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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

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The following abbreviations are used to show a Member's 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

Thursday 17 December 2020

The House met in a hybrid proceeding.

Noon

Prayers—read by the Lord Bishop of Southwark.

Introduction: Lord Lebedev

12.09 pm

Evgeny Alexandrovich Lebedev, having been created Baron Lebedev, of Hampton in the London Borough of Richmond upon Thames and of Siberia in the Russian Federation, was introduced and made the solemn affirmation, supported by Lord Bird and Lord Clarke of Nottingham, and signed an undertaking to abide by the Code of Conduct.

Arrangement of Business

Announcement

12.14 pm

The Lord Speaker (Lord Fowler): My Lords, the Hybrid Sitting of the House will now begin. Some Members are here in the Chamber, others are participating remotely, but all Members will be treated equally.

Retirement of a Member: Baroness Wilcox

Announcement

12.14 pm

The Lord Speaker (Lord Fowler): My Lords, I should like to notify the House of the retirement, with effect from today, of the noble Baroness, Lady Wilcox, pursuant to Section 1 of the House of Lords Reform Act 2014. On behalf of the House, I should like to thank very sincerely the noble Baroness for her much-valued service to this House.

Lord Speaker's Statement

12.15 pm

The Lord Speaker (Lord Fowler): My Lords, before we begin Oral Questions, I would just like to say a few words. During Oral Questions, I will leave the Woolsack and hand over to the excellent Senior Deputy Speaker. The reason is that I have been called in to receive a coronavirus vaccination.

Noble Lords: Hear, hear.

The Lord Speaker (Lord Fowler): There are perhaps some advantages to being 82, going on 83, and it is not an appointment that I wish to miss. Vaccinations save lives and I would urge anyone called forward to respond. This month marks a new chapter in the fight against the virus and I applaud the work of all those who have been working night and day in our health service and those who have moved heaven and earth to make this vaccine possible.

Secondly, I would like to wish everyone here in the Chamber, all those taking part virtually and those who have been and are watching our proceedings from outside, a very happy Christmas indeed. Tributes to staff come later in the day but, for my part, I thank everyone concerned for responding so magnificently to the crisis.

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

Freight Industry: Delays

Question

12.16 pm

Asked by Baroness Randerson

To ask Her Majesty's Government what discussions they have had with organisations representing the freight industry about arrangements to ensure that delays at (1) ports, and (2) airports, are avoided.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con): My Lords, the Department for Transport regularly engages with stakeholders within the freight industry. The Cabinet Office's border and protocol delivery group has been working closely with the sector on delivering the required preparations for the end of the transition period, including new customs procedures for freight.

Baroness Randerson (LD) [V]: The Sevington lorry park, designed to relieve queues of around 7,000 lorries on Kent motorways, will not be ready until the end of February. Meanwhile, the Government have rejected a funding bid from Dover port for more passport checkpoints to reduce queues. The Government have had three years to prepare for Brexit. Can the Minister explain how they have got themselves into such a chaotic mess? Why have they refused Dover funding for essential infrastructure, and what will be the impact of these two government mistakes on food supplies?

Baroness Vere of Norbiton (Con): Very briefly on the port infrastructure fund, 41 ports will be getting support. There were bids totalling £450 million and the pot was only £200 million, so some places were disappointed, but Ministers and officials stand by to address concerns.

The Sevington site will open as planned on 1 January to manage traffic, should there be disruption. As always, you would expect the Government to have a plan B, and that is why customs checks will take place at Ashford Waterbrook and transfer to Sevington in due course.

Lord Empey (UUP): Will my noble friend tell the House what arrangements have been made in ports on the west coast of Scotland and England for the examination of some goods travelling to Northern Ireland? Secondly, given that the infrastructure in

[LORD EMPEY]

Northern Ireland ports for these inspections is not yet complete, what interim arrangements have been made to avoid long delays?

Baroness Vere of Norbiton (Con): My Lords, as I said, the port infrastructure fund provided funding to 41 ports, and they will be able to put various things in place. Work is ongoing with the devolved Administrations for ports in Wales, and conversations are ongoing with the Northern Ireland Executive to make sure goods travelling across the Irish Sea can do so successfully.

Lord Davies of Gower (Con): On 1 January, the UK will have another frontier with the EU in the form of the sea border between Wales and the Republic of Ireland. The ports of Holyhead, Fishguard and Pembroke Dock handle more than half a million lorries and trailers crossing between Great Britain and Northern Ireland each year, and Holyhead is the second largest roll-on, roll-off port in the UK after Dover. A report in the last few days from the Commons' Welsh Affairs Committee warned that the necessary systems and infrastructure may not be ready in time for full implementation of the new border checks. Can the Minister give an update on the capability of the checking facilities and assure those who operate in and out of these Welsh ports that the facilities are now oven-ready for 1 January and able to cope?

Baroness Vere of Norbiton (Con): I reassure my noble friend that we are working closely with the Welsh Government on a cross-government basis to make sure all ports are as ready as they can be. I can also reassure him that from 1 January 2021, the UK will have autonomy to introduce its own approach to goods imported to GB from the EU. But, recognising the impact of coronavirus on businesses' ability to prepare, the checks will be introduced in three phases up to 1 July. So, we have the ability to be flexible and pragmatic, and that is the approach we will take.

Lord Mountevans (CB) [V]: My Lords, I note my maritime general interests. The UK has very good ports and excellent people who have worked hard throughout the pandemic, and particularly now, to resolve current difficulties, which are not unique to the United Kingdom. The solution to some of these rests within the industry and great efforts are being made, but the Government also have an important role to play. There is scope for easements and flexibilities that can assist with the movement of goods, vehicles and trains in and out of ports: are these being followed with the greatest diligence possible?

Baroness Vere of Norbiton (Con): I too pay tribute to the enormous amount of hard work going on in our ports at the moment. According to the World Shipping Council, we are currently beyond anything anyone could have predicted regarding the global container system, which is running hot. Therefore, we are doing whatever we can to support the ports. I had a call with a huge number of freight representatives yesterday, and we talked about what the Government are able to

do. We have made adjustments to drivers' hours for road hauliers who have food or food in mixed loads on the road; and, of course, we are working closely with the rail freight industry.

Baroness Quin (Lab) [V]: My Lords, it seems that the costs of implementing Brexit are great and bureaucracy has greatly increased as a result, which is the opposite of what we were promised. Does the Minister accept the assessment of Logistics UK that the current delays could last for months? How many people are being employed on the extra helplines for business and how are they being trained, given that the outcome of the current negotiations is so uncertain?

Baroness Vere of Norbiton (Con): The outcome of the current negotiations will not impact the question of whether customs forms are needed or not. Essentially, the length and duration of any delays will depend on how quickly we can get hauliers and traders into the new regime of needing customs checks when they cross the border. This is something that happens across borders all over the world. We have 46 information and advice sites, which have had tens of thousands of visits, there is a haulier handbook, and we are working very closely with hauliers' representatives to make sure that people are ready. We do not want to see delays continue for very long, but it really will be up to the industry to work with us.

Lord Bradshaw (LD) [V]: Will the Minister bring us up to date on what lavatory and welfare facilities are available for lorry drivers, who will be delayed to some extent, whatever happens?

Baroness Vere of Norbiton (Con): I reassure the noble Lord that we are working very closely with the Kent Resilience Forum and, indeed, with all the operators of the various contingency elements within Kent. We are looking at this and making sure that there are sufficient lavatory arrangements, that the sites are Covid secure and that drivers' welfare is as good as it can be.

Lord Lilley (Con): Can my noble friend confirm that delays at Dover are not unusual? On average, Operation Stack has had to be implemented 11 times a year over the last 20 years. In 2015, it was in operation for 23 consecutive days and queues of 7,000 lorries built up, with delays of 35 hours. It did not bring the United Kingdom to a halt, and nor will any teething problems with the new system. It did not attract much attention from those who now weep salt tears, with almost ghoulish delight, in anticipation of any problems that may temporarily occur.

Baroness Vere of Norbiton (Con): It is the case that traffic across the short straits is very frequent. There is a large volume of it and when small incidents occur, back-ups can happen. Actually, at this moment we are facing not only post-Covid freight movements but pre-holiday stock building, end of transition period stock building and increased spending on consumer goods. So, while we recognise that these factors will

play an important role as we head into January, I believe that, if hauliers and traders are ready, we can minimise any delays.

Lord Rosser (Lab) [V]: What is the Government's estimate of the costs to date to businesses in the UK economy of current delays and congestion at our ports such as Felixstowe, Southampton and London Gateway, which together represent 70% of container freight coming into the UK? What is their estimate of the cost of these delays to businesses and the British economy?

Baroness Vere of Norbiton (Con): I am not aware that the Government have done an assessment of that, because, of course, this is not a UK domestic problem but a global issue that is happening at the moment. What would normally happen is that the peak shipping time would be in October; what has happened this time is that it has extended well beyond October and is basically unprecedented. However, as I said to other noble Lords, we are working very closely with hauliers to improve container collection and working very closely with ports to make sure that there is sufficient capacity. A number of large container ships are changing their port of destination at quite short notice, so therefore there is a huge amount to be done. It is being done by private companies—it is a private sector—but the Government absolutely stand by, ready to help.

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

ONS: UK Life Expectancy *Question*

12.27 pm

Asked by Lord Rooker

To ask Her Majesty's Government what assessment they have made of the publication by the Office for National Statistics *National life tables—life expectancy in the UK: 2017 to 2019*, published on 24 September.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, life expectancy is at its highest level ever, but we have seen improvements stall and we expect to see adverse impacts from Covid on life expectancy data in the future. Covid has shone a light on the differences in health outcomes between communities; that is why the Government remain committed to levelling up health outcomes so that everyone can enjoy a long and healthy life.

Lord Rooker (Lab) [V]: My Lords, my Question has nothing to do with Covid. What are the reasons life expectancy improvements have slowed in comparison to the previous decade? The flatlining in the ONS statistics, at figure 1, is a worry because it is a trend of 10 years, and the Marmot review in February said that this had not happened since the year 1900. For women in the most deprived areas, life expectancy actually fell

between 2010 and 2018, so why has there been no national health inequality strategy since 2010? Why has that disappeared off the face of our policy-making? When does the Minister expect the flatline to go back up again?

Lord Bethell (Con): My Lords, the noble Lord is entirely right that this stalling of the life expectancy curve is extremely worrying, and he is right to emphasise the disappointing results in deprived communities, where, as he says, we are going backwards instead of forwards. Covid has shown how that has a huge impact on the resilience of the nation's public health. The Government are committed to this agenda—we published a prevention Green Paper and we are committed to building a strategy out of that Green Paper, and since then we have done work on better health, on obesity and on other areas of life expectancy—but I agree with him that more can and should be done.

Lord Davies of Brixton (Lab): My Lords, it is clear that there has been a downturn in the rate of mortality improvement since 2010, and the evidence is that the impact of these negative trends has been greater among more deprived groups, with some suffering an actual decline in their expected lifespan. Does the Minister accept that a significant reason for this has been the imposition of austerity policies since 2010 under successive Conservative Governments?

Lord Bethell (Con): No, I do not.

The Lord Bishop of Durham [V]: Given the ONS recent findings that the lowest regional life expectancy for both male and female children at birth in 2017-19 was observed in my area of the north-east of England, when will Her Majesty's Government commit to a full-blown strategy to eliminate the obstacles disproportionately facing children in poverty here in the north-east?

Lord Bethell (Con): The right reverend Prelate is right to emphasise some of the disappointing figures around children, and the north-east is one area where the challenge is greatest. But I remind him that we have strategies for healthy behaviours in school, we are committing a huge amount of funding for more physical activity in schools, and we think that this will have a major impact on both the fitness and healthy outcomes of children. That kind of project will make a big impact.

Lord Kirkhope of Harrogate (Con) [V]: My Lords, can my noble friend give any real explanation as to why the UK is so low down on the OECD figures for average annual increases in life expectancy at birth? On the ONS tables, England is 18th out of 21 countries, with Scotland and Wales faring even worse. Is there a particular reason he can think of—could it be methodology or social habits? Has he any further explanation of the comparative situation here?

Lord Bethell (Con): My Lords, I cannot give an answer in the round and explain every element, but we have to face up as a nation to the fact that some of our habits are unhealthy. In some communities smoking rates are extremely high, and the difference between

[LORD BETHELL] different communities is profound—1.6% in west London, compared to 25.7% in Blackpool. Our obesity, BMI and consumption of high-calorie food is just too high. This is not the sole explanation, but as a nation we have to face up to some of our behaviours.

Lord Rennard (LD): My Lords, half the considerable difference in life expectancy between the richest and poorest in our country is entirely accounted for by smoking. At present, the Government are spending considerable amounts of money on advertising campaigns which tell people how to keep safe during the Covid pandemic. In the future, will the Government reinstate advertising aimed at promoting smoking cessation, to meet their own target of making Britain a smoke-free country and helping to improve the health and life expectancy of the poorest in our society?

Lord Bethell (Con): The noble Lord makes his point extremely well: smoking rates in this country are far too high. The huge amount of Covid advertising at the moment has squeezed out a lot of our public health messages, and I reassure him that we will return to them—including the smoking campaign—when normal business resumes.

Baroness Redfern (Con) [V]: My Lords, there have been life expectancy improvements in the UK, which I welcome. My concern regards paediatric obesity, which brings associated increased risks of morbidity, disability and premature mortality in adulthood. The Government have set a national ambition to halve childhood obesity rates by 2030. As they have taken a strong lead with the soft drinks industry levy, what proposals are being looked at to extend its mandatory approach beyond soft drinks to wider product ranges?

Lord Bethell (Con): The noble Baroness is entirely right: 15% of children aged two to 15 are obese. That is a shocking figure, and extremely disappointing. We have already done a lot to bring in the taxes on sugary drinks, and we are ploughing the money from them into sport in schools. But she is right that the taxes on sugary drinks provide an interesting template, which could be used in other areas where industry fails to step up to its responsibility and to reduce the harm of fatty or other destructive foods.

Lord Patel (CB) [V]: My Lords, the Science and Technology Committee, which I have the privilege to chair, will publish a report in January on ageing, science, technology and healthy living, which noble Lords will find an interesting read. The Government have set themselves a grand challenge, with a target of increasing healthy life by five years by 2035. In light of the ONS report and the effects of the pandemic, what increased barriers do the Government think that they face to achieving that—or can it be achieved at all? If the Minister wishes to give a Written Answer, with a copy in the Library, I would be content with that.

Lord Bethell (Con): The noble Lord makes his point extremely delicately and politely, but he is entirely right. We have a commitment for five extra healthy

years by 2035, and the combination of the Marmot review, the ONS figures and Covid make that seem an extremely daunting challenge indeed. I am not sure if I have the complete answer standing at the Dispatch Box right now. I would be glad to write to him and explain how we will undertake the Green Paper on prevention, the response to which will be published next year, as an opportunity to outline the kind of strategy he calls for.

Baroness Thornton (Lab): The Minister's response to my noble friend Lord Davies of Brixton was an abrupt one, which kind of suggested that it was an accident that we are where we are with life expectancy and that the Government's policies have no impact on that. My question actually follows very neatly from that of the noble Lord, Lord Patel. Do the Government intend to establish life expectancy and well-being as a strategic marker and measure for the whole nation's well-being and welfare in all Acts? How will that feed into reforms for the NHS?

Lord Bethell (Con): My Lords, I think that healthy living and life expectancy is a strategic marker. We are naturally focused on it and, in particular, the disparities between communities, which have been alluded to by a number of noble Lords. The huge gap between life expectancy in Blackpool and west London is extremely disturbing, and something that the Government are highly focused on. These are complex issues. They involve government policy—as the noble Baroness quite rightly points out—but also personal behaviours, and it will very much form part of the NHS plan going forward and the rebooting of the NHS in a post-Covid world.

The Senior Deputy Speaker (Lord McFall of Alcluith): My Lords, the time allowed for this Question has elapsed.

Global LGBTI+ Rights Question

12.37 pm

Asked by **Lord Collins of Highbury**

To ask Her Majesty's Government what assessment they have made of the report by the Baring Foundation *Leading the way: The role of global Britain in safeguarding the rights of the global LGBTI+ community*, published in September; and what steps they are taking to secure the long-term sustainability of the global LGBTI+ rights sector.

Lord Parkinson of Whitley Bay (Con): My Lords, the Government welcome the Baring Foundation's *Leading the Way* report. Officials from the Foreign, Commonwealth and Development Office, including at a senior level, are in discussions with representatives of the foundation to take forward the suggestions made in it. The promotion and protection of the human rights of LGBT people internationally remains a priority for Her Majesty's Government.

Lord Collins of Highbury (Lab): My Lords, I thank the Minister for that response. Strong in Diversity, Bold on Inclusion, part of the UK Aid Connect programme, is the Government's largest development programme, looking at the spread of LGBT inclusion in sub-Saharan Africa. However, the implementation phase of that project has recently been reduced from £10 million to £4 million—a cut of 60%. How can the Government claim global leadership on LGBT issues when they impose such an extreme cut to their flagship programme?

Lord Parkinson of Whitley Bay (Con): My Lords, the UK remains committed to the promotion and protection of LGBT rights at home and internationally. We are proud of the leading work we do through a variety of international fora—indeed, in currently co-chairing the Equal Rights Coalition. We are working with the Strong in Diversity, Bold on Inclusion programme on the design and governance of the next phase of its work. The funding level has not been finalised, so I hope the noble Lord will forgive me if I do not comment on the figures he cited. The total programme allocation supporting LGBT rights in this financial year is just under £12.3 million, and we will remain a world-leading aid donor, spending more than £10 billion next year.

Lord Herbert of South Downs (Con): My Lords, the ILGA World report on state-sponsored homophobia, published this week, found that while some countries are encouragingly going forwards, others are going backwards, involving the persecution of LGBT people. Will my noble friend agree that the UK Government have a vital leadership role to play across the world in promoting LGBT rights and that one of the important ways in which they can do this is by funding brave organisations on the ground that do so much to promote rights in conditions that are often extremely difficult for them?

Lord Parkinson of Whitley Bay (Con): I pay tribute to my noble friend's tireless work in this area, not least in relation to the international LGBT rights conference, which we look forward to hosting next year. That will be a great opportunity to do exactly as he says: to build on the leading role that the UK already plays in this area, for instance through the additional £3.2 million of funding that my noble friend Lady Sugg announced at the UN core group in October, which builds on the work we started when we hosted CHOGM in 2018 to help Commonwealth Governments and civil society groups such as those my noble friend mentioned repeal outdated laws and end discrimination. However, my noble friend and ILGA are right that we must remain constantly vigilant to make sure that we are moving forward in this area and building on progress.

Viscount Waverley (CB) [V]: My Lords, in wishing the UK all the best for the future as we stride forward, I too welcome the Minister's responses. The Covid pandemic has been particularly challenging for those in the LGBT community in many parts of the world. In some countries they have been blamed for spreading the virus, while others—Hungary is often cited—have

used the crisis to roll back their human rights. How are the Government making a reality of their commitment to protect those rights during the pandemic, and ensure not just that they are included in humanitarian relief but that they are advanced more generally?

Lord Parkinson of Whitley Bay (Con): The noble Viscount is absolutely right: Covid-19 affects everybody, whatever their sexual orientation or their gender identity. The Baring Foundation report explores some of the particular impact that the virus has had on LGBT people around the world. We are very clear that states must not use the pandemic as cover for repressive action. On Hungary, our embassy in Budapest is closely monitoring recent developments there, and we will be discussing them with Hungarian officials and civil society groups.

Baroness Goudie (Lab) [V]: My Lords, the evidence shows that sustained funding for development work is more cost efficient and leads to better-quality programming, allowing the underlying causes of crises to be addressed and resilience in communities to be built. Much of the Government's funding of LGBT issues has been short term, which limits its impact. Will the Government commit to putting their funding of LGBT issues on a much longer-term footing, which will increase its effectiveness and give the organisations it funds much greater certainty?

Lord Parkinson of Whitley Bay (Con): The noble Baroness makes an important point about sustainable funding, which I know is informed by her own extensive work in this field. That is why, notwithstanding the global pandemic, we are continuing to fund the projects which are running this year, and why we are determined to do better across government, delivering the maximum impact for every pound that we spend and continuing to make a world-leading difference.

Baroness Northover (LD): My Lords, my noble friend Lady Featherstone when she was DfID Minister set in motion the mapping of where LGBTI groups existed in Africa. They were usually under the radar, because they were often under the threat of death. Assistance could then be given to them—hence the figure that the noble Lord, Lord Collins, mentioned. Has such essential mapping continued and, if the noble Lord does not know, can he write to us?

Lord Parkinson of Whitley Bay (Con): I certainly will; I will find out and write so that I can provide full information to the noble Baroness. She is right to point to the international aspect of this. Our embassies and high commissions work across the world, raising human rights in their host countries and supporting civil society organisations.

Lord Hain (Lab) [V]: My Lords, much of the Government's funding on LGBT issues has been focused on the Commonwealth, but surely the Minister must accept that the problems are much wider than that. The new ILGA World report states that at least 51 United Nations member states have legal barriers to the formation or

[LORD HAIN]
 registration of NGOs working on LGBT issues, and a shocking 69 countries still criminalise same-sex activity. Will the Government therefore commit to broadening out the countries which receive LGBT-related funding?

Lord Parkinson of Whitley Bay (Con): The noble Lord makes a point about the geographic spread which is powerfully made in the Baring Foundation report itself. Obviously, the UK has particular links and a particular ability to work with Commonwealth nations, not least because of our historic relationships there, but the noble Lord is absolutely right that this work must continue around the world, including in countries beyond the Commonwealth.

Baroness Warsi (Con) [V]: My Lords, following on from my noble friend Lord Herbert's question, what work has been done to ensure that the programmes we deliver overseas to support LGBT communities are done in line with local campaigns and led by local LGBT campaigners?

Lord Parkinson of Whitley Bay (Con): My noble friend makes an important point. We believe that our approach to this work should be informed by the work of civil society groups on the ground, as they are often best placed to know what they want and what works best to deliver it. This also helps to counter the argument, which is often cited by those opposed to reform in this area, that LGBT rights are somehow a western invention that run counter to traditional values.

Lord Harries of Pentregarth (CB) [V]: Too many Christian and Muslim religious leaders are a key influence in shaping the negative attitudes towards LGBT people. While it is not realistic to expect them to change their religious teaching quickly, the least they can do is recognise the civil liberties of LGBT people and do far more to protect them from abuse and violence. Would the Government reflect on what new initiatives they might take in relation to either forming or supporting groups which have this as their particular focus?

Lord Parkinson of Whitley Bay (Con): The noble and right reverend Lord makes an important point about the role of faith leaders in this area. He might like to know that the FCDO funded a project which delivered the Global Interfaith Commission's first multifaith religious leaders' convention, which took place yesterday. It delivered a declaration condemning violence and discrimination against LGBT people, and obviously has an important role to play.

Baroness Barker (LD): My Lords, I declare an interest as a trustee of the charity GiveOut. In light of the statement made today by the Secretary of State for International Trade and Women and Equalities that she intends to pivot from "fashionable" race and gender issues to focus on poverty, does the Minister agree that it is pointless having funds and priorities if people in government taking decisions do not understand who poor people are and how discrimination is a driver of poverty?

Lord Parkinson of Whitley Bay (Con): I have not yet had a chance to read my right honourable friend's speech, but I saw some of the coverage in advance of it, and in particular her quote about the key value of our country, that in Britain

"you will have the opportunity to succeed at whatever you wish to do professionally, that you can be whoever you want to be, dress however you want to dress, love whoever you wish to love and achieve your dreams."

I hope that that is a sentiment we can all agree with across your Lordships' House.

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

Covid-19: Vaccinations

Question

12.48 pm

Asked by **Lord Harris of Haringey**

To ask Her Majesty's Government how many people they anticipate will have received COVID-19 vaccinations by (1) 31 December, (2) 31 January 2021, (3) 28 February 2021, and (4) 31 March 2021.

Lord Harris of Haringey (Lab): I draw attention to my interests in the register and beg leave to ask the Question standing in my name.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, more than 137,000 people in the UK have received the first dose of the Pfizer/BioNTech Covid-19 vaccine in the first week of the largest vaccination programme in British history, and I thank all those involved. It will take at least until spring for all high-risk groups—an estimated 25 million people in England—to be offered a Covid vaccine. We remain committed to the principle of offering everyone in Britain a vaccine.

Lord Harris of Haringey (Lab): The Government have form on overpromising and underdelivering, so I am interested in the figure that the noble Lord has given. Assuming that he is going to achieve 25 million vaccinations, that means in excess of 1 million people a week being vaccinated between now and then. With 200 vaccination centres, that means something like 7,500 vaccinations per week and, if centres work 14 hours a day for seven days, that will be something like 75 per day. Does the noble Lord not think that he is in danger—again—of overpromising and—again—of fuelling the widespread belief that the crisis is over, which is leading to the behaviour that we all know is likely to fuel the number of cases in the next few weeks?

Lord Bethell (Con): My Lords, the mathematics done by the noble Lord are interesting but not quite a reflection of the strategy. It is undoubtedly true that the NHS is, wisely, taking the start of the deployment with great care. This is an extremely complex vaccine to deliver, but hospital hubs, local vaccination services

and vaccination centres will be rolled out around the country. The kind of ambition that the noble Lord describes—quite rightly—is exactly what we seek to deliver; we will update the House as that deployment plan rolls out.

Baroness Warwick of Undercliffe (Lab): My Lords, I want to urge early access to the vaccine for the terminally ill. On Tuesday, in response to my noble friend Lady Thornton, the Minister said that there was a powerful case but any further refinements to the priority list will “create profound operational challenges”. That is not a good enough answer for my nephew, Matthew Walton, who has stage 4 brain cancer. Surely his two young children should be able to spend their remaining time together without the additional threat of an early death, which could so easily be averted by a vaccine—unlike his cancer. Will the Minister please press this powerful case?

Lord Bethell (Con): The noble Baroness makes the case extremely well; I pay tribute to her personal testimony. I looked into this matter after giving my answer to the question last week. I assure the noble Baroness that those who are terminally ill are, of course, clinically vulnerable by nature. We will ensure that those who are clinically vulnerable will get the vaccine when it is clinically appropriate to do so, which I hope brings her some reassurance.

Baroness Brinton (LD) [V]: What provisions and logistics are in place for those not registered with GPs to receive the vaccine?

Lord Bethell (Con): Those who are not registered with GPs and would like to take the vaccine need to register with GPs. We have put in place provisions to allow easier registration processes, we have updated our data arrangements and we are expecting a large number of people to seek out registration. That will be one of the benefits of the vaccination programme: clearer, better records of those in this country who are part of the NHS family.

Lord Moynihan (Con): My Lords, last month, my noble friend the Minister was hoping to receive advice from the World Anti-Doping Agency for our Olympic and Paralympic sports stars preparing for the 2021 Tokyo Games on the specific point of whether mRNA vaccines were prohibited under the WADA code. I understand that the vaccines have been deemed safe and acceptable for use within the guidelines, protocols and rules of the WADA prohibited list. If this is the case, will my noble friend ask his department: to publish WADA’s detailed advice; what testing capability our national anti-doping agency—UKAD—has for synthetic messenger RNAs; and for information on when all elite sportspeople can expect to be vaccinated so that they can train and compete safely?

Lord Bethell (Con): I am grateful to my noble friend for his championship of this important point. It is not necessarily the role of the department to rule on this matter, but I note that UK Anti-Doping welcomed the

World Anti-Doping Agency’s publication of its view on the vaccine. We welcome that moment and I very much hope that it provides the reassurance that athletes are looking for.

Lord Pannick (CB): My Lords, my mother-in-law is 84 years old. That sounds like the beginning of a bad joke but it is not funny because she has serious health concerns and is very high risk. Over the past couple of weeks, my wife has repeatedly telephoned her NHS GP practice in north-west London—I will not name it, although I am happy to tell the Minister which it is. Staff there say that they have no vaccine, no information about when they can expect to receive the vaccine, no guidance from the Department of Health and no protocols. Does this not support the concern expressed by the noble Lord, Lord Harris, that there is a real danger of the Government underperforming yet again in this context?

Lord Bethell (Con): I hear the concerns of both the noble Lord and his mother very clearly but I assure him that, to date, the rollout has very much focused on the 70 hospital hubs where we are getting the protocols and practices about getting this extremely difficult vaccine into people’s arms correct before we roll out distribution to all GP services. It is not at all my expectation that every GP service in the country will have the vaccine, nor that they will necessarily be ready to deliver it this week, but that guidance has been distributed. If the noble Lord would like to send me the details, I will ensure that that GP practice is up to speed on this important matter.

Baroness Thornton (Lab): My Lords, my concern is about NHS staff. They may need to deal with a third wave in the new year, they will be required to work through the Christmas period dealing with the current spike and they will be co-ordinating the vaccine—so they might be completely overstretched in January and February. Would it be a good idea to ensure that at least front-line, high-risk clinical area staff are vaccinated immediately? Does he agree that this would make sense from an operational point of view? I know from my work as a non-executive director of a London hospital that it would be a huge morale booster for the staff to whom we owe so much.

Lord Bethell (Con): I take on board the noble Baroness’s points on the NHS. Its staff have been under huge pressure, which is likely to be sustained into the new year. I pay tribute to their hard work. The JCVI has looked extremely carefully at the prioritisation. The most important thing is to avoid pressure on ICUs and the threat of mortality. That has been done by prioritising age over role. I also pay tribute to the St John Ambulance service, which has done an amazing amount of work in gathering 40,000 inquiries for training on delivering the vaccine. By undergoing training, those people will relieve NHS staff of an enormous amount of the pressure that the noble Baroness rightly describes.

Lord Scriven (LD): My Lords, following on from my noble friend Lady Brinton’s question, it is estimated that between hundreds of thousands and millions of

[LORD SCRIVEN]

people are not registered with a GP. Some have the most chaotic lifestyles, do not speak English and are not plugged into the most basic services. How will the Government make arrangements for people who are outside normal registration processes to be vaccinated?

Lord Bethell (Con): The noble Lord makes the point well. He is right that there are undoubtedly communities that conventional NHS outreach has not got to; we have learned that fact during Covid. Our immediate priority is to reach the over-80s and ensure that the deployment programme works for those groups that are most at risk. We will be turning our attention to the groups that he describes, but I cannot avoid the fact that, if you are going to get a medical service, you need to be registered with a GP. That is something that some people are going to have to make part of their life.

Lord Mann (Non-Affl): The registered GP services where I live are banging on the door for this vaccine at the moment. What is the latest date for a universal rollout to every primary care area in the country, making the vaccine available to those who are vulnerable?

Lord Bethell (Con): I completely understand the noble Lord's impatience to know that. I am afraid that I cannot provide him with a precise date. One reason why is because we do not know the availability of the other vaccines. As he knows, the AstraZeneca vaccine, the Moderna vaccine and three others are all in the pipeline at the moment. If they get authorisation from the MHRA, that will completely change our deployment programme. At the moment, we are putting in place contingency measures for an uplift in our deployment should any of those be authorised; that will lead to a major growth in our deployment plans.

The Senior Deputy Speaker (Lord McFall of Alcluth): My Lords, the time allowed for this Question has elapsed. Oral Questions have now finished.

12.59 pm

Sitting suspended.

Arrangement of Business *Announcement*

1.04 pm

The Deputy Speaker (Lord Haskel) (Lab): My Lords, the Hybrid Sitting of the House will now resume. I ask Members to respect social distancing.

Heathrow Airport Expansion *Private Notice Question*

1.05 pm

Asked by Lord Blunkett

To ask Her Majesty's Government what assessment they have made of the impact of the judgment by the Supreme Court in *R (on the application of Friends of the Earth Ltd and others) v Heathrow Airport Ltd* on the expansion of Heathrow Airport.

Lord Blunkett (Lab): I wish to ask the urgent Question standing in my name, of which I have given prior notice. I draw attention to my declaration of interests on the register.

The Parliamentary Under-Secretary of State, Department for Transport (Baroness Vere of Norbiton) (Con): My Lords, on 16 December 2020, the Supreme Court overturned the earlier Court of Appeal decision and declared that the airport's national policy statement is lawful. We will carefully consider the court's judgment. The Government have always been clear that Heathrow expansion is a private sector project that must meet strict criteria on air quality, noise and climate change, as well as being privately financed, affordable and delivered in the best interests of consumers.

Lord Blunkett (Lab): My Lords, we all have sympathy for those affected by blight in their homes and communities. However, I should like to ask the Minister a simple question: is it not time that the Government came out fighting on behalf of aviation and, as a consequence, airports? As a global trading nation, we are absolutely dependent on our connectivity, not just in terms of passengers but of freight transport. Is it not time that those who are rightly campaigning on climate change but attacking aviation daily should instead campaign for decarbonisation and safe, comfortable and sustainable travel, which can now be undertaken by technical innovation and sustainable aviation fuel?

Baroness Vere of Norbiton (Con): I agree with much of what the noble Lord has just outlined. Indeed, the Government are doing many of those things he mentioned, including our recent investments in sustainable aviation fuels. The Government are optimistic about aviation. We recognise how important it is, as a connected nation, to have a strong aviation sector, which is why we are working so hard with the sector to put together recovery plans, which will be available next year.

Baroness Randerson (LD) [V]: My Lords, Heathrow is highly dependent on business passengers. Now that we have all discovered Zoom, industry analysts recognise that the pattern of demand will be different in future, and business demand will be unlikely to return as strongly. Is it not time to accept that the third runway is an outdated, 20th-century concept? Will the Government agree that plans for UK aviation need a total review, with climate change at the centre and emphasis not on growth in the south-east but on regeneration in the north?

Baroness Vere of Norbiton (Con): My Lords, I am old enough to remember when Skype was launched and everyone thought that that would have a fundamental impact on the way in which we do business. It is the case that aviation as a whole needs to consider what demand will look like in the future. As all noble Lords know, it is a private sector supported by airports that are also largely in the private sector. We will work closely with it to make sure that we can take advantage of the demand that exists in the places that it wants it.

Lord Rosser (Lab) [V]: Any airport expansion must meet stringent tests on air quality, noise pollution and delivering countrywide economic benefits, and must not hamper the UK's ability to meet our climate change obligations. However, even at present, the way in which passengers reach Heathrow and other airports is often not the most sustainable. According to the Department for Transport's most recent statistics, just published, 57% of passengers at Heathrow arrived by car or taxi. What steps are the Government taking to support better public transport provision for those travelling to and from Heathrow, to bring down that figure? What is the Government's current target for a reduction in that figure for those arriving by car or taxi at the airport? What is their target for reducing that figure if capacity at Heathrow is increased through the construction of a third runway?

Baroness Vere of Norbiton (Con): I recall that, back when I was Aviation Minister for about five minutes, traffic management around Heathrow, both now and in the future, was a very important consideration. As the noble Lord knows, investment is being made in public transport in London that will benefit Heathrow, including Crossrail. I believe that Heathrow is considering an access charge for certain vehicles. When I last looked at this, the plans in place seemed feasible and would lead to a reduction in the number of people using cars.

Lord Mackay of Clashfern (Con) [V]: My Lords, perhaps I may congratulate our colleague, the noble Lord, Lord Anderson of Ipswich, on his skill in winning this appeal. I want to ask my noble friend the Minister: is it possible to make reliable estimates of the detailed consequences of the construction of the new runway, given the changes in the technology that will affect the noise and pollution from and the size of aircraft that will be in place when it comes into use?

Baroness Vere of Norbiton (Con): My noble and learned friend is right to say that when making forecasts, one is always reliant on assumptions. There will be assumptions about air quality, noise levels and climate change. But it is also the case that aircraft are now significantly quieter than they used to be, particularly since the retirement of the 747s, and they are likely to be quieter in the future. When we talk about strict criteria on air quality, noise and climate change, these are limits and not targets. We always look to the aviation sector to do better.

Lord Birt (CB) [V]: My Lords, international flights are responsible for around 1% of total global carbon emissions, a figure likely to reduce over time with the introduction of aircraft powered by electricity, biofuels or hydrogen. Does the Minister agree therefore that Heathrow is a critical national strategic asset, not least post Brexit, and that it must be allowed to expand its capacity in line with demand?

Baroness Vere of Norbiton (Con): The Government are considering the court's judgment carefully, but I remind the noble Lord that Heathrow expansion is a

project owned by Heathrow Airport Ltd and it is for the company to decide on its next steps. However, I take the more general point that aviation has a very significant role to play in our future and I welcome the steps that it is taking to reduce its carbon emissions.

Baroness Ludford (LD) [V]: [*Inaudible.*]—air pollution was a cause of Ella Kissi-Debrah's death. I congratulate her mother on her great persistence. The levels of air pollution in her area continuously exceeded the legal limits in the three years preceding her death. The inquest found that the state had failed to act against this air pollution to bring it into line with the legal limits imposed in both EU and domestic law. Are the Government seriously going to risk the lives of other children by breaching the law even more and allowing Heathrow Airport to expand?

Baroness Vere of Norbiton (Con): My Lords, as I have already stated, any expansion at Heathrow must meet strict criteria on air quality.

Lord Haselhurst (Con) [V]: My Lords, if the case for the expansion of Heathrow is to enable it to compete effectively with the continental hub airports such as Schiphol and Charles de Gaulle, is it not clear that, looking forward on present projections, three runways will simply not be enough? An alternative would be this. When the pandemic is over, is it not distinctly likely that airlines will be looking for smaller and more fuel-efficient aircraft with low emissions that can make many more point-to-point flights from other UK airports that will be both economic and convenient?

Baroness Vere of Norbiton (Con): My noble Lord has made a number of important points and I am sure that Heathrow Airport Ltd, like all airports across the country, is thinking about potential changes to aircraft size and point-to-point rather than hub airports in the future. I am fairly sure that they will take those considerations into account.

Lord Bradshaw (LD) [V]: I think the Minister will be aware that any softening of the Government's attitude towards the expansion of Heathrow will be met with a cry of dismay from the north and the regions as a signal of the Government's abandonment of the levelling-up agenda. This is a London project driven by London and foreign interests. I urge the Government not to let it happen.

Baroness Vere of Norbiton (Con): As the noble Lord knows, the airports national policy statement was approved by the House of Commons in 2018. I say again that this project is privately financed and within the private sector. Airports across the country can also use the Government's current policy to make best use of existing runways. When we are the other side of the pandemic and have a better idea of what aviation demand looks like, it may be that some airports will want to expand in certain ways, and many of those will be in the north. Each proposal will need to be carefully considered by the relevant planning authority.

Lord Caine (Con): My Lords, I welcome the Supreme Court judgment. Following the remarks of the noble Lords, Lord Blunkett and Lord Birt, will my noble friend confirm that increasing capacity at Heathrow will be a key driver of UK growth and competitiveness, as we embark on global Britain? Will the Government ensure that this happens? Furthermore, does the Minister agree that this expansion ought to complement the development of regional airports, such as Leeds Bradford, where current plans estimate benefits of between £2 billion and £3 billion to the local economy?

Baroness Vere of Norbiton (Con): My noble friend is right that aviation will play a key part in the recovery and subsequent growth, as part of global Britain. There are a number of airports that have capacity at the moment and would welcome more flights. They may be able to in the future.

Baroness Jones of Moulsecoomb (GP) [V]: When boasting about their reduction in carbon emissions, the Government have never included aviation or shipping emissions. But the recent report of the Committee on Climate Change said that aviation should be included in the planned reduction of our 2030 carbon budget and that steps must be taken to limit aviation growth, so that expansion is dependent on a reduction of emissions. Will the Government accept that advice?

Baroness Vere of Norbiton (Con): As the noble Baroness knows, recording carbon emissions is challenging, because they cannot all be attributed to a single country. There is a global agreement on the way in which they are usually reported. The noble Baroness also knows that there is headroom in our carbon budgets that is informally allocated to aviation.

Lord Thomas of Gresford (LD) [V]: My Lords, the Supreme Court did not give the go-ahead for a third runway, as was reported in some parts of the press. All it decided was that the Minister under a previous Government, Chris Grayling, did not act unlawfully in failing to take into account expressly the international obligations of the Paris Agreement, which were not declared as domestic policy at that time. Will this Government simply rescind the Grayling decision and uphold the Paris Agreement by incorporating those obligations into domestic policy?

Baroness Vere of Norbiton (Con): The noble Lord is quite right that the Supreme Court did not give the go-ahead to anything; it simply ruled that the ANPS is lawful. What is the case is that expansion, if Heathrow Airport Ltd decides to do it, would move to the next step, which is the development consent order—that is, the planning approval that would need to happen, which itself is a fairly lengthy process.

Lord Moylan (Con): My Lords, even with two fully operating runways, Heathrow imposes an intolerable noise burden on local communities, well in excess of safe WHO standards. With a third runway, this will only get worse. In the light of that, may I tease my

noble friend into saying what thought the Government might have given recently to the prospect of a new hub airport, located well away from human habitation to the east of the capital?

Baroness Vere of Norbiton (Con): My Lords, it is Christmas, but I will not be teased. The noble Lord raises the question of noise and it is a good point. I have already noted that aircraft are quieter than they used to be, but this is an appropriate time to mention airspace modernisation. This programme, which will happen over the next few years, will make sure that aircraft can land and take off on a steeper trajectory, which should have noise benefits around airports.

The Deputy Speaker (Lord Haskel) (Lab): My Lords, the time allowed for this Private Notice Question has elapsed.

1.20 pm

Sitting suspended.

Arrangement of Business *Announcement*

1.30 pm

The Deputy Speaker (Lord Haskel) (Lab): My Lords, the Hybrid Sitting of the House will now resume. I ask Members to respect social distancing.

Trade (Disclosure of Information) Bill *Second Reading (and remaining stages)*

1.31 pm

Moved by Lord Grimstone of Boscobel

That the Bill be now read a second time.

The Minister of State, Department for Business, Energy and Industrial Strategy and Department for International Trade (Lord Grimstone of Boscobel) (Con): My Lords, on 31 December, the UK will regain full control of its borders at the end of the transition period. Irrespective of the ongoing negotiations with the European Union regarding a free trade agreement, the Government have been clear that there will be additional requirements for people and goods traveling to the EU. I am sure that your Lordships will appreciate that since the Trade Bill will not pass until next year, it is vital that we ensure there is no gap in the Government's ability to share the information that they already collect and hold in order to mitigate and manage any temporary friction from the end of the transition period. That is exactly what this Bill achieves, substantially replicating amendments made to the Trade Bill—namely, Clauses 8 through 10.

I know that my noble friend Lord Lansley and the noble Lord, Lord Stevenson, have asked what the differences in clauses are between this Bill and the Trade Bill. As I have already mentioned, the clauses are substantially the same but there are minor differences.

Most notably, Clause 4 of this Bill provides for the expiry of Clauses 1 to 3 if, in the same Session in which this Act is passed, an Act resulting from the Trade Bill is passed which in the opinion of the Secretary of State contains provisions that have the same or similar effect to Clauses 1 to 3. This sunseting is necessary to ensure the statute book is kept in good order. This clause will therefore provide that Clauses 8 to 10 of the Trade Bill form the permanent basis for data-sharing. This Bill also includes an explicit reference to the DAs on the face of the Bill, alongside references to investigatory powers legislation and sentencing, which were absent from the clauses in the Trade Bill. However, these changes will be made to the Trade Bill clauses in due course, and amendments are already tabled and appear in my name on the Marshalled List.

This Bill will allow the effective use of government data to ensure the smooth flow of goods and services after the end of the transition period. The Cabinet Office's Border and Protocol Delivery Group is leading work to ensure that our borders are robust and efficient, establishing a border operation centre to monitor and manage flow through the border and support the mitigation of any disruption. This Bill ensures that the Government make best use of the data they already collect and hold and in so doing reduces inefficiencies and bureaucracy for business. It will support better services by permitting data on the flow of international trade to be shared and analysed, helping to identify and resolve the root cause of any disruption. It will also allow the Government to use data more effectively to plan new controls at the border, ensuring that security is maintained, new requirements are introduced seamlessly and any temporary friction is properly mitigated.

The Government recognise that this Bill is being proposed on an expedited schedule and that many noble Lords attach great importance, rightly and properly, to data security, as demonstrated by a number of thoughtful previous contributions on this subject. I reassure the House that this Bill contains measures to ensure that the permitted use of data that it facilitates is both discretionary and specific. I stress that the Bill does not create any additional powers to collect data; it applies only to the public bodies specified and only when those public bodies are satisfied that data use would support a Minister's functions relating to trade. It creates an offence of unlawfully disclosing information and ensures that data-sharing remains subject to GDPR and DPA protections.

With regards to the expedited schedule of the Bill, I emphasise that all these measures have already been subject to substantive scrutiny in this House and the other place during the passage of the Trade Bill, through the relevant clauses, without further amendment. The Bill contains a sunset clause that will ensure consistency with the powers being delivered through the Trade Bill. Clause 2(9) provides the power for a Minister of the Crown to add public authorities to the data-sharing gateway and therefore has the potential in a narrow sense to alter the executive competence of the devolved Administrations. I therefore make the same two commitments to the devolved Administrations on data-sharing as I made in Committee on the Trade Bill.

First, the data shared under Clause 2 will be used by the border operation centre being established by the Cabinet Office to develop strategic insights into the flow of trade and functioning of the border. The Cabinet Office is committed to sharing strategic analysis related to flow of trade where it will support the more effective management of flow through the border. The Cabinet Office will continue to work closely with the devolved Administrations to ensure that relevant analysis and information can be shared to support devolved functions relating to trade and management of the border. Secondly, the UK Government commit to consulting the devolved Administrations before any devolved authorities are added to the list of specified authorities that can share data under Clause 2.

In breaking news, I am pleased to say that the Senedd and Scottish Parliament have both granted legislative consent, and I am grateful to my colleagues in the Welsh and Scottish Governments, who have worked at pace to consider this Bill and schedule the necessary votes. However, due to the accelerated timetable of this Bill, the Northern Ireland Executive have not brought forward a legislative consent memorandum, and the Assembly has not voted on legislative consent. I reassure noble Lords that the Government will continue to engage with the Northern Ireland Executive on this matter.

In conclusion, this Bill is necessary to ensure that the Government can use their information properly to minimise disruption at the border following the transition period. It is limited in scope and contains specific safeguards to prevent inappropriate or excessive sharing of data. This will, in turn, underpin the delivery of a world-class border fit for the UK's future as an independent trading nation, protecting our country, strengthening our economy and growing our international trade. I beg to move.

1.39 pm

Lord Lansley (Con): Since this is both a Second Reading debate and, in effect, a debate on all stages, I hope noble Lords will forgive me if I make points that would be more relevant to a Committee discussion, rather than talking mainly about the principles of this short but important Bill. I completely understand that the Government are, rightly, taking steps to ensure that there is no gap in the availability of powers to share information between HMRC and other public authorities at the turn of the year, and I fully support the Bill.

On 9 January, I think, we will reach the third anniversary of the Second Reading of the original Trade Bill. I and the noble Lords, Lord Purvis of Tweed and Lord Stevenson of Balmacara, have been involved in each of the Trade Bills we have dealt with, so in a sense this is the son of the second Trade Bill. I hope that we can have it all done and dusted by the end of January, as was indicated in another place yesterday. That would be a relief to us all.

What is urgent is not necessarily controversial; this Bill is urgent and non-controversial. I think we all agree on the purposes we are pursuing: to make sure that the border operations centre can manage the flow of trade down to a commodity level on things such as food and medicines, in real time, in the early part of next year. I think we all agree that that is essential.

[LORD LANSLEY]

We are also all aware that some of the changes reflected in this Bill, compared with the Trade Bill as introduced here, are useful in particular to make it clear that the devolved authorities are among those with which HMRC can share its information for the purposes of these functions.

I turn to some of the rather more nitty-gritty questions. I would be grateful if my noble friend could address them when he replies, if they are not too detailed. I would completely understand if he felt the need to reflect and respond in writing, not least because we will reach Clauses 8 to 10 of the Trade Bill on day three of Report, which is scheduled for 6 January. There will be a further opportunity for any questions to be addressed then, because, as my noble friend said, the substantive permanent provisions relating to the disclosure of information are those that will, I hope, be enacted in the Trade Bill, which we will discuss early in the new year.

For those following this debate who perhaps do not have all the papers to hand, if one really wanted to look at this, one would have to look at the Bill we are addressing today, as well as the Trade Bill, which is currently on Report, and the Marshalled List to see the amendments my noble friend the Minister tabled for consideration on Report, which we will reach in the early part of the new year.

My first question is very simple, but I am afraid it may be esoteric. This Bill's structure, in at least a couple of respects, is different from what my noble friend the Minister proposes by way of amendment to the Trade Bill, which we will consider on 6 January. As a former Leader of the House of Commons, I was responsible for the Office of the Parliamentary Counsel. I realised that the nature of parliamentary counsel is that they, more than anybody, realise that the writing of legislation is never perfect, and that it is always necessary to see whether one can further improve drafting. However, it is slightly odd that we are in a position where amendments to the Bill were tabled in November, then in December we consider a Bill to achieve the same effect where the drafting is different.

This is particularly true in two respects. There is a saving provision in Clause 1(6) of this Bill, which states:

"Nothing in this section authorises the making of a disclosure which would ... contravene the data protection legislation, or ... be prohibited by the investigatory powers legislation."

The language of the amendment that has been tabled to the Trade Bill is

"save that the powers conferred by this section are to be taken into account when determining whether a disclosure is prohibited by those provisions".

This Bill is different. It says:

"In determining whether a disclosure would do either of those things, the powers conferred by this section are to be taken into account."

I hope that the meaning is exactly the same, but I do not understand why the drafting is different.

In that respect, I have a substantive question: what does it mean to say, "taken into account"? Legislation should be clear. The Explanatory Notes say in terms that Clauses 1 and 2, which say effectively the same thing, mean that this legislation would not authorise the making of a prohibited disclosure under data

protection legislation or investigatory powers legislation. What does it mean, then, to "take into account" the "powers in this section"? Does it mean that they can be made? If the answer is that they cannot, why is the saving provision in the Bill? I would be grateful for my noble friend's reply on that point.

Secondly, in more detail, the reference to the investigatory powers in this Bill is different from that in the Trade Bill, which refers to specific parts and chapters of the investigatory powers legislation, not the investigatory powers legislation as a whole. Why is that the case?

The noble and learned Lord, Lord Judge, raised a point on other legislation that also relates to the Trade Bill and to this Bill at Clause 2(2), which refers to the functions relating to trade, "among other things". The noble and learned Lord asked why are we including this: what are these "other things"? Should we not be told what they might comprise? I do not require the Minister's response on this as it is a drafting matter, but it would be very useful if the message was consistently sent back to suggest that the phrase "among other things" should be avoided where possible.

Those are all the points I wanted to make. My noble friend has been very clear about the sequencing. We can take comfort that, in so far as we will consider Clauses 8 to 10 of the Trade Bill in January, if this House and, in due course, another place were to change the Bill in any way—that is not impossible—those would become the substantive provisions and the permanent legislation. We are dealing now with something that is temporary by its very nature. I hope that that means that my noble friend's amendments on Report will perhaps change a little to bring them in line with this Bill, but also that Report will be an opportunity for us to make sure and double-check that we have the permanent provisions in the right form.

1.47 pm

Lord Purvis of Tweed (LD): My Lords, it is a pleasure to follow the noble Lord, as always. I am glad he asked his questions because they are very pertinent. I slightly regret his reminding me that I have spent just about half of the time I have been in this House covering a Trade Bill. The gestation period of this Trade Bill seems extraordinarily long. It has even managed to spawn an offspring: a baby Bill that we now have to cover in a rushed way. It is quite extraordinary, really. As the noble Lord said, perhaps it may fly the nest by the end of January.

I read the *Hansard* from the debate in the Commons and in many respects the Minister rephrased what the Minister in the Commons, Greg Hands, indicated for it. I will turn to that, but our Minister made two interesting references that indicated that both the substantive areas had received substantial scrutiny in both Houses. A reader of *Hansard* would not have realised that the government amendments were withdrawn in Committee because of the very valid questions put. As the noble Lord, Lord Lansley, indicated, there are still some questions.

That said, if the Government believe very strongly that these powers will be absolutely necessary on 1 January, they should have them. However, I remind

the House that these are powers that the Government did not realise they needed, and they could not even draft them properly when they did. Now they do know that they will need them at the end of the year, they are having to rush them through. They will then be superseded by the longer-term powers.

During the course of the Trade Bill, the Minister said that the whole Bill was necessary on 1 January. We now know in much clearer terms, from Greg Hands's speech and the Minister's contribution, exactly why they need that. To quote the Minister, it is

"to mitigate any temporary friction".—[*Official Report*, 16/12/20; col. 312.]

We now know what that means. After months of warnings during the Trade Bill that the Government were not ready for its border operating model, and months of them saying, "We are ready and it will be ready", we now know that it is not. The Minister said that we are regaining control of our borders. This Bill demonstrates that they are not in control. Only now, with four working days before the end of the year, have they realised that they need these powers.

It is valid that the Government will have the borders operation centre—what could be termed "a crisis centre"—ready; I do not deny that. We have been calling for such a centre for months, but the Minister has been saying that it was unnecessary because it was going to be smooth, businesses were prepared and there had been plenty of time. At the Dispatch Box, the noble Viscount, Lord Younger of Leckie, said that businesses had no excuse for not being ready because they had been given all the information. We now know that there is a crisis centre that must be operational. The Government did not even know that one member of this crisis operating centre from one agency did not have the legal power to share information with someone sitting next to them in the operating centre from another department. It is literally extraordinary.

The Government also said that it was, to quote Greg Hands,

"to identify and resolve the root cause of disruption".—[*Official Report*, Commons, 16/12/20; col. 313.]

I think we know what the root cause of disruption is; nevertheless, if this is to ensure that there is not a crisis built on chaos at the border, then yes, and if it ensures that security is maintained and vital goods are processed, as the noble Lord indicated, then yes, this information should be authorised to be shared.

There is one outstanding issue. I thank the Minister for responding to the points raised in Committee, and some of the changes to the measures in this Bill reflect that the Government listened in Committee, especially regarding the consultation with the devolved authorities. I welcome that, and that yesterday the Welsh Senate, and now the Scottish Parliament, have provided approval, which I welcome.

The Minister said that Northern Ireland engagement is ongoing. As I understand it, the measures in the Bill are required for all United Kingdom ports for the operation of the border operating centre for the whole of the United Kingdom. Am I to understand that the measures in the Bill will not be operational for considering the impact of Northern Ireland ports? Can the Minister confirm that there is no legal authority for information

to be shared with Northern Ireland Ministers or between Northern Ireland authorities and the UK Government on 1 January? The Minister must clarify that, not least because of all the debates that we have been having about the preparedness of businesses and what they need to know about the procedures in Northern Ireland. His clarity on that would be welcome.

One point still outstanding concerns Clause 2 and the public authorities sharing information. The Government have indicated that this is a vital reason why they want this legislation to go through. This is for strategic highway companies or port authorities to provide the information to the centre on the smooth operating of our ports. The point that I raised in Committee, which has not been addressed, is that under Clause 2(3)(c)

"a strategic highways company appointed under section 1 of the Infrastructure Act 2015"

covers only England and Wales. It does not cover Scottish highways. Similarly, in Clause 2(3)(d)

"a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984"

does not cover Scotland. Does the duty that is now, as the Minister said, "vital", cover Scottish highways to Scottish ports and, indeed, Scottish ports? I welcome that the information will be shared with the Scottish Government and the Welsh Government, but I am curious as to why that power does not enable Scottish highway operators or ports. If they are all under the aegis of Scottish Ministers, it would be helpful if the Government could clarify that.

Finally, it is a sad state of affairs that we are spending the last day before the recess, potentially before we are recalled to scrutinise a very large piece of rushed legislation, rushing through this legislation. The news yesterday and today that, of all companies, Hornby has halted exports from the United Kingdom because of the uncertainty and the mess at the borders, and that one of our premier clothing companies, Jigsaw, is halting exports to Europe, shows that the harm being done by the confusion, and the likely disruption, is not to foreign importers to the United Kingdom but to British exporters out of the United Kingdom.

I end by quoting Lyndon Davies, Hornby's chief executive, in the *Guardian*:

"I've seen the Gulf war, Falklands war, three-day week, crashes on the stock market—after all these things there are issues. All we're asking is, tell us what is going on. We're forced into a position of saying, 'what is the point of going through the pain of all these orders?' What the world of business has to do is sort out the mess and the carnage of what's left."

That is one hell of an indictment of the position that we are in, for, as the Minister said, "regaining full control". Before we come back and before we sunset this piece of legislation, to be covered in the next trade Bill, can the Minister clarify that our ports and borders are ready, because Hornby, Jigsaw and others are clearly indicating that they are not, and that the big cost is to British businesses?

1.57 pm

Lord Stevenson of Balmacara (Lab) [V]: My Lords, I am very grateful to the Minister for his clear and concise introduction to the Bill before us today, and to the noble Lords, Lord Lansley and Lord Purvis, for blending seamlessly from Second Reading mode to

[LORD STEVENSON OF BALMACARA]

Committee mode, which has allowed us to get into some of the detail that we perhaps would not have had if this had been a traditional Second Reading.

I am afraid that, rather like them, I have detailed questions to ask but, like others, we are not against what the Government are trying to do here. We will support them in getting the Bill on to the statute book because it clearly is appropriate and in our best interests that we have the right legislative framework under which data is exchanged. That presumably must lie at the heart of what is being done today.

My first point has not been raised by the other two speakers but was implied in much of what they said. The Bill takes Clauses 8 to 10 of the Trade Bill currently in your Lordships' House, but does not include Clause 7. This is a bit odd. Can the Minister reflect on that when he responds? Clause 7 is about the collection of exporter information by HMRC. Presumably the current Bill being only about the disclosure of information held means that powers already exist under which data is being collected, and that these powers do not need to go into the new Bill because they will continue, as it were, subterraneously as the new Bill comes into effect from 1 January 2021, and until it is sunsetted, but is that right? The question left hanging in the air is: if the clause that we will be considering under the Trade Bill on 6 January needs our consideration on 6 January, why is it not needed on 1 January? If it is not needed, precisely which powers are being used to collect the information that will subsequently be dealt with under Clauses 8 to 10? I hope I have said enough to explain that issue, and I look forward to the response.

We may indeed have amendments to Clause 7 when we get to it in due course, and of course that would be an opportunity for us to explore this matter a bit more. But it would be interesting to have confirmation from the Minister that we have the powers and that we do not need to worry about which leg of the statute book we are relying on for this.

Secondly, as others have mentioned, the amendments made in the short Bill before us have been based on amendments discussed in Committee and are on the Marshalled List for consideration on 6 January. However, I notice that the versions currently on the Marshalled List are the original amendments; they are not the ones in this short Bill. The noble Lord, Lord Lansley, was right to raise this as an issue. The drafting has changed. It might just be that a different draftsman is holding the pen but it is, to some extent, significant. This afternoon we are dealing with a Bill with one set of amendments to the wording which will then be presented to your Lordships' House for consideration on Report and which might, if the amendments currently laid are the ones that we are discussing, differ. Does that matter? I do not think that it does particularly but, again, it would be interesting to have a clear statement from the Dispatch Box about whether the amendments currently laid are the ones that we will be considering on 6 January. If they are not, can the Minister confirm that he will be changing them in short order?

Thirdly, I very much welcome the amendment that deals with the devolved Administrations. There was clearly a lacuna in the original drafting. They have

powers in relation to trade that are not reserved and they will therefore want to access the information that has been gathered and make use of it in an appropriate way. It is important that they are consulted on more issues relating to this Bill. The Minister will be aware that we are likely to come back to this again on Report in the light of the discussions that we have been having on the internal market Bill. Out of that has emerged a framework of drafting which is helpful in relation to how we wish to see the UK Government deal with the devolved Administrations—that is, not just to consult them but to seek their consent. Will the Minister take that back and look at it again to see whether the drafting can be amended slightly to incorporate this new version?

There has always been a concern that the UK Government having to consult the devolved Administrations was one thing but, where they also had to seek consent, there was a danger that there might be game-playing or a wish in one of the devolved areas to hold things up, effectively giving a veto to the devolved Administrations. The way round that in the internal Market Bill is quite clever. Where it is important that the decision is not delayed, the Bill includes a phrase about the seeking of consent being time-limited to a month and, if for any reason the consent has not been received within a month, the Minister has the power to carry on with the regulatory framework. I recommend that to the Minister and would be grateful if he would have a look at it.

My final point is on the sunset clause. This might just be the drafting but it is rather awkwardly framed in the short Bill before us. The Secretary of State appears to have quite extensive powers to mark his own homework and make decisions, but the Bill which will emerge from your Lordships' House and from Parliament and which will receive Royal Assent as the Trade Bill will, we think and hope, have significant changes relative to the draft received in your Lordships' House some time ago. Would these changes be sufficient to suggest to a Secretary of State that the Bill was not sufficiently similar for this short Bill to be required to stay in force? If so, can the Minister give an assurance from the Dispatch Box that, if this is a phrasing issue, it is not a principal issue, and that the principle he wishes to see in play is that this Bill is definitely sunsetted; that there is no threat to the Trade Bill as it progresses through Parliament, however different it might look at the end of the process compared with how it is at the moment; and that we are not just trading clever words here but that this is a genuine attempt to make sure that we do not have the statute book cluttered with different forms of the same piece of legislation? That would obviously be inappropriate.

I hope the Minister will understand that I in no sense wish to be too negative but we would not wish to see a situation where, for reasons that are as yet unclear, the Government might fall out of love again with their Trade Bill and decide that they did not want to see it on the statute book. We would then be left with a rushed-through piece of legislation—which would probably be okay—dealing with this aspect. That might well have significant consequences that we cannot foresee at this stage, and that would be unsatisfactory.

I think that I have dealt with all the main issues that we wanted to raise. We have effectively covered the Bill both with a Second Reading and a short Committee stage, in substance if not in name. I think that the right thing for the Government to do is to take this legislation through its remaining stages as quickly as they can, so that we see it on the statute book. However, there are points that we will come back to and we look forward to having detailed discussions on those.

2.05 pm

Lord Grimstone of Boscobel (Con): My Lords, I thank noble Lords for what turned out to be a very spirited debate on the Bill. I will try to respond in as detailed a way as I can, although, as my noble friend Lord Lansley recognised, some of the points that have been raised are very detailed, and for those points I will write to the noble Lords concerned. Of course, as he said, we will be debating this again in the first week of January, which will give us the chance to come back to some of those detailed points.

I can confirm to the noble Lord, Lord Purvis, that these powers are absolutely necessary. Of course, when the Trade Bill started its long, meandering process through your Lordships' House, we had hoped to complete that process. We thought that it would have had Royal Assent by now, in which case this Bill would not have been necessary. This Bill has had to be brought forward because of the time that, in their wisdom, noble Lords wished to devote to debating the Trade Bill.

I can confirm that the Bill will cover Northern Ireland and Scottish ports and roads, et cetera. The ability to add extra authorities to the list already in the Bill is there so that those devolved authorities can be added, obviously following consultations with the DAs.

The noble Lord, Lord Stevenson, asked about Clause 7 of the Trade Bill and the collection of data. This is a very specific power, which is to help the statistical data that we need to manage trade and exports going forward. I remind noble Lords that it involves a simple tick box on a company's tax return. It is entirely voluntary but you can, if you wish, tick that box to say that you are an exporter. That information in itself is not relevant to the management of the border. All the data that this Bill needs to fulfil the management of the border is already available through powers that exist in relation to the authorities concerned with the border. They might be powers for the port authorities, the highways authorities or the police.

As I said in my opening comments, the intention of the Bill is to allow those bits and pieces of data that have already been collected to be merged together. For example, if a truck is headed to a border and contains cows, which need a veterinary inspection when they get there, the border will know that those cows are coming and can have the vet ready on standby to see to them. That might seem a small example but it is those specific practical points that the Bill is designed to deal with.

In relation to the point that the noble Lord, Lord Stevenson, and others raised about the exact reconciliation between the clauses in this Bill and the Trade Bill clauses as amended on the Marshalled List, I will have that looked at. I can absolutely see the advantage of

everything reconciling, and I will take it away and look at it before Report. As my noble friend Lord Lansley recognised, parliamentary counsel, in their wisdom, like to improve on the drafting of their predecessors, and there might have been a little bit of that going on here.

I can answer the noble Lord, Lord Stevenson, specifically on his point about the sunset clause: there is nothing funny going on here. As a matter of principle, we absolutely expect that this Bill will be sunsetted by the Trade Bill, as night follows day.

So I think I have dealt with most, at least, of the points that have been raised, and, as I said, if I have missed any out, I will happily write to the noble Lords concerned. Again, I thank noble Lords again for the constructive way they have dealt with this and for helping us speed the passage of this important Bill.

The Bill's purpose is simple: it allows the Government to use data they already hold to ensure the smooth flow of goods after the end of the transition period. This will reduce inefficiencies and bureaucracy for business, which I am sure Members across the House will support. The Bill will support better services by permitting data on the flow of international trade to be shared and analysed, helping identify and resolve the root cause of disruption. I stress to noble Lords, as I have done earlier, that the Bill does not create any additional powers to collect data, and the Government have also ensured that its provisions apply only to the public bodies specified and only where those bodies are satisfied that data use would support a Minister's functions relating to trade.

On that basis, we have had a good debate, carried out in an excellent, spirited style, demonstrating of course the very great attention that noble Lords rightly and properly give to the detail of the legislation when it is before our House. I thank noble Lords for their contributions, and I also thank the Government and Opposition Whips, who have ensured that this process has run smoothly.

Bill read a second time. Committee negatived. Standing Order 46 having been dispensed with, the Bill was read a third time and passed.

Immigration Rules: Supported Accommodation

Commons Urgent Question

The following Answer to an Urgent Question was given in the House of Commons on Wednesday 16 December.

“This Government are taking action to fix the asylum system so that it is firm and fair—firm where the system is being abused, but fair to those who need protection. And we have been clear: we will use every means at our disposal to make the use of small boats to cross the channel unviable.

Last week we laid changes to the Immigration Rules that are vital to curb irregular migration, which is often facilitated by ruthless criminal gangs. Channel crossings are not only highly dangerous but unnecessary, because France and other European countries are safe. Asylum should be claimed there. These changes will mean that individuals who could and should have

[LORD GRIMSTONE OF BOSCOBEL]

claimed asylum previously in a safe country may not have their asylum claims determined in the UK where we are able to safely return them. The changes also enable us to consider the return of these individuals to any safe country besides the safe country where they could have claimed asylum. Individuals will also not be able to make asylum claims at sea.

At the end of the transition period, the UK is no longer bound by the Dublin regulation. These new measures will enable us, by agreement, to replace Dublin with more flexible returns arrangements. This will have a deterrent effect, by sending a clear message to anyone thinking of coming to the UK dangerously from a safe country that they should not risk their lives by doing so. This deterrent effect will also destroy the business model of the ruthless criminal gangs.

Such returns would, of course, reduce numbers in accommodation. I want to be clear that we are not turning our back on those who need our help after fleeing persecution, oppression or tyranny. We stand by our obligations under the 1951 refugee convention, the European Convention on Human Rights and other relevant treaties. We will continue to welcome people to the UK through safe and legal routes, assisting the most vulnerable, providing accommodation and meeting essential living needs.

As I have set out, we are taking a number of steps to tackle irregular, dangerous migration. But addressing the problem really requires a complete overhaul, and in the first half of next year we will bring forward a Bill to fix the immigration and asylum system once and for all. This country will be fair to those who need protection, but firm where the system is being abused.”

2.13 pm

Lord Rosser (Lab) [V]: In their Statement, the Government said that they will bring forward a Bill “to fix the immigration and asylum system once and for all.”

What will an immigration and asylum system that has been fixed “once and for all” by this Government look like, and how will it differ fundamentally from the present system? Secondly, are there at least minimum standards that must be, and are, met at all times for the accommodation in which a total of 60,000 asylum seekers—some three-quarters of the size of our prison population—are housed? If so, do those minimum standards include at all times for all those housed the provision of electricity, heating, hot water and mains running water?

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): I thank the noble Lord for his question, which pertinently asked what a firm but fair asylum system would look like. The whole premise of my right honourable friend the Home Secretary’s ambition for the future immigration system is to give refuge to those who need it—some of the most vulnerable people in the world—and to seriously clamp down on some of the criminals who facilitate some of the dangerous crossings across our waters. The accommodation will meet minimum standards: there is no question of a diminution in standards for anybody who finds themselves in our accommodation.

Baroness Hamwee (LD) [V]: My Lords, the Home Office relies on the UNHCR in connection with its resettlement programme. The Minister will know that the UNHCR is concerned about asylum seekers being left in limbo, so why did the Home Office not consult the UNHCR and others about the changes and issues such as exactly how people will be assisted to access support?

Baroness Williams of Trafford (Con): The changes to the Immigration Rules are small and technical, and some of them are clearly almost an extension of Dublin in terms of the safe country rules. On asylum seekers being left “in limbo”, if by “limbo” the noble Baroness means destitute or in any way left to fend for themselves, I say that no one will be left destitute: everyone will be treated with dignity and respect.

Lord Randall of Uxbridge (Con): My Lords, surely one way of reducing the need for supported accommodation is to enable asylum seekers to support themselves? Can my noble friend give any indication of when the review into the potential reduction of time before paid work is allowed will report?

Baroness Williams of Trafford (Con): I am afraid that I cannot give my noble friend an answer to that at this point in time—I do not think there is an update on that, but I will go back and see if there is one, and, if there is, I will send him the response.

Lord Ramsbotham (CB) [V]: My Lords, I usually associate Red Cross food parcels with our prisoners of war in World War II; however, I once witnessed them being handed out to destitute asylum seekers in Manchester. Can the Minister please assure the House that no asylum seeker supported under the changed rules faces similar destitution?

Baroness Williams of Trafford (Con): I can categorically assure the noble Lord that no asylum seeker will be left to face destitution.

The Lord Bishop of Southwark [V]: My Lords, in the light of the recent ruling by the High Court of Justice in London against the Secretary of State, what steps have Her Majesty’s Government taken to review the way in which the Home Office houses asylum seekers with disabilities in order to comply with the judgment of the High Court? The delays in providing accommodation in the cases before the court range from 45 days to nine months.

Baroness Williams of Trafford (Con): My Lords, I know that my right honourable friend the Home Secretary will take note of, and reflect on, the judgment before making a decision, and I am sure that I will update the House in due course.

Lord Dubs (Lab) [V]: My Lords, the Minister will be aware that, under the Dublin III regulations, which come to an end at the end of this month, no child can

be returned to the country they came from because that would not be in their best interests. What is to be the position from 1 January?

Baroness Williams of Trafford (Con): My Lords, any cases which are live—as we term them—before 31 December will be dealt with in the ensuing period. As I have said to the noble Lord before, there will be a statement on my right honourable friend the Home Secretary’s ambition for a firm and fair immigration system for the future within three months of Royal Assent to the immigration Bill.

Baroness Jones of Moulsecoomb (GP) [V]: My Lords, in preparation for this question, I contacted the Refugee Council to hear its concerns about the changes. It sent a few questions and I will ask the Minister two of them. First, why was this major and fundamental change announced with zero consultation with stakeholders, including local authorities and the asylum sector? Secondly, the change is due to come in on 1 January, but the accompanying guidance on its implementation has still not been published. Given that this is just over two weeks away, and happening over Christmas, when will the guidance be published?

Baroness Williams of Trafford (Con): The noble Baroness described the changes as “major and fundamental”. They are neither major nor fundamental; they are technical changes. I made a commitment to the noble Lord, Lord Dubs, during the passage of the immigration Bill, that published guidance would necessarily be updated to ensure that it was clear and transparent by 31 December. The guidance will be published by the end of the year but, given the timescales involved, it has not been possible to consult on this ahead of publication.

Lord Marlesford (Con) [V]: Does the Minister recognise the challenging fact that the flow of economic migrants will continue until the standard of living of the country they are trying to reach is no longer sufficiently above that of the country they have left to make the risks and costs of the journey worthwhile? Does she further agree that the prospects of such a potential dilution of quality of life in the UK would not be tolerated by the electorate, whatever Government was in office?

Baroness Williams of Trafford (Con): My noble friend’s question is a global one: why would people make these dangerous journeys, facilitated by criminals and risking their own lives, if they were not fleeing such substandard, and in many cases frightening, conditions back home? It is a terribly sad state that so many migrants are willing to make that journey. It is only in helping people, both upstream and in the reception that we give to genuine asylum seekers, that we can hope to address in some way the terrible things that people are facing.

Lord Singh of Wimbledon (CB) [V]: My Lords, why are we being so hard on asylum seekers in this season of good will? Does the Minister agree that we and other great powers, partly responsible for destroying the homes and livelihoods of innocents fleeing conflict

in the Middle East, have a moral responsibility to provide shelter and a livelihood for those we have helped to displace?

Baroness Williams of Trafford (Con): I cannot say that I agree with the noble Lord that we are acting so harshly. My right honourable friend the Home Secretary is trying to give refuge to those who genuinely need our asylum, but to crack down on some of the huge level of criminal activity that leads people to risk unsafe journeys, and thus their lives.

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

Uighur Forced Labour: Xinjiang

Commons Urgent Question

The following Answer to an Urgent Question was given in the House of Commons on Wednesday 16 December.

“Evidence of forced Uighur labour within Xinjiang and in other parts of China is credible; it is growing and it is deeply troubling to the UK Government. Yesterday’s media reporting, based in part on Chinese Government documents, suggests that forced labour is occurring on a significant scale. The reports raise particular concerns regarding the cotton industry, with serious implications for international and UK supply chains. We have consistently made clear our view that all businesses involved in investing in Xinjiang or with parts of their supply chains in Xinjiang should conduct appropriate due diligence to satisfy themselves that their activities do not support, or risk being seen to support, any human rights violations or abuses.

In our national action plan, implementing the UN guiding principles on business and human rights, we set out our expectation that UK businesses should respect human rights across their operations and their international supply relationships. While there is an important role for government, businesses have a clear responsibility to ensure that their supply chains are free from forced labour. We have issued clear guidance and held regular meetings with businesses and industry stakeholders to underline our concerns and the importance of thorough due diligence. We have also financed projects to build the evidence base and increase awareness of the risks. This includes the high-profile report *Uyghurs for Sale*, which has led several companies to take action in respect of their supply chains.

I have updated the House on a number of occasions on the UK’s international leadership and extensive diplomatic activity to hold China to account. Most recently, alongside Germany, we brought together a total of 39 countries in a joint statement at the UN General Assembly Third Committee in October. That sent a powerful message to China on the breadth of international concern, including on the issue of forced labour. In September, we devoted our entire national statement at the UN Human Rights Council to China, again raising forced labour.

In summary, the UK has taken the lead internationally. We have shone a light on the evidence of what is going on, to raise awareness and urge action, and we have provided clear guidance to business. However, the

[BARONESS BARKER]

Government acknowledge that, in light of the gross human rights abuses being committed, there is more to be done. That is why, in September, the Home Secretary announced plans to strengthen the Modern Slavery Act 2015 and why the Foreign, Commonwealth and Development Office is co-ordinating extensive work right across government to address this deeply concerning issue.

I will conclude by reassuring the House that we recognise and share the depth of cross-party concern on the human rights situation in Xinjiang. We have made that concern abundantly clear to the Chinese Government, and we expect China to live up to its responsibilities under international law and to the commitments it has made as a leading member of the international community. Continuing to stand up for those whose human rights are oppressed remains a top priority for this Government.”

2.25 pm

Baroness Northover (LD): My Lords, I thank the noble Lord for bringing this Statement to the House. Does he agree that the BBC has done an outstanding job here? Does he also agree with Chief Rabbi Mirvis that there must be

“an urgent, independent and unfettered investigation into what is happening”,

and therefore welcome just such an investigation by Sir Geoffrey Nice, former Bosnian war crimes prosecutor and chair of the China Tribunal?

Lord Parkinson of Whitley Bay (Con): My Lords, we do agree with the comments by the Chief Rabbi. The Foreign Secretary has repeatedly made it clear that the UN human rights commissioner, or another independent fact-finding body, should be given unfettered access to Xinjiang to check the facts. We have called for that repeatedly in joint statements at the UN, but I say again that it is vital that China allows such access without delay.

Lord Collins of Highbury (Lab): My Lords, during Report on the Trade Bill, we agreed new clauses on human rights in future free trade agreements. The shocking thing about the BBC revelations is that we are tied to the Uighur people now, importing cotton born of forced labour. The review of the Modern Slavery Act showed non-compliance by 40% of companies, recommending enforcement and stronger processes. The latest designations under the human rights sanctions regime did not include anyone associated with these crimes. When will the Government act on these issues?

Lord Parkinson of Whitley Bay (Con): My Lords, the noble Lord is also right about the shocking BBC reports. I saw them this week and they give us very serious concern. Through intensive diplomatic engagement, including the personal engagement of my right honourable friend the Foreign Secretary, we have been raising this internationally and with business. In respect of the risk of business complicity in potential human rights violations, including forced labour, we have urged UK businesses to conduct due diligence on their supply chains and are taking steps to strengthen the transparency provisions under the Modern Slavery Act. As the noble

Lord will know, the FCDO is carefully considering further designations under the global human rights regime which was introduced in July. We will keep all evidence and potential listings under close review.

Lord Alton of Liverpool (CB): My Lords, in the aftermath of the BBC reports, does the noble Lord agree that the Uighurs deserve to have their claim of genocide heard in a court of law, in line with the vote in your Lordships’ House only last week, on 7 December, and in line with the letter sent yesterday by the World Uyghur Congress to all Members of the House of Commons? Will he confirm, and put on record, that it is the view of the Government, and the Department of Trade, that we should not trade with a state if a court has established that a genocide is under way, and that the genocide amendment, passed by your Lordships, would not impede our ability to trade with any other state?

Lord Parkinson of Whitley Bay (Con): My right honourable friend the Foreign Secretary has made very clear that what needs to happen, and happen now, is that the UN human rights commissioner, or another independent fact-finding body, must be given unfettered access to Xinjiang to check the facts. We have called for that consistently. If, as the Chinese Government claim, these allegations are fabricated, they should have no objection to granting that access. As the noble Lord is aware, not least because of his considerable work and interest in this area, it is the long-standing policy of Her Majesty’s Government that any judgment as to whether war crimes, crimes against humanity or genocide have occurred is a matter for judicial decision.

Baroness Sanderson of Welton (Con): My Lords, while the Modern Slavery Act requires all large companies to report on whether they have modern slavery in their supply chains, some modern slavery statements are notably better than others. Do the Government continue to work with businesses to improve the information they provide, so giving consumers more faith that they will not be inadvertently buying this year’s presents, or any products, containing cotton from Xinjiang?

Lord Parkinson of Whitley Bay (Con): My noble friend makes an important point, particularly as people are buying their Christmas presents, as she says; perhaps, like me, they are thinking of doing that tomorrow. As she will be aware—not least as someone who has worked on this very area in government—in September, the Home Office published its report into the consultation on the Modern Slavery Act and announced plans to strengthen it and increase transparency in thousands of business and in the public supply chain. The Government have also financed projects to increase awareness of how international supply chains may be contributing to human rights violations. That includes the high-profile report *Uyghurs for Sale*, which I am pleased to say has led several companies to take action in respect of their own supply chains.

The Lord Bishop of St Albans [V]: My Lords, the news that forced labour was active in cotton supply chains is not the first example of business connections to Uighur repression. Previous concerns have also

been expressed in relation to Hikvision and its role in the Xinjiang surveillance apparatus. Will the Government commit to a comprehensive review of supply chains in local and national public contracts to ascertain whether public funds have helped to finance this ongoing tragedy?

Lord Parkinson of Whitley Bay (Con): In March this year, the Government published their own modern slavery statement, which assesses the risk of modern slavery across the £50 billion or thereabouts of their annual expenditure. That statement set out the Government's efforts to eradicate modern slavery from their supply chains, including direct engagement with around 400 suppliers and delivering training to more than 250 government commercial staff. In addition, as I said to my noble friend Lady Sanderson, the Home Office has announced plans to strengthen the Modern Slavery Act. That will include extending reporting requirements to all public bodies with a budget of £36 million or more.

Baroness Blackstone (Ind Lab): My Lords, have the senior Chinese government officials responsible for human rights abuses being identified? Are Magnitsky sanctions going to be applied to them? If not, why not?

Lord Parkinson of Whitley Bay (Con): As I say, my Lords, my right honourable friend the Foreign Secretary has consistently raised that there should be independent fact-checking through the UN Human Rights Commission or some such body to go in and establish the facts. That is something that we want to see happening quickly. On sanctions and designations, we keep all evidence and potential listings under close review.

The Deputy Speaker (Baroness Barker) (LD): The noble Baroness, Lady Helic, is not there so I call the next speaker, the noble Baroness, Lady Kennedy of The Shaws.

Baroness Kennedy of The Shaws (Lab) [V]: I want to reinforce what the noble Baroness, Lady Blackstone, just said. The Magnitsky Act and the Magnitsky lists are intended to deal with this kind of exigency. There is clear evidence of serious crimes being committed against the Uighur people; the Magnitsky law that we introduced is to deal with this kind of emergency. We heard yesterday in the Commons about fears of asset flight. We really have to address this and, as the Chief Rabbi said, not allow silence to be complicity. Inaction becomes complicity.

Yesterday, I heard evidence from a number of Uighur on a webinar. Noble Lords would have wept if they had heard their accounts. There is no shortage of evidence that there is terrible persecution taking place against the Uighur; one of the things that is happening is forced labour. We should be acting now in relation to our companies that are doing business with the Chinese, including buying cotton and goods that are the product of forced labour.

Lord Parkinson of Whitley Bay (Con): My Lords, we are speaking directly to trade bodies and individual companies on the final point that the noble Baroness raised. As I said, my right honourable the Foreign Secretary has been pressing for unfettered access for

an independent fact-finding body to go into Xinjiang to look at this. We keep all evidence and potential listings under close review.

Baroness Uddin (Non-Aff): My Lords, I offer my good wishes to the Deputy Speaker and all the staff in the House, and wish them a very happy Christmas.

Our Government have consistently been too deliberative on human rights and international law infringement and violations in Iraq and Burma, the protection of the Rohingya and, in particular, the brutal occupation of Palestine and the murder of women and children there. I ask the Government and the Minister's colleagues at the FCDO: what they are doing? Are they taking every opportunity to raise with their friends—our friends—and their bilateral partners the plight of the Uighur people in China, particularly the Uighur Muslim population, and particularly to address the horrifying accounts, as the noble Baroness, Lady Kennedy, said, of internment camps, a programme of indoctrination and the forced labour of women who are forced into sterilisation and abortion?

Lord Parkinson of Whitley Bay (Con): I wish the noble Baroness and all noble Lords a very merry Christmas.

The UK has played a leading international role in holding China to account for these violations, leading joint statements at the UN's human rights bodies and underlining our concerns directly to the Chinese authorities at senior levels. We raised this latest deeply concerning new evidence with the Chinese embassy in London this week, and we have raised concerns about forced birth control, including sterilisation, alongside 38 other countries in a joint statement at the UN General Assembly's third committee in October.

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

Arrangement of Business

Announcement

2.36 pm

The Deputy Speaker (Baroness Barker): My Lords, the time limit for the following debate is one and a half hours. I ask Members to respect social distancing.

Corporate Insolvency and Governance Act 2020 (Coronavirus) (Suspension of Liability for Wrongful Trading and Extension of the Relevant Period) Regulations 2020

Motion to Approve

2.37 pm

Moved by Lord Callanan

That the draft Regulations laid before the House on 25 November be approved.

Relevant documents: 37th Report from the Secondary Legislation Scrutiny Committee and 35th Report from the Joint Committee on Statutory Instruments (special attention drawn to the instrument).

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan)

(Con): My Lords, I think we all shared a sense of optimism last week when Margaret Keenan became the first person in the world to receive the Pfizer/BioNTech vaccine, administered at Coventry's University Hospital. It gave us hope that, sooner or later, daily life for the majority may begin to return to some kind of normality. Until then, though, we continue to live with restrictions that are difficult for everyone but necessary to keep our citizens safe and make sure that the NHS is not overwhelmed. Today, all but a few areas of Great Britain are subject to restrictions put in place to limit the spread of the virus; the effect that this is having on many businesses, such as those in the retail and hospitality sectors, has been well documented.

The Government were swift to act and provide businesses with clarity and support when the impact of the pandemic was at its peak. Those companies that were worst hit were given every chance to survive and get through that period of uncertainty; I am grateful to everyone who contributed to the Corporate Insolvency and Governance Act. Businesses have benefited from a package of government support targeted at saving jobs and livelihoods, such as the furlough and job retention schemes, as well as billions of pounds in loans, rates relief and tax deferrals. However, until life returns to normal, we must recognise that the impact on businesses continues.

This instrument revives one of the measures introduced by the Corporate Insolvency and Governance Act 2020 and extends another measure. It revives the suspension of wrongful trading liability until 30 April and extends the flexibilities around the manner in which companies and other qualifying bodies can hold general meetings until 30 March. These measures, like others in that Act, are aimed at supporting directors in guiding their companies through the period in which business is being affected by the pandemic.

First, I shall deal with the temporary suspension of the wrongful trading provisions in the Insolvency Act, which expired on 30 September but which we propose to revive by this instrument. Noble Lords will be aware that wrongful trading is an action which may be taken by an insolvency officeholder, and can lead to a director being held personally liable for losses to a company's creditors where it continues trading at a time when it is inevitable that it will enter formal insolvency proceedings. A successful action may lead to losses being recovered for the benefit of creditors but, more importantly, wrongful trading provisions have a vital role in preventing reckless insolvent trading in the first place. The threat of personal liability for directors is a strong deterrent to them causing companies to trade at their creditors' risk. At the peak of the pandemic earlier this year, there were concerns that many would cause their companies to cease trading rather than risk personal liability in very uncertain trading conditions. They simply did not know what would happen or whether their companies could or would survive.

The temporary suspension of the wrongful trading provisions between 1 March and 30 September in the Corporate Insolvency and Governance Act allowed directors to discount the threat of personal liability for

any worsening of their companies' position during that period. It allowed them to take steps to save companies which would otherwise be viable but for the impact of the pandemic, without the concern that they would be penalised if things did not improve and the company had to enter insolvency proceedings. This then allowed them to access government support to continue trading, and therefore to save jobs and livelihoods.

I should say at this point that suspending wrongful trading does not give a free pass to directors and allow them to act irresponsibly. Other vital protections for creditors remain in place to protect them where a company is in an insolvent position, such as the director duties set out in the Companies Act, fraudulent trading or misfeasance actions under the Insolvency Act, or, ultimately, disqualification from acting as a company director.

At the end of September, many companies had returned to more normal levels of trading, so it was right that at that stage the protection given to creditors by the wrongful trading provisions should return. The suspension in the Corporate Insolvency and Governance Act was therefore allowed to expire on 30 September. Noble Lords will be well aware that since then, sadly, circumstances have worsened. A new wave of the virus has unfortunately meant further necessary restrictions being imposed across most of Great Britain. Directors again face uncertainty about future trading conditions; they need our support and reassurance that they can continue to trade and save companies that would be profitable but for the restrictions, without the fear of personal liability.

The Corporate Insolvency and Governance Act gave a power to make temporary changes to the effect of corporate insolvency legislation; this instrument uses that power to temporarily suspend the wrongful trading provisions again from 26 November until 30 April next year. This will give that reassurance to directors that they need not close viable companies solely because of uncertainty about their own position. It will help to save jobs, as well as contribute to the economic recovery. The suspension works by telling any court considering a wrongful trading action that it is to assume that a director is not to be held responsible for any worsening of the financial position of the company in the relevant period: 26 November 2020 to 30 April 2021. This was the approach that we used in the Act itself.

I am grateful for the report of the Joint Committee on Statutory Instruments, which addresses this specific point. It is important for directors to be absolutely certain that they will not face a wrongful trading action if they continue trading in uncertain circumstances, so if the assumption was in any way rebuttable this would not give them the reassurance they need when so much is at risk.

None of us can say for certain what will happen over the next few months, and the expiry date of 30 April 2021 will of course be kept under review. If, at some time before then, it becomes clear that the suspension has done its job in preventing companies entering insolvency proceedings unnecessarily, it will be removed. The protection for creditors will therefore return.

I move on to the measure on annual general meetings. The Corporate Insolvency and Governance Act also introduced temporary flexibilities around the manner

in which companies and other qualifying bodies could hold general meetings. This is crucial to the operation of the UK's strong corporate governance regime, which ensures that the boards of companies and other bodies are fully held to account by their members. This flexibility allows bodies to balance their constitutional arrangements with the prevailing coronavirus restrictions and, in doing so, safeguard the well-being of their shareholders and members.

Despite the fact that, in large part, the season for AGMs is now behind us, we know that around 80 large companies are still to hold annual general meetings between now and the end of March. That is excluding the multitude of smaller companies, charitable incorporated organisations and mutual societies which have similar obligations. The extension in these regulations until 30 March 2021 will give these bodies comfort that they can continue to convene these and other general meetings safely, while being consistent with their legal obligations.

I hope noble Lords will agree with many stakeholders that the two measures included in this instrument will provide much-needed reassurances to businesses in the critical trading period leading up to Christmas and beyond. I therefore commend these regulations to the House. I beg to move.

2.45 pm

Baroness Altmann (Con): My Lords, I thank my noble friend for introducing these regulations and for his clear explanation. I also congratulate the Government on being the first in the world to roll out vaccinations to try to combat this pandemic, and on all they have done to try to protect businesses and jobs.

It is of course important to avoid businesses failing due to the impact of the pandemic and the associated restrictions on trading that the Government had to introduce. Of course, we must protect viable businesses in the current unprecedented circumstances. However, I wish to register my own concerns, which were echoed by the Secondary Legislation Scrutiny Committee's report, about the measures in Regulation 2(1). These provide for an extension of the suspension of wrongful trading rules, such that company directors cannot be held liable if the firm's financial position worsens. By the way, I welcome the exceptions for some of the financial firms holding client money.

The period from 26 November 2020 to 30 April 2021 puts creditors at risk. There is a valid concern that without any impact assessment—which I understand, given the emergency—there are serious risks that the suspension of directors' exemption from personal liability and having to contribute to the assets of the company if it becomes insolvent could represent a blanket exemption, and a *carte blanche*, which would have broader consequences than originally intended.

I note, and am grateful for, my noble friend's comment that these measures will be kept under review, and that should any poor practice be seen to be significant they will, potentially, be reviewed. But there are concerns for creditors in firms that might continue trading without the fear of consequences or the impact on those to whom the business might owe money, even if they know that the company is going to fail. I would be grateful if my noble friend could comment in a little more detail on the concerns raised by the committee,

particularly in light of the assurances given to the House on Report for the then Corporate Insolvency and Governance Bill. It was said then:

“The suspension does not mean that a struggling company could just carry on trading without any regard for the consequences, but that, if it unfortunately enters insolvency, the directors will not face personal liability for using their best endeavours and trading while the pandemic is having such an impact on businesses.”—[*Official Report*, 23/6/20; col. 200.]

I understand that reassuring directors that carrying on their business in the light of problems raised by the pandemic is important. We do not want viable businesses to fail that otherwise would not need to.

However, this absolute exemption raises concerns. Again, I note that my noble friend suggests that there are other protections for creditors such as the rules around fraudulent trading and misfeasance. Can he expand a little on how these protections would help creditors where a director has used the opportunity to continue running the business, taking a salary and depleting whatever is left of the corporate resources, even knowing that the company will fail through nothing to do with the impact of the pandemic? There is no ability to take action because the courts are being told to disregard it, in all circumstances.

I also welcome the flexibility given to companies to extend to the end of March the period over which meetings need to be held, and I congratulate the Government on this practical measure, which I hope all noble Lords will support.

I recognise that these are not easy judgments, but I would be grateful if my noble friend could reassure the House on that point. Once again, I congratulate the Government on all the hard work that they have been doing and my noble friend and his department on all their work to protect and preserve businesses and jobs during this difficult time.

2.51 pm

Baroness Bowles of Berkhamsted (LD) [V]: My Lords, I declare my interests as in the register as a company director. This is a simple statutory instrument and, for once, I have not been made more confused by the Explanatory Memorandum than I was before reading it. I welcome, in particular, the extension of the flexibility around the conduct of AGMs.

Like others in this debate, I am a veteran of the Corporate Insolvency and Governance Act and I recall our discussion on its Section 12. I can summarise by saying that it was not an ideal solution, but there was not really any other readily available solution. It is the same again now.

There are only three points on which I would like to comment. The first was raised in the report from the Joint Committee on Statutory Instruments and concerns whether all causes of downturns are excluded or just those relating to Covid. I recollect the comment by the Minister, which was quoted by the noble Baroness, Lady Altmann, about the suspension not meaning that a struggling company could just carry on trading without any regard for the consequences. I remember thinking at the time that the provision was nevertheless a blanket one when it came to insolvency. I am sure that it is possible to write legislation that distinguishes

[BARONESS BOWLES OF BERKHAMSTED]

one way or another. Unless I dreamt it, I seem to recall that the debate covered that such an approach might generate many problems of trying to analyse root causes, undermine the certainty intended and even risk overloading the courts. The conclusion was that it was a least-bad option and I have to accept that we are in that position again.

My second point is about the period between 30 September and 26 November, which appears to go under the normal rules. It might have been useful to have some comment about that in the Explanatory Memorandum. I made the presumption that the hope was that things were getting back to normal and that this was why the Government did not extend the provision before it expired. There is perhaps a question as to why it is not being retrospectively extended, given that there were surely still specific businesses under restrictions and some areas of the country that went into local lockdowns, if not straightaway then pretty soon within that period. Was any thought given to a retrospective extension to cover that period? What is the effect of those two months not being covered? Do the Government think that there is protection from the two periods on either side, because it would be hard to pin things down to those exact two months?

Thirdly, how long can this go on for? I recognise that, in allowing the measure to lapse, the Government showed some keenness for it not to hang around overly long. I was going to ask if this was likely to be the last time that the measure is considered, but the Minister has told us that the Government will hold it under review, which obviously implies that there may well need to be another extension. At some point, there must be a limit to how long it goes on for. While the balance may be in favour of giving certainty to the company directors for short periods of time, the longer it goes on, the longer the concerns already expressed by the noble Baroness, Lady Altmann, begin to come to the fore and dominate. It will be very difficult for companies to know who they can and cannot supply and, ultimately, that would cause everything to grind to a halt through other uncertainty.

As I have said, this is the least-worst option, and perhaps it shows again that director liability provisions in company law could do with a more general overhaul for catching bad and unconscionable behaviours. It can be rather difficult to enforce the other measures around directors' duties and so on, but I accept that that is for another day. For now, I will not object to this statutory instrument, but I would like to have some updates as we go along on the question of how long this goes on for. I do not really want to be here in September discovering that we are in for the extension after next.

2.57 pm

Lord Stevenson of Balmacara (Lab) [V]: My Lords, I thank the Minister for his comprehensive introduction of the statutory instrument and the other speakers for the points that they have made. I declare my interest as a retired fellow of the ACCA.

During the discussions on the Bill, this was probably the most contested part of the mixture of temporary and permanent changes that were made. It is interesting

that that remains the position. The other changes seem to have settled reasonably well, though perhaps it is that we are relatively close to those changes and do not have all the information or evidence for them yet.

The issues that were most in people's minds during the debates on the Bill were the signals that might have been sent out to those who might perhaps be considering breaking the law in relation to personal liability issues, by knowingly trading when they were likely to be insolvent. It is difficult to judge that in relation to the coronavirus, but time has obviously moved on and perhaps we now have a better understanding of the impact of this on our economy and the way in which we need to respond.

It is interesting that the department, despite being pressed in this House on the point, decided not to renew the original period of time under which this provision was brought in. As the noble Baroness, Lady Bowles, just mentioned, there is therefore a lacuna from 30 September to 26 November in which these powers did not exist. Presumably there will be court actions and evidence that we will be able to pick up later in the year about how this happened and from which we can learn. It is surprising that we do not seem to have any evidence about how many companies are involved. We do not really know—and will not for some time—what the impact will be. There is no impact assessment. As the Explanatory Memorandum says very clearly, this is indeed a judgment call. What has changed between the decision presumably taken not to renew this in September 2020 and the decision now to extend it, even though there will be a gap? Can the Minister help us on that?

The point raised in the report of the Joint Committee on Statutory Instruments is very interesting. The Minister answered this to some extent, but basically reasserted the department's view as reported to the committee. Would he agree that this raises more of a question about how proceedings should be taken in the future on the question of where the evidence and balance of proof need to lie for the courts to make a decision that a director—or directors—has behaved against the law? There are obviously two options here, and it would be interesting to get a response, even if it is only that this is something that will need more work.

The broader point made by the noble Baroness, Lady Bowles, is important here. There are, increasingly, issues that need to be picked up around insolvency, corporate behaviour in relation to it and the way society judges it. This is a point we have made before, and it is still being broken down. Paragraph 7.6 of the Explanatory Memorandum lays out all the various ways in which creditors have retained protection when wrongful trading is proven. But it is a very complicated world: misfeasance, fraudulent trading, disqualification proceedings and compensation orders are all very different and rather expensive ways of trying to take forward any issue that one might have in relation to liquidation and the conditions under which personal liability might arise. I would be interested to know from the Minister whether the department will be looking at this in due course. A number of issues relating to company law will need to be addressed over the next few years; this might well be another point to take forward.

Finally, on the question of AGMs and the different arrangements to apply, these are sensible proposals; it is good that regulations are being extended. But it raises the question we raised last time of why some of these are not made permanent. Special considerations apply to charitable companies and SMEs, but relaxing the rules that require physical meetings seems appropriate for the long term, now we are all more used to working virtually.

3.02 pm

Lord Callanan (Con): I thank the noble Lord, Lord Stevenson, and the noble Baronesses, Lady Bowles and Lady Altmann, for their valuable contributions. They are all veterans of the previous Act's debates, and the points they raised very much reflect some of the concerns raised during those debates. They have also highlighted the importance of the measures and the necessity of doing all we can to extend them so that support for businesses can continue. Businesses have continued to face an exceptionally challenging time, with many of them unable to trade at full capacity due to the need to protect the population. These regulations provide the much-needed support for businesses to build on the foundations for economic recovery.

Picking up on the points raised by all three noble Lords, who rightly reflected the concerns of creditors, it is worth pointing out that the suspension of wrongful trading does not give a free pass to directors allowing them to act irresponsibly. This was a point made by the noble Baroness, Lady Bowles. Other vital protections for creditors remain in place to protect them when a company is in an insolvent position. These are the director duties set out in the Companies Act; the provisions of fraudulent trading; the provisions on misfeasance actions under the Insolvency Act; and, ultimately, disqualifications from acting as a company director.

The noble Baronesses, Lady Altmann and Lady Bowles, both raised the matter raised by the JCSI, and we are of course grateful for their input and for bringing it to the attention of the House. The suspension works by telling any court considering a wrongful trading action that it is to assume that a director is not to be held responsible for any worsening of the financial position of the company in the relevant period—and this is crucial—from 26 November to 30 April. This was the position we used in the Act itself. The purpose of the suspension is to prevent directors from otherwise putting viable companies into insolvency proceedings just because of the risk to them of personal liability. As I said in the introduction, I reassure all three noble Lords that this suspension will be kept under review while the restrictions remain in place, and we will consider using the power to end the suspension early if trading conditions change such that the suspension is no longer needed or no longer proportionate.

The noble Baroness, Lady Bowles, also raised the subject of further extensions, but I can reassure her the Government will extend only for as long as is necessary. The covering Act only allows for that, but we will of course keep this matter under close consideration. The suspension is related solely to the relevant period that I referred to.

The noble Baroness, Lady Bowles, and the noble Lord, Lord Stevenson, rightly raised the issue of what the noble Lord, Lord Stevenson, called the “lacuna”

period and asked why the suspension of wrongful trading was not extended in the previous regulations laid on 24 September. At the time, even though social distancing and restrictions on social gatherings remained, directors had had seven months to access the package of help put forward by the Government, and some trading had returned to more normal levels. It was important at that time that protection for directors was reinstated. The suspension did not, in and of itself, remove any director's responsibility continually to assess the company's situation. We believe that things have changed since then; the uncertainty facing businesses has worsened again, and it is now right that the suspension should return, allowing directors every opportunity to help their companies survive the pandemic. This is matter of fine judgment, but we believe that we have the balance right.

The noble Lord, Lord Stevenson, also raised the issue of AGMs. We will be mandating that all AGMs can be held virtually in future, but we do recognise the value of holding physical AGMs. It is not appropriate to mandate that all meetings be held electronically. It is for companies to work with their members to establish their preferred way of working and holding meetings in future, to secure their consent and to make the requisite changes to their articles of association.

After all of those answers, I think I have addressed all the concerns raised, but let me reiterate: careful consideration has been given to extending these temporary measures, and the Government will, as I said, monitor the situation very closely before making any further decisions on how best to support businesses and representatives as the UK returns to normal. With that, I commend these regulations to the House.

Motion agreed.

Tributes

Motion

3.07 pm

Moved by Lord Ashton of Hyde

That the House do now adjourn during pleasure.

Lord Ashton of Hyde (Con): My Lords, we do not have the Privy Seal, so I am afraid it is me. I beg to move that the House do now adjourn during pleasure to await Royal Assent. We will announce when we will resume on the Annunciator in the usual way. While I know that the leaders of the three main parties paid their tributes to the staff of the House yesterday, this is the traditional opportunity for us to pay particular tribute to those members of staff who have left the House after long service.

I know that we are all enormously grateful to all the staff of the House for the work they have done this year. It has not been easy for any of them. We have all witnessed, day in and day out, the dedication and professionalism they have shown, not to mention the unprecedented amount of innovation and quick thinking that has enabled the House to continue working as effectively as it has—sometimes, perhaps, from the point of view of the Government Chief Whip, far too effectively.

[LORD ASHTON OF HYDE]

First, I would like to say a few words about Simon Gough, a long-serving archives officer who died unexpectedly in March while still in the service of the House. Simon had worked here since 1990. He was a much-loved and valued member of the parliamentary archives team, and he was respected right across the House. He is remembered for his warmth, kindness, modesty and loyalty, as well as his mischievous sense of humour. He was at the heart of life in the archives, and his knowledge of the collections and, most especially, of his beloved railway plans was said to be unsurpassed. He was exceptionally generous and patient in sharing that expertise. I know that he is greatly missed. Our condolences and thoughts go to his family, friends and colleagues.

Michael Collon is retiring on New Year's Eve, after more than five decades of public service, the last 16 years of which were spent as a clerk in the Committee Office. Michael served on what I am told was a dizzying number of Select Committees in that time—so many, in fact, that the Committee Office, when asked, had lost count. What did shine through was the esteem and affection in which he is held by his colleagues for his unflinching courtesy and renowned work rate, the unassuming support he provided to others, and for his kind mentoring of new colleagues. He is said to have set the gold standard. Before joining the service of the House, Michael had a distinguished career in the Civil Service, including a stint as Private Secretary to the Lord Chancellor, and served as Secretary of the Law Commission. He was awarded an OBE for parliamentary and public service in the 2018 New Year Honours. Michael's work is not quite done: his final two committee reports will be published in the next few days. We wish him the very best in his well-earned retirement.

Mr Bennett retired after nine years as one of our doorkeepers, ending his service as Head Doorkeeper. Before he joined the House, he served in the Royal Air Force, and for the last nine years has also been one of the Her Majesty's Body Guard of the Yeomen of the Guard. Many may not know this, but he is also a trained dog psychologist—undoubtedly useful in keeping us all in line. We wish him all the very best in his retirement with his wife and family in Lincolnshire.

If the House will indulge me for just a few more moments, there are a number of staff I would like to thank for their work since March. I thank Duncan Sagar for his work for the broadcasting team; Luke Hussey for his work on the remote voting system; Ayesha Bhutta in the Clerk of the Parliaments office; and Lauren Coombs and Darren Atkinson and their colleagues in the broadcasting hub. Without their efficiency and dedication, much of what we have today would not work as smoothly as it does.

Lastly, I thank Victoria Warren and her staff in the Government Whips Office, together with our special advisers, who have worked miracles in getting the new hybrid House up and running, followed by remote voting. They have dealt with Members from all sides of the House, sometimes at moments of considerable tension, with tremendous professionalism. I can personally testify that any loss of cheerfulness has been only temporary. I am sure I speak for all in the House when I thank them very much for all their efforts.

Baroness Smith of Basildon (Lab): My Lords, I associate our group with the comments made by the Government Chief Whip. We particularly send our condolences to the family of Simon Gough.

I am deputising for the Labour Chief Whip—my noble friend Lord McAvoy is in Scotland and is sorry that he cannot be here today. I shall pay tribute, first, to those members of staff who have left us this year and then to some existing staff, as did the Government Chief Whip.

We leave this year with a very different world to that which we came into at the beginning of the year. One of the most depressing and heartbreaking terms I have heard is when we talk about “the new normal”, as if we somehow accept the way things are at the moment. These things are forced on us. They are not the way we want to work and operate but the way we have to, and we look forward to when we are able to be here physically, in person, with colleagues, and work in the normal way—which is, I think, perhaps slightly quicker than the way we operate today. We all recall the days when Zoom was a summer ice lolly and Teams referred to the football teams that we support.

Despite all this, we have been able to continue our work, not in the way we enjoy but in the way we have managed. That has been made possible by the extraordinary efforts, the talents, the skills, and the creativity and ingenuity at times, of many of the staff of this House. I do not think there has been a single Member of your Lordships' House or member of staff who has been unaffected and had to work differently. I will thank those people at the end, but first, I want to pay tribute to those staff who have left us during this year, often after many years of service.

Joanna Gyamfi started work here back in 1998 and left in March this year. Many noble Lords will know her; she was a very popular member of the House of Lords housekeeping team. We remember her cheery early morning greetings as we came in. She worked in a number of different areas of the House of Lords estate, so got to know a number of Peers in the various offices they worked in. The last area in which she carried out her cleaning duties before her retirement was on the Principal Floor, West Front, including my own office. She retired so she could spend more time with her beloved family, and we hope that she is enjoying her retirement.

Another departure this year was Christian Addo-Asiedu from the catering and retail service. Christian was a long-standing porter in the catering team, starting here in January 1999. He was known to the team as “the weatherman”—I hope that was because he had a sunny disposition and personality. He was an outstanding team player and is remembered by his team for his very gentlemanly and kind manner. His friendship and good humour mean he is greatly missed by those he worked with.

3.15 pm

A familiar face to many of us was Sue Delaney, who worked for the Hansard team. Many of us will have seen her in the Box, taking notes and trying to make sense of our sometimes incoherent ramblings, as Hansard do so much better than we can ourselves, on many occasions. Sue started her career as a parliamentary reporter with Commons Hansard, and then, with a colleague, came down the Corridor here to the Lords,

where she worked for 17 years. She brought energy, good humour and, as some will know, fantastic cookery to the team. We miss her and we wish her and Cas well in the beautiful mill-house they have retired to in Gloucestershire.

It is also appropriate, in what has been an extraordinary year, to pay tribute to those staff who have remained with us and stuck with us through thick and thin. I pay tribute to the Clerk of the Parliaments and his team, the Table Office, the committee clerks and their staff, the Library staff, the broadcasters and, of course, the Parliamentary Digital Service, all of whose work has changed dramatically during this time. I also pay tribute to the doorkeepers, Black Rod's office, the catering staff and our ever-cheerful cleaning staff. My office has never been so clear and tidy—I hope I have played my part in that as well. I join with the noble Lord's tribute to the doorkeepers and Black Rod's office, but also to the Government Whips Office staff, particularly Vic Warren and Ben Burgess, who have done a lot to help the work of the House run smoothly.

I also thank our own staff in our party office. I thank Ben Coffman, who is, I think, longing for recess more than perhaps most of us. I thank Jonathan Pearse, Ian Parker, Grace Wright, Dan Stevens, Dan Harris, Rhian Copple, Ben Wood, Catherine Johnson, Rob Newbery and Sarah McGuire, who does her best to organise my diary and me.

I also pay tribute to all Peers who have played their part and done so much to ensure that the work of the House has gone smoothly. Perhaps we could do so more briefly on occasion, but I really think the House has often shown itself at its best, and I am grateful to all staff and colleagues who have played their part in that.

3.18 pm

Lord Stoneham of Droxford (LD): I am pleased to join the Chief Whip and Leader of the Opposition in thanking all House staff for the great contribution and commitment they made in 2020, on behalf of these Benches. It has been a remarkable year, even if not one we will want to recall too often—although I suspect we will. Staff performance, under great difficulty, stress and worry, has been remarkable too. It is a great tribute to them, their adaptability and commitment that we have operated in these difficult circumstances, for so long.

I pay tribute to two members of staff, who retired in the last 18 months and exemplify everything that is good about our staff. Richard Gee retired in July 2019 after working in a variety of roles in the finance department for 24 years. His final position was head of Members' finance—a critical position for Members of this House. Fortunately, he was very knowledgeable and probably knew far more about noble Lords than we would have liked. He provided very great service. We wish him well in his retirement, much of which he is dedicating to restoring a classic coach he owns and drives.

Sue Cooper retired in August 2019. She worked in the House for 35 years and eventually became the office manager for Hansard. She was renowned for her relentless pursuit of notes, briefs and information for reporters, and for pursuing them for proofreading. Her diligence was a keystone of Hansard's ability to operate and gives a sense of its great reputation.

The House is fortunate to have so many loyal and dedicated people working for it. From these Benches, I wish every one of you a very happy Christmas and a much better year in 2021.

3.20 pm

Lord Pannick (CB): On behalf of the Cross Benches, I associate myself with the comments of the Government Chief Whip, the Leader of the Opposition and the noble Lord, Lord Stoneham. I pay particular tribute to three members of our staff who retired this year.

The first is Robert Harrison, who worked in Parliament for over 30 years, including in the parliamentary archives, or records office as it was then known, and the journal office. He was responsible for the administration of every hereditary Peer by-election since they began—a unique contribution to the democratic process. Outside of his long service in Parliament, Robert's greatest passion is heraldry. He is the chairman of the Heraldry Society. He used his expertise to help some grateful Members of the House to design their own coats of arms. He was also a devoted assistant secretary to the Association of Lord-Lieutenants and is devoted to his beloved motorcycle, which no doubt he used to escape from us when the pressure became too much, as it no doubt did on occasion.

Larry Blud retired in the summer from a long career in Parliament as a parliamentary reporter, and his unflappable nature—essential to that task—and charming presence will be sorely missed by his Hansard colleagues and the rest of us. He started working in the House of Commons, but felt more at home in the gentler atmosphere of this House, as he put it—a wise man indeed. The terrace will not be the same without his cigar smoke and genial humour. He is spending his retirement in both south London and Spain.

Finally, Peter Clark joined us from the Metropolitan Police in 2009, as events doorkeeper for catering and retail services. His smile and charm had event organisers requesting that he work their upcoming events. He is greatly missed by the whole team.

I thank each of them for their much-valued service to the House and wish them a long and happy retirement. The House depends on the dedication, skill and good humour of all our staff, and we are grateful to them.

3.23 pm

Sitting suspended.

Royal Assent

4 pm

The following Acts were given Royal Assent:

Taxation (Post-transition Period) Act,
United Kingdom Internal Market Act,
Trade (Disclosure of Information) Act.

Motion to Adjourn

Moved by Lord Ashton of Hyde

That the House do now adjourn.

Lord Ashton of Hyde (Con): My Lords, in moving that the House do now adjourn, I would like to wish all Members and staff who have remained to this late hour a very happy Christmas. I beg to move.

House adjourned at 4.01 pm.