsh Governments agree that it is necessary to maintain UK-wide approaches, or common frameworks. These frameworks will require parliamentary scrutiny and a committee should be established to begin scrutinising them as soon as possible. The preliminary documentation for the first framework has already been brought forward for scrutiny, with more expected to arrive shortly.

Our expectation is that the new committee will focus on detailed scrutiny of common frameworks and on maintaining relations with other UK legislatures in relation to this scrutiny. The duration of the work required is uncertain but is expected to persist for at least 12 months. Around 40 detailed and technically complex framework documents are expected to be submitted for parliamentary scrutiny, and some of these are likely to be handled concurrently by the new committee. We have recommended an initial appointment for the duration of the present Session, with regular review by the Liaison Committee of its work during that period.

The new committee will play an important role in giving the House the capacity for detailed focus on an important part of the post-Brexit landscape. The work undertaken will be detailed, complex and technical but will, I am sure, allow us to utilise the best qualities of the House in delivering expert scrutiny on matters of vital importance to our economy and society. I beg to move.

Motion agreed.

Sentencing Bill [HL]

Order of Recommitment

1.26 pm

Moved by Baroness Scott of Bybrook

That the order of recommitment be discharged.

Baroness Scott of Bybrook (Con): My Lords, on behalf of my noble and learned friend Lord Keen, I understand that no amendments have been set down to this Bill and that no noble Lord has indicated a wish to speak in Committee. Manuscript amendments are not possible at present. Unless, therefore, any noble Lord objects, I beg to move that the order of recommitment be discharged.

Motion agreed.

1.27 pm

Sitting suspended.

Arrangement of Business

Announcement

1.32 pm

The Deputy Speaker (Baroness Henig) (Lab): My Lords, the Hybrid Sitting of the House 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. The usual rules and courtesies in debate apply.

UK Internal Market: White Paper

Statement

The following Statement was made on Thursday 16 July in the House of Commons.

“For centuries, the United Kingdom’s internal market has been the bedrock of our shared prosperity, with people, products, ideas and investment moving seamlessly between our nations, safeguarding livelihoods and businesses and demonstrating that, as a union, our country is greater than the sum of its parts.

Today, I am publishing a White Paper on the Government’s plans to preserve the UK internal market after the transition period. Since the Acts of Union, the UK internal market has been the source of unhindered and open trade across the country, one which pulls us together as a united country. I know that the right honourable Member for Doncaster North, Edward Miliband, cares as much about our precious union as I do.

Since 1973, EU law has acted as the cohering force for the UK internal market. In 2016, the British people voted to repeal this legislation, allowing us now to articulate the continued functioning of the internal market. The union’s economic strength is unrivalled. Since the Acts of Union, the size of our economy has multiplied over 170-fold. Successive UK Governments have legislated to share this prosperity and protect workers’ rights—for example, through the introduction of the national minimum wage and now the national living wage, and by providing for more generous holiday and maternity leave than required by the EU. Today we are announcing plans to continue this hugely successful economic union. We will legislate for an internal market in UK law, as we leave the transition period and the EU’s single market. Our approach will give businesses the regulatory clarity and certainty they want. It will ensure that the cost of doing business in the UK stays as low as possible.

But let me be clear: preserving the coherence of the UK internal market will be done in a manner that respects and upholds the devolution settlements. On 1 January 2021, hundreds of powers previously held by the EU will rightly flow directly back to devolved Administrations in the United Kingdom. For the first time, because of our approach, the devolved Administrations will be able to legislate on a whole range of policy areas. Each nation that makes up our United Kingdom will hold an unprecedented level of powers after the transition period.

To respect devolution and uphold our internal market, we propose to legislate this year. Businesses across the UK will be given a market access commitment. That will be underpinned by the principles of mutual recognition and non-discrimination, which will guarantee that goods and services from one part of the United Kingdom can always be sold into another. The simple principle at the heart of this approach is a continuation of our centuries-old position that there should be no economic barriers to trading within the United Kingdom.

The economies of our four nations, within one United Kingdom, are strongly integrated. At the time of the last census, 170,000 workers commuted daily from one part of the UK to another. Scotland makes over £50 billion of sales per year to the rest of the UK, accounting for over 60% of all exports. Indeed, Scotland sells three times as much to the rest of the UK than to the whole EU put together. About 50% of Northern Ireland’s sales are to Great Britain, and 75% of exports of Welsh final goods and services are consumed in other parts of the UK. In some parts of Wales, over a quarter of workers commute across the border. It is in the clear economic interest of the whole United Kingdom that its internal market continues to function successfully and seamlessly, as it has done for centuries.

As part of our proposals, we will also clarify in law the position that subsidy control is a reserved matter for the whole United Kingdom. This has never been a devolved matter. The Government have been clear that, after the end of the transition period, the UK will have its own domestic subsidy control regime. We will develop our policy proposals on this in due course, consulting widely.

We will only recover from Covid by working together. Just over two weeks ago, the Prime Minister set out how we would strengthen the incredible partnership between England, Scotland, Wales and Northern Ireland through our economic recovery. That will be underpinned by a strong UK internal market and avoid the damaging uncertainty for businesses of a fractured economy. It will provide the unquestionable advantages of continued open trade. It will benefit businesses, workers and consumers across the country through lowering trading costs and allowing different regions to specialise in sectors where they enjoy a comparative advantage.

Our proposals are designed for co-operation between all four nations. We invite all devolved Administrations to work together and to agree common approaches to cross-cutting issues such as regulatory standards.

The UK economy has some of the highest standards in the world. We go beyond EU rules in many areas, including health and safety in the workplace, workers’ rights, food, health and animal welfare, consumer protections, household goods, net zero and the environment. We will maintain our commitment to high standards, as we negotiate trade agreements that will provide jobs and growth to the United Kingdom. Through our common frameworks approach, we will support regulatory consistency across our internal market, so if the devolved Administrations seek to agree standards across the UK economy, I say simply this: come and work with us.

The UK internal market is a historic achievement for the United Kingdom, which for 300 years has supported unrivalled economic growth and innovation

within our great union. That has underpinned the best of our United Kingdom's innovation and prosperity: the Scottish enlightenment, the steam engine, the world's first vaccine, the telephone, the electric tramway, penicillin, radar, pneumatic tyres, the breaking of the Enigma code, the sequencing of DNA, and the world wide web. As we rebuild and recover from Covid, we will work together as one United Kingdom to support jobs and livelihoods across our whole country. We will maintain high standards for consumers, and deliver our commitment to devolution by giving more power to the devolved legislatures. I commend this Statement to the House."

1.33 pm

Lord Stevenson of Balmacara (Lab) [V]: My Lords, we support the principle of maintaining the UK's internal market, which is vital for trade, jobs and prosperity across the whole United Kingdom. It is good that the White Paper has been issued, and I am sure that the responses to the consultation will be of value. Will the Minister outline the timetable for the consultation and the legislation to follow, which I assume will have to be in place by 1 January 2021? He will understand that, with the Trade Bill due to start its return journey through your Lordships' House on 8 September, there is a danger of some overlap, which we should at least identify before we start.

It is already clear from the reactions in the devolved Administrations that there are some knotty problems to be addressed in the consultation, some of which, of course, span beyond internal trade issues, important though these are. The key issue that needs to be addressed is how we establish which powers being repatriated from Brussels can be passed directly to the devolved Administrations. I understand that a lot is agreed, but there are a number of areas where overlapping interests mean that this has not yet been formally determined. What is the current situation on the common frameworks? The unanswered question on this issue is: if a settlement cannot be agreed, or future problems arise, what resolution mechanisms will be used? The proposed independent advisory body is neither flesh nor fowl and will be problematic. However, in previous discussions a number of possible solutions have been canvassed. In this regard I reference the proposal made by the noble and learned Lord, Lord Mackay of Clashfern, who is to speak shortly after me, on the first Trade Bill.

Can the Minister confirm that the solution to this must be de minimis, involving a joint government council, with recourse to the UK Parliament where decisions by the UK Government may impact on areas of competence which are not reserved? Can he further confirm that these arrangements need to be established on the principle of co-operation and transparency? It is surely self-evident that these arrangements will work in practice only if they are based on a secure statutory framework, establishing without doubt a set of high-quality standards which must be applied across the whole United Kingdom—these were, of course, guaranteed while we were in the EU—relating to human rights, employment rights, consumer protection, animal welfare, food safety standards and environmental standards. There must be no question of a race to the bottom here.

There should be an understanding that, where a devolved Administration want to raise standards on an issue on which they have competence, that should be encouraged: the subsidiary principle can and should operate here, possibly to the extent that we could envisage separate devolved administration trade deals in the future. The Minister will have noticed that the Government have resisted all recent attempts to legislate, in successive Bills, for exactly these standards. Will he take this opportunity to look again at the ongoing Agriculture Bill and the soon-to-start Trade Bill and support measures that would achieve this vital underpinning? If not, why not?

Finally, the White Paper raises the question of state aid rules, albeit in the guise of subsidy. We are aware that this issue is one of the key concerns of the current Brexit discussions but, even so, the lack of clarity here is worrying, particularly at a time when state aid has been so crucial to the Covid-19 response and will continue to be so during the recovery. Will the Minister please confirm when further details, including the role to be played by the CMA, will be made available?

Baroness Kramer (LD) [V]: My Lords, I agree, as does my party, that an internal market is vital to our economic future, but we are a country of nations, and even this Government must recognise that any internal market requires building a significant consensus between the UK Government and the devolved Administrations. Will the Government commit to an impartial UK body to deal with compliance and dispute resolution, to ensure that the devolved Administrations' concerns on trade and regulations are respected? How will this proposed legislation operate with the Northern Ireland protocol? I can see no way that unfettered access, which this Statement contemplates, fits with the technical and administrative processes required as a consequence of the protocol. Will the Minister explain how much of the internal market framework is essentially designed to enhance the Government's flexibility to make concessions without engagement with the devolved Administrations, in order to achieve trade deals with countries such as the United States?

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con): I thank the noble Lord, Lord Stevenson, and the noble Baroness, Lady Kramer, for their questions. I pay tribute to the support that he offered for the principles of this legislation, for which I am grateful. He asked about the timetable. As he is aware, consultation on the White Paper closes on 13 August and we are committed to bringing forward legislative proposals following that when parliamentary time allows—likely to be as soon as possible after the Summer Recess.

The noble Lord asked about the continuing discussions on common frameworks. Indeed, those discussions continue, and our proposals will maintain consistently high standards across the whole UK, promoting co-operation between the UK Parliament and the devolved legislatures. He referred to the Agriculture Bill and the Trade Bill. Those are, of course, separate discussions and separate legislation, but let him be in no doubt that we are committed to high standards

[LORD CALLANAN]

across the whole United Kingdom. Under our proposals, the devolved Administrations will continue to have the power to regulate within their areas, and they are going to gain a whole load of new powers when we leave the European Union transition period at the end of this year and will continue to be able to exercise their powers in those areas, as long as they do not discriminate against goods and services from other parts of the country. He also asked about state aid. I cannot give him a timetable for that, but it is under active consideration by the Government at the moment.

The noble Baroness, Lady Kramer, referred to the creation of a UK body. We are indeed suggesting that for consultation in the White Paper but we envisage that such a body will act to monitor the operation of the internal market across the country. We do not envisage it as having compliance powers, and of course dispute resolution is ultimately a matter for the courts.

The noble Baroness also referred to trade deals. Again, that will be subject to separate legislation—a separate Trade Bill is coming before your Lordships. However, I reiterate that our commitment is to the highest possible standards across the whole country, and we have no intention of watering them down.

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

1.41 pm

Lord Mackay of Clashfern (Con) [V]: My Lords, can my noble friend say whether an Act of a devolved legislature could set up an internal market in the United Kingdom, and secondly, whether a fair committee structure will advise the United Kingdom Parliament on the views of the devolved Administrations on that subject?

Lord Callanan: My noble friend makes an excellent point, as he so often does. These proposals are designed to ensure that devolution can continue to work for everyone while ensuring that seamless trade in the United Kingdom can continue. From 2021, the devolved Administrations will have power over many more issues than they have ever had before as policy areas formerly managed by the EU flow back to them for the first time. Our proposals would do nothing to stop those Administrations introducing rules and regulations for their own businesses operating within their region, as long as those proposals were not applied discriminatorily.

Lord Bilimoria (CB) [V]: My Lords, businesses up and down the UK have worked with devolution for over 20 years. Will the Minister confirm that the proposed UK internal market Bill must continue to respect the devolution settlement while providing certainty to firms as powers are returned from the EU to the UK? Will the internal market work to ensure that costs or barriers to doing business between different parts of the UK are not increased, and, learning from the lessons of Covid, when collaboration has worked so well, will there be even greater collaboration between

Westminster and the devolved Administrations? To build on what the noble Baroness, Lady Kramer, said, will we ensure a proportionate and independent approach to adjudication that is respected by all Administrations? Preserving the integrity of the internal single market is the economic glue binding our four nations together.

Lord Callanan: I agree with the noble Lord that the internal single market is indeed the economic glue that binds the four nations together. I can confirm that we will continue to respect the devolution settlement and indeed, as I said in response to earlier questions, the devolved Administrations are gaining many new powers as we leave the European Union. There is no power grab involved here—in fact, the opposite is the case—and we will continue to want to work as quickly as possible with the devolved nations and legislatures as much as we can.

Lord McConnell of Glenscorrodale (Lab): My Lords, I am grateful to the Minister for his courtesy on the day the White Paper was launched. I hope that over the coming months, we in both Houses of Parliament will apply rigour to the debates on these proposals, because they are absolutely vital, economically as well as politically, for the United Kingdom.

I will ask the Minister two questions. I am impressed with the idea of the market access guarantee, which is the most novel and interesting proposal for the way we work inside the UK since the Fresh Talent visa of 2004. However, I would like to know how that and the subsidy control proposals that will come forward will be overseen. Will the Government consider an independent mechanism for both or either, and if so, would they give an opportunity to the devolved Governments in Edinburgh, Cardiff and Belfast, to nominate individuals to sit on any body that oversaw that independent mechanism for compliance?

Lord Callanan: I thank the noble Lord for his support. I was happy to be able to brief him personally on the proposals, because I know he speaks with great authority on this subject. He is right to refer to the market access commitments. It is a simple set of legal principles which guarantees UK businesses access to trade across England, Scotland, Wales and Northern Ireland. They have tremendous benefits for businesses in Scotland and Wales, as well as those in England. The noble Lord is right to say that we are considering setting up a body to monitor the operation of the single market across the United Kingdom. If we proceed with those proposals, I am sure that it will be sensible to have representation from the devolved Administrations.

Baroness Sheehan (LD) [V]: My Lords, the national mood is very much to build back better. That starts with the statutory safeguarding of hard-won improvements in food safety, animal welfare and environmental standards, which the Government have steadfastly refused to do recently during the passage of the Agriculture Bill and other Bills through both Houses. Does the Minister therefore accept that proposed measures in this White Paper do nothing to reassure campaigners, let alone the devolved Administrations,

that their voices matter, and that mutual recognition looks very much to be a descending one-way street of falling standards?

Lord Callanan: I am afraid I cannot agree with the noble Baroness's point. We are committed to high standards; we had these debates endlessly during the passage of the EU withdrawal legislation, and similar debates are going on during the passage of the Agriculture Bill at the moment. However, we are very proud of the high standards we have in this country and we will not dilute them. This is not about a race to the bottom.

Baroness Bennett of Manor Castle (GP) [V]: My Lords, it is a pleasure to follow the noble Baroness, Lady Sheehan, and I very much share her concern about the maintenance of standards. In answering Front-Bench questions, the Minister said that national Administrations will keep their powers as long as they do not discriminate against goods from other parts of the country. Can he tell me how that squares with, for example, the Well-being of Future Generations Act in Wales, which aims to set up higher standards of action, in the operation of the economy, with regard to environmental and other matters, and to Northern Ireland, where European standards will apply?

Lord Callanan: These proposals will not affect the ability of the Welsh Government to proceed in those environmental areas if that is a power they already have under the devolution settlement. As I said, we are not removing any of the powers that the devolved legislatures already have. In fact, we are increasing the number of powers that they have, and they can use them to the fullest extent. The only proviso is that they do not discriminate against companies and businesses in other parts of the country.

Lord Caine (Con): My Lords, as a unionist, I welcome the White Paper, which deals with hugely important issues for the whole of our United Kingdom. Will my noble friend confirm that the White Paper demonstrates conclusively that by far the biggest market for Northern Ireland goods and services is here in Great Britain? Does that not underline yet again the huge economic benefits that Northern Ireland gains from being an integral part of our United Kingdom—benefits that could never be replicated under any other constitutional arrangements on offer?

Lord Callanan: As he so often is on these matters, my noble friend is exactly right. Some 50% of Northern Ireland's exports are sold to the rest of the UK, and the figures are even higher for Scotland and Wales. We therefore propose to legislate through this measure by the end of 2020 to guarantee unfettered access for Northern Ireland's businesses to the whole of the UK internal market, which is so important for it.

Viscount Waverley (CB) [V]: My Lords, past innovation led to the first industrial revolution, which, when combined, ensured a global reach creating trade, jobs and prosperity, and thus strengthening the union. Yet in today's globalised world, how will the Minister

balance a strong industrial market without sending a message that we have become insular and inward-looking, which would have a negative impact? In drawing attention to my declaration in the register, I ask: have the Government finalised agreement on the posting of UK-wide public sector projects on the European Tenders Electronic Daily site?

Lord Callanan: I am not sure I completely understood what the noble Viscount is getting at. Perhaps I can write him on that matter.

Lord Taylor of Goss Moor (LD) [V]: My Lords, the Minister did not answer one of the questions put by my noble friend Lady Kramer; perhaps he can now do so. How is unfettered access compatible with the terms of the Northern Ireland protocol?

Lord Callanan: I think it is fairly self-evident that we are committed to having unfettered access for goods from Northern Ireland to the UK single market, and this legislation will help to underpin that.

Lord Wigley (PC) [V]: My Lords, clearly, it is important to get a UK single market working effectively, and that is seen by all four nations to be on a fair and transparent basis. However, does the Minister recognise that the acceptability of these proposals will depend on the credibility of any dispute resolution system? If so, will all four nations have an equal voice within such a system?

Lord Callanan: I hope there will not be any disputes, but if there are, they will be legal disputes and the correct forum for resolving those is the courts system. We have no intention of setting up an alternative dispute resolution procedure when we have one of the best and most efficient court systems in the world to resolve disputes.

Lord Wei (Con) [V]: My Lords, the free ports policy, as part of levelling-up the country, was announced to great fanfare last year. Will the White Paper and the policies within it take account of free ports, and what happens if other Administrations disagree on creating such tax-free zones and zones to promote investment into their parts of our country? How will we co-ordinate such a policy as we take back the powers from Europe that will allow us to move ahead with it?

Lord Callanan: The free ports policy is unaffected by this legislation. If the power exists for devolved Administrations to create them, it is unchanged by this legislation.

Lord Bradshaw (LD) [V]: I have a simple question, of which I have given the Minister notice. Good public transport is essential to the functioning of the union, but public transport is at present in a very weak condition. This could be remedied by a strong message from government that public transport is safe and, to help keep it that way, you should wear a mask. Also, since the coronavirus, travel patterns have changed,

[LORD BRADSHAW]

particularly season-ticket journeys, and the overdue fares provision is a key factor for the Government. Can we expect an announcement imminently?

Lord Callanan: While that is not the subject of this legislation, I can reassure the noble Lord that the Government's proposals on the UK internal market will not impact on the transport system between the constituent parts of the UK. I totally accept his wider concerns on the need to revive the public transport industry. I believe he is in correspondence with my ministerial colleague, my noble friend Lady Vere, and I am sure she will respond to him shortly.

Baroness Uddin (Non-Aff): My Lords, the building blocks of a post-Brexit, post-Covid society and country must underpin an absolute commitment to harnessing social justice, strengthening business and an economy driven by action to yield a just and equal society, and it must mitigate any systemic discrimination. White Papers do not reach into communities whose lives are impacted by them when they become policies and legislation. Will the Government ensure that these discussions incorporate other government strategies, including on jobs, employment, healthcare and human rights, take into consideration the new paradigm of inclusive market solutions enshrined with corporate social obligations, and operate businesses and organisations free of institutional bias against minority groups—from the boards to management and at all levels of the workforce? Some 69% of women remain low-paid earners, with Muslim women remaining at the bottom of the ladder of the workforce and management hierarchy. Will the Minister's department commit to embed and publish a gender equality impact assessment of those policies?

Lord Callanan: I accept the concerns that the noble Baroness raises, but the UK's single market proposals—I am talking about the White Paper—have no impact on any of these matters. I will need to write to her separately with regard to the gender impact survey policy.

Lord Randall of Uxbridge (Con) [V]: Can my noble friend tell me what will happen if the measures set out in the White Paper are not put in place?

Lord Callanan: My noble friend asks a very good question. Without mutual recognition, different rules on products would increase costs and burdens on businesses and hinder trade within the country. Businesses could face serious problems. To give some examples, a Welsh lamb producer could end up being unable to sell their lamb in Scotland, or Scotch whisky producers could lose access to supply from English barley farmers, putting jobs at risk in both jurisdictions. Our modelling shows that a supermarket operating across the UK could face a tariff-equivalent cost of up to 2.3% if differences in food labelling, product packaging and food hygiene regimes arose in different parts of the country. That is why we think this framework is necessary.

Lord Mackenzie of Framwellgate (Non-Aff) [V]: My Lords, can the Minister gaze into his crystal ball and outline the consequences if a newly independent Scotland rejoined the European single market, particularly in relation to the management of a hard border with England?

Lord Callanan: The noble Lord is asking the ultimate hypothetical question—on one of those things which I hope will never come about. If this legislation did not exist and Scotland were ever to join another trading regime, that would throw up the possibility of a hard border, which would be crucially damaging for Scottish business. Scotland sells more to the rest of the United Kingdom than it does to the rest of the whole world, so unfettered access to other markets in the United Kingdom is crucial to Scotland economically.

Baroness Ritchie of Downpatrick (Non-Aff) [V]: Will the Minister outline how the Government intend to achieve the UK internal market arrangements in the devolved regions, particularly Northern Ireland, which has to continue to operate EU state aid rules in the agricultural sector?

Lord Callanan: I can tell the noble Baroness that, for as long as the protocol is in force, mutual recognition and non-discrimination will be adapted for British goods moving to Northern Ireland to account for the relevant goods rules that apply there. The UK Government have committed to delivering unfettered access for Northern Ireland businesses to the whole UK market, and we will enshrine this principle in law, as promised in the New Decade, New Approach agreement. Mutual recognition and non-discrimination will support commitments on unfettered access, ensuring that they form part of a coherent UK-wide system.

On agricultural support, discussion continues in order to find an approach to agriculture that works for all of the UK whereby legislation is not needed. Officials have had positive discussions on all issues in scope of an agricultural support framework, including marketing standards, agricultural support spending, crisis measures—including public intervention and private storage aid—data collection and sharing, and cross-border farms. We expect this close collaboration with all the devolved Administrations to continue over the coming months.

1.59 pm

Sitting suspended.

Arrangement of Business

Announcement

2.30 pm

The Deputy Speaker (Lord Lexden) (Con): My Lords, the Hybrid Sitting of the House will now resume. Some Members are here in the Chamber, respecting social distancing, 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. The usual rules and courtesies in debate apply.

Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2020

Motion to Approve

2.31 pm

Moved by Lord Greenhalgh

That the draft Regulations laid before the House on 6 July be approved.

Relevant document: 23rd Report from the Secondary Legislation Scrutiny Committee

The Minister of State, Home Office and Ministry of Housing, Communities and Local Government (Lord Greenhalgh) (Con): My Lords, the regulations we are considering today were laid in draft before this House on 6 July. If approved and made, they will introduce a fee for applications for prior approval for a new category of permitted development right for the construction of new dwelling houses. This new category of permitted development is delivered across a package of new measures recently made and laid, which I set out below.

The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 introduce a new permitted development right, which allows for the construction of new dwelling houses on detached, purpose-built blocks of flats, by allowing an upward extension. These regulations were laid on 24 June and come into force on 1 August.

Additionally, and since these regulations being considered today were considered in the other place on 21 July, we laid the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020. These regulations introduce new permitted development rights for the construction of up to two additional storeys on freestanding and terraced buildings in certain commercial uses and a mix of uses, including with an element of housing to create new homes.

Although not relevant to the fee introduced by these regulations being considered today, existing homes, whether detached, semi-detached or in a terrace, will also be able to extend upwards to create new homes or additional living space. On 21 July, we also laid the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020. These regulations introduced a new permitted development right for the demolition of redundant and vacant commercial and residential buildings and their replacement with housing. Both of the regulations laid on 21 July will come into force on 31 August.

All these permitted development rights would not require an application for planning permission but would be subject instead to obtaining prior approval

from the local planning authority. This allows for a more streamlined planning process while maintaining local consideration of key planning matters. With the exception of the upward extension of existing homes, all these prior approval applications for the new permitted development rights for new dwelling houses would attract the fee introduced by these regulations being considered today.

Given that the prior approval process in relation to these development rights is for the construction of new dwelling houses, rather than other more minor development, the matters for consideration, consultation and scrutiny by local authorities are greater than for other existing permitted development prior approval applications, but less than what would have otherwise been required on a full planning application. This has resource implications for local authorities; it is therefore right that a higher fee should be paid compared with other prior approval applications, but less than for a full planning application.

I turn to the details of the regulations that apply to this fee. The regulations introduce a new fee for a new category of permitted development rights—the construction of new dwelling houses. The fee is £334 per dwelling house for development proposals of 50 or fewer new dwelling houses, and for development proposals of more than 50 new dwelling houses, £16,525, plus an additional £100 for each dwelling house in excess of 50, subject to a maximum fee of £300,000. The £334 fee represents a modest midway point between the £206 fee for an application for prior approval for the change of use of a building to residential and the fee for a full planning application of £462 per new dwelling house.

We consulted on the introduction of the fee for this new permitted development right in October 2018—*Planning Reform: Supporting the High Street and Increasing the Delivery of New Homes*. Responses to this consultation recognised that the changes proposed would require significant local planning authority resources and should therefore be subject to an appropriate fee. If there is no application fee, the cost would have to be funded by the taxpayer.

Planning application fees are crucial for a well-resourced, effective and efficient planning system. They provide local planning authorities with much-needed income to consider planning applications, which in turn provide new homes and deliver economic growth for our country. This will be fundamental to our recovery following the pandemic. In July 2018, we raised planning application fees by 20%—the first uplift since 2012. This has increased income for the planning system and has enabled local planning authorities to improve their performance.

We have announced ambitious reform of the planning system to deliver key transport and infrastructure projects and build more homes. This would include new approaches for local authorities to meet the costs of their planning service and deliver improved performance. The draft regulations we are debating today underline our commitment to ensuring that local authorities have adequate resources to deliver a high-quality planning service. I commend this instrument to the House.

2.37 pm

Lord Greaves (LD): My Lords, all these proposals are fraught with controversy, and the way in which the Government are bringing them in simply by announcement, with no proper consultation and within two months, is an absolute disgrace. I fear it will come back and bite them where it hurts.

These regulations are just about the fees and, at least in the case of upward extensions to flats, which in many parts of the country, such as my own, where I declare my interest as a councillor, will not be used very much, although they may be in big cities. Nevertheless, it is welcome that local authorities can make a charge, although whether it will cover the costs is a matter of opinion. But the idea that people can, without having to get planning permission, convert properties in town centres into housing, is fundamentally wrong. It flies in the face of local planning in many cases, and the assumption is that all town centres are collapsing. Well, not all town centres are collapsing, and this will mean that people will allow properties to become empty in town centres that are not collapsing, such as in Colne, for example, where I live. Where we have empty properties, we are making huge efforts to bring them back as shops. This will fly in the face of that.

Upper extension of ordinary houses, which is not in this particular order but was referred to by the Minister, because it is part and parcel of the thing, is okay for big detached houses separated from the community, but for ordinary semis and terraces, it is alarming that this can take place without proper planning permission or residents having the right to complain and protest and put their views forward in the normal way in the planning system. It is driving a coach and horses through local planning, and it is a disgrace. I hope that the Government will have some serious second thoughts about it.

2.39 pm

Lord Bourne of Aberystwyth (Con) [V]: My Lords, it is a great pleasure to follow the noble Lord, Lord Greaves, who always stands up for his community. I thank my noble friend the Minister for setting out with great lucidity the benefit of this provision. It clearly opens up the welcome possibility of much additional housing. However, I have some concerns that I hope the Minister will be able to answer.

I certainly agree about the fees. They will be a welcome injection of added finance for planning departments, which are still hard pushed in terms of resourcing.

Space standards were raised in the other place. I might have misunderstood what the Minister said there, but he seemed to suggest that appropriate space standards can be bypassed in the case of permitted developments. Therefore, new properties may be approved that do not come up to the minimum standards. That would concern me. Maybe I have misunderstood, but I would be grateful if the Minister could clarify that issue. If they can be bypassed, what are we proposing to do to plug that gap?

My second concern relates to consideration of the interests of leaseholders in a block, particularly where there is building upwards. Given that this is not full

planning permission, which I quite understand and approve of, how are we to give proper thought and attention to leaseholders' interests? This provision gives a windfall profit, as it were, to the freeholders in added value, but for leaseholders, who might seek to purchase their leasehold interest from the landlord, it will inflate the price. It also means that any appropriate windfall profit for a particular property will not help the leaseholder, only the freeholder. Has consideration been given to that issue? It seems something we should perhaps consider. There will also necessarily be disruption from any building work being done where conversion is to happen.

I welcome the injection of additional properties. We should all welcome that. We have to look at imaginative ways to increase supply, which is a problem in our country and has been for a considerable time. I have the reservations that I outlined, but subject to those I am in favour of the regulations.

2.42 pm

Lord Thurlow (CB) [V]: I declare my property-related interests as set out in the register. The principle of the SI—to speed up planning—is good, but in this case it is much too quick. While speeding up the normal planning process is a good thing the process itself serves an important purpose. In addition to the frustrating minutiae involved, important safeguards are included: fire safety, materials, design suitability, daylighting—things that affect people's lives. The character of neighbourhoods can be protected. We have seen the unfortunate result of the post-war concrete urban jungles that were created, with the resulting mental health consequences. This is not the same, but risks moving in the same direction.

At a property level, we have seen the consequences of the ill thought-out PDR rules of very few years ago to allow conversion of redundant offices into residential property. While some 60,000 flats might have been created out of PDR, many have tiny rooms, lack daylighting and have other constraints allowed as a result of bypassing the normal planning process.

There are more practical matters. Adding floors to an existing three storey-plus building creates an engineering challenge. Developers built these buildings to efficient and economical building cost. Architects and engineers did not waste money overengineering the required brief. Will we see shortcuts attempted, such as floors added to buildings that cannot bear the weight and load, risking tragedy?

I do not have a problem with the proposed fees. However, I must object to the ill-considered detail. The noble Lord, Lord Bourne, pointed out the necessary protection for existing occupiers. It will depend on the terms of their lease. Many leasers might not enjoy the necessary protections. It is likely to create a tidal wave of protest and complaint against the Government. The leasehold ground rent scandal is an example.

I conclude by saying that, since we cannot amend this—we can only object—if there was to be a vote, I would vote against this PDR proposal. While there is a great deal of good in it, I do not think it has been fully and carefully thought out enough.

2.45 pm

Baroness Bakewell of Hardington Mandeville (LD):

My Lords, it is a pleasure to follow the noble Lord, Lord Thurlow. I completely agree with his remarks. I thank the Minister for his introduction to the statutory instrument. After 12 years on a district council, I am familiar with permitted development rights and planning fees. However, I am somewhat concerned at the proposals before us. I have no problem with the 20% increase in fees across the board for all types of development, from small extensions, alterations and renewable energy, now set at £96, to fees for planning officer checks, which are up from £250,00 to £300,000 for a development of more than 2,000 homes. I am concerned that this development could take place without full planning permission.

Living, as I do, in a rural area, I am aware that planning, however modest, can generate a huge amount of public interest, which is rarely supportive. For this to take place without the need for planning permission is highly inflammatory to say the least. Permitted development rights have tended to be small in the past. The Government, looking to address the extreme shortage of homes required, brought in legislation that allowed offices to be converted into homes without the required planning permission to be obtained, as the noble Lord, Lord Thurlow, referred to. This led to some very unfortunate circumstances, whereby landowners gave the businesses occupying their buildings notice to quit, so that they could cash in with cheap conversions to flats, without the need to bother with planning.

The instrument, among other categories, puts shops, restaurants, nurseries, gyms and light industrial use into the same use category. This means that one type of activity can be changed for another without any need for additional planning, so a women's clothing shop on the high street can be changed into a restaurant with no recourse to local council input. A child's nursery, operating safely in an area, could suddenly find that the gym next door has become light industrial use, with the consequent noise and heavy pollution associated with it.

This will not be popular. It is only through the transparent process of planning and regulation meetings that the public can make their concerns heard. It is only through this process that elected councillors can make recommendations and insert conditions that ensure the safety of those affected. This is not the way to regenerate the economy. Councils take their role in developing local plans for their areas very seriously. Can the Minister say what feedback he has received from councils that now find their local plans overridden by the Government?

2.48 pm

The Earl of Shrewsbury (Con) [V]: My Lords, I support my noble friend on the introduction of this useful SI, but we really should be developing on brownfield sites. There are plenty throughout the countryside. Instead of wasting decent greenfield sites, we should concentrate on brownfields and tidy them up.

I will make a short observation on a separate but not totally unrelated point regarding listed buildings. I neither own nor live in a listed property, but in the past

I have owned two, one a grade 2* property, the other a simple grade 2. They are both family houses. I was born in the then family house, which was grade 2 listed and designed by Nash. I am patron of the living of a grade 1 church in Staffordshire, the architect of which was Christopher Wren, with a carved screen, and flying pulpit and sounder by Grinling Gibbons. That is the advertisement for today. I suggest your Lordships visit it. It is stunning.

I therefore know a little about the complexities regarding listed buildings and the expense of maintaining them. Can my noble friend tell me—I would be most grateful if he could write to me rather than answer during the debate, because it is not totally related—whether concessions on planning fees are made for listed buildings? If not, might Her Majesty's Government design a simple scheme of concession to help the owners of these historic buildings, including bodies such as the National Trust, so that they can manage their expensive future works, which will be necessary? That will help to benefit listed building consents. Could my noble friend please drop me a note on that?

2.50 pm

Lord Mann (Non-Aff) [V]: My Lords, I declare an interest. I own and live in a grade 2* listed building. I come at this from a different perspective from that of the noble Earl, Lord Shrewsbury. I welcome the Minister's direction of travel on this SI, which I will come back to in a minute, but it would be helpful if non-controversial changes to listed buildings were permitted developments. I cannot paint my front door tomorrow because I have to get planning permission, even if it is in the same style that it has been in for the past 300 or 400 years. That is bureaucratic nonsense. Where people are attempting to maintain heritage, if they were to have a heritage plan accepted by a local council, a whole series of works could be done without the bureaucracy of individual planning applications, which technically have to be done for every replacement window. I will leave that for the Minister's consideration.

In relation to the specific proposal today, at last we are building up. It is about time we were incentivising building up. It is far better for the environment, the planet and people if we have higher buildings, particularly in our cities, rather than a spread outward. Increasingly in towns, that ought to be a theme. Pushing up a little rather than pushing outward is in all our interests, and this proposal rightly encourages it.

I trust that the Minister and the Government will not take their eye off the issue of major infrastructure. I recall that Elkesley bridge in Nottinghamshire was campaigned for by local residents for 30 years. In a past life, I twisted arms and the money was provided. Everyone was in total agreement. It could go in only one place and be designed in only one way. There were no options. There were minutiae over trees and screening, which were important, but it took more than three years in the planning process, with the money allocated and the local residents desperate for it, not least on road safety grounds. It was clearly a nonsense.

On town centres, I envisage a double hit, which is already occurring. We have the rental sector in crisis, and something of a mini-recession. Speeding up town

[LORD MANN]

centre developments may be the saviour of small towns. I think the Government are heading in the right direction. I congratulate them.

2.53 pm

Baroness Randerson (LD) [V]: My Lords, the amendments to the permitted development order with which these fees are connected have the potential to change the look and nature of whole communities. I understand the Government's desire to ensure that new homes are built, but these changes go way beyond earlier efforts to ease the processes for change of use. For the first time this will allow the construction of new dwellings without a requirement for full planning permission. The Government are thus reducing the powers of local authorities to protect their communities and to shape local services to fit local needs.

Like many noble Lords, I was a councillor for many years and a long-term member of the planning committee. Planning issues divide opinion like nothing else a councillor deals with. Let us not underestimate how controversial this will be, and councillors and local planners will have to deal with the fallout. It will certainly lead to complex decisions which local authorities will have to consider as part of prior approval. Therefore, in contrast to other noble Lords, I believe this is a surprisingly low proposed scale of fees, with £340 per dwelling as a starter. Given that the value of the flats being built will be in the hundreds of thousands, it seems an unrealistically low figure to enable local authorities to carry out a difficult and highly technical set of checks.

Let us just think for a moment about what that will entail. It is much more difficult than just building a new block of flats. You are building on top of existing units, disrupting the lives of residents. The local authority has to ensure that the stability of existing structures is taken into account and updated where necessary, presumably via the building regulations, as well as load-bearing walls, design criteria, updating sewerage systems and electricity supply, and lots more. It is a spider's web of problems. There will be ownership issues galore, and the local authority will have to cope with the impact of an enlarged population on local bus, education and allied services without having any control.

I read the consultation and was surprised to find that in one paragraph the Government propose a new deemed consent for building above existing dwellings, potentially to five storeys, and in the very next paragraph they propose removing the deemed consent to advertise in phone boxes. Where is the logic and strategic vision there?

Finally, I note that there were 326 responses to the proposal to build above existing structures and more than half did not think that permitted development rights were a suitable approach, so why are the Government ignoring the people?

2.57 pm

Lord Bhatia (Non-Afl) [V]: My Lords, housing for low-income and first-time buyers, mainly young people, has been a problem for many years. While the pandemic

continues, it is possible for the building industry to continue to build new homes or to build on top of existing structures. Planning fees have to be paid by the builder, and local authorities must receive appropriate planning fees and monitor the development to ensure that the building regulations are observed and that, wherever possible, the latest material for insulation is used to save occupiers' energy costs. Each development must have a fair quantity of social housing to enable young and low-income groups to find suitable houses, particularly in urban areas such as London and other big cities. Each building or flat should have a minimum of 37 square metres.

On 20 July the Minister said that

"the Government's moral mission is to build the homes we need, and that is more critical than ever. It is fundamental to our economic recovery following the pandemic to get Britain building back better, faster and greener, and uniting and levelling up our entire country."—[*Official Report*, Commons, Delegated Legislation Committee, 20/07/20; col. 1.]

I say amen to that. I trust the Government will live up to that statement. What is the timeframe and the number of such dwellings so that the needs of the communities are met?

2.59 pm

Lord German (LD): My Lords, what I find strange about these regulations is that they are subject to the affirmative procedure and that we get a chance to debate them, but the associated legislation, which describes the matters on which these charges are to be levied, is not. The Secondary Legislation Scrutiny Committee felt that the latter was important enough to bring it to the attention of the House. I think the conclusion I draw from this debate is that you cannot debate these regulations without examining the other regulations.

The first thing to note is that the adding-two-storeys-to-a-block-of-flats legislation was introduced as a coronavirus measure. Alongside the uncontentious temporary use of open spaces until the end of the year for such things as restaurants and cafés, this significant piece of housing legislation—first consulted on in 2018—was slipped in. Perhaps the Government were mindful of the fact that the majority of respondents to their consultation did not like the policy.

I believe I have an interest in this matter, which I declare, in that I rent a flat in London in a block that could have two storeys added—but the one I live in has ACM cladding like the Grenfell Tower block, and it has not yet been removed. While the Government explain that the two or three extra storeys will meet building and fire safety requirements, they do not provide for the same requirements to apply to the existing building. The block in which I rent a flat clearly does not meet building and fire safety requirements, but any extra storeys would have to. Will the local authority have the power to reject permitted development rights on the grounds that the existing building does not meet fire and safety requirements? If not, what would be the mechanism for consideration of this important matter?

The Government currently restrict what issues the local planning authority can use in determining the application to the amenity of the existing block and

neighbouring properties and the external appearance of the property. I note that “external appearance” are the words used, not “external construction”—a feature that is so important for health and safety but also because of the load-bearing and engineering aspects that the noble Earl, Lord Shrewsbury, and others have talked about.

The consultation process leaves much to be desired as well. While notice is to be served on owners and tenants, all comments received are to be considered only if they relate to the amenity and external appearance issues. I appreciate that the word “amenity” can be stretched, but will the Government consider the means of egress from the building, for example? Is the lift core of a sufficient size? Can the Minister tell us whether there will be further guidance to explain the issues that could be treated as amenity matters and therefore used by the local planning authority in determining the prior approval application?

I would be very surprised if developers using this legislation did not meet substantial local opposition, and that means more work for the local planning authority. It would probably have been better to charge the same fee for a full planning application, because it will not be adequately funded for the work it will have to do.

3.02 pm

Lord Holmes of Richmond (Non-Afl) [V]: My Lords, I thank my noble friend for introducing these regulations to the House. I have a few questions. How are the proposals in these regulations—and indeed in the regulations the noble Lord, Lord German, referred to—consistent with the position the Government rightly adopted when it came to super-basements and the negative impact that those developments have had on several neighbourhoods? Several Ministers have rightly spoken against them from the Dispatch Box, not least my noble friend Lord Bourne on a number of occasions. It seems we have taken a particular view on super-basements and turned it on its head. The fees asked seem a very small price to pay for potentially trashing an area and pocketing the profit.

How are these regulations consistent and coherent with the approach the Government are taking to the high street? The high street is the beating heart of a neighbourhood and we need to put life into it, particularly in post-Covid Britain.

Finally, how are these regulations consistent with all the debates and discussions we had on the Business and Planning Bill? The Minister rightly spoke about the importance of the planning and licensing processes and how, in one example, breweries would not be permitted a temporary licence just to sell a few beers to keep them in business during this crisis period. They had to go through the full licensing process—that is a government decision—but something as significant as potentially putting a whole heap of floors on top of buildings, ruining the character and having significant structural and health and safety considerations, seems somewhat more than small beer.

I am painfully aware that we have a housing crisis in our nation. We have a significant homelessness crisis, which has been well addressed during Covid. We need to deploy several solutions to solve our housing and homelessness crisis. This is not one of them.

3.05 pm

Baroness Pinnock (LD) [V]: My Lords, I draw the House’s attention to my relevant interests in the register as a councillor and a vice-president of the Local Government Association.

This statutory instrument is one of a series that gives effect to the Government’s desire, in their words, to:

“Speed up the planning system.”

Of course, there is no body of evidence to support the contention that local planning decisions are unduly delayed. The way in which the Government have chosen to speed up the planning system is not the obvious one, which would be to provide additional funding to the local planning authorities to employ more planners. Rather, they have taken a libertarian approach of allowing development to take place without much in the way of restrictions by the expansion of permitted development rights. This will enable two further storeys to be added to small blocks of flats, redevelopment for residential use of a currently disused commercial site and changing the use classes.

The consequence of this approach is that residents’ rights have been tossed aside. The careful balance that the planning process enables, between development and the existing built and natural environment, is being ditched for these developments. My noble friend Lord Greaves has already pointed to some of the downsides of this approach. These planning changes may even encourage businesses to create empty properties and thus further damage town centres.

As my noble friends Lady Bakewell and Lady Randerson have explained from their own experience, local people care about their area and want to be able to influence what happens to it. As a local councillor, one of my biggest case loads concerns planning applications. Existing residents are understandably concerned about a new development on their doorstep. The issues they raise often concern increased traffic volumes, pressure on already oversubscribed school places, air quality and loss of green space and natural environments. These are the issues that can be raised directly at the planning committee or via me and other local councillors. Residents want the power to have their say and want their voices to be heard, and adjustments are often made in the application as a result. That is how good planning proceeds.

That process is being tossed aside. It will not bode well when these changes come into effect. Of course, the Minister told us in response to a question yesterday that residents can make comments about a plan under these permitted development rights proposals, but these comments can have no effect. Naturally, it makes matters worse for people if that is the case.

I turn to some of the specifics in this SI. It proposes a fee structure for residential developments. The maximum fee cannot exceed £300,000. Perhaps the Minister can let us know whether this means a site for more than 600 properties can be developed without a full planning process that allows for detailed scrutiny of the proposal. It also means, of course, that developers’ contributions through the community infrastructure levy will be avoided—as will, for instance, consideration of pressures on school places.

[BARONESS PINNOCK]

The extension of permitted development rights is yet another example of Conservative ideology triumphing over expert advice. The Ministry of Housing, Communities and Local Government published its own report on an assessment of the earlier extension of PDRs. It was damning. How is it possible that a Government are deliberately enabling the creation of homes that, in some cases, lack bedroom windows? I appreciate that the Government prevented that particular atrocity in this SI but they fail to understand that space standards, for example, may be bypassed and other such loopholes will be found to cut corners and costs for developers while leaving homes that will rapidly become the slums of the future.

We on these Benches know that good development for our built and natural environment depends absolutely on detailed scrutiny by planning experts, those directly affected and their local democratic representatives to achieve a considered and acceptable outcome for all concerned. Sustainable economic development is best done with people, not against them. Running roughshod over local people, as this SI and others do, is simply not acceptable.

3.11 pm

Lord Kennedy of Southwark (Lab Co-op): My Lords, first, I declare my relevant registered interest as a vice-president of the Local Government Association.

The regulations are obviously most disappointing. They are, I am afraid, another example of the Government's obsession—and it is an obsession—with the planning system. It is all built on a false premise that economic growth, housebuilding and building communities are all the worse for the planning system that seeks to develop places and build stable communities with people at the heart of the decision-making process.

Of course, we get no answer from the Government—perhaps we will get an answer today from the Minister in his response—to the scandal of the hundreds of thousands of planning permissions that have been approved but where not a single brick has been laid, there is no sign of a shovel and absolutely nothing is happening. Then there is the land banking scandal, which sees land with planning permissions held by companies hoping that it will increase in value, without a brick laid or a shovel put into the ground.

The planning permissions for a million homes that have been built in the past decade are what should be addressed here, but no, we are going to allow, through permitted development rights, additional floors to be added to blocks of three storeys or more and an increase in the fees that can be charged. Taking further planning powers away from local communities and local authorities deprives local people and communities of the ability to define and shape their own area. That is bad news. I think that almost every speaker has made similar points.

The noble Lord, Lord Thurlow, highlighted some of the problems we saw in previous permitted development changes. He also referred to the construction of blocks whereby you ensure that a block is built safely but you also build it with the intention of adding many more floors on top at a later date. I hope that the Minister will answer those points.

I note that, in the information on who we may have to consult, there is no mention of the fire brigade. The Minister might say, "Of course we will consult the fire brigade", but it is regrettable that it is not mentioned in the Explanatory Notes. That is important; in fact, it is a dreadful omission on the part of the Government.

The noble Lord, Lord Greaves, was right when he said that these proposals are a disgrace. I agree. The problem we have, which the noble Baroness, Lady Pinnock, alluded to, is that in policy areas such as planning and housing, the Government are under huge influence from the Policy Exchange, a right-wing think tank and registered charity with all the tax benefits that come with being a UK charity. When you look at who funds it, it has a rating of E; it is completely opaque. We have no idea who funds this organisation, and no idea which companies and individuals provide it with money. These are the people behind the dreaded Housing and Planning Act. Of course, one of Theresa May's first acts when she became Prime Minister was to confine that Act to the dustbin. Well done to her for that.

As I say, these regulations are most regrettable. Clearly we can build up, but it has to be well designed with proper consultation. These regulations do not allow that. I grew up on a council estate in south London. I know the importance of ensuring that places are well designed. We all know that poorly designed and developed places affect the health and outcomes of the families and people living in them. It is important that we get this right; regulations such as these do not help in any way at all.

As many noble Lords have said, we may have lots of problems in local areas when local people find out that the block of flats down their street or where they live will have three or more floors added on and they have a limited ability to affect that. It is just wrong. Local councils and local people should be able to influence those decisions but that influence has been taken away from them.

The noble Lord, Lord Holmes of Richmond, made some interesting points when he compared the Government's attitude to the Business and Planning Act—where nothing could be done and the measures were temporary and minimal—to their attitude here, where we can make all these changes and, again, the views of local people are not deemed important enough to be listened to.

I will leave it there. I look forward to the Minister's response on those points and many others. I am sure that we will return to this issue again many times.

3.16 pm

Lord Greenhalgh: My Lords, we have had an interesting and wide-ranging debate on these regulations. I thank noble Lords for their contributions.

We have discussed an essential amendment to the 2012 fees regulations to introduce a new prior approval fee for a new category of permitted development rights for the construction of new homes. This permitted development right supports our ambition to get Britain building again, as the noble Lord, Lord Bhatia, mentioned, and to deliver more homes, support our construction industry and help the economy to bounce back.

The fee introduced by these regulations reflects the level of assessment required for this type of prior approval for permitted development. This will ensure that local authorities have the resources to consider such applications and deliver a high-quality planning service. I reiterate that the £334 fee was chosen as a mid-point between the £206 change of use fee and the £462 full planning application fee. We believe that it is the right fee level.

Many noble Lords, including the noble Lords, Lord Greaves and Lord German, the noble Baroness, Lady Randerson, and my noble friend Lord Bourne mentioned the importance of having a well-resourced and effective planning department. I am grateful for the points made by noble Lords. I want to respond to as many of them as I can. The noble Baronesses, Lady Randerson and Lady Pinnock, and the noble Lord, Lord Greaves, mentioned the impact on communities being disregarded. As I did yesterday in this House, I reiterate that local communities are able to comment on prior approval applications under the consultation requirements set out in the 2015 general permitted development order. In relation to matters for prior approval, the local authority is required to consider any representations made to it as a result of any consultation when making its decision on whether to grant prior approval, so there is a degree of consultation with communities despite the prior approval approach.

A number of noble Lords, including my noble friend Lord Bourne and the noble Lord, Lord Thurlow, mentioned the impact on leaseholders. This issue was raised in the other place by Sir Peter Bottomley, who was concerned about the impact of new permitted development rights on leaseholders' ability to exercise their legal right to enhance their leasehold interests by buying the freehold. This is because, when purchasing the freehold, one of the valuation components is something called a hope value or development value. It is indeed true that some leaseholders may be affected by any increase in the value of those blocks of flats but it is certainly not the windfall described by some noble Lords today. It is not a windfall for freeholders but it may affect the valuation.

My noble friends Lord Holmes of Richmond and Lord Bourne of Aberystwyth, and the noble Lords, Lord German and Lord Thurlow, all raise concerns about quality of homes. All homes built under permitted development rights are required to meet building regulations. In addition, such developments must conform with any conditions required by the prior approval. For space standards, it is a priority that we see new homes brought forward. We think developers are best placed to assess the type and size of homes best suited to the local market. Regulations cover what we deem as the right space standard, but we have intervened so that under these rights you cannot build anything without adequate natural light in all habitable rooms.

For fire and building safety requirements, all homes built under permitted development rights are required to meet building regulations that make it clear that combustible cladding such as the ACM mentioned by the noble Lord, Lord German, needs to be remediated. I hope this will be as quickly as possible. At this point, well over 333 of the 457 buildings have started or

completed remediation. I hope that his building follows shortly. My department—the MHCLG—will write a letter to all building control bodies, making clear all the building safety and fire safety requirements when new storeys are added. Fire safety and building safety are of paramount importance.

The noble Baronesses, Lady Randerson and Lady Bakewell, raised concerns about the inability of local communities to shape their local areas and local plans. These rights make effective use of existing buildings and boost density. As the noble Lord, Lord Mann, raised, we are looking to build up rather than build outwards. We aim to avoid building on greenfield land and make maximum use of brownfield sites. This is gentle densification. It will respect the appearance of existing streetscape while ensuring the amenity of neighbours is considered through the prior approval considerations.

Planning fees are an important source of income of a well-resourced, effective, efficient planning system that underpins housing delivery and economic growth. I firmly believe that these regulations will support local authorities to have the capacity to consider new applications and play their part in building the new homes that our country needs. I commend these regulations to the House.

3.23 pm

Motion agreed.

Sitting suspended.

Arrangement of Business

Announcement

3.45 pm

The Deputy Speaker (The Earl of Kinnoull) (Non-Aff): My Lords, the Hybrid Sitting of the House will now resume. Some Members are here in the Chamber 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. The usual rules and courtesies in debate apply.

Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020

Motion to Approve

3.46 pm

Moved by Lord Bethell

That the Regulations laid before the House on 3 July be approved.

Relevant document: 22nd Report from the Secondary Legislation Scrutiny Committee

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, these regulations were made on 3 July and came into effect the following day. On 16 July, my right honourable friend the Secretary of State for Health and Social Care made a Statement in the House of Commons saying that the latest epidemiological data

[LORD BETHELL]

allowed for a relaxation of some of the measures in the protected area of Leicester. As of Saturday 18 July, local restrictions were lifted in other parts of the county that were initially in the protected area, namely Charnwood and Blaby. As of 24 July, a further amendment to the regulations meant that non-essential retail, out-of-school childcare and education establishments were allowed to reopen in Leicester. Bars, restaurants and hairdressers remain closed until at least the next review, which will be on 30 July.

The concern about the outbreak in Leicester has been significant, which is why we took it so seriously. Engagement has been extensive, repeated and productive, and is, I am pleased to say, yielding results. I would like to say a profound thank you to the local authorities and the local resilience forum, to national organisations including Public Health England and the Joint Biosecurity Centre, and to the local directors of public health, Ivan Browne of Leicester City and Mike Sandys of Leicestershire County Council.

The decision to act was not driven by any one number. It was a judgment about the overall situation. But when we imposed the local lockdown, one number did stand out: the seven-day infection rate. In Leicester, it was 135 cases per 100,000 people, which was at the time three times higher than the next highest area. On the clinical front, admissions to hospital were between six and 10 per day in Leicester, rather than one or two, as in other trusts. Action had already taken place to protect people in Leicester, including increases in testing and public health capacity. We hoped that these interventions and the work of local public health teams would get the infection rate down. However, by the end of June it was clear that the high rate of infection was continuing.

The cross-government Covid-19 operations committee, chaired by the Prime Minister, decided on 29 June to take further measures. The Secretary of State set out these measures in his Statement. Most of the measures taken did not require legislation. We increased testing capacity further, with eight mobile testing units deployed across the city and three local test sites. We also gave additional funding to the upper tier local authorities: Leicester City Council received about £2.5 million and Leicestershire County Council received approximately £2.3 million. This enabled them to enhance communications, including using locally relevant languages and channels such as community leaders and volunteers. We recommended against all but essential travel to and from Leicester. Shielding measures could not be relaxed, as they were in the rest of the country the following week. Schools in Leicester were closed, except to vulnerable children and children of critical workers.

Data is critical to the response, and gigabytes of data have been provided to directors of public health and local authorities to inform their local action plans. From 11 June, NHS Digital made available to directors of public health an operational data dashboard, including counts of local tests, local total positives and local total voids per local authority. Leicester had access to the dashboard from 19 June. The PHE field team provided support and analysis for the directors of public

health prior to them gaining access to the dashboard. Local-level test-positive data, including postcodes, was provided to Leicester on 25 June, once it had signed a data-sharing agreement. As of 20 July, PHE has provided to directors of public health access to fully identifiable data via a secure platform to enable them more flexible access to positive-test case and contact-tracing data to support their outbreak management responsibilities. Data is currently updated daily.

Every day there are dozens of conversations between directors of public health, local authorities, the JBC and PHE. Data and analysis are shared on secure platforms and according to privacy laws. However, I remind noble Lords that data on its own does not beat the virus; local action beats the virus, and I commend the unsung local heroes—the infection-control professionals—who deal with many outbreaks and break the chain of transmission by implementing effective Covid action plans every day of the week.

Given the urgency of the situation in Leicester, we used the emergency procedure to make the present set of regulations as soon as we could. They require the closure of non-essential retail, limited overnight stays and restricted gatherings, and they enable households containing only one adult or one adult and one or more people under the age of 18 to link with one other household.

Regulation 2 requires the Secretary of State to continue to review the need for the restrictions. The first review was on 16 July; the next one will be on 30 July. Regulations 8 to 11 set out how the provisions will be enforced. We also published guidance in the relevant languages for people living in Leicester.

Since these measures were introduced, it is clear that our co-ordinated local and national effort, particularly by the people of Leicester, is working. The number of positive cases is down by 54%, with the seven-day total per 100,000 of population reducing from 140 to 64.

We always knew that the path out of the lockdown would be a marathon, not a sprint. The Leicester lockdown has demonstrated our willingness and ability to take action where we need to. We will learn from the experience of the lockdown in Leicester to develop our responses to further outbreaks. As I said earlier, one review of the regulations has been completed and another is due by 30 July.

I am grateful to all Members for their continued engagement in this challenging process. I profoundly thank the people of Leicestershire, who have responded so well to the measures in place. It is thanks to their continued efforts that we were able to reopen non-essential retail and childcare and education centres. I commend the regulations to the House.

3.53 pm

Lord Hunt of Kings Heath (Lab) [V]: My Lords, I thank the Minister and refer him to the report of Sir David King and colleagues in Independent SAGE, who concluded that:

“The situation in Leicester was both predictable and avoidable.” This derived from the premature lifting of lockdown restrictions when the virus was still circulating widely in some areas, when there was no functional system of find, test, trace, isolate and support, and when the

Prime Minister then sent an implied message that things were getting back to normal. Independent SAGE further stated:

“The current situation arose out of a failure to respond to the increase of infections in Leicester ... at an early stage and before they reached crisis levels. This was a result of several factors”, including

“excessive centralisation and unavailability of data”.

The Minister said just now that megabytes of data were given to local directors of public health, but why did it take so long for all the data to be given to Leicester’s director of public health?

On Monday in his Covid-19 Statement, and he repeated it today, the Minister was very clear that the Government were in constructive dialogue with dozens of directors of public health. If that is the case, can he explain why, on the test and trace system, directors of public health have expressed frustration that local expertise has been sidelined? Of course, he is right in saying that data alone will not deal with the virus and that what counts is local action. However, does he not agree that for local action to be effective, you have to trust people locally and give them the full facts?

3.55 pm

Lord Scriven (LD) [V]: I refer to my interest as a vice-president of the Local Government Association. These regulations, made at speed, playing catch-up and at odds with government guidance, have caused confusion for local people—for example, being told not to leave the lockdown area when that is not in the regulations, and some police forces saying that they would turn back cars registered to a Leicester address. The Government believe that a top-down approach is best, and they are not listening.

Back in March, I moved an amendment to the Coronavirus Bill to give local authorities a power of general direction. It is a pity that the Government refused to accept it. A little more listening to some of us who have served in local government would have helped prevent some of the issues that have arisen. Will the Government now implement a power of general direction for local authorities over this issue? I am doubtful that this will happen, as the Government have not been in listening mode when it comes to regulations dealing with this public health crisis. Emergency, top-down and contradictory official guidance has become the norm, coming to this House many weeks after it has come into law.

That matters because emergency powers have unintended consequences which scrutiny by this House would have teased out. More temporary powers for local government will mean smarter and effective measures in dealing with the smaller outbreaks. Ministers really do need to listen more and trust local areas to deliver. This has to be built on a true partnership and not on “Whitehall knows best”. So far in regulations that have been implemented but not yet brought before this House, only low-level operational powers have been granted to local authorities.

Countries with the best record of dealing with the virus unlocked the potential of local government right from the start. Rather than ongoing knee-jerk, emergency regulations, the Government should now bring forward a Bill that gives local authorities a full set of powers and tools to manage ongoing local outbreaks effectively.

3.57 pm

Lord Ribeiro (Con) [V]: My Lords, these regulations are proportionate and in the interests of the public’s health. They should be passed. Professor Michael Marmot, in his review of the social determinants of health inequality, noted in 2010 that the lower an individual’s social position, the poorer their health was likely to be. Ten years on, in some parts of the UK not much has changed. The outbreak of coronavirus in Leicester, Oadby and Wigston was not surprising, given the occupational factors, the evidence of multigenerational living and the exposure to Covid-19 of those of BAME backgrounds—something that I understand the Government are reviewing.

The news today that Oldham has recorded 119 cases in a week, up from 26 the previous week, is equally worrying. Criticism was made in the House of Commons of the lack of sharing of information on pillar 2 tests—that is, tests outside hospitals—with local authorities. Details including ethnicity and postcode data for pillar 2 testing were key to identifying where the outbreak was occurring but did not become available until 25 June—11 days after they were requested. As pointed out by the noble Lords, Lord Hunt of Kings Heath and Lord Scriven, this was too late. Can my noble friend the Minister say why this delay occurred, what lessons have been learned and what plans there are to let local authorities manage the situation with the support of Public Health England rather than the other way round?

3.59 pm

Baroness Young of Old Scone (Lab) [V]: My Lords, in reality, it is only within the last seven days that local directors of public health, after many times of asking, were finally given access to address-level data, which is so needed for local contact tracing. This is very important to stem household transmission within vulnerable communities, particularly among those living in overcrowded housing. As yet, local public health officials and local authorities still do not routinely, in real time, get other data on those who have had negative tests; nor do they have workplace data to spot workplace clusters early and take effective action based on local knowledge. They do not have data by ethnicity, which is provided only sporadically at the time of testing and not regularly on death certificates.

Some local authorities are doing crazy things, such as scanning test results to spot likely ethnic names to help them understand the characteristics of a community spread. Information from the call centre process is not available to local authorities on who has been contact traced, where they live or whether they have undertaken to self-isolate. As well as inadequate real-time data, local authorities lack resources. The additional £300 million for Covid-19 action plans will not go far. Some local authorities have no paid or trained local contact tracers. Can the Minister clarify whether he sees local authorities, rather than the national process, as the leads in managing outbreaks; what he is doing to assure them of real-time comprehensive data of the kind that I have outlined; and how he plans to create a step change in local authority capacity? Yesterday, the noble Baroness, Lady Harding, said that local outbreaks are being managed by local authorities extremely well. This is not how local authorities feel.

4.01 pm

Baroness Jolly (LD) [V]: My Lords, I thank the Minister for his update, but again we find ourselves agreeing to regulations after the enforcement date, which was over three weeks ago. They will be in place until January 2021, although today's news from Hong Kong is a very timely reminder of the gravity of our situation. The Secretary of State must review them every fortnight. Given that 16 July has passed, can the Minister please let us know the outcomes of that first review? Has there been any significant change in the situation? How will this be conveyed to Parliament during the Recess?

We know that there has been a considerable amount of testing in Leicester and the surrounding area, and that there is still a push for more testing. How is this progressing? What proportion of the population has now been tested, and is the sample size large enough to make meaningful decisions on a way forward?

Why is sport singled out for preferential treatment in SIs? We are a nation that loves our sport, but why is a sportsman deemed more worthy than, for example, a world-class organist? They cannot take their instrument home, but their form goes unless they continue to practise. What is the harm in them trying to maintain their standard, too, if they can practise in a distanced fashion?

Finally, one area of concern that came from press coverage of the Leicester outbreak was employee safety. Employers have a legal responsibility to protect their employees and other people on site, and most are diligent. On the news that evening, we saw garment trade workers in Dickensian conditions, neither wearing masks nor distancing from their colleagues. What penalties does an employer pay for this dereliction of duty? What confidence have the Government that this was the exception and not the rule?

4.03 pm

Lord Garnier (Con) [V]: My Lords, in this short contribution I need to remind myself that, although I was the Member of Parliament for Harborough for 25 years, since 2017 that constituency has been ably and diligently represented by Neil O'Brien. His constituents are more than fortunate to have him as their MP, and I could not have wished for a better successor.

Part of the constituency, the borough of Oadby and Wigston, covered by the LE2 and LE18 postcodes, is still included in the area covered by these regulations. It is wholly within the Harborough constituency, but has a three or four-mile border with the city of Leicester to its south and east. While politically—and in many other ways—wholly distinct from the city of Leicester, thousands of residents in the borough work in or have connections with the city. Many Leicester families send their children to the excellent state and private schools in the borough and in rural Harborough. There is a huge amount of social and business travel between the city and the borough. Many of the textile businesses in the city are owned by residents of the borough and a great many students at Leicester and De Montfort Universities, both of which are within the city, live in halls of residence and other accommodation in the borough. The three NHS hospitals in the city—the Royal Infirmary, the General and the Glenfield—employ staff and treat patients resident in the borough.

Therefore, what happens in the city affects the borough, even though the borough is not the city and the city is not the borough. In his article in the *New Statesman* dated 24 July to 13 August, Professor Robert Colls of De Montfort University reports that in Leicester there were 141 cases per 100,000 people for the week ending 28 June and 119 new cases per 100,000 people on 16 July, compared to a UK average of 13.2. The Minister's figures were slightly different, and he tells us that they are now down to 64 per 100,000. However, while the residents of the borough, and of Harborough more widely, appreciate the general dangers of a resurgence of Covid-19, they are also entitled to a clear explanation of why their community is being brought in or out of local lockdown measures. In the city, the highest infection rates are in the most deprived and overcrowded council wards. There are no such wards in Oadby, but—

Baroness Penn (Con): My Lords, we are very tight for time. Can my noble and learned friend bring his remarks to a close?

Lord Garnier [V]: If the demographic information given by my noble friend Lord Ribeiro is correct, there needs to be some sort of framework, as there is in other countries, to explain to people why decisions taken 100 miles away in London are necessary. At the moment, for example, people have no idea of where rates of infection need to fall to for them to be released from lockdown.

4.06 pm

Lord Harris of Haringey (Lab) [V]: My Lords, these regulations relate to Leicester, but they are a template for what will arise in other places; indeed, yesterday we had the news from Oldham. My first question to the Minister is: how would this work in a much bigger conurbation, such as London? There are 32 boroughs—33 if you count the area of the City of London Corporation—each distinct administratively, but the public do not take much notice of borough boundaries as they go about their daily lives. If restrictions had to be reimposed in Greater London, would they be applied in a one-size-fits-all manner across all the city, or more selectively? If pubs and bars are closed in Islington but not in Camden, how will that work in practice? If there is a problem in Newham, does that mean that the lockdown will apply in Ealing or Richmond? What, in practice, will the consultation arrangements with the relevant local authorities, the London Mayor and the individual borough leaders be?

Last Friday in your Lordships' House, I raised the issue of self-administered tests for those unable to attend a test centre. My understanding is that the Government are phasing these out. Can the Minister confirm this? Such tests require the subject to insert a swab up the nose and into the back of the throat, obtain a suitable sample and return it by post for analysis. This requires precision and dexterity, as well as overcoming the gag reflex. The Minister told the House last week that self-testing was "popular". Since then, I have heard more public reaction than ever before to something said in Your Lordships' House, with dozens of people saying how difficult they found self-testing. Today the Minister provided a briefing note in response to my topical Written Question of 14 May. Although it does

not answer any of the specific questions raised, it does say that more than 1 million home tests have been sent out, so I ask the Minister again: what proportion of these were returned and how many were unusable?

The note says that the tests are “very accurate” but goes on to say that a negative result may be because “the sampling of the individual was not undertaken appropriately”. What, therefore, is the Government’s working estimate of the proportion where the sampling was not done properly?

4.08 pm

Baroness Walmsley (LD) [V]: My Lords, while I appreciate the need for rapid action to contain new outbreaks of Covid-19, I too am very concerned that these regulations have come to Parliament for approval so long after they have been put into action and amended. How often will such measures be reviewed and what arrangements will be made to obtain parliamentary approval of such measures if they occur when Parliament is not sitting? These regulations, for example, are due for review tomorrow.

What are the Government’s criteria for creating further local lockdowns, and what is the role of local decision-makers in such decisions? Will workplace information be collected by test and trace, so that local officials can identify outbreaks in workplaces? How many local lockdowns would need to be in place before the Government considered a national lockdown necessary? What special measures will be put in place in local lockdown areas to protect care homes? As the Minister knows, patients in care homes have been very badly affected in the first wave. What is being put in place to ensure that these most vulnerable people are not put at risk again?

4.10 pm

Baroness Verma (Con) [V]: My Lords, I have been in Leicester since the country went into lockdown and have witnessed the huge pressures that the second lockdown has put on local people and businesses. So I have three comments, or suggestions, for my noble friend the Minister to take back to the department.

Given that the Government have provided local authorities with new powers in the event of increased spikes of coronavirus, does my noble friend agree with me that local authorities, now knowing where spikes have occurred, should engage regularly in multiple testing to ensure that ongoing, regular monitoring is taking place? This would enable them to close individual properties or ask individuals to self-isolate if necessary, so that the rest of the city can carry on as normally as possible.

Does my noble friend the Minister agree that the local public health director, Ivan Browne, should be proactively collecting local intelligence through the local authority, GPs and community leaders, and that government data is just one part of fighting the spread of the virus? Will my noble friend ensure that the collection of local intelligence is part of the ongoing monitoring?

There has been a lot of concern from people, and some have contacted people such as me in Leicester. Some GP surgeries are now not only not allowing in-person appointments but not having telephone

consultations, instead directing people to 111. This will not reduce pressure on the NHS or enable local knowledge to be used to inform local decision-making.

This has been a hugely testing time for Leicester’s citizens. A failure to ensure that BME communities with poor English language skills received appropriate communications from the local council did not help reduce the spread of the virus. There were many areas where there was no social distancing, and in some densely populated areas parks were the only option for fresh air. Does my noble friend the Minister agree that after the pandemic there should be a lot of focus on the mental health and well-being of citizens who have been in these closed communities for a long time?

4.12 pm

Baroness Jones of Moulsecoomb (GP) [V]: My Lords, I echo the words of the noble Baronesses, Lady Jolly and Lady Walmsley, that we are getting these regulations 25 days after they were first tabled. Why are the Government doing this? Why are they not bringing these regulations to the House before they impose them?

Your Lordships’ House has been sitting since 21 April: there is no excuse for delaying to this extent. So my first question is: why the delay? My second question is: are the Government going to continue to act in this anti-democratic, dictatorial way in the autumn, or can we expect more consideration for the upper House?

4.13 pm

Lord Campbell-Savours (Lab) [V]: My Lords, I start by asking for a third time a question which Ministers have so far either refused or felt unable to answer: will they rule out the use of valve masks apart from in clinical settings? They protect only the wearer, and not potential recipients of aerosol contamination. Secondly, have they been able to follow up on my previous comments on positive pressure masking systems?

My noble friend Lord Bach, the PCC for Leicester, Leicestershire and Rutland, is unable to attend today. I now set out his comments, in his words, for inclusion in *Hansard*:

“Leicester is a great city. It shows the world how people of different faiths and backgrounds can live and work in harmony. The 4 July lockdown was necessary; the data proved it, although Her Majesty’s Government were responsible for an absurd delay in drafting this SI. At least the area to be protected was based solely on health grounds; the current lockdown is based on local authority boundaries. However ridiculous and unfair they are, it was clearly wrong to pretend that health and administrative areas were exactly the same. Parts of Leicester still needed protected status, but others did not; it is hard not to believe that party politics intervened.

Today the news is good, as the recent *Leicester Mercury* headline—‘Positive coronavirus tests plummet’—from 14% down to 1.9%, suggests. The seven-day infection rate has fallen dramatically, at a time when huge amounts of testing are taking place. It is time to release Leicester from its chains. People and businesses who have followed the lockdown to the letter are entitled to their freedom. It is now up to HMG to do the right thing by Leicester later this week.”

4.15 pm

Baroness Barker (LD) [V]: My Lords, why did Public Health England take until 20 July to start supplying test data to local authorities on a daily, rather than weekly, basis? Why were local authorities told only then which households contained people who had tested positive?

On track and trace, when will the Government stop wasting resources on national call centres and—as we on the Liberal Democrat Benches have been advocating since March—put resources into local resilience forums working with directors of public health, health and safety officers and local police?

Matt Hancock stated in mid-May that he had “tried to throw a protective ring around our care homes” right from the start of the outbreak. Today, the Public Accounts Committee stated that discharging 25,000 patients in order to free up beds was an example of “the Government’s slow, inconsistent and, at times, negligent approach”

to social care. The committee also said that advising hospitals to discharge thousands of patients into care homes without knowing if they had coronavirus was a “reckless” and “appalling” policy error. Will the Minister tell the House who was responsible for that decision?

There was no protection from central government. Will directors of social services now be empowered to challenge any similar decisions by NHS Providers and central government which jeopardise social care? Will local authorities currently in lockdown, such as Leicester, be resourced to share their experience and good practice with colleagues in areas at risk, such as Oldham? As the demographic profile of areas most likely to experience second waves becomes clearer, will local authorities be identified and given additional resources now to put prevention plans in place?

4.17 pm

Lord Holmes of Richmond (Non-Aff) [V]: My Lords, I pay tribute to all those in Leicester who are working so hard to bring this local outbreak under control. They deserve all our support and thanks.

Does my noble friend the Minister agree that, in essence, there is no such thing as a pandemic, just a series of local outbreaks? To this end, will he comment on the approach that should be taken to effectively bring local outbreaks under control? Similarly, I ask my noble friend: how do you hide a factory—secrete a sweatshop? Will he confirm that the Health and Safety Executive, not just in Leicester but countrywide, dramatically scaled back its operations, as did other inspectorates, at the beginning of the Covid outbreak for—yes, you guessed it, my Lords—health and safety reasons? This decision meant that a situation such as the one in Leicester was surely inevitable. What is being done to address this situation?

Similarly, at the beginning of the Covid outbreak, not the recent resurgence in Leicester, what efforts were made to ensure that communications could be obtained in different formats: large print, on tape, email for blind people, different languages—particularly in areas such as Leicester where there were clear language needs? Can my noble friend the Minister confirm what efforts

were made in that respect, both at the beginning of the outbreak and, indeed, with the recent resurgence in the city of Leicester?

4.19 pm

Lord Robathan (Con) [V]: My Lords, like my noble and learned friend Lord Garnier, I used to represent large parts of the original lockdown area—Braunstone Town, Thorpe Astley, Glen Parva and others, all in Blaby district and now outside the area. However, where I sit, were it to be necessary, I would go to a hospital in Leicester, because those are my nearest hospitals. I was speaking to two health professionals at the University Hospitals of Leicester NHS Trust on Monday. They told me that at the beginning of the crisis in March, everyone was worried about the hospitals being swamped, as I think we all were. That did not happen. Now, the hospitals are still not particularly full; indeed, they are not that busy, according to these people.

As the Minister said, on 29 June, the rapid investigation team from PHE, I think, reported that there were six to 10 new CV admissions each day in Leicester, and on 22 July, the University Hospitals of Leicester Trust reported four deaths in the previous week—that is, the week before last. All were people over 50, like me. We know that the infection has spread largely in cramped sweatshops, as mentioned by my noble friend Lord Holmes. These stayed working illegally throughout the crisis, illegally paying workers much less than the minimum wage, and certainly with some illegal immigrants working there who did not speak English or know their rights. This has been going on for many years, a fact to which public authorities, including some MPs in Leicester, have turned a blind eye.

Presumably, these regulations are about protecting people from death and serious incapacity. I believe they are disproportionate, so will my noble friend tell the House how many deaths there have been from CV in Leicester, compared to the general population of the UK? Although he will not be responsible, will he say what action Her Majesty’s Government will be taking to pursue those who fail to pay workers in their sweatshops the minimum wage, and the rest? This is a scandal that needs addressing.

4.21 pm

Baroness Massey of Darwen (Lab) [V]: My Lords, I have a son who lives in one of the most multi-ethnic areas of Leicester. People there are surprised that there has been no update on the Leicester situation on the Government webpage since 30 June. Will the Minister say why not? We have seen, during the Covid-19 crisis, government actions that have been late and unco-ordinated, or hasty and ill thought through, to the detriment of local populations.

Public health is essentially about prevention, consultation and co-ordination. In Leicester, the situation was ripe for a public health disaster in at least two areas, with overcrowded workplaces, criminal employment policies and limited housing. Consultation between the Government and the Leicester infrastructures seems to have been lacking. For example, the Government announced a map of the affected areas but did not immediately inform the police, who received the map

the following day. The data on infection rates in Leicester were requested some time before they were actually provided. Little clarity on lockdown and what it meant was given. It is difficult for mayors and local councils to be helpful to populations when they have inadequate data and are receiving confused messages.

People in Leicester are asking why the Leicester infection figures were lower than that in Blackburn, yet Blackburn was not locked down. Would it not be better if the Government set an acceptable infection rate, as other countries have done, so that more than 100 infections per 100,000 people signals the need for a local lockdown? Perhaps it should be some other figure, but let it be consistent.

What lessons does the Minister think have been learned from the Leicester experience? Are the Government in constant touch with Leicester to ensure it does not feel like a forgotten city but is carefully monitored?

4.23 pm

Lord Addington (LD): My Lords, this document is arriving a little after it was hot news, so we are asking the Government what they have actually learned from it. As many noble Lords have asked, do we have a set of circumstances in which the local authority—it has to be the local authority—should be concerned because it is vulnerable? That is coming across. Was what happened in Leicester replicated in other parts of the country? The answer is yes. To what extent, and when should people be worried? What has actually worked well there?

It is quite clear that there have been problems where English has not been the first language. There are lots of ways of living with that if you use technology: has that been done? Are there ways of communicating what should happen to that population? If there is a social organisation where people's housing makes them slightly more vulnerable, what do they need to do to minimise that risk? Is that being communicated? Unless we actually hear that something is being done on a consistent basis, we are left with the feeling that we will be back very quickly asking similar questions. Surely the delay in seeing these regulations means that we should have some answers now about what works and what is to be avoided.

4.24 pm

Baroness McIntosh of Pickering (Con) [V]: My Lords, is my noble friend convinced that the guidance he has issued through the local councils is sufficiently clear? Is he convinced that the councils, particularly the public health officer and his department, have sufficient resources to instigate local lockdown measures, as in the case before us? How does he intend some of the minutiae involved in the regulations to work, such as overnight stays by people who live outside the protected area but wish to stay in the protected area? We saw previously how difficult they are to enforce. In areas such as Leicester, Oldham and other places where we are seeing a spike, is my noble friend aware that it could be young people, through their innocent behaviour, who are contributing to the spikes? If that is the case going forward, is it the Government's intention to issue clear advice to young people in this regard?

4.25 pm

Lord Truscott (Ind Lab) [V]: My Lords, while the local lockdown in Leicester was unfortunately necessary, I cannot escape the feeling that the Government are continually playing catch-up during this pandemic. How likely does the Minister see a second wave of the virus, and how prepared are Her Majesty's Government for the resultant spikes in cases? Will Her Majesty's Government be prepared to reintroduce a national lockdown if required, as was asked earlier? Will Her Majesty's Government formally revise their guidance on the advisability of foreign holidays this summer? What plans do Her Majesty's Government have to introduce mandatory testing for Covid-19 at our airports? Finally, when will Her Majesty's Government confirm that they will hold an immediate, independent and, importantly, public inquiry into their disastrous handling of this pandemic, which has caused so many unnecessary deaths and brought suffering to so many people?

4.27 pm

Lord Willis of Knaresborough (LD) [V]: My Lords, no doubt these regulations are technically competent, and no doubt they will be used as other communities—perhaps Oldham or Peterborough—become the latest virus hotspots. What they do not do is to put into legislation the tools that would give local health authorities and local councils the data to act more confidently and effectively to minimise disruption to lives, businesses and social structures in some of our poorest communities.

On 6 June, the Covid-19 Clinical Information Network recommended the co-ordination of all clinical and health records of patients admitted to hospital with suspected Covid. Has this happened in Leicester, and has it been published? Is this data available to those who require it, and why is there not a requirement to do so via this SI? On 22 June, the Scientific Pandemic Influenza Group on Modelling recommended linking health with clinical data and data from other systems, including employment and social security. Why has this recommendation not appeared in the SI? It would enable a much more vigorous examination of outbreaks, something Leicester has urgently needed, yet nothing has appeared in these regulations. Why is there no requirement for all healthcare workers, patients and care home residents in Leicester to be repeat-tested for Covid-19 during the lockdown? Why has universal serological testing not taken place to seek out antibody carriers in Leicester?

Research data will increasingly play a vital role in managing future outbreaks of Covid, and these regulations were an opportunity to grasp that. Sadly, we have missed that glorious opportunity.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): The noble Lord, Lord Cormack, has withdrawn from this debate, so I call the noble Baroness, Lady Uddin.

4.28 pm

Baroness Uddin (Non-Aff) [V]: My Lords, as we debate health protections in Leicester, other areas such as Oldham have emerged as candidates for a potential second lockdown. Echoing concerns raised by other noble Lords, I ask whether the Minister's department has had the opportunity to consider what factors preceded

[BARONESS UDDIN]

the resurgence in specific areas with substantial minority populations. What assessment has been made of the economic impact of the first and second lockdowns on minority groups, including vulnerable women and children who may have been experiencing abuse or neglect? Given the recent news highlighting the disproportionate number of deaths among people with a learning disability during Covid, what specific safeguarding measures have been put in place to mitigate extraneous harm and distress?

Is the Minister satisfied with the clarity on thresholds for localised lockdowns, and are they being communicated thoroughly to all relevant parties—all local leaders, health institutions, businesses and, above all, the public? I was glad to hear the Minister say that public health information was relayed in relevant local languages, about which I have been shouting quite a lot lately. I assume that this will continue on social distancing and the use and availability of masks, and I agree that working together is the most effective way to reduce further danger.

These measures must continue to go hand in glove with continued financial support to those confined. I hope very much that the Government will do everything possible to reduce poverty and long-term poor health. I acknowledge the pressure that the Minister and his department have been under and I wish him well, and I wish all noble Lords a peaceful break.

4.31 pm

Lord Liddle (Lab) [V]: My Lords, once again we are debating a measure long after the horse has bolted. We need a radical change in our procedures so that we do not face this situation of Executive diktat in the future.

I want to ask the Minister if we can have a mature reflection on the lessons learned in the Leicester lockdown. It is clear that we are making progress in terms of better information sharing between the national and local systems. This is very much to be welcomed. But there is still a fundamental confusion of responsibility. Who is taking the decisions? Is it the responsible local people or is it Ministers? The regulations divide responsibility between the two. Can we not get to a situation where Ministers trust local decision-makers and give them the power and resources to organise effective local action?

Finally, the noble Lord, Lord Robathan, made an excellent point about what is happening to tackle the problems of sweatshops and the social circumstances which propagate the disease. Is stronger action being taken by the inspectorates, and will the Minister let us know what that is?

4.33 pm

Baroness Benjamin (LD) [V]: My Lords, the coronavirus pandemic has exposed deep inequalities in our society. It has caused so much pain, death and suffering in areas across the country. This is evident in Leicester, where many families are from minority communities with low-level incomes and are reportedly working in unacceptable sweatshop conditions. Many are also living in cramped housing conditions, which is having

a huge impact on their children's mental and physical well-being. The report from Public Health England in June stated that the Government must:

“Ensure that COVID-19 recovery strategies actively reduce inequalities caused by the wider determinants of health to create long-term sustainable change. Fully funded, sustained and meaningful approaches to tackling ethnic inequalities must be prioritised.”

When Ministers placed new restrictions on Leicester a few weeks ago, it came after weeks of warning from local authorities of major gaps in the Government's Covid-19 policy. One of the gaps was the pillar 2 testing system. The data from these tests was received very late by Leicester authorities. Local authorities and communities need much clearer information and answers, because by not knowing they cannot prepare.

Leicester has a high number of diverse communities, so why was more not done in anticipation of a second outbreak of Covid-19? Worryingly, that situation could be replicated in other areas and is a huge cause for concern. If long-term sustainable preventive measures are not put in place to avoid major problems in the future, further outbreaks are likely to occur in other parts of the country. So what long-term action do the Government propose to counteract these threats, ensuring that people are better paid, have improved working conditions and better access to housing and healthcare? What short-term measures are being used to communicate public health messages such as social distancing, in Leicester and other communities such as Oldham, to ensure that people are aware of the Covid regulations imposed? Prevention is better than cure, and never before has that been so important to deal with this pandemic.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): I now call Baroness Gardner of Parkes. Is she there? No? Then I call Lord Bhatia.

4.35 pm

Lord Bhatia (Non-Aff) [V]: My Lords, with the coronavirus in the UK and the world over, it is extremely important that the Government's policy on how to deal with a pandemic must follow scientific advice. It is not a political issue. Worldwide, tens of thousands of people have perished. I therefore fully support the Government's lockdown in Leicester, where there was a second spike and those members of the community who got the virus were beginning to go to NHS hospitals, putting pressure on NHS facilities. According to reports, there has been a spike in Oldham, which will require another lockdown.

In the past, I regularly visited Leicester and found the city thriving with businesses and social facilities, including those for early childhood education, high-class Indian restaurants and gyms and swimming pools. Leicester is one of the most multiracial cities in the UK. In the 1960s and 1970s, Asians from Uganda and other East African countries came to Leicester. They were followed by many others from the sub-continent. It is unfortunate that it has become a victim of Covid-19 and the Government had no choice but to lock down Leicester and surrounding areas.

My prayers are that the lockdown will reduce the spike by self-isolation, using masks, self-distancing and hand washing. It is good news that test sites have been set up in Leicester. The lockdown will cause considerable financial losses to businesses and the Government

must bring in special financial support for businesses and individual families whose incomes will disappear very quickly.

4.37 pm

Lord Clark of Windermere (Lab) [V]: My Lords, we have all watched the progress in Leicester with the lockdown and I very much agreed with the noble Lord, Lord Liddle, when he emphasised the point about learning lessons. I feel that we probably have, because I perceive an evolution of approach. We have seen a different approach in Bradford, and in Oldham, again, there is more finessing—and I learned only today that the next borough in the north-west likely to suffer these problems is Stockport.

This raises an issue, because these are local authorities in their own right. But what will the Government do with problems that run across local authority boundaries? I have bored the House ad nauseam by talking about the Lake District National Park, where 40,000 of us residents welcome 19 million visitors a year, which puts immense strain on our already poor local health service. But the three authorities covered by the Morecambe Bay health authority have among the highest rates of infection across the UK. If we have a gross influx of visitors from the affected areas, which now seem to be around Manchester, will the Government, if there is a spike, take urgent action to stop the staycation happening in the Lake District National Park?

4.39 pm

Lord Rennard (LD) [V]: My Lords, I lived in the great city of Leicester for four years in the 1980s, and I am now seriously worried about the situation there, and how long these restrictions may apply without the serious risk of them being breached on a regular basis and even civil unrest breaking out. Can the Minister confirm that tomorrow's review will provide hope and further reassurance to people there that these restrictions will not be applied for any longer than necessary?

Part of the reason why areas such as Leicester are disproportionately affected by Covid-19 is that they are areas with high BME populations and higher levels of diabetes. The issues are related. I have therefore asked a number of Written Questions today about support for people with diabetes; I will not repeat them here but I look forward to the Minister's answers. The Prime Minister's own Covid experience may have had a beneficial effect in persuading him of the need for proactive measures to support people struggling with obesity and those seeking to maintain good diabetic control. However, will the Minister tell us that decisions on issues such as calorie labelling will be evidence-based in the interests of public health, and not determined as a result of big business lobbying efforts?

Finally, if the lockdown continues, can I ask the Minister to help potential holidaymakers who are outside the lockdown area but have Leicester postcodes? The leader of Hinckley & Bosworth Council, Councillor Stuart Bray, tells me that some travel companies are cancelling people's holidays because of their Leicester postcodes, even though they live outside the lockdown area. If necessary, can steps now be taken to properly advise travel companies as to exactly which postcodes are relevant for lockdown restrictions?

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): My Lords, the noble Lord, Lord Wei, has withdrawn so I call the noble Baroness, Lady Tyler of Enfield.

4.41 pm

Baroness Tyler of Enfield (LD) [V]: My Lords, we are debating these regulations very late in the day and on the last day before Recess, although they were introduced on 4 July. We are doing this at a time of growing concern about a second wave of the pandemic, both at home and abroad, and when new measures have been introduced in Oldham, Rochdale, Blackburn and Pendle to address localised flare-ups.

The link between the prevalence of Covid infections and levels of deprivation is becoming ever clearer, as the noble Lord, Lord Ribeiro, explained so well. What systems have been put in place to ensure the sharing not just of data but of good practice, and the effectiveness or otherwise of localised measures both at national and local government level?

While I welcome today's news that the Government will fund studies into why people from black and ethnic-minority backgrounds are more likely to die from Covid-19 than the white population—that is highly relevant to the diverse population of Leicester—why have we waited until now to do this, when the link has become increasingly clear since the early differential death rates first became apparent? I repeat my call for a full debate in this Chamber at the earliest opportunity on urgent action needed to tackle inequalities before a second wave, and before it is too late to act.

Relaxations had been made to these regulations, which came into force on 18 July—including to the areas covered—before they were even laid before Parliament. I join my noble friend Lady Jolly in asking the Minister to explain what process will be in place over the Recess to inform the House of the outcome of the review of regulations, which happens every 14 days, with the next one tomorrow.

Finally, looking ahead, what extra financial help will be given to people affected by local lockdowns such as in Leicester when the Government's furlough scheme ends in October? Will the Government also think again about a temporary lifting of the benefit cap for the duration of the pandemic for those affected by local lockdowns or indeed any further national lockdown required?

4.44 pm

Lord Roberts of Llandudno (LD) [V]: This morning I spoke to some of our local councillors, who all said that the areas worst affected by the virus outbreak are the poorest ones. I therefore suggest that our battle is not just against the virus but against poverty, and we must take that seriously. We must realise that even when this lockdown comes to an end and people go back to work, about 4 million are forecast not to have any work as their jobs will have come to an end, which will just add to the poverty. We must therefore now make sure that the benefits received and help given to those who are furloughed in various parts of the country continue, to stop the desperation that people must feel when their income more or less disappears

[LORD ROBERTS OF LLANDUDNO]
and all the other help that they get has gone. We must somehow stop poverty itself, as it increases the harshness of the virus.

We could of course look at Brexit because, yesterday or the day before, the LSE forecast that the areas worst affected by the exit from Europe will be very hard-pressed, and said that they will have difficulties on top of the virus. I therefore ask the Government—I know it is late but it is possible—to cut that poverty at a stroke, and by so doing make it easier for us to recover from the virus epidemic.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): I call the noble Baroness, Lady Gardner.

4.46 pm

Baroness Gardner of Parkes (Con) [V]: Oh, my Lords, I had not expected to speak again but I am only too pleased to do so. I have sat here all day through this virtual proceeding, and many interesting things have been said.

I had word from family in Australia, and the family member living in Melbourne said that everything has been quite devastated by the second lockdown. However, his wife, who was flying home to him, has been held in Sydney for 14 days. That is the latest report from Australia.

I am sorry if this communication is not what your Lordships expected—it is certainly not what I expected, as I thought that earlier would be my only moment to say a word. I wish everyone a good Recess.

4.47 pm

Baroness Brinton (LD) [V]: My Lords, as my noble friends Lord Scriven and Lady Jolly and other noble Lords have commented, these regulations came into force on 4 July, well over three weeks ago, and indeed other towns and areas have had partial lockdowns since. However, there is a real problem with the constant delaying of presenting these regulations to Parliament, which shows that the Government are really not taking seriously the job that we have to do, which is to scrutinise legislation. Can the Minister therefore assure us that when we return in September and virtual Grand Committee comes into operation, we will return to the pre-pandemic timetable of notification and presentation of SIs to your Lordships' House?

A number of noble Lords who have local knowledge of Leicester and the surrounding areas, including my noble friend Lord Rennard, have explained well the problems with the speed—or lack of it—of the Government's response to the Leicester lockdown, and I agree. Local lockdowns will work only when Ministers and the NHS silo work at speed and openly with affected local authorities. On Friday, I asked the Minister why the leader of Oadby and Wigston Council had not been involved in the decision about his borough remaining in lockdown, despite much better figures than Leicester City Council. I am sorry to say that Councillor John Boyce, the leader of Oadby and Wigston, has still not heard from Matt Hancock, despite the latter saying publicly that he had spoken to him. However, it is not just the leader of the council. Many local residents are extremely

concerned, as are senior councillors and officials, about the possibility of unrest if they continue to be treated unfairly compared to their neighbouring councils.

More generally, directors of public health report that communications are improved, and I thank the Minister and his team for that. However, the data still does not always arrive consistently or when it is requested, which effectively ties the hands of the local directors of public health behind their back. They say that this flow needs to be urgent, reliable and consistent if they are able to knock the local spikes on the head.

I echo my noble friend Lady Barker's questions about the slowness of getting data to the local authorities and my noble friend Lady Walmsley's concerns about care homes. Today's Public Accounts Committee report recognised that care homes were "thrown to the wolves", so what are the Government doing to protect care homes from now on, given that the Prime Minister and others say that there is not a second wave and that we are already in it?

This Saturday sees the guidance to 2.2 million shielders change. I and other Members of your Lordships' House are shielding. On 22 June Matt Hancock and Robert Jenrick wrote to us all to set out the changes for shielders that would take place on 6 July and this Saturday, 1 August. We are told that shielding "will be paused" on 1 August, but throughout the four-page letter shielders are warned that they must continue to adopt strict social distancing as they are

"still at risk of severe illness if you catch Coronavirus, so the advice is to stay at home where possible".

As I said on Friday, this letter also warns shielders who live alone that their government and local government support—for example, food parcels and medicine deliveries—will cease. For those who work, if your workplace is Covid-safe the Government say you should return to work. Alongside this, furlough and other payments will cease, so even if you cannot get to work or work from home, you have to throw yourself on the mercy of your employer.

I am grateful to the Minister for writing to me overnight to set out the Government's position. I have also seen the recently updated guidance on the department website, which reiterates the points I have just made.

If I thought that the 22 June letter was contradictory and confusing, I am now even more confused. Only yesterday the Prime Minister said:

"Let's be absolutely clear about what's happening in Europe, amongst some of our European friends, I'm afraid you are starting to see in some places the signs of a second wave of the pandemic."

Overnight, Oldham has joined the list of towns with local constraints and lockdowns, and Stockport is on notice. The World Health Organization says countries that relax arrangements because they are waiting for the second wave need to realise that this is the second wave and cases are popping up all over Europe. We lifted our lockdown later than these countries and so are a few weeks behind them, but I am afraid the trajectory looks clear.

For shielders, the Government say in one breath that you must avoid contact and strictly socially distance at all times, but in the new advice the onus is put on the clinically most vulnerable to leave home and go to work,

the pharmacy and the supermarket. They have to be ultra-cautious about seeing people and preferably not do it. Medical charities and NGOs are getting calls from concerned shielders to ask what on earth they should do with this contradictory information, so I ask the Minister the following questions: has he formally raised with the Chancellor of the Exchequer the extension of furlough and other payments to shielders who cannot work? Does he recognise that this small, vulnerable group are highly likely to lose their jobs without continuing support? Is it safe for people whom doctors believe to be at extreme clinical risk to go to supermarkets and pharmacies when these places have little power to enforce the wearing of face coverings by other people? Will shielders be notified as a matter of extreme urgency if there is a local or partial lockdown? Will the emergency support be immediately reinstated for them?

4.53 pm

Baroness Thornton (Lab): My Lords, I thank the Minister and other noble Lords for their remarks. Here we are again. I do not intend to rehearse the absurdity of this debate; we need to look on it as an opportunity that has been offered. I think the Minister has picked up, today and before, the dissatisfaction in the House and the statutory instruments committee with the current arrangements for scrutiny and accountability.

Leicester remains in lockdown, a situation that I believe is due to be reviewed tomorrow. Can the Minister explain what metrics will be used to decide what happens next in Leicester? I ask this because the people in Leicester seem to be asking exactly the same question, as my noble friends Lady Massey and Lord Clark said.

New measures to stop the spread of Covid-19 were introduced in Oldham yesterday. Can the Minister confirm whether the new rules in Oldham are guidance or a legal requirement? If the latter, how will it be enforced? How is the new local policy being communicated to residents in Oldham, which has a higher proportion of ethnic minorities among whom English may not be the first language? Oldham Council's deputy leader, Arooj Shah, said the new measures are essential to prevent a strict local lockdown like in Leicester. Can the Minister confirm that national lockdown relaxations, including the reopening of gyms, cafés and pubs, remain applicable in Oldham? What advice have the Government received regarding the increased risk these relaxations pose in Oldham? Can he advise what the threshold of new cases is for introducing local lockdown regulations in Oldham? Can he confirm whether Oldham has been categorised as an area of intervention alongside Leicester and Blackburn and will receive increased national support, capacity and oversight accordingly?

This debate offers an opportunity for the Minister to update the House on how life in Leicester is and what lessons can be learned from this citywide lockdown. As my noble friends Lord Harris and Lord Liddle said, lessons need to be learned from this. In particular, as my noble friend Lord Harris asked, what happens in a large area such as a London borough? What is the impact of the extended lockdown on children who are missing out on school, local businesses and jobs, universities and voluntary groups and the mental and other long-term health consequences for the people of Leicester?

Have the Government learned the lessons about data? We know from the launch of the NHS Test and Trace system at the beginning of May that Leicester's director of public health repeatedly asked Public Health England for the results of the data from the pillar 2 tests. Although the Minister has assured the House that all data is now being made available, there is a dissonance between what he and the noble Baroness, Lady Dido Harding, tell us and the anecdotal local-level evidence. For example, Katrina Stephens, director of public health for Oldham Council, said she was being given incomplete data about the occupation and recent location history of people who had tested positive. Can the Minister explain why this information was not available from the start?

As other noble Lords have said, many weeks ago the Leicester director of public health asked week after week for postcode-level details and was assured week after week by Public Health England and regional public health that there was nothing to worry about in Leicester. He was told that on 15 June. Three days later, the Secretary of State announced in a press conference that there was an outbreak in Leicester. In such an urgent situation, with a dangerous virus that spreads so quickly, you would think that data sharing would not be an issue. Is the director of public health in Leicester now receiving all the information he needs to do his job? Are they receiving the contact-tracing data? Is the data made available daily?

Let us look at communications. Over the weekend of 27 and 28 June it was briefed in the *Sunday Times* by the Home Secretary that Leicester was to be subjected to a lockdown, without warning or the involvement of the city council, local police or the NHS. I hope the lesson has been learned that this is completely unacceptable. We should record gratitude to the local MPs, the mayor, the city council, the Leicester police and local community groups for handling the situation with calm confidence, patience and skill. Does the Minister believe it acceptable that a local lockdown that affects hundreds of thousands of people should be announced in a national newspaper and in the national media? Have the Government learned that lesson? If so, what have they learned?

Finally, I ask about the extra costs that come with the lockdown. Can the Minister tell the House whether the Government will meet all these costs and in other areas where there is a spike? The Leicester MPs are saying that, frankly, the Prime Minister has failed businesses in Leicester and put local livelihoods and jobs at risk. I would be grateful if the Minister clarified what support local businesses are receiving. I am sure the Minister will agree that Covid challenges can be terribly difficult to deal with, but it is vital if the Government want to close down a city that they do it with respect and transparency for the local civic community.

4.59 pm

Lord Bethell: My Lords, I shall try to answer as many questions as I can. There are more than 30 of them, however, and I therefore hope that noble Lords will forgive me if I am brief.

In answer to the noble Lord, Lord Hunt, we have shared data when we have had data, but I cannot hide from this Chamber that when we started this process, we did not have data. Now that we do, we are sharing it.

[LORD BETHELL]

I commend the noble Lord, Lord Scriven, for his well-remembered comments on the emergency powers for councils. We have done exactly that when it was needed and when they were asked for.

In answer to my noble friend Lord Ribeiro, we have put in place a system of co-ordination with local authorities that is proving effective. It is largely endorsed by those local authorities.

In answer to the noble Baroness, Lady Young, workplace and ethnic data is shared when we have it. Many do not wish to share their ethnic and workplace data, and we would prefer people to step forward to have a test. But I completely agree that local authorities do not have large contact-tracing outfits; that is why we have a centralised system.

I completely share in the comments of the noble Baroness, Lady Jolly, on the responsibility of employers. I pay tribute to the great many employers who have followed guidelines. I condemn those who break them and call on all employers to consider enhancing measures to break the chain of transmission.

I bow to the greater expertise of my noble and learned friend Lord Garnier in the area of Leicester.

May I please confirm to the noble Lord, Lord Harris, that, as I have said before, we are not phasing out self-testing? It is accurate—as accurate as laboratory testing—and very popular, particularly among those who prefer to avoid hospital, such as those who are still shielding.

I confirm to the noble Baroness, Lady Walmsley, that the boundaries are drawn up by directors of public health, mayors, county councils and the boroughs.

I confirm to the noble Baroness, Lady Verma, that local intelligence collection is essential. I commend the work of Ivan Browne, whose local intelligence is profound and invaluable. I agree that it has a huge amount of value to add to centralised data.

In reply to the noble Baroness, Lady Jones, the decision on Spanish travel shows how quickly things have changed and why we need to approach regulations as we do.

I say to the noble Lord, Lord Campbell-Savours, that I recognise the progress made in Leicester. I completely reject the suggestion that party politics has taken a role in these decisions. The decision on the future of the Leicester lockdown will take place on 30 July.

I reassure the noble Baroness, Lady Barker, that we maintain a rolling watchlist of areas and that support is offered to those areas. That has been done in the past, it is happening today and it will continue in the future.

I reassure my noble friend Lord Holmes that local and accessible materials have been made available. I completely understand the importance of getting this right.

My noble friend Lord Robathan is correct that Covid shines a spotlight on uncomfortable places in our society. The use of exploited labour in sweatshops has contributed to this disease. It is not good enough and it needs to stop.

In answer to the noble Lord, Lord Addington, one major lesson from Leicester is that we have to redouble our efforts to communicate our messages to hard-to-reach communities, which have not always heard our messages on social distancing, hygiene and isolation. We are focused on that mission.

On the second wave, I say to the noble Lord, Lord Truscott, that we are hopeful but cautious. That is why we are investing in diagnostics, therapeutics and vaccines.

I reassure the noble Lord, Lord Willis, that data is shared as he describes and that we are investing heavily in serology testing.

I thank the noble Baroness, Lady Uddin, who has championed the use of all languages in local situations. It is a lesson that we have taken to heart and we are redoubling our efforts in this area.

The noble Lord, Lord Liddle, is right that trust between local and central government is key. Dozens of bilaterals happen every day, but life is not simple and complex collaboration is essential to fighting this disease.

I remind the noble Baroness, Lady Benjamin, and all those who have clear 20/20 rear vision that we have done a huge amount to prepare areas on our watchlist. However, outbreaks happen extremely quickly and are extremely difficult to predict.

In reply to the noble Lord, Lord Clark, the travel patterns of the population are complex, exactly as he describes. It is a challenge that defies simple solutions and analysis of travel patterns is an important part of our response.

The noble Lord, Lord Rennard, is quite right to emphasise the links between obesity, diabetes and the worst effects of Covid. I share his hopes for our obesity strategy and can confirm that corporate influence will not be brought to bear.

Regarding care home discharge, may I reassure the noble Baroness, Lady Barker, that all patients are required to be tested prior to discharge? No care home should be forced to admit an existing or new resident if they are unable to cope with the impact of that person having Covid-19.

To the noble Lord, Lord Bhatia, and the noble Baroness, Lady Uddin, who asked about the impact on business: we have introduced a generous and wide-ranging package of support to help as many people as possible whose incomes are affected. The Coronavirus Job Retention Scheme remains open, and over 9 million jobs have been supported nationally.

To the noble Baroness, Lady Massey: Blackburn with Darwen has taken a number of proactive measures; we are working the authority and will look at further measures if necessary. Case rates in Blackburn with Darwen have decreased slightly, but we are monitoring them very closely.

To the noble Lord, Lord Roberts of Llandudno: the economic and clinical effects of the disease are both horrible, as he described. To reassure him, however, we are working hard to get the balance right, and addressing those who are underprivileged is an important part of that.

The noble Baroness, Lady Gardner, is right to remind us of the challenge of the second wave by example of Melbourne, and she is right to remind us of the importance of having a really good holiday.

I say to the noble Baroness, Lady Brinton, that I completely recognise and sympathise with the concerns of the vulnerable and the clinically extremely vulnerable. I remind her that the clinically extremely vulnerable are able to access, where they are eligible, statutory sick pay, self-employment income and income support packages, and they are benefiting from the injection of a further £8 billion into the welfare system.

On communications, the information given to those shielding has been clear and consistent. Decisions have been guided by the latest scientific advice, which has evolved as we have learned more about the virus, and we have worked closely with patient groups and charities throughout the process to ensure that our communications are correct.

Turning to the metrics for Leicester, I can tell the noble Baroness, Lady Thornton, that our lodestar is to break the chain of transmission, and we will do whatever it takes to fulfil that commitment. As for guidance or legality, we lean in all matters towards guidance and try to avoid mandating wherever possible.

In Oldham, we are working hard to reach those communities termed “hard to reach”. Resources have been allocated generously to Oldham, and more will be made available when they are needed.

Motion agreed.

Arrangement of Business

Announcement

5.30 pm

The Deputy Speaker (Lord Lexden) (Con): My Lords, the Hybrid Sitting of the House will now resume. Some Members are here in the Chamber, respecting social distancing, 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. The usual rules and courtesies in debate apply.

Global Human Rights Sanctions Regulations 2020

Motion to Approve

5.31 pm

Moved by Lord Ahmad of Wimbledon

That the Regulations laid before the House on 6 July be approved.

Relevant document: 23rd Report from the Secondary Legislation Scrutiny Committee

The Minister of State, Foreign and Commonwealth Office and Department for International Development (Lord Ahmad of Wimbledon) (Con): My Lords, the regulations before us were laid on Monday 6 July under the powers provided by the Sanctions and Anti-Money Laundering Act 2018. The regulations were made on 5 July.

In his Statement to the House of Commons on 6 July, which was also debated in this House, my right honourable friend the Foreign Secretary set out the Government’s vision for a truly global Britain. He underlined our commitment to being an even stronger force for good in the world—on climate change, as we host COP 26; on gender equality, as we champion 12 years of quality education for every girl in the world; and on human rights, as we defend media freedoms and protect freedom of religion or belief.

These regulations demonstrate that the Government are acting on this commitment. They give the UK a powerful tool to hold to account those involved in the worst human rights violations and abuses around the world. As noble Lords know, the idea of taking targeted action against human rights violators and abusers originated as a cross-party initiative, and the Foreign Secretary has paid tribute to contributions of parliamentarians from all sides. My colleagues and I have been grateful for the strong words of support from all parties upon laying the regulations earlier this month. I am proud that this Government are bringing into force the UK’s first autonomous human rights sanctions regime. I add my personal thanks to Members of your Lordships’ House. We work on this agenda, and we have done so over not just many months but many years, and I am grateful to many noble Lords around the Chamber who I know support the steps the Government are taking and the important issue of standing up for human rights for all around the world. I pay tribute to each and every one of my fellow noble Lords.

I now turn to the purpose of these regulations. As the Foreign Secretary has stated, we have designed these sanctions as a forensic tool which will allow us to target perpetrators and abusers without punishing the wider population of a country. The regulations will enable us to impose travel bans and asset freezes against those involved in serious human rights violations and abuses. The rights in question include: the right to life; the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment; and the right to be free from slavery, servitude or forced or compulsory labour. The powers also enable us to target the larger network involved in such activities, including those who facilitate, incite, promote, support or profit from these crimes. This extends beyond state officials to include non-state actors.

These regulations are the next step forward in the long struggle against impunity for the very worst human rights violations, and we will continue to explore expanding this regime to include other human rights. We are already considering how a corruption regime could be added to our armoury of legal weapons. In particular, we will look at the UN Convention against Corruption and at practice under existing frameworks in jurisdictions such as the United States and Canada.

For maximum transparency, we have also published a policy note which sets out how we will consider designations under these regulations. The legislation will ensure that due process is followed in relation to designations, reflecting the rigorous process rights contained in the Sanctions and Anti-Money Laundering Act 2018.

[LORD AHMAD OF WIMBLEDON]

In practice, those people designated will be able to request that a Minister reviews the decision and, as a matter of due diligence, the Government will review all designations at least once every three years. As the Foreign Secretary has said, we welcome the ongoing and rigorous engagement by parliamentarians on these important measures. We will continue to report to Parliament, as required under Sections 30 and 32 of the sanctions Act, in order to provide Parliament with regular opportunities to scrutinise the operation of the human rights sanctions. Parliamentarians can, of course, continue to engage with the Government by the usual means, including by writing directly to my right honourable friend the Foreign Secretary.

As your Lordships will be aware, in addition to introducing this new legal regime, the Foreign Secretary has announced the first set of designations under the regulations, targeting individuals and organisations involved in some of the most notorious human rights violations in recent years. These names are published online. Those sanctioned include individuals involved in the torture and murder of Sergei Magnitsky, the lawyer who disclosed the biggest known tax fraud in Russian history. They also include those responsible for the brutal murder of the writer and journalist Jamal Khashoggi; those who are responsible for the systematic and brutal violence against the Rohingya population in Myanmar; and two organisations which bear responsibility for the enslavement, torture and murder that take place in North Korea's gulags, in which it is estimated that hundreds of thousands of prisoners have perished over the past 50 years.

With these first designations, this Government and this country make it crystal clear to those who abuse their power to inflict unimaginable suffering that we will not look the other way. I will not speculate on who we may target in future, but rest assured that we continue to consider targets, guided by the human rights objectives of the regulations and, of course, the evidence.

In practice, targeted sanctions are most effective when they are backed by co-ordinated and collective international action, so we will work with our Five Eyes partners, in particular the US and Canadian Governments, who already have Magnitsky-style sanctions legislation, as well as the Australian Government, who are considering similar legislation, but we also strongly support efforts to bring into effect an EU human rights sanctions regime, and we stand ready to co-ordinate with our European partners on future measures. I beg to move.

5.37 pm

Lord Hain (Lab) [V]: I thank the Minister for his introduction, wish him a well-deserved break and again press him about sanctions against key individuals over escalating human rights violations in Zimbabwe and corruption in South Africa.

In Zimbabwe, three women have recently been abducted and tortured: opposition MP and former Canon Collins scholar Joana Mamombe, together with Netsai Marova and Cecilia Chimberi. On 20 July, highly respected journalist Hopewell Chin'ono was arrested and denied bail for supporting an anti-corruption protest and faces 10 years in jail. Opposition leader Jacob Ngarivhume

was arrested, and youth leader Takunda Madzana abducted and tortured by state security agents on 26 July. As well as rampant corruption, there is a pattern of ongoing human rights violations under the cover of Covid-19 crackdowns. Can the Government update their sanctions to cover more Zimbabwean Ministers and security chiefs?

Why are not British sanctions also being applied to the Gupta brothers over their role in a massive corruption and money laundering operation linked to the former South African President, Jacob Zuma, which robbed taxpayers of over £500 million—billions of rands? What have the British Government done about my letter to the Chancellor on 11 October 2019, in which I gave identification details of Rajesh, Atul and Ajay Gupta, who escaped South Africa to live freely in both Dubai and India? They used a corrupt network of their own companies, buttressed by shadowy shell companies. Surely, just as the United States Treasury sanctions forbid US entities from doing business with this Gupta family or handling their assets, so all UK entities should face the same ban, including London-based banks such as HSBC, Standard Chartered and the Bank of Baroda, which in recent years facilitated money laundering by the Gupta brothers on a grand scale.

5.40 pm

Lord Bruce of Bennachie [V]: My Lords, as a member of the Parliamentary Assembly of the Council of Europe from 1999 to 2005, I saw the Russian delegation emasculated, changing from a pluralistic group, with liberals, Yabloko and opposition MPs willing to speak freely, to a block of Putin clones. When the noble and learned Lord, Lord Judge, as rapporteur on Chechnya, was refused a visa to visit the province, the assembly suspended the Russian delegation's voting rights—yet, sadly, a week later Tony Blair took Putin for tea with the Queen. Subsequently, the conservative group in the assembly teamed up in the same group as Putin's MPs and served under the leadership of one of his acolytes.

I became involved in supporting Mikhail Khodorkovsky after Yukos was crushed by the Kremlin and he was arrested in Siberia in 2003 and prosecuted and imprisoned, in reality for his support for opposition parties and his challenge to Putin. At that time, I tried to secure support for the plight of Svetlana Bakhmina, a lawyer advising Yukos who was imprisoned on trumped-up charges and denied access to her young children. Disappointingly, UK MPs and the British media were impervious to her plight. I attended a seminar at Columbia University, where a session was entitled "Are We Back in the USSR?"—to which the answer was, "No, it is much worse, there are many more KGB-trained personnel running Russia than ever was the case in the Soviet Union."

I then came into contact with Robert Amsterdam, Khodorkovsky's lawyer, and Bill Browder, whose successful business in Moscow was targeted by the Kremlin. I learned how they were exposing high-level activity and fraud, for which Sergei Magnitsky, as Bill Browder's lawyer, paid the final price of his life, dying in agony having been denied effective treatment for pancreatitis. The names of those responsible were well documented, and campaigns were begun to ban them from visiting or engaging with democratic countries.

So the Government came late to this process, and it was only with the murder of Alexander Litvinenko that our leadership finally woke up. Today's instrument is therefore welcome and necessary but, I would suggest, late. I appreciate that the Government make much of unilateral action, but I trust that the Minister will acknowledge that co-ordinated efforts are much more effective. These regulations need to pave the way for further measures against agents of the Kremlin and other hostile agents.

5.42 pm

Lord Judge (CB) [V]: My Lords, I support these regulations but voice two reservations relating to the rule of law which might arise on future occasions. First, in his Statement, the Minister in the other place said that, in practice, people designated would be able to request a review from the Minister and be able to challenge the decision in court. Those words were repeated here today by the Minister. Let me make it clear that in the context of due process, this is not simply a matter of practice; it is not simply a matter of the Executive's good will in deciding to offer their benevolences to individuals. Due process is a matter of entitlement and of principle. I invite the Minister to confirm at the end of the debate that the ordinary principles of judicial review will apply, in relation to both a review and a challenge in court.

The other point arises from the creation of criminal offences by statutory instrument, which under Regulation 32(1)(d) carry a sentence of seven years' imprisonment, no less. This system of creating criminal offences by statutory instrument is extremely suspect. Such offences need to be created by primary legislation. Many of us, on all sides, during the passage of the primary legislation, raised our concerns about these issues. They remain, but the Act has been passed.

I suggest that if these times had been different, and if these particular provisions were not so heartening, obviously justified and very long overdue, my welcome might have been far less enthusiastic. I suggest to the Minister that he should not try to do this too often.

5.44 pm

Lord Garnier (Con) [V]: My Lords, I thank my noble friend the Minister for his introduction to the debate. He is aware of my support for these measures and I hope that both on their own and in conjunction with similar measures in other countries, such as the United States, they will prove to be effective.

If I have the slightest doubt about their effectiveness, it is based on the claims for unexplained wealth orders, or UWOs, which have not proved to be as workable as intended. Last month, the National Crime Agency lost an application for permission to appeal against a High Court decision to discharge UWOs against family members of the former Kazakh president. Earlier Australian experience of UWOs warned us not to be too optimistic about them. However, in agreeing with the two points of important principle made by the noble and learned Lord, Lord Judge, I hope that, with sufficient resources, national resolve and international co-operation, this sanctions regime has a good chance of working effectively.

Can my noble friend say more about plans for the future? For example, when will the Foreign Office next consider other candidates to add to the designation list, and when should NGOs, civil society organisations and other interested parties submit their evidence? Many organisations, although short of funds, want to help the Government succeed, but they will find it difficult to be of practical assistance until they have a better idea of when they should prepare evidence for active consideration by the Foreign Office.

These organisations will, if only for financial reasons, be reluctant to commit time and resources if they feel that their evidence will simply gather dust in some forgotten archive. I understand that in the United States, the State Department has a more detailed process in place, with each designation round requiring evidence to be submitted by a certain time. Will the Government put something similar in place?

Finally, I urge the Government not to allow our currently strained relations with China and their economic consequences to inhibit consideration of evidence about Chinese officials involved in serious human rights violations against the Uighurs in Xinjiang. I appreciate that the Government cannot speculate about future designations, but it would be helpful if my noble friend the Minister could note that evidence is being gathered about the systematic abuse of the Uighurs, which may soon be brought to his attention.

5.46 pm

The Lord Bishop of Rochester: My Lords, I, too, welcome this new regime of sanctions, but we must of course ensure that targeted sanctions do not become empty gestures. As other noble Lords have indicated, these sanctions will be most effective when they are consistent with other foreign policy priorities and done through co-ordinated, collective action. Without the support of a wider coalition, we risk being isolated diplomatically.

As the noble Lord, Lord Ricketts, noted elsewhere, we face the uncomfortable truth that, in future, we risk being more isolated and so more susceptible to economic retaliation, which will necessarily impact on government decisions about sanctions. Sanctions against Russia and Burma are one thing but—as has just been referred to—sanctions against China are quite another. There are ethical as well as strategic calculations here.

For example, as has been mentioned, we imposed sanctions against 20 named individuals for their role in the killing of journalist Jamal Khashoggi yet resumed arms sales to Saudi Arabia shortly after. While clearly signalling our disapproval of the brutal murder, did our wider economic interests risk blunting the message in a regrettable and potentially counterproductive way?

I noted the Minister's reference to freedom of religion or belief. Sanctions should indeed be applied to those who commit severe violations in this field but, given that freedom of religion or belief is a foreign policy priority, I find it slightly surprising that this right is not explicitly included in the scope of the regulations in relation to sanctions. I wonder whether the Minister can offer an explanation or commentary on that, and perhaps give an assurance that it might be considered in any future revision of the regulations.

[THE LORD BISHOP OF ROCHESTER]

Like others, I am particularly concerned about gross human rights abuses in China, especially against Uighurs. As one of my episcopal colleagues noted last week in a letter to the Foreign Secretary,

“the images that we have seen in recent days and the reports emanating from the region are harrowing and require a clear and unequivocal response.”

While the issues here are wider, religion clearly is an element. Given what we know about the situation, and our awareness that other countries have applied Magnitsky-style sanctions against those responsible, will the Government look again at this matter?

The aspiration that Britain be global is a fine one, but it needs substance. How we respond to the hard cases will demonstrate that substance. The new sanctions regime is a useful foreign policy tool and, while it needs to be used judiciously, we should not be afraid to use it when the need arises.

5.49 pm

Lord Browne of Ladyton (Lab) [V]: My Lords, I support this instrument and the introduction of sanctions.

The House will be aware that, in 2016, the Colombian Government reached a landmark peace accord with the FARC. To their credit, successive British Governments have supported peace in Colombia. Sadly, there are many actors in Colombia who, for corrupt motives, oppose peace. On 6 July, 94 members of the US Congress signed a letter to their Secretary of State including the recommendation that he:

“Swiftly hold accountable Colombian Army intelligence members, including at the highest ranks, who ordered and carried out mass surveillance on 130 journalists (including U.S. reporters), human rights defenders, political leaders, and military whistleblowers.”

Sadly, few are surprised that a Colombian army unit used American surveillance equipment, provided to fight drug traffickers, in this illegal manner. On 30 June, along with the noble Lord, Lord Alderdice, and the noble Baronesses, Lady Coussins, Lady Hooper and Lady Stern, at a virtual briefing organised by ABColombia, we heard first hand from Danilo Rueda of the Inter-Church Justice and Peace Commission what it means to be a human rights defender and live with the daily threat to his life.

The Government have reassured me that they are aware of these allegations, they expect state authorities to comply fully with their human rights obligations and are committed to protecting human rights in Colombia. The Government of President Iván Duque has directed the Defence Minister to investigate. However, corruption in Colombia is systemic. Action is needed to address the culture of abuse and the sense that the army is above the law. For example, it makes little sense to denounce human rights violations and simultaneously appoint an officer with General Martínez Espinel's history to lead their army. Will the Minister agree to a meeting with a delegation of parliamentarians and representatives of NGOs who support peace and the protection of human rights in Colombia? This would allow them to make the case for the powers in these regulations to be considered for use in respect of identified public officials and other actors there?

5.51 pm

Baroness Smith of Newnham (LD) [V]: My Lords, like other Members who have spoken, I welcome these regulations. However, along with the noble and learned Lord, Lord Judge, I have some reservations. The Minister pre-empted one issue I would have raised, about co-operation with other countries. The Government may seek to have a global Britain and vaunt the idea of having the first autonomous sanctions regime, but it is important that sanctions are imposed jointly with other countries where possible.

I would be interested in the Minister's thoughts about the scope and facilities the Foreign, Commonwealth and Development Office, as it will be named in future, will have in order to deal with the cases that could be brought forward. As the noble and learned Lord, Lord Garnier, has asked, we need to know when people can submit evidence. Has the Foreign Office considered the ramifications and amount of work that could be coming forward? We have already heard this evening of cases in Zimbabwe, China, Colombia, and there are many others. We are looking at issues perhaps against individuals, against non-state actors, or as my noble friend Lord Bruce, said, the Kremlin. Will the Minister tell us what resources the Foreign and Commonwealth Office has to deal with this? Are mechanisms in place to have the sort of engagement with our European and Five Eyes partners to enable us to work effectively? It is important we have this regime and that Her Majesty's Government pay as much attention as possible to human rights questions.

Finally, how far might the Government be willing to consider the situation of the Uighurs in China? This is a major issue and I understand the Minister is not able to speculate on specific cases. However, a general response would be welcome.

5.53 pm

Baroness Kennedy of Cradley (Non-Aff) [V]: My Lords, I am delighted to support this statutory instrument. In the words of Bill Browder, this is a great milestone in the campaign for justice. I pay tribute to Bill Browder and the Magnitsky family who have been working together for 10 years, leading the international effort to establish Magnitsky style laws around the world. Now, in honour of Sergei Magnitsky, the UK has taken a significant first step towards dealing with the global corruption he exposed that cost him his life. I hope it is just a first step. We need co-ordinated action to accompany these sanctions if they are going to have an impact. They must be consistent with our wider foreign policy.

In welcoming this SI, I would like to ask the Minister three things. First, is it applicable to individuals from any country, not just on the Foreign and Commonwealth Office list of countries of concern? Secondly, will the Government consider including as criteria the repression of democracy and the rights of assembly and freedom of speech?

Finally, it would be remiss of me not to add my voice to that of other noble Lords calling for action against Chinese officials over the persecution of the Uighur people. Does the Minister agree that the UK should sanction the Chinese officials responsible for this genocide?

and expand the list so that many more people in China who are responsible for perpetrating these abuses are indeed held responsible?

5.55 pm

Lord Moynihan (Con) [V]: My Lords, I welcome these regulations as an important step forward in the UK's commitment to taking a determined international lead in this sector. I ask the Minister to ensure that the FCO retains a laser-like focus on modern slavery and, as stated in the regulations, "the right to be free from slavery", not least in association with international sport.

I declare my interests as vice-chairman of the All-Party Group on Sport, Modern Slavery and Human Rights. We have sought to address the relationship between sport, modern slavery and human trafficking. While major international sporting events are undoubtedly an enabler for soft power, they also pose one of the biggest human rights risks, relating to the construction of venues, showpiece state-of-the-art stadia, required on tight deadlines to meet competition schedules. The worst violations of workers' rights in the construction of new stadia show that unacceptably high fatality levels are still commonplace, with 50 people dying in construction activity relating to the 2010 Commonwealth Games in New Delhi, and 21 for the 2018 FIFA World Cup in Russia.

A further related concern is the exploitation of the fan ID visa system, which short-circuits often lengthy and costly visa applications. Undoubtedly beneficial to the true fan, they can be, and have been, abused. During the Russian World Cup in 2018, anti-trafficking NGOs estimated that some 2,000 Nigerian women were trafficked to Russia on visa-free fan ID entries. On arrival, they were forced into sex work to pay off fictional debts. As we look to major international sporting events in the future, I hope that the Government will ensure that fan ID systems do not become an instrument for human trafficking. If they do, the perpetrators will be subject to the toughest human rights sanctions available to the Government under these regulations, potentially—and particularly—in co-operation with other countries.

5.57 pm

Baroness Kennedy of The Shaws (Lab): My Lords, I congratulate the Government and pay tribute to Bill Browder, the original architect of the Magnitsky law. He really has changed the possibilities for international law.

Unfortunately, many human rights abusers choose to lay down assets in this country. This is a key travel destination, a place where assets may be situated, such as glamorous houses in Belgravia or Hampstead, and occupying a central position in the global financial system makes a country particularly attractive. It is also a good place to educate your children.

Using their great diplomatic heft, will the Government persuade other countries to come together also to create Magnitsky law? We have spoken about the possibility of Australia, but could we include Japan and Sweden? There is resistance to the European Union from people such as Orbán and the reinstated president of Poland. Can we use our great energy to bring them on board?

Turning to the unjust treatment of journalists, this Government have also taken the lead in a global campaign on media freedom. Over 130 journalists have been killed in the last two years. Journalists are persecuted in many ways; extrajudicial killing, torture, abductions, trumped-up charges and frivolous lawsuits. Can the Minister reassure me that the unjust imprisonment of journalists will meet the threshold for sanctions, and that prosecutors and judges as well as officials could be sanctioned? Can he also confirm that this new regime will be used against non-state actors, such as companies as well as individuals? We know that people often hide their assets behind a facade of companies. Can he confirm that the regime will apply to secondary participants, including those who are complicit in abuses? Mention has been made of banks and others that make it possible for people to hide assets. Should the Government not be creating an expert committee, independent of the executive branch of Government, to determine who should be sanctioned, over and above those whom I have already mentioned?

6 pm

Baroness Bennett of Manor Castle (GP) [V]: My Lords, it is a great pleasure to follow the noble Baroness, Lady Kennedy of The Shaws. I have two minutes in which to make two points.

In his introduction, the Minister referred to checks that the Government plan to make on the use of sanctions. However, following on from the noble Baroness's points, what about checks on the non-use of sanctions? Do the Government intend to use sanctions only against countries or companies with which we have conflicts, or even with which our friends and allies have conflicts, while we turn a blind eye to those that we support?

We have a history of supporting very much the wrong people—to give a very partial list, the Shah of Iran, Colonel Gaddafi and Saddam Hussein—so are we going to apply these sanctions without fear or favour? Picking up on a point made by the noble Baroness, Lady Kennedy of The Shaws, will the Government consider appointing an independent advisory board on the application of these sanctions to improve security, safety, human rights, democracy and the rule of law all around the world? I know that the Minister said that he would not comment on future sanctions, but surely we should see some directed at probably the second-worst human rights abusing regime in the world—Saudi Arabia. At least let us stop the arms sales.

My second point is about corruption. I welcome the fact that the Minister referred to the Government's plan to include corruption as a ground for sanctions. Can he provide a timetable for that to progress and be put into effect? This is particularly important given that the City of London is the largest centre of corruption in the world. NGOs describe it as home to so many professional enablers that it assists widespread state looting. This problem swirls around us all in the House and should clearly be of great importance to us.

Finally, as co-chair of the All-Party Parliamentary Group on Hong Kong, I echo noble Lords who have spoken about the need for action on the treatment of the Uighurs in China. We also need to see action on what is now happening in Hong Kong.

The Deputy Speaker (Baroness Henig) (Lab): I am not sure that the noble Lord, Lord Duncan of Springbank, is on the call. Lord Duncan? No, I think not, so we will move on to the noble Lord, Lord Hussain.

6.02 pm

Lord Hussain (LD) [V]: My Lords, I support this SI and draw your Lordships' attention to the Foreign and Commonwealth Office report of July 2020, *Human Rights and Democracy*. It mentions countries about which there are concerns over human rights abuses, such as Bahrain, the Maldives, Sudan, Egypt and many more. For them to be on this list, I am sure that there are genuine causes of concern regarding human rights. However, I was surprised to note that the FCO failed to include India in the list, due to its record of human rights violations in Kashmir.

In Kashmir, more than 100,000 people have lost their lives in only the last few decades. Kashmir has become an open prison, with tens of thousands of people, including prominent political leaders such as Shabir Shah, Yasin Malik, Asiya Andrabi, Masarat Alam and Ashraf Sehrai, illegally detained for many years. According to many renowned international human rights organisations, such as Amnesty International, Human Rights Watch and the United Nations Human Rights Council, Indian security forces are involved in extrajudicial killings, arbitrary detention, torture, and the inhuman and degrading treatment of civilians, with rape being used as a weapon of war. Many rape victims, including the Kunan Poshpora gang-rape victims, are still waiting for justice.

In its reports of 2018 and 2019, the UN asked for free access to Kashmir to investigate these reports of human rights abuses. In the latest report, of June 2020, the UN chief urged the Indian Government to end torture and the arbitrary arrest of minors, expressing concern that 68 children in the region have been detained by Indian security forces. The report also verified the killing of eight children and the maiming of seven by or during joint operations of the Indian security forces. Earlier in March, the UN had also called for a global ceasefire in view of the current pandemic crisis, but Indian-administered Kashmir has seen a high number of casualties due to violence rather than because of the pandemic.

I am sure that the British Government are aware of those reports—hence, I have two questions for the Minister. First, comparing the situation in Kashmir with those in some of the countries highlighted in the recent FCO report, why does India not qualify to be on this list? Secondly, what can the Government do to support the UN to get access to Kashmir to investigate these reports of human rights abuses?

6.05 pm

Lord Alton of Liverpool (CB) [V]: My Lords, the Foreign Secretary may make an unlikely lord high executioner, but, like WS Gilbert's Koko, renowned for drawing up the Mikado's list, Dominic Raab's Magnitsky list has rightly struck a chord across the political divide and I, like so many others who have spoken, support these regulations and pay tribute to the courageous Bill Browder.

Notwithstanding the view that I expressed in a letter to Mr Raab—that primary legislation, as my noble and learned friend said earlier, would have been the proper and better way to do this—it is nevertheless hugely welcome that the UK will no longer be a bolthole or safe haven for serious violators of human rights. If primary legislation becomes necessary to strengthen these provisions, I hope that the Minister will commit to introducing it and will say little more about what role he envisages for Parliament. My noble friend Lord Hannay has previously asked about your Lordships' International Relations and Defence Committee. In his reply, will the Minister specifically say whether he would welcome the committee being given a scrutinising role and, if so, if he will facilitate that?

Named of course for Sergei Magnitsky—as the noble Lord, Lord Bruce, reminded us, a Russian lawyer who uncovered a £230 million corruption scheme and was murdered for doing so—the powers that the Foreign Secretary has taken, including visa bans and asset freezes, will enable him to stop murderers, torturers, dictators, generals and oligarchs exploiting the UK's rule of law and the freedoms that they deny their own citizens. Top of the Foreign Secretary's list should be Chen Quanguo, the former Communist Party chief in Tibet, now responsible for the oppression of the Uighurs in Xinjiang referred to by many other noble Lords. Not far behind should be Carrie Lam and her chief of police in Hong Kong, who have been the CCP's willing accomplices in crushing the freedoms of one of the world's greatest cities. Then there are those accused by Sir Geoffrey Nice QC's independent tribunal into coercive organ harvesting—names that have been sent to the Minister. When he replies I hope he will tell us more about the process that will be used in assessing names such as those, how they will be added to the list and the role of Parliament, not least our own House of Lords International Relations and Defence Committee.

6.08 pm

Baroness Falkner of Margravine (Non-Aff) [V]: [*Inaudible.*]—a gruelling session since we came back at Easter. Before I turn to my brief remarks, I declare my membership of the Bank of England's Enforcement Decision Making Committee and put on record that my remarks are entirely personal and have no relation to the work of the committee.

Like other noble Lords, I welcome these regulations and I am pleased that we have finally got here. I also think that the three priorities detailed as the most egregious, thus meriting sanctions, are right. However, I am a little disappointed by the narrowness of the FCO priorities. I suspect that they reflect the FCO's strategic thinking rather than the development angle, as those working in development will recognise that poverty is at its deepest when corruption goes unchecked. In these countries, insidious levels of corruption aid and abet criminality. As criminality is unchallenged, due to the paucity of state resources—often stolen by those in power—so human rights abuses take place, often on an industrial scale.

Will the Minister turn to what we can do in the UK about white-collar crime? We know of the reputation of the City of London as a laundromat for dirty

money washing and, while we are rightly proud of our regulatory framework, including the Senior Managers Regime where individual accountability goes further than in any EU country, we know too that our global legal accountancy consultancy firms appear to be complicit in the whitewashing of corporate accounts across the world, particularly in Russia, which Bill Browder has done so much to expose. Will the Minister suggest to his colleagues in Her Majesty's Treasury that they need to call in people from the City and take another look at the grey areas in the Sanctions and Anti-Money Laundering Act 2018 to see what needs to change to make its provisions more effective?

6.10 pm

Baroness Altmann (Con) [V]: My Lords, I congratulate my noble friend on laying these regulations and on his excellent opening remarks. I welcome these measures, and share the Government's desire for global Britain to be a stronger force for good and stand up against human rights violations. I congratulate the Government on their robust protection of the freedoms of religion and belief, in this country and abroad.

These measures will help hold people to account around the world. Indeed, it is vital to find ways, with other countries if possible, to punish torture, enforced labour and other abuses. I am delighted that these measures will also include non-state actors. I join other noble Lords in congratulating Bill Browder on his work, his bravery and his determination to pursue justice. I encourage my noble friend to continue to look at expanding these measures to include sanctions against corruption. Could he tell the House what the Government are doing to consider action against those complicit in perpetrating horrendous human rights violations against the Uighurs?

I also ask my noble friend to consider the issues raised by the noble Lord, Lord Hain, and other noble Lords. There is so much we need to do, but I commend the cross-party work on these issues and the Government's actions to ensure that we do not look the other way. If such egregious human rights violations have no consequences, such actions may proliferate. To borrow the words of Edmund Burke, all it takes for evil to triumph is for good people to be silent. We must never be silent when it comes to punishing perpetrators of human rights abuse.

6.12 pm

Lord Anderson of Swansea (Lab): My Lords, I join the chorus of approval and will pose a number of questions. Do the Government accept that EU membership was not a factor in the delay since the 2018 Act? Of course, the Baltics already have legislation in this field. Because of the delay, surely many malefactors will have disposed of their assets in this country. Are the Government satisfied that financial institutions in the overseas territories are sufficiently robust to counter such malefactors?

Will the Government use the vast pool of NGO experience in this field, given the FCO's limited resources? I think particularly of the Natalia Estemirova Documentation Centre in Oslo. To what extent will the Government exchange information and, where

appropriate, seek to align our lists with friendly countries? I note what Secretary Pompeo said to the Henry Jackson Society about the Uighurs a few days ago.

Finally, are universities and schools covered by the new regulations? Of course, they might accept dirty money for their own purposes.

That said, I congratulate the all-party coalition of Andrew Mitchell, Margaret Hodge and Dominic Raab when he was a Back-Bencher. He has been wholly consistent when in government and persuaded a reluctant Government to accept these Magnitsky amendments to the 2018 Act, all aided by the indefatigable Bill Browder. As someone who gave evidence to the European Parliament and produced a report for the Parliamentary Assembly of the Council of Europe on this subject, I warmly commend the Government's initiative—at last.

6.14 pm

Lord Loomba (CB) [V]: My Lords, this is a welcome move by the Government, as laid out by the Foreign Secretary in the other place. It is right that we target human rights abuses by preventing perpetrators from availing themselves of our country's facilities while carrying out horrendous crimes in their own country. The Minister said previously in this House:

"The new sanctions regime will give the UK a powerful new tool in order to hold to account those who are involved in serious human rights violations or abuses."—[*Official Report*, 8/7/20; col. 1143.]

He described some of the issues it would be concerned with, such as

"modern slavery, human trafficking, preventing sexual violence and freedom of religion."—[*Official Report*, 8/7/20; col. 1150.]

If such abuses are suspected, and I have no doubt they are going on all over the world, can the Minister explain how the Government will identify such people or organisations and prove that they have committed such crimes? How will the Government ensure that we maintain justice and the rule of law, especially upholding the principle of innocent until proven guilty, if we must prove guilt or, indeed, investigate crimes in another country? Who will have the ultimate responsibility for overseeing the regulations and maintaining fairness and justice?

6.16 pm

Lord Bhatia (Non-Aff) [V]: My Lords, this SI is intended to detail and provide accountability for activities which, if carried out by or on behalf of a state, would amount to a serious violation of human rights by that state. It will rightly allow the Secretary of State to impose asset freezing and travel bans on persons involved in such conduct. The Government rightly seek to champion human rights. We are hearing from the media that there have been increasing violations of human rights in China, Burma, Bangladesh and other countries. We are informed that the Government have made representations to all such countries that have breached human rights conventions.

I wish to focus on the suffering of women and children when human rights are breached. There are regular reports of rape by soldiers and other predators. Children are abducted for slavery and sex abuse. The Government must make representations, through the

[LORD BHATIA]

UN and other countries, to Governments who have breached human rights. Asset freezing, trade sanctions and travel bans should be brought into effect. The Government need to go much further to ensure that we achieve a robust and fit-for-purpose independent sanctions regime. Finally, a register must be opened in the US to register individuals who have committed these crimes, so that those individuals can be brought to justice through the International Court of Justice.

6.18 pm

Lord Naseby (Con): My Lords, I have no problem at all with the financial aspects of this SI. I think there is a big challenge with individuals and human rights; I remember Gaddafi, Saddam Hussein and Assad, all of whose communities we interfered in at huge human cost to those communities. I want to focus, though, sadly, on the Sri Lankan Tamil Tigers—LTTE—which we proscribed in 2001. It was succeeded by the Transnational Government of Tamil Eelam—TGTE—itself proscribed in Sri Lanka. It is staffed and organised by former LTTE people and yesterday it started a legal action in the courts here in the UK to lift the proscription on the Tamil Tigers.

The TGTE espouses an ideology which is almost identical to that of the LTTE; it has never denounced violence or the terrorism of the LTTE; it disseminates propaganda worldwide, targeting young people, mainly Tamils, with commemorative events, waving LTTE flags and the black tiger, et cetera. Worst of all, I think, it has never shown any remorse over child soldiers. UNICEF stated on 31 July 2005 that 5,081 underaged soldiers were recruited, 40% girls and 60% boys, and at the end of the war, 594 was the small number that were left. Still, in this country, we have Mrs Balasingham, who was the arch recruiter and trainer of the child soldiers, residing comfortably in the United Kingdom. That is a challenge we need to face.

6.20 pm

Baroness Ritchie of Downpatrick (Non-Affl) [V]: My Lords, I thank the Minister for introducing these regulations and for his explanation. I support them because terrorism, criminality and the abuse of people, whether at home or in other countries, is unjust, unfair and unacceptable. There is a view that not enough is being done to bring human rights abusers to justice, including in countries of listed individuals such as Myanmar, Saudi Arabia, North Korea and Russia. So, I have several questions.

Are these regulations consistent with international human rights law? I understand that Amnesty International has called on the UN Security Council and the EU to impose asset freezes on named military officials from Myanmar. Perhaps the Minister could update us on that.

Further to that, how will the Minister and his colleagues ensure that the measures in this very welcome SI will be effective in changing behaviour and ensuring accountability in the countries with listed individuals?

Finally, can the Minister assure me that the potential sanctions flowing from this SI will be applied consistently, with due process? There are suggestions that the

Government may apply them differently between Venezuela and Colombia. Assurances on that matter would be very welcome.

6.22 pm

Lord Foulkes of Cumnock (Lab Co-op) [V]: My Lords, having been involved in human rights issues and working for NGOs both at DfID—which the Government are now shamefully abolishing—and now at the Parliamentary Assembly of the Council of Europe, I strongly support this SI.

I remind the House that the Council of Europe, not the European Union, has always been the principal body focusing on human rights in Europe. Its remit is human rights, democracy and the rule of law, and its membership extends to the 47 countries of Europe, including Russia, not just EU members. Many of the key issues represented in these regulations—media freedom, combating modern slavery, preventing sexual violence in or related to conflict, freedom of religion and belief, torture prevention and the protection of human rights defenders—are regularly covered in the Parliamentary Assembly of the Council of Europe resolutions and discussions in our committees. The council has agreed resolutions on the brutal murder of journalist Jamal Khashoggi and the ruthless violence against the Rohingya population in Myanmar, and we have raised the Magnitsky issue. It is therefore welcome that many of those involved in these atrocities are included in these regulations.

In supporting what so many have said in this debate, I ask the Government that those who have persecuted the Uyghur people of China should also be included. I hope the Minister will give us a hint, at least, in that direction.

Finally, when considering future designations, will the Government consider seeking the advice of the Intelligence and Security Committee?

6.24 pm

Lord Wood of Anfield (Lab) [V]: My Lords, I welcome the regulations and congratulate the Foreign Office on its leadership in finally producing them.

The regulations focus on the most egregious breaches of human rights, as many noble Lords have said. In doing so, they are welcome and essential and provide at least the capacity for the UK to exercise, for the first time, unilateral action against individuals, thus targeting the worst criminals in positions of significant economic and political power. But in focusing on those larger crimes, their scope is relatively restricted. Can the Minister assure the House, first, that the regulations will not simply be used by the UK to reinforce targeted sanctions already imposed by the United States, but will be supported by a rigorous independent assessment here in the UK?

Secondly, as other noble Lords have noted, the first designations contained no one involved in the ongoing human rights atrocities against the Uighur Muslims in Xinjiang province in China. The USA, with whom the UK works closely on this issue and others, has placed two leading officials from the Xinjiang autonomous region and two security and police chiefs on their Magnitsky list. When will we take corresponding action?

Thirdly, when will the Government look to expand the range of offences eligible for targeted sanctions—for example, to include kleptocrats and those perpetrating gross corruption?

One final point: taking action against the financial assets of foreign violators of human rights requires us to know where those assets are. However, the property market in the UK, and especially London, is known the world over as a safe haven for criminal proceeds of the global criminal elite. Over 90,000 properties in the UK are anonymously owned by firms registered in tax havens, and 40% of them are in London.

The Government have long promised a register of beneficial ownership, to enable transparency about who owns what and who benefits from ownership; it has been delayed again and again. I understand that a Bill is ready to go now, but it has yet again been delayed. Can the Minister tell us when it will finally be introduced? I am sure the Minister agrees that placing Magnitsky sanctions on individuals who may own property in the UK would be a farcical situation.

6.26 pm

Lord Holmes of Richmond (Non-Afl) [V]: My Lords, I pay tribute to the Minister and to the clear and positive way in which he introduced these regulations. I also agree entirely with the comments of my noble friend Lord Naseby about Iraq and Libya. These were seriously ill-advised ventures for the UK state to embark upon.

In agreeing with the noble and learned Lord, Lord Judge, I first ask the Minister to confirm that in no sense is this legislation attempting to take for the Executive what is there, by right, for individuals under a clear rule of law. Secondly, I ask the Minister what action he and other ministerial colleagues are taking to work with the EU to enable action on a greater scale, EU-wide. When does he believe that this EU-wide action is likely to be in any sense possible?

Thirdly, there has been no shortage of suggestions and detail provided to the Minister in this debate. Can he set out what he sees as the pathway for additional individuals being added to the current list?

6.28 pm

Lord Desai (Lab) [V]: My Lords, many people have pointed out problems abroad which we should take seriously. One strand of opinion this evening is that we have our own place to clean up: the city of London, as my noble friend Lord Wood said, hides and protects a lot of corruption. The Government must, as part of this effort, which I welcome, clean up the reputation of the city; it should not be a haven in which corrupt money can be stashed.

Secondly, I want to emphasise a human rights violation which does not harbour in any particular country but is worldwide: modern slavery. I hope that the Government will seriously consider what we can do to combat modern slavery, which is in our country and elsewhere.

Lastly, when we criticise human rights violations, we should not just look at what used to be called third-world or less-developed countries. Many of our own allies have human rights violations in their territories.

We know who those allies are, and we should have the courage to stand up and cite them for the violation of human rights. If we do not, our criticism of third world and other countries will not have the force it should.

I welcome the Government's efforts, and I wish them luck.

6.30 pm

Baroness Northover (LD) [V]: My Lords, I too thank the Minister for introducing these regulations. The very clear Explanatory Memorandum rightly records that,

“human rights violations by State actors, and ... non-State actors, leads to unstable and less prosperous societies. Such conduct perpetuates violent conflict, creates a world where terrorism flourishes and where democratic institutions are weakened. It has a devastating impact on individuals and ... societies ... deterring such conduct would help create fairer and more just societies, which support the long-term global conditions most conducive to security, economic growth and the safety of all.”

That is a very clear statement.

As I did when we discussed sanctions recently, I once more pay tribute to all those who have played a part here, from Ministers, including the noble Lord, officials in his department, organisations such as Transparency International, and campaigners such as Amal Clooney, Bill Browder and the murdered Russian lawyer, Sergei Magnitsky, himself. I am glad that the Government have listed 25 Russian nationals linked to his case, as well as 20 of those who played their part in the death of Jamal Khashoggi.

However, as others have said, there are omissions. Many noble Lords have mentioned China. I too ask: might those who are oppressing the Uighurs be included? Will proper consideration be given to the China Tribunal's conclusion about organ harvesting, which was flagged up by the noble Lord, Lord Alton, and might sanctions result? What about those taking action in Hong Kong? How do we make sure that in our newly exposed position outside the EU we are willing to place sanctions in relation to China, as my noble friend Lady Smith of Newnham and others asked?

Several noble Lords mentioned corruption. In their equivalent legislation, the United States and Canada include corruption. The Government are already considering adding this, looking at the United Nations Convention against Corruption. Do they intend to base the definition of corruption on the UN convention? Will it include embezzlement of state funds, to cover kleptocrats, and bribery? Can the Minister also tell us how the new sanctions regime will be overseen so that it is not knocked off course by short-term concerns? Will its oversight be separate from ministries which might have other interests here? What parliamentary oversight will there be? It has been suggested that there should be routes other than via Ministers for proposing or considering whether individuals should be sanctioned. Might there be a judicial route here? I note the comments of the noble Baroness, Lady Kennedy of The Shaws.

Within the EU, particularly with Sweden and the Netherlands, we were working to develop similar human rights sanctions arrangements for all EU countries, which would have had a major effect. Like my noble friend Lord Bruce, I believe that it is clear that we would have been much more effective if were working

[BARONESS NORTHOVER]

within the EU. Sanctions across the EU would have been much more powerful than we can be by ourselves, and the pressure on future Ministers not to take action would have been less acute. The right reverend Prelate the Bishop of Rochester is right about the risks of our isolation and that the rest of our foreign policy must be consistent with what we are saying here.

Nevertheless, we welcome these regulations and look forward to the further development of our sanctions policy. I too wish the Minister a very enjoyable holiday and thank him and his officials for their readiness to engage across all areas of foreign affairs. I look forward to hearing his response.

6.34 pm

Lord Collins of Highbury (Lab): My Lords, the regulations have the full support of these Benches. As the Minister said, they are the result of cross-party work generally and also in this Chamber when we were dealing with the sanctions Act. Many changes and concessions were made during the progress of that Act, which I very much welcome.

However, the powers in these regulations are not enough on their own. They must be used correctly, be applied to the correct individuals and form part of a wider foreign policy that stands for human rights. There must be consistency in the Government's approach, as the right reverend Prelate the Bishop of Rochester highlighted. So, although the designation of individuals linked to the Saudi regime is welcome, the decision to resume arms sales for use by the same regime in the Yemeni conflict is inconsistent with our intolerance of human rights abuse.

Transparency in the designation of sanctions will better their effectiveness. As the noble Lord, Lord Alton, said, Parliament should be afforded the opportunity to scrutinise designations and suggest new ones. The Minister in the other place, James Cleverly, said that

“the exact nature of the scrutiny of the Government's actions ... will evolve over time, because this is a new process.”—[*Official Report*, Commons, Ninth Delegated Legislation Committee, 16/7/20; col. 8.]

I hope that the Minister will be able to say a little more on this subject. For example, can he confirm whether the Intelligence and Security Committee will have a role, as my noble friend Lord Foulkes suggested and as had also been previously suggested? The scrutiny of sanctions by the legislature is not a novel idea. Many of our democratic allies, in particular the US, already have these arrangements in place.

I would appreciate clarification on a few sections of the regulations. First, Regulation 1(4) details the purpose of the sanctions. Specifically, as the Minister said, it states that they intend to deter violations of the right to life, the right not to be subjected to torture and the right to be free from slavery. However, as the Minister knows, the definition in the 2018 Act, which we debated in this Chamber and moved amendments on, is much wider. We also of course have the Universal Declaration of Human Rights. So why do we have this narrow definition in the regulations? Why do we not have a much broader definition? That seems to me a little inconsistent.

Of course, the Minister highlighted the circumstances of Sergei Magnitsky's imprisonment and death. I, too, pay tribute to his family and, of course, Bill Browder, for campaigning so hard to bring this law about—but the definition in these regulations is narrower than in the Act and the Universal Declaration. Is the Minister satisfied, for example, that the definition will cover the arbitrary detention of populations such as the Uighur Muslims in Xinjiang and the cases in Zimbabwe mentioned by my noble friend Lord Hain?

Turning to other issues, unlike the US Act on Magnitsky, the regulations omit corruption. James Cleverly said that the Government were

“considering how a corruption regime could be added to our armoury of legal weapons.”—[*Official Report*, Commons, Ninth Delegated Legislation Committee, 16/7/20; col. 4.]

The noble Baroness, Lady Northover, made reference to and highlighted the points he made. But can the Minister tell us today what the timeframe for such work is? Will we see something this year, or next year? Corruption is such an important element of tackling human rights abuses, as noble Lords have said.

Finally, I echo the point made by the noble and learned Lord, Lord Judge, regarding penalties and offences created. We had a lengthy debate about these issues on the sanctions Act. As I read the Explanatory Notes again, one thing that struck me was the different terms of imprisonment an individual who makes funds available to designated persons could be subject to. It is six months in Northern Ireland, 12 months in England and Wales and there is a difference for Scotland. I hope the Minister can again explain these differences. I know there is a reference to the different legislation, but it shows a little inconsistency.

With the introduction of the powers contained in today's instrument, the Government have the potential to put our values at the forefront of the UK's foreign policy. I am pleased that the regulations have been introduced, but their effectiveness will be determined by their implementation and, above all, as many noble Lords have said in today's debate, by whether the Government choose to confront human rights abusers wherever they appear, rather than only when it is convenient to do so.

6.41 pm

Lord Ahmad of Wimbledon: My Lords, I am extremely grateful to all noble Lords who have participated in today's debate. As I said in the closing of my opening remarks, I put on record my personal thanks to noble Lords from across the House who I know have been focused on the issues we have discussed today but also, importantly, on the broader issue of human rights. I give my personal commitment to continue to engage, as I did during the passage of the Act in 2018 and subsequently on issues of future designations. I put on record my particular thanks to both Front-Benchers, the noble Lord, Lord Collins, and the noble Baroness, Lady Northover, for their continued support and challenge. I assure noble Lords that they are quite often robust challenges. Nevertheless, it demonstrates both the insights and expertise contained within your Lordships' House that are so valuable to our thinking.

We have two Lady Kennedys participating today: the noble Baronesses, Lady Kennedy of Cradley and Lady Kennedy of The Shaws. Among others, such as

the noble Lords, Lord Bruce and Lord Alton, and my noble friend Lady Altmann, they rightly mentioned specifically the important role of Bill Browder, and I pay tribute to him. It was notable—as I am sure noble Lords observed—that the Magnitsky family was also present at the Foreign Office on the day the first designations and these regulations were laid. We pay tribute to their sacrifices and to the great campaigners; I have the great honour to work alongside the likes of Amal Clooney. I am also grateful in particular to the noble Baroness, Lady Kennedy, for her continued focus and support in this regard.

We have had a wide-ranging debate. We talked about links to the City and, as ever, my noble friend Lord Moynihan talked about the importance of the read-over to other sectors, including sport. Many noble Lords asked about process and designation. In the time I have, I will seek to work through the specific questions raised.

First, I agree with the many noble Lords who made the important point that these sanctions work effectively only when we work with others. I have already mentioned our Five Eyes partnership. I assure the noble Baroness, Lady Smith, that we have robust systems at the Foreign Office through the existing work we do through the Five Eyes partnership to continue to work in co-operation in this regard.

My noble friend Lord Holmes and the noble Baroness, Lady Northover, among others, mentioned the important role of the EU. We will continue to support the development of an EU human rights sanctions regime and we look forward to working in co-operation with all partners.

The noble Lords, Lord Desai and Lord Bhatia, among others, talked about the importance of international human rights law. This regime is totally compatible with international human rights law. I assure the various noble Lords who raised how this will apply that we will use these sanctions without fear or favour. The noble Baroness, Lady Bennett, asked whether we will apply them to friends. The first designations included sanctions on individuals in the Kingdom of Saudi Arabia. We will continue to focus in this respect and I hope the noble Baroness, Lady Ritchie, is also reassured.

We heard from others, including the noble Lord, Lord Anderson, that working with EU partners is not new. The likes of Latvia, Lithuania and Estonia already have such sanctions in place and we will continue to strengthen our work across all countries to ensure that we can apply these regimes consistently and focus on the individuals who abuse human rights.

I will go through some of the specific questions before I get on to countries. The noble Lord, Lord Alton, asked about the process of parliamentary scrutiny. I assure him that we remain very much committed, as we are in the Act through Sections 30 and 32, to the review of our sanctions legislation. The sanctions Act remains the primary legislative vehicle to establish regimes via secondary legislation. I note that the noble Lord said that although it was delayed, he certainly welcomed it.

The noble Lord, Lord Collins, raised scrutiny by committees and mentioned the debate in the other place. We stand ready to engage on all issues. As the

process evolves, we will strengthen our processes. We wish to engage directly with committees in this regard.

The noble Lords, Lord Hussain and Lord Bhatia, referred to the human rights report. I assure noble Lords that just because a country is listed as a human rights priority country, it does not mean that such countries alone are the ones that we would look to work on. Clearly, there are partners and friends in those countries. The human rights report is used as a tool to strengthen the role of human rights within countries. While we may sanction individuals and organisations, our battle is not with a country itself or the people of a country. As we have seen from the example of what is happening in Xinjiang, many populations within countries suffer human rights abuses.

The noble Lord, Lord Hussain, asked specifically about Kashmir and India. I assure him that I raise these issues consistently. Indeed, I was on a virtual visit to India yesterday. During various conversations I raised this specific issue.

The noble and learned Lord, Lord Judge, rightly reminded us of the ordinary principles of judicial review. I assure him that administrative reviews of designations will be undertaken in strict accordance with the Act and the regulations. The Act makes it clear that, on any challenge, the court must apply principles applicable to an application for judicial review. I thank the noble and learned Lord for his continued contributions to the statutory provisions as they pass through Parliament. I assure, among others, the noble Baroness, Lady Ritchie, the noble Lord, Lord Loomba, and my noble friend Lord Holmes that we will continue to adhere to the principles of judicial review, as I have articulated.

The noble Lord, Lord Collins, asked about the ISC's scrutiny role. It is not my job to tell Select Committees or the House what to do, but I have already alluded to the fact that we welcome engagement with various committees.

The noble Baroness, Lady Kennedy of The Shaws, asked about prosecutors, judges and non-state actors. Those involved in human rights abuses and violations sadly include those set up to protect—including prosecutors and judges. If they meet the criteria it will apply to them as well, and to non-state actors.

The noble Lords, Lord Hain and Lord Collins, raised specific countries. The noble Lord, Lord Hain, referred to Zimbabwe and South Africa. Other noble Lords mentioned various countries. I assure your Lordships that we will keep situations of human rights concern under review. Although I have said, and will say again, that it is inappropriate to speculate on future designations, we will continue to focus on the particular cases that noble Lords have raised. I stay ready to engage directly and to take forward discussions in your Lordships' House and on a bilateral basis.

My noble friend Lord Naseby and others mentioned other countries, such as Sri Lanka. The noble Lord, Lord Browne, mentioned Colombia. I thank all noble Lords for raising specific cases. I assure them that the FCO, as it currently stands—and the foreign, commonwealth and development office that will exist from September—will continue to consider each designation and each case that is raised quite carefully.

[LORD AHMAD OF WIMBLEDON]

The noble Baroness, Lady Smith, and my noble and learned friend Lord Garnier rightly raised the issue of resources. I assure noble Lords that we have a dedicated sanctions unit, and I pay tribute to its incredibly hard work in getting this regime together and on the rollover EU sanctions during the transition period. We are working very closely with geographical leads within government and posts overseas to identify and develop designations. I assure the noble Lord, Lord Alton, that we will continue to work very closely with other partners.

Several noble Lords asked about the scope of the sanctions, including the right reverend Prelate, the noble Baroness, Lady Kennedy, and the noble Lords, Lord Loomba, Lord Collins and Lord Wood. The point was made that the sanctions, as currently announced, have a narrow focus. I assure noble Lords that all rights are equally important, but we want to ensure the success of the sanctions regime by keeping the scope targeted in the first instance. Furthermore, the sanctions regime will support other human rights issues, including imposing sanctions for unlawful killings perpetrated against journalists and media workers. In answer to the right reverend Prelate's direct question, I can say that they extend to those who abuse freedom of religion or belief. Both these issues—media freedom and freedom of religion or belief—remain government priorities. I hope that the right reverend Prelate is reassured by that.

The noble Baroness, Lady Falkner, talked about anti-money laundering and the City of London. While the Treasury leads overall, as a Government we are committed to ensuring that the UK's financial system is hostile to all forms of illicit finance.

At this point, I will revert to the issue of corruption. I mentioned in my opening remarks that we have not included corruption within the scope of the regime initially. As I said, we are considering how a corruption regime could be added to the current legal tools that we have, and we are already looking at the UN convention. As the noble Baroness, Lady Northover, reminded us, already Canada and the US have working regimes in this respect, and we are working very closely with them. This was a point of concern raised by other noble Lords, including the noble Lords, Lord Wood and Lord Hain, and the noble Baronesses, Lady Bennett and Lady Falkner. The UK is a global leader in tackling corruption and illicit finance. In 2017, we introduced the ambitious and far-reaching five-year anti-corruption strategy.

A specific point was made about the application of these regulations in the overseas territories. There are processes in place, either through Orders in Council or directly through the OTs themselves, so that they will be able to implement these sanctions regimes.

At this juncture, I want to acknowledge the important work done on human rights by the Council of Europe, as we were reminded about by the noble Lord, Lord Foulkes. He might not remember—it has been a while—but, on joining your Lordships' House, my first role was as a member of the team at the Council of Europe. I pay tribute to the important work done there—we will continue to work with parliamentarians

engaged in that agenda—and at the Human Rights Council. I thank noble Lords for their support in that respect.

The noble Lord, Lord Anderson, and others talked of delays that occurred in introducing the regulations, and he specifically asked about schools and universities. On the delay, as has been mentioned, work was done outside government. I have been involved with the work of government for a few years now and I assure noble Lords that this was a priority when I first joined your Lordships' House; there are many in government who remain very committed to it. As the noble Lord, Lord Collins, reminded us, it is thanks to the combined efforts of many that we have finally seen this regime introduced. It was appropriate that we took the time to get it right.

Modern slavery was mentioned by various noble Lords. I am sure that many noble Lords in this Chamber and joining us virtually recognise the important role played on the agenda on modern slavery by my right honourable friend the former Prime Minister, Theresa May. She championed this cause as a priority for Her Majesty's Government. It remains a key issue that we continue to champion on the broader human rights agenda.

As to whether this will apply to schools and universities, asset freezes prevent UK organisations providing funds to a designated person, so the sanctions regime applies to every sector.

My noble and learned friend Lord Garnier and the noble Baroness, Lady Smith, raised the important issue of consultation with NGOs. I work closely with many NGOs on the human rights front. We regularly have meetings with them. There is a body and an advisory group that meets the Foreign Secretary on human rights issues. We will continue to engage with them on a regular basis. I cannot provide a timeline, as I am sure noble Lords will respect, on whether we will be looking at a particular process for future designations every month, every week or every two weeks.

However, I can say that we have the resources available to us and we have strengthened consultations to ensure that we can act—and act swiftly—if needs require. But we will do so most effectively when we work alongside international partners. We value the insights and information that NGOs provide in this respect and intend to set out a clear line of communication. As I am sure noble Lords acknowledged, we have published an information note aimed at NGOs and civil society organisations on the specific issue of dialogue with government.

Finally, on China and Xinjiang, as well as other specific countries, I want to mention this. I have deliberately left it to the end. My noble and learned friend Lord Garnier, the right reverend Prelate, the noble Baronesses, Lady Smith, Lady Kennedy of Cradley and Lady Kennedy of The Shaws, the noble Lords, Lord Alton and Lord Wood, my noble friend Lady Altmann—the list goes on—all rightly focused on the important issue of Xinjiang and the long-term suffering of the Uighur population. Again, while I cannot comment on future designations, let me assure noble Lords that the UK regularly raises its serious concerns about the human rights situation in Xinjiang.

This is done both directly with the Chinese authorities, including by the Foreign Secretary raising it directly with his counterpart, and at international organisations, as I have continued to do during our engagements at the Human Rights Council. I assure noble Lords that we will continue to raise these issues. Many noble Lords raised issues around Xinjiang. Let me assure them that the FCO is carefully considering further suggestions for designations under the global human rights sanctions regime.

I have been handed my final slip of this session before the Summer Recess. It says that I am literally out of time—and virtually out of time for those joining us from wherever they may be. It is important, and good, to end by saying that we have had a challenging session because of Covid-19 and the coronavirus. But we end on an issue which reflects the best of what your Lordships' House is about; how we work together and strengthen relationships on the important priorities

that define our country and our values. It is a great honour to be standing here in front of your Lordships to conclude our Session by talking about human rights, and also talking about the important regime which has now come before us. It shows the strong workings across your Lordships' House and across party divides.

As I outlined in my opening speech, these regulations underline our commitment to be an even stronger force for good in the world. They demonstrate our leadership in the promotion and protection of human rights. They are rightly a priority—and long may they remain so. I thank all noble Lords for their continued support in this respect. I wish them a restive—albeit at-home staycation—Summer Recess. For me the next immediate issue is that it is Eid in a day, and I look forward to spending it with my family.

Motion agreed.

House adjourned at 6.59 pm.