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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 11 February 2021

The House met in a hybrid proceeding.

Noon

Prayers—read by the Lord Bishop of Coventry.

Introduction: Lord McDonald of Salford

12.08 pm

Sir Simon Gerard McDonald, KCMG, KCVO, having been created Baron McDonald of Salford, of Pendleton in the City of Salford, was introduced and took the oath, supported by Baroness Amos and Lord Hammond of Runnymede, and signed an undertaking to abide by the Code of Conduct.

Introduction: Lord Kamall

12.13 pm

Syed Salah Kamall, having been created Baron Kamall, of Edmonton in the London Borough of Enfield, was introduced and took the oath, supported by Lord Flight and Lord Callanan, and signed an undertaking to abide by the Code of Conduct.

Arrangement of Business

Announcement

12.17 pm

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

After Royal Assent, Oral Questions will commence. Please can those asking supplementary questions keep them brief and confined to two points. I obviously ask Ministers to be brief as well.

Royal Assent

12.17 pm

The following Acts were given Royal Assent:

- Pension Schemes Act 2021,
- High Speed Rail (West Midlands-Crewe) Act 2021,
- Medicines and Medical Devices Act 2021.

Learning Disabilities: Child Trust Funds

Question

12.18 pm

Asked by Lord Young of Cookham

To ask Her Majesty's Government what progress they have made towards enabling access to Child Trust Funds by those with a learning disability.

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Wolfson of Tredegar) (Con): My Lords, the Government have committed to making the process

of obtaining legal authority to access a child trust fund more straightforward. A working group comprising the Ministry of Justice, the Treasury, HMRC and the Department for Work and Pensions has met several times to consider what more can be done, and it has also met the Investing and Saving Alliance, the Financial Conduct Authority and the Money and Pensions Service. The Court of Protection Rules Committee is reviewing its application forms and considering issues raised by campaigners.

Lord Young of Cookham (Con): I am grateful to my noble friend, who has only recently inherited this pressing problem. I hope that he can help the thousands of families who cannot access child trust funds without a lengthy and at times intimidating procedure. On 3 December, when I last raised this, my noble friend Lady Scott said that the new working group would “report back to the Minister in early January.”—[*Official Report*, 3/12/20; col. 828.]

What progress has been made? Might he promote a simplified and streamlined court procedure to access what are normally fairly small sums of money?

Lord Wolfson of Tredegar (Con): My noble friend is absolutely right that, because these funds are generally of relatively small amounts of money, it is all the more important that court procedures, which are designed to comply with the Mental Capacity Act 2005, are both accessible and proportionate. Rules and procedures are a matter for the courts, not Ministers, but I will do all I properly can to ensure that children and young adults with a learning disability can access what are, after all, their own funds.

Lord Touhig (Lab) [V]: My Lords, in December, some finance firms started to allow parents supporting a disabled youngster to access trust funds without a court order in exceptional circumstances. Some 30% of families benefit, but 70% are still required to go to court. Last week, in a meeting with the Investing and Saving Alliance, officials from the Minister's own department refused to support this—why?

Lord Wolfson of Tredegar (Con): My Lords, it is not for the Government to comment on the development of private sector proposals and the extent to which—and whether—they comply with the relevant legislation. We are working with all the financial trade bodies to ensure that parents and guardians of young people who do not have the required mental capacity to make the decision to access a child trust fund at age 18 are aware of both lasting powers of attorney and the important benefit of making an application to the Court of Protection before they reach 18 to avoid court fees.

Lord Wigley (PC) [V]: Does the Minister not accept that there is an urgency about this? Many families face huge administrative burdens and other pressures when their child reaches adulthood. Child trust funds can play an important part in helping with the transition, but accessing them should not become an additional burden, especially when relatively small sums of money

[LORD WIGLEY]
are involved. Will he please commit to ensuring that families will be supported proactively in these circumstances—and do this with some urgency?

Lord Wolfson of Tredegar (Con): My Lords, I can certainly commit to that: I have arranged meetings later this afternoon to that end, and I will take a personal involvement to ensure that all that can be done is done. I will also liaise with the President of the Family Division but I emphasise that, ultimately, court rules are a matter for the court, and there is a constitutional propriety that I have to maintain.

Baroness Browning (Con) [V]: I ask my noble friend about capacity. Under the Mental Capacity Act, this is not a generalised presumption; it is specific to the issue at hand. Who exactly determines whether the individual has capacity? If a professional assessment of capacity is needed, who exactly is expected to pay? It can cost several hundred pounds.

Lord Wolfson of Tredegar (Con): My Lords, there are a number of ways in which the requisite capacity, or lack thereof, can be established and assessed by the court, and those issues probably take me outside the bounds of an answer here. I will write to the noble Baroness to give more detail.

Lord Addington (LD): My Lords, last time this was discussed, I said that the Minister had pointed out an absurdity. He has still got his finger on it. Can he give the House an assurance that we will not only get a solution but will hear about when that is reached, and that banks and their internal bureaucracy are informed about this so it can be done quickly?

Lord Wolfson of Tredegar (Con): My Lords, the present situation is absolutely unfortunate. One of the problems is that this does not seem to have been anticipated by the Government which put child trust funds into existence. We are doing all we can, and I will certainly report back to your Lordships' House on the progress we make. As I have already said, I am personally committed to ensuring that this problem is solved.

Baroness Altmann (Con) [V]: My Lords, will my noble friend assure the House that any measures taken to help children with disabilities access their own money in their child trust funds will also read across to junior ISAs, where I believe similar problems can arise? The Government may have special responsibility here, after the 2005 Government offered parents extra payments to invest in a child trust fund if they were also claiming disability living allowance.

Lord Wolfson of Tredegar (Con): My Lords, at the moment I do not see any conceptual distinction between child trust funds and junior ISAs. What we put in place to solve this problem ought, in principle, to be applicable to junior ISAs as well.

Baroness Wheatcroft (CB) [V]: My Lords, those who look after children with learning disabilities deserve our help and admiration. They do not need unnecessary

obstacles being put in their way. Is there any evidence that those trying to access the funds being discussed have anything but the best of motives?

Lord Wolfson of Tredegar (Con): The noble Baroness is certainly right. Virtually everybody does have the best of motives, but there have been cases where the protections afforded by the Mental Capacity Act 2005 have, unfortunately, been needed. One has to remember that, ultimately, one is dealing with the funds of somebody who lacks the capacity to deal with them themselves. That is why the Mental Capacity Act puts in protections which may well be needed.

Lord Ponsonby of Shulbrede (Lab) [V]: A professional actuary has been helping campaigners to identify the aggregate amount of money that disabled young people could lose from their child trust fund as a result of the current court process. The results estimate that, if one in four parents give up pursuing these funds because of the perceived difficulty in accessing the money, £107 million could be lost to those children over the next 10 years. This money is being locked away forever in individual accounts. What assurance can the Minister give that any new solution will be designed to make it as easy as possible for these families to access the benefits for young people?

Lord Wolfson of Tredegar (Con): My Lords, I do not want anybody to give up accessing money which is rightfully theirs. There are a number of provisions in place for fees but, to sum this up, the Government's intention is that no one who needs to apply to the Court of Protection solely to access a child trust fund will pay fees.

Lord German (LD): Further to his answer to the noble Lord, Lord Touhig, will the Minister tell the House why it is that the scheme which the investment and savings body has put in place while waiting for a permanent solution, and has been operating—moving the system from cumbersome to semi-cumbersome, not a full solution—is not getting the blessing of the Ministry of Justice in order that it can make at least some progress in this matter?

Lord Wolfson of Tredegar (Con): My Lords, the reason is that it is not for the Ministry of Justice to give its blessing to private sector schemes and to say whether they do or do not comply with the relevant legislation. That legislation is important: it is there to protect people. If the private sector wants to put in a scheme, that is a matter for the private sector. So far as my department is concerned, we need to make sure, so far as we can, that the court rules and procedures are appropriate, proportionate and accessible.

Baroness Finlay of Llandaff (CB) [V]: I declare an interest as chair of the National Mental Capacity Forum. As Covid lockdown difficulties for the Court of Protection have now led to delays of around 20 weeks for uncontested applications, can the Government confirm that forms marked "Urgent" are prioritised and digital options are being explored by the court, to improve access while retaining the important protections from the MCA against exploitation or misuse of funds?

Lord Wolfson of Tredegar (Con): My Lords, the noble Baroness will be aware that two weeks of the waiting time is mandatory under the Act. For the rest of that period, if applications are marked as urgent then they are dealt with on an expedited basis. On the second point, court staff are putting in place new digital ways of working the procedure to try and speed things up.

Lord Vaizey of Didcot (Con): I thank the Minister for being so brief that I could get in. I point to my entry in the register of Member's interests relating to my work for the Investing and Savings Alliance. I was delighted to hear what the Minister said about there being no conceptual difference between a child trust fund and a junior ISA. Now that this issue has been raised, should the department now grasp simplifying legal procedures for a whole host of financial products? Can we not see, in the next year, the "Wolfson reforms" as his legacy?

Lord Wolfson of Tredegar (Con): My Lords, I regret that my noble friend is already talking about my legacy when I have only been in this House about six weeks—in future, I will make longer answers. My noble friend raises an important point. I emphasise that the constitutional position is that court procedures and rules are a matter for the courts. So far as I am concerned, we need to make sure that the response of the justice system, over the whole gamut of civil justice, is proportionate to the sum in issue and the issues which are being argued about. To that extent, I agree with the point made by my noble friend.

The Lord Speaker (Lord Fowler): My Lords, all supplementary questions have been asked—congratulations. We now come to the second Oral Question.

Dentists: Covid-19

Question

12.30 pm

Asked by **Baroness Gardner of Parkes**

To ask Her Majesty's Government what steps they are taking to enable dentists to reduce any backlog of patients requiring dental treatment as a result of the restrictions to address the COVID-19 pandemic.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, an increase in dental activity has been made possible by updated infection prevention and control guidance. NHS England and NHS Improvement have set a 45% activity target for January to March 2021, with the main aims being to increase patient access and reduce backlogs in patient care. PPE is being provided free of charge to NHS dental practices to support the provision of services, and we are looking at what role pre-appointment testing could play.

Baroness Gardner of Parkes (Con) [V]: I thank the Minister for that Answer. Is he aware of the problem of dealing with the essential time gaps required for cleaning and sterilising between patient appointments where the dental practice has only one surgery that

can be used for treatments? A significant time is required for this between patients, which means fewer patients can be treated. The BDA has had reports of tests of a very effective ventilation system which could be used to enable many more treatments to take place in the working day. It costs about £10,000 to install. After the closure of surgeries for a considerable time, the operators of national health dental surgeries are not in a position to fund this. Will the Government provide either the funding or the necessary equipment to NHS dental practices?

Lord Bethell (Con): My Lords, the noble Baroness is entirely right; ventilation is a key issue. I took my daughter to the dentist this morning, and there were indeed long gaps between each appointment. I am not aware of the ventilation system she alludes to, but if the BDA would like to write to me, I would be happy to have a closer look at it.

Baroness Warwick of Undercliffe (Lab) [V]: My Lords, can I follow up on the Minister's point about the new activity target imposed on dentists to reduce the backlog? It seems to have had the reverse effect. It has resulted in one of the biggest dental chains in the country instructing its dentists to focus on band 1 check-ups and reduce urgent treatments to meet the targets, reducing access for those who need it most. Other practices are reported to be doing the same. What assessment have the Government made of the impact of this target on patients who need urgent and complex treatment? Dentists have continued working, like doctors, nurses and other health professionals, in a high-risk environment during the pandemic. But their contribution seems to have been ignored. Can the Minister confirm the Government's appreciation of the commitment of dentists and their staff during this pandemic?

Lord Bethell (Con): I join the noble Baroness in paying tribute to dentists. As of 18 December, 88% of NHS dental practices were open, and that is a huge tribute to the hard work, determination and skills of dentists. She is right that they offer a spread of services; more triaging is going on, and that has successfully made a big contribution to getting through the lists. As of 13 January, 6.9 million dental patients have been triaged on the AAA service—advice, analgesics and antibiotics—but urgent dental care centres, of which there are 695, have picked up the difficult and time-consuming work for those who have an emergency need.

Baroness Walmsley (LD) [V]: My Lords, do the Government plan to continue to enforce activity targets in the next financial year? The new contract is only seven weeks away, and those in the profession has heard nothing about the basis on which they will be paid next year. When do the Government plan, at last, to deliver wider NHS dental contract reform, which they committed to in 2010? The issue keeps being kicked into the long grass.

Lord Bethell (Con): My Lords, I would like to reassure the noble Baroness that officials are working extremely closely with the dental profession on the arrangements for the new practice. It will not be a complete renegotiation of the full contract, but we are

[LORD BETHELL]

looking at what arrangements should be in place for 2021-22. And as I said before, I pay tribute to the hard work of dentists. Activity targets are a useful way of getting a focus on increasing the throughput of dentistry. We have a big backlog, and that is one way we can try to increase the velocity of dental appointments.

Lord McColl of Dulwich (Con) [V]: My Lords, in order to deal with this backlog, should we not rely on the good sense of dentists to prioritise their patients—for instance, to treat those with pain and infection with antibiotics, then deal with the less urgent problems? Would the Minister consider the fairer solution adopted by Scotland and Northern Ireland, where new activity targets are half those of England?

Lord Bethell (Con): My Lords, the Chief Dental Officer has looked at the activity targets and done extensive modelling to ensure that they are fair and safe. The noble Lord is entirely right that some dental support can be done in absence through things such as antibiotics. But it is important that face-to-face appointments are increased, otherwise, we will have a generation of people whose teeth are not in great shape, which will cost the country dearly.

Baroness Masham of Ilton (CB) [V]: My Lords, is the Minister aware that should people with gum disease and swollen gums get Covid-19, they are many times more likely to die, having ended up in intensive care or on a ventilator? Would the Minister agree that oral care, which goes hand in glove with dentistry, is vital for reducing the risk of severe Covid-19 outcomes and is an important part of patient safety and the prevention of ill health?

Lord Bethell (Con): My Lords, I confess that I did not know about that association. I am not sure whether it is correlation or causation, but I completely support the noble Baroness's observation that oral hygiene is critical, and we should put the steps in place to improve the oral hygiene of the nation.

Baroness Thornton (Lab): I think the Minister needs to go back to the drawing board, because the new NHS activity target is basically forcing dentists to choose between check-ups and helping those in pain. That cannot be right. It can only increase health inequalities, let alone deal with the gigantic pandemic backlog. In secondary care, there is the particular problem of patients needing general anaesthetic for their dental treatment. These are mostly children and learning-disabled adults. There was already a waiting list of a year before the pandemic. Could the Minister inform the House how many patients are on this waiting list now? If the Minister does not have this information, could he please write to me? Do the Government have a plan to reduce this awful, and obviously very painful, waiting list?

Lord Bethell (Con): My Lords, I do not necessarily accept the dichotomy the noble Baroness refers to. I think it is reasonable for dentists to triage patients between those who can be treated with either advice, analgesics or antibiotics, and therefore do not need

face-to-face contact, and those who need to be prioritised to, for example, the urgent dental care centres. I commend the dental profession for making good choices in that area. With regard to the treatment of children using anaesthetics, those are not statistics I have to hand, but I would be glad to write to the noble Baroness with whatever information we have.

Baroness Jolly (LD) [V]: My Lords, when I inquired, none of the dentists in north and east Cornwall was able to offer an appointment for NHS dentistry, so I know to my cost that private treatment is expensive. Would the Minister tell the people of Cornwall, whose earnings are below both regional and national averages, what should be done about this lack of NHS dentists in remote areas, leaving patients untreated, in pain and often resorting to self-care?

Lord Bethell (Con): My Lords, as I said earlier, 88% of NHS dentists are open. I was at an NHS dentist earlier today, and I pay tribute to all those dentists that are open. I do not know the specific situation in north and east Cornwall, but those in acute pain have access to the 695 urgent dental care centres, which are around England. I have enormous sympathy for those who have painful teeth, and I urge them to hunt down an appointment at one of those centres, where the service is excellent.

Lord Rogan (UUP) [V]: My Lords, official statistics show that the number of patients seen by general dental service dentists in Northern Ireland fell from 163,537 last February to just 8,825 in June, but rose again to 49,059 in September. With many of the current Covid restrictions having been put back in place since then, what discussions have UK Ministers had with their counterparts in Northern Ireland and the other devolved regions to encourage people to visit their dentist rather than suffer pain at home?

Lord Bethell (Con): My Lords, I am grateful for that account of the Northern Ireland statistics, which tell a very similar story to those in other parts of the United Kingdom. The noble Lord is entirely right that those statistics tell a story of the massive challenge dentists face in order to increase the number of appointments per day. We are looking at a number of measures to try to improve that, including ventilation, which was referred to earlier by the noble Baroness. Testing is another option we are looking at. We are trying to put in place the kind of pre-appointment and point-of-care testing that can protect both the employees of dental practices and their patients. I hope that will help accelerate improvement in this area.

The Lord Speaker (Lord Fowler): My Lords, I regret that the time allowed for this Question has elapsed. We now come to the third Oral Question.

Schools: Online Teaching Question

12.41 pm

Asked by **Lord Blunkett**

To ask Her Majesty's Government what estimate they have made of the number of children who are not eligible for face-to-face teaching who have not

been able to access online teaching for more than 80 per cent of the normal timetable in (1) primary, and (2) secondary, schools in England since 5 January 2021.

The Parliamentary Under-Secretary of State, Department for Education and Department for International Trade (Baroness Berridge) (Con): My Lords, the Government are investing more than £400 million to support access to remote education and online social care services, including securing 1.3 million laptops and tablets for disadvantaged children and young people. We have estimated the need based on the number of year 3 to year 13 pupils in England eligible for free school meals, which equates to 1.3 million. We have delivered more than 980,000 laptops and tablets to schools, trusts, local authorities and FE institutions to date.

Lord Blunkett (Lab): While leaving aside the fact that the noble Baroness has not answered my Question, I do welcome the appointment of Sir Kevan Collins to co-ordinate recovery. Does the Minister not agree that it would be sensible to lift the 25% requirement on schools in order to access the national tutoring programme, to decentralise funding for recovery and to give specific priority to those children with special educational needs who have lost out so grievously over the last 10 months?

Baroness Berridge (Con): My Lords, schools will be provided with £650 million as part of the Covid catch-up. Within that, schools can allocate funding to pay 25% of the subsidised cost of the National Tutoring Programme Tuition Partners, but the noble Lord will also be aware that Teach First has nearly 700 academic mentors currently in schools or working remotely. That is, of course, localised provision and they are the employees of those schools.

Lord Austin of Dudley (Non-Aff) [V]: Although the Government have spent more, the Sutton Trust says that just 5% of state school students have adequate access to devices for remote learning. Some 86% of private schools use online live lessons, compared with 50% in state schools, which is worse than last year. Only 26% of children in poorer homes do five hours' learning a day and more than eight out of 10 teachers think the attainment gap will increase—so this is a national crisis and the Government will have to spend much more to help children catch up.

Baroness Berridge (Con): My Lords, the Government have made clear that catch-up in education will be for the lifetime of this Parliament. For this financial year, £300 million more has been announced for tutoring, from early years through to 16 to 19 provision. Teachers should be in daily contact, monitoring whether children are accessing remote education. If they are particularly concerned about children accessing that, they can offer them a school place as a vulnerable child.

Lord Lucas (Con) [V]: My Lords, since it looks as if we will have to cater for children working from home for several years as new variants of the virus emerge, will the DfE make a virtue of this necessity and help all schools and their pupils to become fully online-enabled by the end of this academic year?

Baroness Berridge (Con): My Lords, since the pandemic began, 6,900 schools have access through the department's EdTech programme to get either Microsoft Education or Google Classroom—but my noble friend is correct that we hope this type of online access to the best education on offer in this country will become part of the system going forward. Obviously, the more than £400 million that has been invested is a great platform to build on.

Baroness Coussins (CB): My Lords, how many children of asylum seekers are unable to access online teaching? Will the Government encourage and fund schools and local authorities to deploy public service interpreters to help asylum seeker parents manage their children's home schooling?

Baroness Berridge (Con): My Lords, within the figure of 1.3 million that I outlined, there will, of course, be some children of asylum-seeking parents who are eligible for free school meals. It is an allocation per pupil, so if there are siblings who claim free school meals, that can be two laptops or tablets per household. Teachers should recognise that, if there are the type of barriers the noble Baroness refers to, they have discretion in those circumstances to classify the child as vulnerable and bring them into school.

Lord McConnell of Glenscorrodale (Lab): My Lords, on the issue of mobile data charges for children studying from home, the Minister very helpfully wrote to me after a previous Question, explaining that the Government's cap, agreed with mobile phone companies, applies only in England and not in the devolved nations. Did that happen because the UK Government did not negotiate for the whole of the UK, or did the Scottish Government and others turn down the opportunity to set a cap on mobile data charges for the children they are responsible for?

Baroness Berridge (Con): My Lords, all I can do is outline the very obvious point to the former First Minister of Scotland that education is, of course, a devolved matter—but, of course, we will assist the devolved Administrations to get the kind of deals we have got from many of the mobile phone providers. Noble Lords have been concerned about these issues and I am holding a specific briefing at 3 pm today that any noble Lords are welcome to join for more details on these provisions.

Baroness Garden of Frogmal (LD): My Lords, the Minister has told us of the vast number of computers the Government have made available to disadvantaged students, but can she say what success the national tutoring programme has had in training and tutoring both parents and children who may have no idea how to use the technology and, indeed, may not have access to suitable broadband?

Baroness Berridge (Con): My Lords, in relation to the National Tutoring Programme, there will be 13,000 tutors available to more than 100,000 students. On the issues the noble Baroness refers to, teachers are obviously

[BARONESS BERRIDGE]

the front-line staff and I give credit to the many teachers who are doing their best to assist parents who are not confident in using this technology, literally by a phone call to walk them through, step by step, to ensure that the child can get that type of access. The majority of the national tutoring partners can work remotely as well.

Baroness Wyld (Con) [V]: My Lords, I declare that I am a non-executive member of the board of Ofsted. In addition to concerns about formal education, all children and young people are currently missing out on fresh air, exercise and social interaction with their friends. We all know that the Government are making incredibly difficult decisions about easing restrictions, but will the Minister make the case for outside, organised sport to be able to resume? When schools do return, would it be at all possible for play dates to resume, albeit within classroom bubbles if necessary?

Baroness Berridge (Con): My Lords, we all await with bated breath 22 February, the date on which the Prime Minister will announce the review of the lockdown, but I am sure my noble friend will be pleased to hear that Sir Kevan Collins, the catch-up ambassador, has outlined that he views catch-up as encompassing physical education and mental well-being, as well as educational catch-up. But I will take back my noble friend's views on the importance of outdoor education.

Lord Watson of Invergowrie (Lab) [V]: My Lords, the Government's new Education Recovery Commissioner, just referred to by the Minister, has said that schools could be working to help children make up for lost education for at least five years. That underscores the importance of a long-term strategy for all pupils, but particularly for those from disadvantaged families, who have received far less support during lockdown. There has been little discussion of a post-Covid digital strategy, and a longer-term approach will require universal access to digital learning well beyond the pandemic. What steps are the Government taking to ensure that every young person has a device and access to data and online education resources going forward, to counter the effects of the digital divide that the pandemic has exposed?

Baroness Berridge (Con): My Lords, we are looking at the catch-up in the short, medium and long term. As I have said, it is for the lifetime of this Parliament. In the short term, looking to this summer, that means summer schools and some form of Covid premium. On digital, DDCMS is allocating funding so that areas of the country where there is no access to broadband can get on to broadband. Yes, we recognise that a digital strategy for education will be needed going forward—it will be one of the inadvertent positive outcomes of the pandemic.

Baroness Watkins of Tavistock (CB) [V]: My Lords, could the Minister comment on the challenges facing parents with four children studying from home and maybe only one tablet in the household when schools are unable to match the timetable so that those four

children can access their online lessons? Will she consider enabling some students to repeat a year as a result of those challenges?

Baroness Berridge (Con): My Lords, all the large structural issues, such as extending the school day, extending the school year and repeating a year, are matters that need to be considered. As I have outlined, if those four children are all eligible for free school meals—as 1.3 million are—a school is able to allocate four devices. It is a matter for schools and FE colleges, and we trust them to be able to identify the right students who need access to devices.

Baroness Fall (Con) [V]: My Lords, the impact of school closures has hit a generation of children and has hit those who cannot access online resources hardest of all. We should have identified this problem right back in the first lockdown. But, looking ahead, are Ministers doing all they can to make sure that the surge of support from charities and businesses to offer laptops is going forward to children and not being hindered by red tape? Secondly, in recognising that digital poverty is unfortunately likely to stay with us for some time, can I ask that they consider that those children without access to online teaching should be eligible for face-to-face learning in case of a future lockdown?

Baroness Berridge (Con): My Lords, the students the noble Baroness outlines would be eligible to be classified as vulnerable children. We applaud the local and national campaigns, particularly those around refurbishing laptops. Obviously, the Government wanted to purchase new devices and did so in a very disrupted supply chain last year, and we are a huge customer for that sector. We applaud the *Daily Mail* campaign whereby businesses are giving refurbished laptops. Indeed, they are using the same distribution portal as our scheme so that schools can get access to those as well, which I hope deals with the red tape outlined by the noble Baroness.

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

Refugees: Napier Barracks Question

12.52 pm

Asked by **Lord Dubs**

To ask Her Majesty's Government what assessment they have made of the living conditions for refugees in Napier Barracks.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, throughout the pandemic, the asylum system has faced significant pressures, and it has become necessary to use additional temporary accommodation to ensure that we meet our statutory obligations at all times. The Government provide destitute

asylum seekers with accommodation that is fit for purpose and correctly equipped in line with existing asylum accommodation standards and contractual requirements.

Lord Dubs (Lab) [V]: My Lords, since I had a brief discussion with the Minister a few days ago about this issue, I have learned far more about what is going on. Surely it is unacceptable that asylum seekers—some of whom have suffered dreadfully, including from torture—should be held in conditions where Covid sufferers cannot self-isolate, where there is inadequate medical attention or support, and where there is a lack of hot food and hot water. Surely the Home Office should not be opening more barracks but should be finding decent accommodation for such vulnerable people.

Baroness Williams of Trafford (Con): My Lords, I would reject the description of “decent accommodation”—this accommodation has served our Armed Forces. We are mangling any outbreaks in line with Covid guidance, and everyone staying at those barracks has a decent standard of living, including heat, food and accommodation.

Lord Randall of Uxbridge (Con) [V]: My Lords, the health of those accommodated in the barracks obviously must be paramount. Can my noble friend confirm that Public Health England has been closely consulted throughout this period? Can she also agree that the use of these barracks will be a temporary facility only, and that they are not really suitable for long periods? Perhaps she will share my hope that, with a reformed asylum system, the swift processing of applications will enable us to avoid using this type of facility in the future.

Baroness Williams of Trafford (Con): I repeat the point I just made to the noble Lord, Lord Dubs, about the accommodation being good enough for our Armed Forces. I underline that the accommodation is safe, warm, fit for purpose and of an appropriate standard, with three meals provided a day. To put the current demand for asylum accommodation into context, back in 2019 the accommodation asylum population was broadly static at about 47,000, but, as of December last year, we now accommodate in excess of 61,000 people.

Baroness Meacher (CB) [V]: My Lords, I fear that the Minister has been misinformed for her responses, as the information on the ground is very different, but that is not her fault. It seems that the Home Office is planning to use disused Army barracks such as Napier increasingly to house traumatised and, as the noble Lord, Lord Dubs, said, often tortured asylum seekers for whom prison conditions—as conditions in Napier are described—induce untold suffering, mental health crises and, indeed, suicide attempts. Can the Minister tell the House when Napier will be closed, as it needs to be, and assure the House that barracks will not be used as accommodation to house traumatised asylum seekers in the future?

Baroness Williams of Trafford (Con): I must say to the noble Baroness that the people at Napier are not being detained. I must underline that point very clearly: they are not being detained. I have been through the

standards of the accommodation with noble Lords already. In terms of trauma, the access to healthcare in the barracks is of a very high standard. We have a nurse on call from Monday to Friday, nine to five, and out-of-hours healthcare, dental provision and emergency healthcare are available as well. I would reject some of the statements being made by noble Lords.

Lord Boateng (Lab) [V]: My Lords, Churches Together in Folkestone is providing invaluable support to residents of the barracks. The local MPs of all parties and the Bishop of Dover—well known to Members of your Lordships’ House—have all expressed concerns about the appalling conditions at the barracks and called for its closure. Two judgments have been made recently whereby residents have been extracted from the barracks because of their vulnerability. When were the barracks last inspected independently or visited by a Minister? If this has not occurred, can the Minister, who we know is concerned about these issues, assure us that such an independent inspection or visit will soon take place?

Baroness Williams of Trafford (Con): My Lords, I am not sure when a Minister last went in. I would suggest that at this current time, during a pandemic, it might not be the best thing for a Minister to go into the premises. But I can assure the noble Lord that HMIP is going in to do an inspection.

Lord Roberts of Llandudno (LD) [V]: [*Inaudible*]—accommodation is entirely adequate. Since then, over 100 of these people—[*Inaudible*.]

The Lord Speaker (Lord Fowler): I am very sorry, Lord Roberts, but I am afraid we cannot hear you. I am going to pass on, if I may, to the noble Lord, Lord Kennedy of Southwark.

Lord Kennedy of Southwark (Lab Co-op): My Lords, I have never been to Napier barracks but, in the past, I have seen accommodation we have provided to our servicepeople in other parts of the United Kingdom. In many cases, it is not of a very high standard, which is very disappointing. Can the noble Baroness justify to the House how we can be sure that this is good-quality accommodation? Do we not have here a public health disaster made in the Home Office?

Baroness Williams of Trafford (Con): I can say to the noble Lord that, first, we are working very closely with public health authorities. Secondly, on the various aspects by which you might judge how people are living, there is drinking water, including bottled water, and three meals a day, two of them hot. I have gone through the healthcare provisions, and legal advice is also available. There is wi-fi on site, and everyone has a phone.

Lord Balfé (Con): The Minister has outlined the very large increase in the number of people in this sort of accommodation, and I accept that the Minister and the Government are doing their best. The one thing that they are failing on is the number of people who are getting into the country as illegal migrants. What I would like to hear from the department is that Napier

[LORD BALFE]

barracks is closed because we have got a grip on illegal migration. Can the Minister promise us that that is also a priority?

Baroness Williams of Trafford (Con): I can echo the words of my right honourable friend the Home Secretary, who has said that the asylum system is broken. Over the next few months, we will see how we will change the immigration and asylum process to be firm and fair, while ensuring that it absolutely clamps down on those facilitators of illegal migration, who are criminals.

Lord Kerr of Kinlochard (CB) [V]: The 600-plus people in Napier and Penally are only the unacceptable tip of an unacceptable iceberg of over 60,000 asylum seekers now waiting for an initial decision on their case. They are not allowed to work, they are expected to survive on less than £40 a week, and three-quarters of them have been waiting for more than six months. It is not just the virus; the numbers more than doubled in the two years before the virus struck. As the Minister said, it is the system that is broken. NGOs such as the Refugee Council—I declare my interest as a trustee—try to mitigate the consequences, but only the Government can mend the system. Can the Minister assure us that the Government now intend to act to make the asylum system fair?

Baroness Williams of Trafford (Con): I refer the noble Lord back to the answer that I have just gave to my noble friend Lord Balfe, and the answer is yes.

Baroness Goudie (Lab) [V]: On 28 January I asked the Minister what conditions in the barracks were like, and she assured me that they were fit for purpose. In the last few days and weeks we have seen articles in the newspapers and on the news—these barracks are not fit for purpose and we should do our utmost to find other accommodation, remembering that at some point these asylum seekers will become citizens of Great Britain, or they will go elsewhere. What will they think of us as a nation and the way we have treated them?

Baroness Williams of Trafford (Con): I think I have probably answered the noble Baroness's question but, absolutely, there has been additional demand on the system, and we have accommodated it. However, to go back to what the noble Lord, Lord Kerr, said, we need to process those claims as and when it is safe to do so and either grant people asylum or return them to their country of origin.

The Lord Speaker (Lord Fowler): My Lords, the time allowed for this Question has elapsed and we now move to the Private Notice Question.

Operation Midland

Private Notice Question

1.04 pm

Asked by **Lord Lexden**

To ask Her Majesty's Government how many officers of the Metropolitan Police have been disciplined in connection with Operation Midland since the

publication of the report by Sir Richard Henriques *The Independent Review of the Metropolitan Police Service's handling of nonrecent sexual offence investigations alleged against persons of public prominence*, on 4 October 2019.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, disciplinary action against individual officers is a matter for forces. However, my noble friend will be aware that, following Operation Kentia's investigation into the five officers referred to it in connection with Operation Midland, the IOPC found organisational failings and issued 16 learning recommendations but found that none of the officers had a case for misconduct.

Lord Lexden (Con): My Lords, who could fail to be moved by the following dignified yet devastating words:

"I've always believed that a strong moral compass is essential to every public body and especially to police forces, and above all, to its leadership ... However, it just seems to me the Metropolitan Police has preferred its corporate or personal ambitions to a strong moral compass."

Those are the words of Lady Brittan who, with the husband to whom she was devoted, our former colleague and the former Home Secretary, Lord Brittan, suffered grievously at the hands of policemen who failed to adhere to the law they had sworn to uphold. The House will not have forgotten other distinguished public figures who had their reputations traduced. Almost exactly a year ago I asked in this House:

"Is it not shocking that not a single police officer has been called to account for the catalogue of errors laid bare in Sir Richard Henriques's report on Operation Midland, while some of those involved have been promoted to high rank?"—[*Official Report*, 3/2/20; col. 1613.]

I got no answer. I therefore ask the Government that question again today. Do they not understand that it is their duty to act, and act now?

Baroness Williams of Trafford (Con): My Lords, the IOPC has declined to investigate the matters to which my noble friend refers. With regard to higher rank, I assume he is referring to the commissioner, whose term ends in April 2022. Of course, the decision on appointment following that will be a matter for the Home Secretary and the Mayor of London.

Lord Rosser (Lab) [V]: Those impacted by Operation Midland, and their families, were caused great distress by failings in the operation. However, it is also the case that our justice system continues to badly let down victims of sexual abuse, with prosecutions for rape at an inexcusable low. Do the Government agree with Her Majesty's Inspectorate of Constabulary in its report last year on the response of the Metropolitan Police Service to the Henriques report, that

"The police have a responsibility to encourage victims to come forward—and that means creating a sense of public confidence that complaints will be taken seriously."

A great number of legitimate victims came forward following the high-profile case of Jimmy Savile. Are the Government satisfied that enough is now being done to encourage victims of sexual abuse to report such crimes, and what work is being urgently done to

improve prosecution rates since victims of both non-recent and more recent sexual abuse deserve justice, and those who committed the offences should receive justice?

Baroness Williams of Trafford (Con): The noble Lord makes a valid point. This is all about victims. It is important that victims come forward—so often they have not. When we look back at past times, perhaps when I was a child, and some of the subsequent cases that have come to light, it is clear that victims were consistently failed, certainly in the area of child sexual abuse.

Lord Paddick (LD) [V]: Lord Brittan's accuser was interviewed by Wiltshire Police before he was interviewed by the Metropolitan Police, and he wrote blogs about the alleged incidents. Sir Richard Henriques found numerous inconsistencies between his Wiltshire interviews, his blogs and his MPS interviews, yet the information on the search warrant used to invade Diana, Lady Brittan's home stated:

"His account has remained consistent and he is felt to be a credible witness who is telling the truth."

How can the Home Office sit on the sidelines in the face of such evidence and the suffering of Lady Brittan?

Baroness Williams of Trafford (Con): My Lords, I do not undermine the suffering of Lady Brittan but, with regards to the individual to whom the noble Lord refers, a remedy was sought. That individual was convicted of perverting the course of justice, and now sits in prison.

Baroness Sanderson of Welton (Con): My Lords, I refer to my interests as set out in the register. There is little doubting the terrible damage done to all those targeted by Operation Midland, but I make the point that these false allegations also harm the real victims of child sexual abuse, of which there are many. How many convictions have there been to date for historical child sexual abuse?

Baroness Williams of Trafford (Con): First, I totally agree with my noble friend about false allegations harming the actual victims, which has never been raised in your Lordships' House before. On historic convictions for non-recent child sexual abuse allegations, since 2015 there have been almost 5,000. Those are the victims we should really be thinking about.

The Duke of Wellington (CB) [V]: My Lords, I should first refer to the fact that I was a personal friend of the late Lord Brittan for 40 years; indeed, my father was a friend of the late Lord Bramall. I have the greatest sympathy for our much respected Minister having to answer questions on this matter, but we have all been deeply disturbed by the reports of the interview with Lady Brittan, and I wonder whether the Minister would be prepared to meet her and the family of Lord Bramall to hear their concerns and look into this matter again. It is very disturbing, and I am sure I speak for all Members of the House in saying that.

Baroness Williams of Trafford (Con): My Lords, I have met the family of Lord Janner. I am not sure that it would be appropriate at this point to meet Lady Brittan,

which does not mean that my sympathy for her is any diminished from what it is for anybody whose family member has been falsely accused of something they did not do.

Lord Davies of Gower (Con) [V]: My Lords, I declare an interest as a former Metropolitan Police officer. The inexcusable and hapless supervision of this matter from the very top of a once proud and competent investigative organisation has left a trail of victims feeling very hurt and bitter. Spurred on by unforgivable political interference, those supervising and having overall responsibility for this investigation permitted uncorroborated evidence from a now disgraced fabricator of evidence to be believed and invested in. That fact speaks volumes for the lack of management and detective ability of those at the top of the organisation at the time, who have now been allowed to move on to more prominent roles. Are we to understand that the Home Office, as the lead government department for policing, is content for this stigma to fester; and is it not time to review the downward spiral of detective recruitment and training in the Metropolitan Police?

Baroness Williams of Trafford (Con): I agree with my noble friend that anybody who has been falsely accused or caught up in some of the inadequacies of investigations has my absolute sympathy, because it ruins lives; but in terms of remedy of institutional failures, we currently have the IICSA inquiry, and I hope that that will bring some sort of closure to the families and people affected by those institutional failures.

Lord Ramsbotham (CB) [V]: My Lords, I cannot resist asking the Minister whether the police treatment of the late Lord Bramall will ever be repeated.

Baroness Williams of Trafford (Con): My Lords, over the past few years, we have learned many lessons about what went wrong in a number of those cases. As I said, IICSA continues its inquiry. I hope that nothing like this ever happens again.

Lord Mackay of Clashfern (Con) [V]: My Lords, when this report was commissioned, was it done for the purpose of preventing a repetition of what had happened; to consider the possible discipline required as a result; or did it include both?

Baroness Williams of Trafford (Con): My Lords, its primary focus was to learn the lessons of what went wrong during that period so that those mistakes would never be repeated. Obviously, the IOPC then declined to investigate further.

Lord Garnier (Con) [V]: My Lords, Lord Brittan demonstrated that it is possible to maintain one's dignity in adversity. In the last months of his life, he was cruelly assailed by baseless allegations made by malicious users that would have broken healthy men. It is sad that he did not live to witness his own exoneration and that his widow is still troubled by the acts and omissions of the police identified by the Henriques report. Does my noble friend agree that police officers who have taken an oath to uphold the

[LORD GARNIER]

law but who suborn it by perverting the course of justice by deliberately misleading a judge should not just be investigated for misconduct but prosecuted?

Baroness Williams of Trafford (Con): My Lords, as I said, the IOPC has declined to investigate in certain areas. I know that certain cases have been given to Merseyside, as a separate force, to investigate, but it is sad that Lord Brittan did not get to see his name cleared and I understand the grief that his widow will be going through.

Baroness Stuart of Edgbaston (Non-Afl) [V]: My Lords, I take the Minister back to the question asked earlier by the noble Lord, Lord Paddick. It was quite clear that different evidence was given to Wiltshire Police from later on. Experienced police officers should therefore have noticed a difference in the reliability of the witness much earlier. We have here an institutional as well as an individual failure. Although the person referred to at that stage as Nick has since been prosecuted, why has no officer been held accountable for their failure, which was so clear, obvious and well documented?

Baroness Williams of Trafford (Con): My Lords, I have given that answer several times now. Obviously, disciplinary action against an individual officer is a matter for forces; we have IICSA's current inquiry into institutional failures and we have had a number of inquiries into different matters regarding the issues raised this afternoon.

Lord Berkeley of Knighton (CB) [V]: My Lords, I have great sympathy with a lot of the views that we have heard, but I will try to look optimistically forward. I know that the Minister and her department have been looking at the whole question of whether anonymity should be given until a charge is made, and I wonder whether she could fill us in on where we are on that, what are her views and how that might help to prevent this happening again.

Baroness Williams of Trafford (Con): We have discussed this a lot in your Lordships' House. There is a presumption of anonymity, and that is absolutely right. There are occasions when names may be given out to bring forward further evidence. The Jimmy Savile case was a classic case in point. Quite often, it is not the police, the Home Office or anyone but the media who gives out names.

Lord Hayward (Con): My Lords, first, I declare an interest in that Paul Gambaccini is, I am pleased to say, a close personal friend. I am also conscious that the Metropolitan Police on occasion, when investigating such cases, has clearly shown its ability and impartiality, which is not reflected here. I come back to the Henriques report. Will that and similar reports be taken into consideration by the Home Office in future for any appointments and promotions? Many of us consider that necessary for this report.

Baroness Williams of Trafford (Con): My Lords, it depends which promotions the noble Lord is talking about, but recruitment within the police is done by the

police; recruitment of the commissioner, as I said, is done by the Home Secretary in conjunction with the Mayor of London.

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

Social Security Benefits Up-rating Order 2021

Guaranteed Minimum Pensions Increase Order 2021

Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2021

Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) (Amendment) Regulations 2021

Motions to Approve

1.20 pm

Moved by The Earl of Courtown

That the draft orders and regulations laid before the House on 10 and 14 January be approved. *Considered in Grand Committee on 10 February*

Motions agreed.

Bank for International Settlements (Immunities and Privileges) Order 2021

Motion to Approve

1.21 pm

Moved by Lord Ahmad of Wimbledon

That the draft order laid before the House on 11 January be approved. *Considered in Grand Committee on 10 February*

Motion agreed.

Electronic Commerce Directive (Education, Adoption and Children) (Amendment etc.) Regulations 2021

Motion to Approve

1.21 pm

Moved by The Earl of Courtown

That the draft regulations laid before the House on 18 January be approved.

Relevant documents: 44th Report from the Secondary Legislation Scrutiny Committee. Considered in Grand Committee on 10 February

Motion agreed.

Financial Services Bill

Order of Consideration Motion

1.22 pm

Moved by The Earl of Courtown

That it be an instruction to the Grand Committee to which the Financial Services Bill has been committed that they consider the bill in the following order:

Clause 1, Schedule 1, Clause 2, Schedule 2, Clauses 3 to 5, Schedule 3, Clauses 6 and 7, Schedule 4, Clauses 8 to 21, Schedule 5, Clause 22, Schedules 6 to 8, Clauses 23 and 24, Schedule 9, Clauses 25 to 27, Schedule 10, Clause 28, Schedule 11, Clauses 29 to 32, Schedule 12, Clauses 33 to 46, Title.

Motion agreed.

Myanmar *Statement*

The following Statement was made in the House of Commons on Tuesday 2 February.

“I would like to update the House on the situation in Myanmar. On Sunday evening, Myanmar’s armed forces, the Tatmadaw, seized control of the country, declaring a state of emergency in the early hours of Monday morning. The country is now under the effective control of the commander-in-chief and the military Vice-President, Myint Swe. At around 0200 local time on 1 February, the Tatmadaw began detaining politicians and civil society leaders across the country, including the democratically elected Aung Sang Suu Kyi and President U Win Myint. The Tatmadaw has said that this state of emergency will continue for a year.

The army has also taken control of the airports. Only military broadcasters are still on air, and phone lines and the internet remain at risk of being disconnected again. The military’s actions follow on from its accusations of fraud during November’s election. Aung San Suu Kyi and the National League for Democracy won by a landslide and the military-backed Union Solidarity and Development Party’s share was drastically reduced. While there were significant concerns about the disfranchisement of minority groups such as the Rohingya, there are no suggestions of widespread irregularities. International observers, such as the Carter Center and the Asian Network for Free Elections, found no evidence of significant irregularities in the elections. As such, the United Kingdom considers the election result to credibly reflect the will of the people and that Aung San Suu Kyi’s National League for Democracy party is the rightful winner of the election.

The commander-in-chief has indicated an intention to hold new elections to replace the results of those in November 2020. Any dispute regarding the election results should be resolved through peaceful and lawful mechanisms. The Myanmar Supreme Court is hearing a case on alleged irregularities but has not yet decided whether it has jurisdiction. The reports today of the arrest of the chair of the Union Election Commission are deeply concerning.

The events of Sunday night have filled us all with a profound sense of revulsion and sadness. Our thoughts are with the people of Myanmar, who have once again

been robbed of their inherent democratic rights. The elections in 2020, though by no means perfect, were an important step on Myanmar’s path to democracy. We and others welcomed them as a strong endorsement of Myanmar’s desire for a democratic future. Myanmar’s transition has been troubled, with a constitution rigged in favour of the military, a campaign of atrocities and systematic discrimination against the Rohingya and other minorities, and a faltering peace process.

This coup threatens to set Myanmar’s progress back by years—potentially decades. As such, we are clear in our condemnation of this coup, the state of emergency imposed in Myanmar and the unlawful detention of democratically elected politicians and civil society by the military. The Prime Minister and the Foreign Secretary both issued statements to this effect on Monday morning. It is essential that Aung San Suu Kyi and all those unlawfully detained are released. We must receive assurances that their safety, well-being and rights are being respected. The state of emergency must be repealed, arbitrary detentions reversed, the outcome of the democratic elections respected and the national assembly peacefully reconvened. We are aware that there is a risk that demonstrations could provoke a violent response, taking Myanmar back to the dark days of the 1988 uprising or the 2007 saffron revolution, in which scores of civilians were killed.

As for the UK response, we are pursuing all levers to ensure a peaceful return to democracy. First, we have made representations at the highest level within Myanmar to encourage all sides to resolve disputes in a peaceful and legal manner. The Foreign Secretary had a call scheduled for later this week with Aung San Suu Kyi prior to her detention. We are clear in our demands that this call goes ahead and we hope that it will serve as an opportunity to confirm her safety. I formally summoned Myanmar’s ambassador to the UK to the Foreign Office yesterday. In the meeting, I condemned the military coup and the arbitrary detention of civilians, including Aung San Suu Kyi, and made it clear that the democratic wishes of the people of Myanmar must be respected, and the elected national assembly peacefully reconvened. We are doing all we can, working with those in Myanmar, to support a peaceful resolution to this crisis.

Secondly, the international community has a role to play. We are engaging with partners globally and in the region to help to align objectives and find a resolution to the crisis. We will work through multilateral fora to ensure a strong and co-ordinated international response. As president, the Foreign Secretary is co-ordinating G7 partners on its response, aiming to build on its quick statement last week on Navalny. The UK has urgently convened the UN Security Council, which will meet later today. As a champion of the rules-based international order and democratic government, we are driving the international response, including in our role as president of both the G7 and the UN Security Council, urging the military to immediately hand back power to the Government who were legitimately elected in November 2020. The Association of Southeast Asian Nations also has an important role to play, as do the principles of the ASEAN charter, including the rule of law, good governance, and the principles of democracy and constitutional government. We continue to engage

[THE EARL OF COURTOWN]

with ASEAN partners to support a regional response, and I held a meeting with the Thai Vice-Foreign Minister this morning.

Thirdly, it is the military's actions that instigated this coup. The UK already has a number of measures in place in response to the military's past and ongoing atrocities. On 19 September 2017, the UK announced the suspension of all defence engagement and training with the Myanmar military by the Ministry of Defence until there is a satisfactory resolution to the situation in Rakhine. The MoD no longer has a defence section in Yangon. The United Kingdom has already imposed sanctions on 16 individuals responsible for human rights violations in Myanmar. We sanctioned all six individuals named by the UN fact-finding mission report, including the commander-in-chief and his deputy, who are the architects of the current political situation and who also have the power to de-escalate the crisis and restore democracy. We will assess how best to engage with the military, if at all. We have also enhanced private sector due diligence to prevent UK funds from going to military-owned companies.

The UK does not provide direct financial aid to the Myanmar Government, but we provide some targeted support, working through other international organisations and multilateral bodies. In the light of the coup, the Foreign Secretary has today announced a review of all such indirect support involving the Myanmar Government, with a view to suspending it unless there are exceptional humanitarian reasons. It is important that our response holds the military accountable.

We will continue to support the people of Myanmar. We will continue leading the international response to this crisis and calling on the military leaders in Myanmar to relent, revoke the state of emergency, release members of the civilian Government and civil society, including State Counsellor Aung San Suu Kyi and President Win Myint, reconvene the elected national assembly, respect the results of the November 2020 general election, and accept the expressed wishes of the people of Myanmar. I commend the statement to the House."

1.22 pm

Lord Collins of Highbury (Lab): My Lords, this appalling action by Myanmar's military leaders represents a flagrant breach of the country's constitution and fundamentally undermines the democratic right of its people to determine their own future.

In the week since this Statement was first made, we have seen the people of Myanmar take to the streets to demand democracy. The police are now using rubber bullets, tear gas and water cannons against these peaceful protesters. Many of those brave people have tweeted their own experiences, which I have seen. On the subject of social media, I hope that the Government will look again at how the UK's CDC has been investing in Myanmar telecoms companies that have been complying with the country's government-ordered repression and blockages of internet sites. They are now, of course, being used by the military in the coup.

As the military acts on its warning of violent response, the UK is the penholder of Myanmar at the Security Council and has a responsibility to stand up for democracy and against the coup. I welcome the speedy action in

convening the UN Security Council and the consensus in calling for democracy, freedom and human rights. However, those words must now be built upon. Can the Minister confirm whether the UK intends to bring forward further resolutions to the council?

Yesterday, President Biden issued an executive order enabling his Administration to immediately sanction the military leaders who directed the coup, their business interests, as well as close family members. The first round of targets would be identified this week and steps were being taken to prevent the generals having access to \$1 billion of Myanmar government funds held in the US, which will also impose strong export controls and freeze US assets that benefit the Myanmar Government, while at the same time maintaining support for healthcare, civil society groups and other areas that benefit the people of Myanmar directly. About an hour ago, I saw Dominic Raab's tweet welcoming President Biden's actions but not committing to following him. What practical steps have the Government taken to mirror and support our US ally in its actions? What are we doing to ensure, as President Biden asked, that other allies back those sorts of actions?

Across the UN system, there is much more that the UK can do to hold the Myanmar military to account. At the International Court of Justice, the UK Government, unlike Canada and the Netherlands, have refused to join the genocide case brought by the Government of Gambia against Myanmar, which would have raised international awareness of that crucial issue. In recent days, the UN special rapporteur on human rights in Myanmar has called for a special session of the Human Rights Council. Does the UK intend to pursue such a session by utilising our seat on the council? Given concerns that the military is following through with its threats of a violent response to the peaceful demonstrations, can the Minister say how we will work with our allies to analyse the reports from those protests to ensure that the international community can most effectively respond to any such repression and hold those people responsible to account?

This House will be aware that there was a leaked FCDO assessment this week showing that the Government are concerned by the prospect of violence in Myanmar. As the UN penholder and president of the Security Council, it falls to the UK to lead. I hope that the noble Lord the Minister will outline a comprehensive strategy today for confronting the intolerable actions of the Myanmar military.

Baroness Northover (LD): My Lords, I thank the noble Lord the Minister for bringing this Statement to the House.

It is, indeed, extremely concerning that once again the military has taken over Myanmar. The military says that this is because of irregularities in the elections, even though, as the Government and others have said, there is no evidence of significant problems in an election that delivered an overwhelming majority to the civilian Government. Once again, we see the damage done when, in liberal democracies, leaders say that elections in their own territories are fraudulent, when there is no evidence of that, or they seek to break international law, even in a "limited way". We need to rebuild respect for the rule of law globally.

The Government are right to say that this coup threatens Myanmar's recent progress. There have been widespread demonstrations and we are beginning to see the army take more aggressive action, for example with the use of rubber bullets and, it seems, live rounds. A couple of days ago a woman was shot in the head and critically injured. Can the noble Lord update us on how the Government see the perceived risk of army brutality being unleashed on the protestors? Do the Government think that the military leaders in Myanmar are confident that their army will fully support them, given such widespread opposition, especially among young people? We hear that some police have crossed over to join the protestors. Now we hear of a draconian new cybersecurity law being fast-tracked, which would force internet and mobile phone providers to share their user data, which is extremely worrying. Can the noble Lord comment?

Can the Minister also comment on what role China is playing in Myanmar, following on from what the noble Lord, Lord Collins, asked? It is perhaps not surprising that China blocked action in the UN Security Council but I am glad, as the noble Lord said, that the UK took that action. Popular protest is not something that the Chinese Government could easily condone but we gather that they are playing a more significant role in Myanmar, which they jealously guard as "their" neighbourhood.

What is happening on the Thai border? What is the attitude of the Thai Government—also under great pressure—with protests against authoritarianism there? We will need to work proactively with others if we are to help to protect the many demonstrators from a brutal crackdown.

One key recommendation is that we should work with others to sanction military companies. The military earns a great deal from its businesses; this has funded its attacks, including this coup. The UN fact-finding mission had already recommended that sanctions be put on military companies even before this coup. I am aware that the UK put Magnitsky sanctions on 16 individuals in the Myanmar security forces. However, these freeze assets in the UK, which they do not have. I realise that these sanctions may send a warning to others in the region—they are important in that regard—but, in this case, they are not very effective in the case of Myanmar. Surely the Government, as president of the UN Security Council and the G7, should lead the way in terms of a widespread arms embargo on Myanmar. What are we doing, for example with our EU allies and others, on this or other strategies?

The US has just placed sanctions on those who led the coup. Is the UK engaging with the US on how to make such sanctions as effective as possible? Do the US plans include military companies? The asset freeze announced by the US on Myanmar Government assets in the US certainly sends a strong signal that this regime is illegitimate.

In addition, the UK should formally join the ICJ genocide case in The Hague; here, I agree with the noble Lord, Lord Collins. Can the Minister update us on that? The Government have said that they are considering it. Now is surely the time to do so.

Can the Minister also comment on the very vulnerable Rohingya and other minorities in this situation? What emerged from his discussions with the Bangladeshi Government last week? What preparations are being made in case of an increased outflow of refugees? We do not want borders closed, as we saw before, but we recognise Bangladesh's need and that the refugees need to be properly supported. As the Minister knows, more than 1 million Rohingya refugees have fled Myanmar over the past few years.

The military leaders in Myanmar's brutal assault against the Rohingya were described by the UN as a "textbook example of ethnic cleansing".

We cannot stand by and allow further such crimes to follow this coup. Can the Minister tell us what effect the Government's decision to cut the aid budget will have on their ability to sustain the level of humanitarian and development funding that has gone to Myanmar and is for the Rohingya refugees?

In this very worrying situation, I look forward to the Minister's response.

The Minister of State, Foreign, Commonwealth and Development Office (Lord Ahmad of Wimbledon) (Con): My Lords, first, I thank the noble Lord, Lord Collins, and the noble Baroness, Lady Northover, for their contributions. They rightly raised a series of issues, which I will seek to address.

In her remarks, the noble Baroness asked for an assessment of the current situation. As the noble Lord, Lord Collins, also noted, it is a week since we last discussed this matter. Let me assure both of them and your Lordships that we have been not just monitoring but acting. Clearly, the situation over the weekend of 6 and 7 February saw large-scale protests; the noble Baroness rightly pointed to the scale of them in both Naypyidaw and Yangon. Notably, we have seen largely—I use that word deliberately but carefully—peaceful protests.

The noble Baroness is quite right to note that, in many instances, the police have been restrained when many people perhaps expected otherwise. However, as the noble Baroness and the noble Lord said, we are concerned by further reports of crackdowns on protestors in Naypyidaw on 9 February, including, as the noble Lord noted, the firing of rubber bullets and the use of water cannons. It remains unclear whether the security forces discharged live rounds, although that was being reported. When I looked into this, I came across a particularly shocking case where, as has been widely reported, a lady was shot in the head.

On the noble Baroness's point about the cybersecurity law, I, too, have heard about proposed actions in that respect. She will have noted the internet blackouts that have taken place; we are concerned about these as they have made the flow of information in and out of the country that much more challenging. We are clear that internet services must be maintained and freedom of expression protected.

In that regard, I want to pick up on the point rightly made by the noble Lord, Lord Collins, about the CDC. The CDC carries out due diligence for every investment it makes, including in its contract with Frontiir. The investment was made to ensure low-cost internet availability and focused primarily on key areas,

[LORD AHMAD OF WIMBLEDON] including Yangon. In March, there was a Myanmar Government directive to all ISP providers to block websites, which Frontiir and others have followed. Of course, the UK has taken a number of steps over the censorship of websites, but I note carefully what the noble Lord said in this respect. It is part of our strategy to ensure that the internet is restored at the earliest possible opportunity. I would also add that the investment was made with the good intent of providing the most vulnerable people with internet access.

The noble Baroness and the noble Lord rightly mentioned the recent announcement from President Biden and his Administration. Indeed, my right honourable friend the Foreign Secretary tweeted this morning about our support for the actions taken. I know that if I were sitting on the other side of the Dispatch Box, I would find this frustrating at times, but let me say that we are looking actively at all the tools at our disposal.

The noble Baroness, Lady Northover, rightly noted the 16 sanctions. To put that in context, 14 of them have been directly rolled over and become applicable in UK law; this is part of what we led on with the EU. There were another two, most notably against the current commander-in-chief of the army and his deputy. They were part of the first tranche of global human rights sanctions that we introduced, and will also stay in place. The noble Baroness mentioned the UN fact-finding mission. Six specific individuals were named in it, and I assure her that all of them are part of the UK's current sanctions regime.

I note the point made in the context of both individuals and other organisations and firms. All I can say at this juncture is that we are of course looking at the actions of the United States. I come back to the point that this requires co-ordination. While signals may be sent, as I have said repeatedly—I know that the noble Baroness and the noble Lord share my views on this—it is when we act in conjunction with others that we see the best benefit against those we seek to target.

The noble Lord, Lord Collins, asked what actions the UK has taken. He rightly pointed out that we are penholders, particularly on the issue of the Rohingya. However, we are also the current president of the UN Security Council. In this regard, we convened a specific meeting on 4 February. I totally concur with the noble Baroness's assessment of the importance of China's role, not just in the current crisis but in terms of the continuing challenge of the situation and suffering of the Rohingya community. China has an important role to play. Through our bilateral engagement and engagement at the UN Security Council, we continually remind China of its important role in this respect. It was notable that, although there was no resolution, a statement was issued by the UN Security Council on the worrying nature of the events and military coup in Myanmar. We will continue to look at the situation during our presidency for the remainder of the month.

The noble Lord and the noble Baroness asked about the actions that we have taken, including at the UN Human Rights Council. Again, I, as the Human Rights Minister, have prioritised this. Together with our European Union colleagues—I somewhat expected

the noble Baroness to ask me about the EU, but I will proactively provide her with this information—we worked at the Human Rights Council and will convene a meeting tomorrow on the situation. Of course, we are formal members of the Human Rights Council as well.

On action by the International Court of Justice, which the noble Lord, Lord Collins, and the noble Baroness, Lady Northover, referred to, we are supportive of the Gambia's action. To put the UK's formal intervention into context, we are looking at that. A number of countries have stated their intention to intervene but are yet to do so. There is a structured process at the ICJ, part of which is for Myanmar to come back on what has been levied against it by the Gambia and others. I believe that Myanmar has responded, while the other countries which have said that they will formally intervene are now considering their position, as will we, to see when a formal intervention, which we would support, would be best suited to give greater credence to the role of the ICJ in this respect.

I hope I have responded to some of the specifics put to me. The noble Lord, Lord Collins, and the noble Baroness, Lady Northover, will appreciate that we are engaging on this issue proactively across our roles, including in the G7. They will both have noticed that on 3 February we issued a statement as part of the G7. We are using our role at the UN Security Council and the Human Rights Council. I would add one further piece of information. Through our ambassador, we have also attended a briefing with the military-appointed Foreign Minister. We used the occasion to communicate directly to that representative of the current military leaders of Myanmar who are in charge our unequivocal condemnation of the coup.

We join all countries in calling for the release of those who been arbitrarily detained, not least Aung San Suu Kyi. I shall pick up the point about elections raised by the noble Baroness. As we all know, some of these elections are not the most perfect one could imagine. Nevertheless, there were external observers, and it is not for the Myanmar military to call them into question, given the general reports. Putting the disenfranchisement of the Rohingya people to one side, others in the country participated fully and the result was conclusive. I can assure the noble Baroness and the noble Lord that, through engagements beyond the Chamber, I will continue to update them both about the ongoing situation and will seek to provide briefings in a timely manner.

The Deputy Speaker (The Earl of Kinnoull) (Non-Aff):

We now come to the 20 minutes allocated for Back-Bench questions. I ask that questions and answers be brief so that I can call the maximum number of questioners. I call the noble Baroness, Lady Helic.

1.42 pm

Baroness Helic (Con) [V]: My Lords, I thank my noble friend for the Statement and the update he has offered. There are immediate actions which must be taken. I draw his attention to those being taken by New Zealand. It has suspended all military and high-level political contact with the country, including a travel

ban on its military leaders. At the same time, we must look at this moment of crisis and recognise the depth of the challenges in Myanmar and to its fragile democracy. Progress will be impossible without action on a range of fronts, including on racial discrimination and violent conflict, true inequality and underdevelopment. I hope that our engagement with Myanmar will move beyond this immediate crisis to look at the endemic problems that the country has been suffering from.

Lord Ahmad of Wimbledon (Con): My Lords, I take on board what my noble friend said about the military and the need to look at the situation regarding the arms embargo. As she will be aware, the UK is a long-standing supporter of an arms embargo on Myanmar and, together with our EU colleagues, we played a key role in the embargo imposed following the 2017 Rohingya crisis. Since we left the EU, we have transitioned that into domestic law. My noble friend also made a broader point about the importance of stability in Myanmar. We are working in the region, particularly with ASEAN, which has an important role to play in this respect.

Baroness Falkner of Margravine (CB) [V]: My Lords, I noticed the Minister's warm words about co-operating with China and drawing the importance of this matter to its attention. However, does he accept that the military coup would have been impossible had the military, given its very strong relations with China, not been given the nod by the Chinese Government? This is another geostrategic win for China while the West stands by helpless. What long-term plans does the United Kingdom have to reform the United Nations Human Rights Council so that countries such as China, Russia and Saudi Arabia are prevented from making a mockery of global human rights?

Lord Ahmad of Wimbledon (Con): My Lords, the noble Baroness said that I have warm words for China; I was merely reiterating our practical engagement with that country. We should not forget that China is a P5 member of the UN Security Council. As I have said a number of times on various issues, where we have direct challenges with countries that are P5 members, we must continue to engage with them, albeit in very candid terms, through the international fora of which the UN Security Council is an important part. I strongly believe in doing this because I have seen for myself the benefits.

The noble Baroness also raised an important point about the Human Rights Council. I agree that there are members of the council which do not reflect in any way the value system we subscribe to. I can assure her that, through our engagement at the council, we look carefully at the human rights records of those countries that put themselves forward for election to the 47-strong membership. While the council is still not without its challenges, it provides a very useful forum in which to bring these issues to the fore at the top level of international diplomacy.

The Lord Bishop of Coventry: My Lords, will the Minister join me in paying tribute to the civic and religious leaders in Myanmar, including the respected Buddhist monk, Myawaddy Sayadaw, who is now in prison, and Cardinal Charles Bo, the Archbishop of

Yangon, whose published message last week spoke out strongly against the coup, called for the release of everyone who had been detained, and implored demonstrators to remain non-violent? Given the cardinal's words to the international community that

“Engaging the actors in reconciliation is the only path”, how are the Government, through the channels of communication to which the Minister referred, pressing the military to engage in a meaningful process of dialogue with the democracy movement? At the same time, to pick up on the point made by the noble Baroness, Lady Helic, how will a new peace process be pursued with the country's ethnic minorities, which could prevent an escalation in armed hostilities and lead to a genuinely inclusive political settlement for all stakeholders?

Lord Ahmad of Wimbledon (Con): My Lords, I join the right reverend Prelate in paying tribute to the courage of many voices in civilian society, including those of religious leaders who are calling for peace. The situation with the Rohingya underlines how religion can sometimes be used as a divisive tool used to target particular communities because of their faith or ethnicity. On the issue raised by the right reverend Prelate about engagement with the military, our assessment is that there is a real fear that, even under civilian administration, we can see the challenges as the situation plays out. I do not feel that, at the moment, we are on the cusp of any real hope of seeing a resolution of the internal civil issues confronting Myanmar. However, we will continue to work through all channels in pursuit of that common objective.

Baroness Goudie (Lab) [V]: My Lords, I declare my interest as a member of the All-Party Parliamentary Group on Democracy in Burma. The Minister has talked about sanctions by the United Kingdom. While those are welcome, they will be directed at individual members of the Tatmadaw. Does he agree that the brave activists in Burma need to see tangible action by the international community against the institution of the Tatmadaw? The best way to achieve that is not by withdrawing trade privileges and preferences, which would impact on ordinary Burmese people, but by robust and targeted sanctions on military-owned and controlled companies and their substantial business associates, including those around the world.

Lord Ahmad of Wimbledon (Con): My Lords, I can reassure the noble Baroness that the targeting of sanctions, as and when we impose them, is intended to identify the individuals and organisations responsible for the most egregious abuses of human rights. As I said in my response to the noble Lord, Lord Collins, and the noble Baroness, Lady Northover, we are keeping the situation very much under review. We have noted the actions that others have taken, most notably the United States.

Lord Campbell of Pittenweem (LD): My Lords, yesterday I sought to encourage the Minister to support President Biden on the issue of arms exports. It will therefore come as no surprise to him that I equally seek his support for President Biden's initiative on sanctions. But may I raise with him the question of live ammunition? In their discussions with the ambassador from Myanmar,

[LORD CAMPBELL OF PITTENWEEM]

have the British Government impressed on him that the mere presence of live ammunition carries the dangerous risk of misjudgment, potentially resulting in fatalities? Live ammunition should neither be on display nor should there be any question of it being used.

Lord Ahmad of Wimbledon (Con): I concur with the noble Lord. I assure him that we have called in the ambassador of Myanmar and conveyed to him that people's right to protest peacefully should be respected in Myanmar. We have also urged all forces, the police and military in particular, to exercise utmost restraint and to respect human rights and international law. As I said earlier, there have been reports of live ammunition being used, which is appalling, but I concur with the noble Lord's views.

Lord Howell of Guildford (Con) [V]: My Lords, both the Government's Statement made here and the measures announced by President Biden are encouragingly robust, but does my noble friend agree that sanctions that isolate Myanmar as a whole will merely drive it further into the arms of China? They should therefore rightly be targeted on military leaders, Magnitsky style, and the businesses that they control, as others have rightly argued. Does my noble friend also agree that this is the time for a strong Asian coalition? These steps must have the full support of Myanmar's main Asian investors, such as Japan. If China wants to regain any respect at all on the international stage, it should support or at least not counter these moves.

Lord Ahmad of Wimbledon (Con): My Lords, again, I assure my noble friend that I agree with him. Our challenge is not with the people of Myanmar and they should not be punished for the military coup. He is right to point out that our sanctions regime targets these specific individuals or organisations, which is the right approach. He also raises a key point about the region itself. We are working very closely with ASEAN partners on this. My colleague Minister Adams, who is responsible for that part of the world, has been speaking directly to counterparts across ASEAN to discuss how to respond to these events directly.

Viscount Waverley (CB): My Lords, this is an appalling state of affairs. Will the Government ensure that democracy must prevail, with severe consequences for coup leaders for not coming to the table immediately? I trust that we will convene a G7, and underpin and implement a new electoral world order, global standards and processes. I was pleased to hear the Minister refer to the G7. However, given that the probability of a coup was on the cards in the days prior, what representations and actions were taken by diplomats to avert this fiasco, including the assurance of continuous support for those brave and principled people of Myanmar who stood up for their rights, as also occurs elsewhere?

Lord Ahmad of Wimbledon (Con): My Lords, I assure you, and as I already alluded to, we are working on the ground through our ambassador. He is co-ordinating with other like-minded partners within country, and we are working directly with allies, such as the United States, ASEAN partners and others, to make the points that the noble Lord has just reflected on.

Baroness Ritchie of Downpatrick (Non-Aff) [V]: My Lords, could the Minister confirm whether the Government will work with other like-minded allies to impose a global arms embargo on Myanmar to underpin human rights, particularly as the UK has the presidency of the UN Security Council?

Lord Ahmad of Wimbledon (Con): My Lords, as I have already indicated, the UK is a long-standing supporter of the arms embargo and it is already being applied. Since we left the EU, we transitioned the arms embargo regime from the EU into UK law. The UK autonomous Myanmar sanctions regulations prohibit the provision of military-related services, including technical assistance to or for the benefit of the Myanmar military.

Lord Triesman (Lab) [V]: My Lords, my noble friend Lord Collins has already raised the question of the assets of the military leaders and the companies that they control. The point has been made by a number of noble Lords about the support of President Biden. I can say from overnight conversations that President Biden's Administration are looking very hard at what steps we propose to take, in the same light. The Minister said that we were looking at all the tools and that he feared he would frustrate us in not answering on them, but I know that he is a man of great integrity. What do the Government know about assets held in London and the overseas territories? Will they take steps to sequester and hold them, until they can be provided to the people of Myanmar, for their future? Will he make progress reports to the House on this?

Lord Ahmad of Wimbledon (Con): My Lords, the noble Lord, who served as a Foreign Office Minister himself, knows that I cannot make those specific commitments from the Dispatch Box, but I have noted what he said very carefully. As I indicated in my earlier answers, we are looking at all options to ensure that those who have committed and are behind the coup are also held fully to account. That includes all tools. We have noted the sanctions that the Americans have already acted on and, as I have said several times, when we act together on sanctions, we see a better result.

Baroness Smith of Newnham (LD) [V]: My Lords, the Minister's indication that the Government are thinking of formally intervening in the Gambia's genocide case against Myanmar, at the ICJ, is welcome. Given the Government's preference for Parliament to express its views on genocide now, rather than taking things to a court, could the Minister tell the House whether parliamentary interventions and suggestions on how to intervene would be welcome?

Lord Ahmad of Wimbledon (Con): My Lords, I always welcome interventions from parliamentary colleagues. On the specific issue of the ICJ intervention, as I said before, our long-standing position is to support the action that the Gambia has taken. We regard a formal intervention as something that should be measured and timely to make sure that the issue can move on. It does not mean that we are not supportive, because we have not formally intervened. I further assure the noble Baroness that we have been engaging with the APPG, for example, which is looking carefully at these issues.

Recently, Minister Adams and I convened a meeting with, among others, my right honourable friend Jeremy Hunt and Rushanara Ali to discuss this very issue.

Lord Cormack (Con) [V]: My Lords, I have a very close friend who has a son working in Myanmar. He has informed me that the British embassy has ceased to register British residents in the country. Could my noble friend confirm whether this is correct and whether the embassy is fully staffed? Does he agree that our presidency of both the Security Council and the G7 gives us a special opportunity to become global Britain? Will we convene a special meeting of the G7 and undertake to keep this very deplorable situation on the agenda of the Security Council?

Lord Ahmad of Wimbledon (Con): I believe that I have already answered the question that my noble friend raised on the G7 and the Security Council. On the other issue, we have advised all British nationals to remain at home where possible. There is a nationwide curfew, which makes it a challenge, but if any British national needs to engage, if my noble friend provides me with that information, I will follow up that issue.

Lord Loomba (CB) [V]: My Lords, Aung San Suu Kyi was hailed by world leaders as the person who established democracy in Myanmar, through her efforts and sacrifices. However, she was accused of failing to protect Myanmar's Rohingya Muslims during the 2016-17 persecution. There was a worldwide outcry citing her as complicit in the crimes against the Rohingya. Aung San Suu Kyi is being detained by the army, at present. Notwithstanding the Rohingya issue, world leaders should support her as before, while supporting sanctions. Can the Minister tell us what chances there are of democracy returning to Myanmar again?

Lord Ahmad of Wimbledon (Con): I cannot state firmly what the chances are, but I assure the noble Lord that we are doing all we can to ensure the release of Aung San Suu Kyi and the return of the democratically elected Government.

Lord Browne of Ladyton (Lab) [V]: My Lords, it is a credible inference that, in seizing power, General Min Aung Hlaing and the military were partly motivated by the desire to protect themselves and their families from investigation of their corrupt and lucrative financial deals and economic holdings by a strengthened democratic Government. It is certain that they have managed to squirrel away stolen assets in this country, the British Overseas Territories and other democratic countries. Following on from my noble friend Lord Triesman's question, and recognising the limitations that the Minister is under, beyond sanctions, do the Government have the power and intent to trace, seize and freeze these assets so that, in due course, they can be returned to their rightful owners: the Myanmar people?

Lord Ahmad of Wimbledon (Con): My Lords, as the noble Lord will be aware, the imposition of sanctions means that any accounts held or travel undertaken is limited, so there are specific powers in the sanctions regime.

Lord Bruce of Bennachie (LD) [V]: My Lords, as chair of the International Development Committee in the House of Commons I heard and saw at first hand the brutal atrocities committed during the last era of military rule. Given that the Myanmar economy is largely owned by the army, can we ensure that sanctions are targeted to force the military to recognise that the development of Myanmar and its own interests are incompatible with military dictatorship, and that they are applied in a way that helps those protesting against the coup and avoids hitting the poor hardest?

Lord Ahmad of Wimbledon (Con): My Lords, that should exactly be the approach of the sanctions regime.

Lord Dubs (Lab) [V]: My Lords, many years ago, when the military were last dictating the country, I visited Myanmar and heard directly from victims of torture about the terrible things that happened. We have the same bunch of people in charge of the country again. I have two questions. First, do the Government have any evidence that the military regime is using torture against its political opponents in Myanmar? Secondly, does the Minister agree that we have to be very careful before any sort of development aid goes to Myanmar, because it will be used to prop up the infrastructure and help the military? We should really oppose any such aid going to Myanmar, except at a local community level.

Lord Ahmad of Wimbledon (Con): My Lords, on the noble Lord's first question, in all our interactions with the Myanmar authorities after the military coup we have stressed that those held in arbitrary detention must be released immediately, and that while they are in detention they must be afforded all their rights. I am certainly not aware of any evidence of torture. On his second question about support, Myanmar is at a crossroads. That entails a real challenge. We need to ensure that sanctions or any other tools available to us target those behind the coup and do not lead to long-term instability in Myanmar and the surrounding region. However, I accept the point that we need to ensure that the support we give Myanmar at this crucial juncture is targeted at the most vulnerable. Our aid and support in this respect is certainly targeted to do just that.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): My Lords, the time allowed for questions on the Statement has now elapsed.

Armed Forces Act (Continuation) Order 2021

Motion to Approve

2.04 pm

Moved by Baroness Goldie

That the draft order laid before the House on 18 January be approved.

The Minister of State, Ministry of Defence (Baroness Goldie) (Con) [V]: My Lords, a few days ago many of your Lordships will have listened intently to and reflected on the debate on the Armed Forces Bill as it passed through its Second Reading in the other place. I hope your Lordships were struck by the number of very positive things that the Bill proposes to do, including embedding further into law the Armed Forces covenant; implementing the sound recommendations born out of the *Service Justice System Review*; introducing flexible service for reservists; and addressing the issue of posthumous pardons. These are just a few of the subjects that many of your Lordships are rightly passionate about.

As was explained during the Bill's Second Reading, Parliament renews the Armed Forces Act 2006 every five years through primary legislation. However, in the intervening years an annual Order in Council must be made and approved by both Houses for the Act to continue to remain in force. The 2006 Act is currently due to expire on 11 May this year, so a further annual order is needed to keep it in force. The draft order we are considering will keep the Act in force until the end of 2021. Primary legislation, in the shape of the Armed Forces Bill, is needed to keep it in force beyond 2021.

If the 2006 Act expires, certain major problems arise. For example, it would be impossible to maintain the Armed Forces as disciplined bodies. Service personnel do not have contracts of employment and so have no duties as employees. Their obligation is essentially a duty to obey lawful commands. If the 2006 Act expired, members of the Armed Forces would still owe allegiance to Her Majesty, but there would be no sanctions for disobeying orders. Moreover, other disciplinary offences would cease to exist, commanding officers and service police would lose their statutory powers to investigate offences and enforce discipline, and the service courts would no longer function.

Discipline in every sense is fundamental to and underpins the existence of our Armed Forces. Indeed, it is the reason for their success in the discharge of their remarkable range of duties, whether here at home, tirelessly supporting the emergency services, local communities and assisting with the mass vaccination across the UK during the pandemic; supporting our British Overseas Territories by delivering vaccine doses; protecting our safety and security; tackling the ongoing threat of cyberattacks posed by hostile states; actively safeguarding the world's main waterways and escorting ships to deter the scourge of modern piracy and ensure freedom of navigation in disputed waters; playing their part to counter terrorism or to combat drug smuggling and people trafficking; taking a central role in the ongoing United Nations peacekeeping operations in Mali; distributing vital humanitarian aid; continuing the war on terror by assisting and building capacity with partner nations to defeat the likes of Daesh in Iraq and Syria; maintaining our forward presence in the Baltic and northern Europe to strengthen Euro-Atlantic security; or monitoring our sovereign air space to identify any threatening presence. All that reflects a huge and remarkable range of diverse activity.

The requirement for Parliament to regularly consent to the maintenance of the Armed Forces dates back to the Bill of Rights in 1688, when the existence of a

standing army was contentious. While this is no longer the case, the debate on this order to keep the 2006 Act in force is also an opportunity for us in this House to record our thanks by permitting the Armed Forces to continue for another year.

That is a summary of the background to the statutory instrument. I hope that your Lordships will support the draft continuation order. I beg to move.

2.09 pm

Lord Reid of Cardowan (Lab) [V]: My Lords, I thank the Minister for her introduction. I pay tribute to our Armed Forces personnel for their service to the nation. I had the privilege of working with them, as Armed Forces Minister and later as Secretary of State for Defence, and I never ceased to be impressed by their selfless commitment, abroad and at home. They have shown it once again during the present pandemic. We owe them a great debt of gratitude.

The Armed Forces Bill, as the Minister pointed out, is the foundation of military command, discipline and justice. It is also the bedrock of the democratic civil-military relationship, so I of course support that Bill and this Motion. Specifically, I broadly welcome several measures in the Bill, including the update of the service justice system and the new service police complaints commissioner, modelled on the civilian police's Independent Office for Police Conduct, and in particular, I welcome Clause 8 of the Bill, which puts the Armed Forces covenant into law. In the limited time that I have I will focus on that.

This should have our non-partisan support across your Lordships' Chamber. The covenant had its origins as the Armed Forces charter by the last Labour Government over a decade ago. Under the coalition and Conservative Governments, that has been built upon and, whatever deficiencies remain, there has been an undoubted shift in the right direction in looking after our forces and their families. This Bill quite properly aims to build further on that but, as presently constructed, it is unnecessarily restrictive in that respect. As the Royal British Legion, among others, have pointed out, the range of issues that have a significant impact on the Armed Forces community include health, housing, employment, pensions, compensation, social care, education, criminal justice and immigration, yet the Bill covers only aspects of health, housing and education.

There is also no reference in the Bill to any enforcement mechanism. The Government could surely have gone a bit further in both respects. Moreover, the Bill imposes a duty only on local councils and local agencies to have regard to these areas, not on national Government itself. Yet many of the areas in which Armed Forces personnel and veterans have problems are the responsibility of the national Government or are based on national government guidance. It therefore has a flavour of "do as I say, don't do as I do" about it, which will undermine its effect, especially since no specific duty to act is imposed, even on local councils and agencies.

The context in which the Bill is being debated hardly encourages confidence that the morale of our Armed Forces personnel will continue unharmed. As noble Lords will know, our Army is 10,000 below the required strength, with the MoD revealing only last

weekend that every one of our infantry battalions, with the exception of the Royal Gurkha Rifles, now fall short of battle-ready personnel, some significantly so. Military pay has fallen behind since 2010. This is surely a missed opportunity in the Bill to make the recommendations of the independent Armed Forces' Pay Review Body binding on Ministers.

Accommodation remains a serious problem. I do not underestimate that challenge, and I pay credit to the Government for the Forces Help to Buy scheme, under which many personnel have been helped on to the housing ladder. However, the quality of much of the Government's provided accommodation remains seriously deficient, as last week's National Audit Office report illustrates.

I wish the Bill well but hope that Ministers will listen in Committee—a rare Hybrid Committee—and be prepared to incorporate sensible suggestions to improve the Bill. As I said, the covenant attracts wide cross-party support and, therefore, there should be no impediment to the Government listening to others who have constructive suggestions. Everyone, especially our Armed Forces, would thereby benefit.

2.14 pm

Lord Campbell of Pittenweem (LD): My Lords, it is a pleasure to follow the noble Lord, Lord Reid of Cardowan, something I did on many occasions when we both spoke in defence debates in the House of Commons. I begin, as others have, by paying tribute to the professionalism and commitment of all three of our Armed Forces. This proceeding has great constitutional significance of course, as has already been pointed out, and is sometimes regarded as the first illustration of human rights being made available to the citizens of this country.

The short debate provides the opportunity to reflect, to some extent, on the state of the Army. I shall not anticipate the issues that are likely to be raised when we come to Second Reading of the Armed Forces Bill, which passed that stage in the House of Commons last Monday. The point I raise arises from the use of the phrase “standing army”. Standing implies substance, both quantity and quality. That is why I associate myself with the remarks of the noble Lord, Lord Reid, in relation to the issue of numbers. It is an extraordinary, and some might say curious, consequence that the figure of 10,000, which the Army is said to be short of, is equivalent to a rumour that the Army will cut 10,000 members. I hope that this is mere coincidence and not an acceptance that recruitment is unlikely to improve.

The Minister may remember that some weeks ago I asked her a number of questions, mainly about the Royal Regiment of Scotland. I was, as I suspect she was, taken aback by the rather alarming shortages that these questions revealed. That provokes me into asking: what analysis is being made of the reasons for these shortages? What assessment is being made of the impact on capability and employability as a result of these shortages? As the noble Lord, Lord Reid, has just indicated, last week, in a national newspaper, some of the most famous regiments were revealed as being substantially below strength. What analysis is being done of the reasons for this and what impact has

there been on capability? If these are the figures for regular soldiers, what is the position in the reserves? In recent history, in engagements abroad we have had to draw very substantially upon our reserves. So, if the regulars are so poorly below strength, what is the position with the reserves?

We are waiting for the comprehensive review. It sometimes feels like “Waiting for Godot”. Godot never came, but hopefully the comprehensive review will finally be upon us. We are led to believe that it is an opportunity to address new strategic objectives. There will be no point in having new objectives if we do not have the resources to implement them. I listened recently to a most challenging speech by the Chief of the Defence Staff—in truth an excellent speech—setting out a new strategic concept. I hope that he will excuse me if, for the small purpose I have today, I sum it up in the rather ugly way of “fewer tanks and more drones”. That does not do justice to the intellectual and far-seeing nature of the speech, but the cornerstone of defence is deterrence. Faced with a variety of threats, we must maintain a full spectrum of deterrents, and therefore, of capability. If an adversary mobilises tanks, we can hardly rely on the nuclear deterrent as an effective one.

I have one final point. We lead the battle group in Estonia, which is part of the enhanced forward presence of NATO and a deployment of very considerable military and political purpose. If we are to reduce the Army by 10,000, might it be that when asked by NATO to take charge of a deployment of that kind, we will be unable to do so by reason of a shortage? That would be a grave embarrassment.

2.20 pm

Lord Lancaster of Kimbolton (Con): My Lords, I declare my interest as a member of the Army Reserve and would like to focus my comments today by giving a taster of the soon-to-be published Reserve Forces 2030 review, of which I had the honour to be chairman. It is an enormous pleasure to follow the noble Lord, Lord Campbell of Pittenweem, and I can perhaps answer one of his questions and reassure him that in recent years the reserves have been growing in numbers.

While it may seem archaic that we debate this SI today, the requirement for your Lordships' House to give approval for the continuance of our Armed Forces Act underpins the relationship between Parliament, society and service men and women, a relationship that many other nations view with envy. At its heart, in part at least, is the citizen soldier, the reservist. Indeed it is worth noting that the two oldest units in the British Army, the Royal Monmouthshire Royal Engineers and Honourable Artillery Company, are reserve units tracing their history back to 1530s, predating even the Bill of Rights of 1688.

Like that of many fellow reservists, my service has been part of a fairly consistent juggling act between the competing demands of a hectic professional career, private life and soldiering. In reflecting on my own time as a reserve, so much has changed over the 32 years, going from an almost entirely contingent force that trained at weekends and annual camps, recruited locally and was encapsulated by names such as the Territorial Army and Royal Auxiliary Air Force to the Reserve Forces we have today, across all three services, delivering

[LORD LANCASTER OF KIMBOLTON]
daily support and skills as part of a semi-integrated force, the true value of which we have seen in recent months during the current Covid crisis. To take just one example, the Nightingale hospitals were designed and delivered in part by the Engineer and Logistic Staff Corps, industry experts donating their skills unpaid to the nation via the volunteer reserve.

Since Haldane's creation of the Territorial Force in 1908, which subsumed the militia and the Volunteer Force, reserves have always embraced change. It is perhaps because reservists are both drawn from and a part of society that one of their key strengths over many years has been their enduring capacity to adapt to the needs of the day. The relationship between the military and society, in which the Reserve Forces play a crucial role, is complex and changing, and the challenges the country has faced during Covid have underlined how important that relationship is.

The most recent reform was the *Future Reserves 2020* review, which focused on growth and investment in the single service reserves. Until that point, the Reserve Forces were viewed by some as being in decline, having been used almost solely as a source of individuals to bolster Regular Forces exhausted after years of campaigning. Building on the undoubted success of the implementation of that review over the past 10 years which has seen the size of the reserve grow, the terms of reference for the latest review were rather different. Rather than looking down and in at the use of reserves by the single services, we were tasked with looking up and out. At its heart, the review is about people and skills and how defence, industry, government and wider society can share them. This means looking at how the Reserve Forces can provide capability across government departments, deliver networks into industry and academia and reinforce national resilience and homeland security as well as renewing and strengthening the link with society in general.

The national experience of the Covid pandemic has demonstrated in no uncertain terms how the nation needs to pull together in time of crisis and how government, Parliament, state institutions, industry and the general public rely on each other. In harnessing this latent appetite to volunteer, the latest review looked at how UK Reserve Forces can provide a nucleus for this activity as well as support the creation of non-military reserves, such as an NHS reserve. It became quickly apparent that the latest review could not just be another review focused on reserves. Rather, it needed to be a review on the provision of defence capability in the round. It is apt, therefore, that our work has been able to inform the integrated review, and we have drawn on the integrated operating concept published last year. The review will be published shortly, but suffice to say many of the recommendations go far beyond those that many have been expecting.

The vision the review describes is of empowered Reserve Forces that are further integrated with their regular counterparts and the wider defence enterprise, while at the same time providing greater utility and assurance across a broader range of military capabilities with access to civilian skills. We have sought to break obstacles for people to join the reserve and to promote a spectrum of service from full-time uniformed, to

part-time, spare time and non-uniformed service that will enable individuals to contribute their skills. We have also looked carefully at ways to ensure those who have left the Armed Forces can continue to contribute. At the very core of the review though is the reservist and a recognition of the need to ensure that, just like it was to their predecessors, the offer of service in the Reserve Forces remains not only attractive to the individual reservist but is valued by their families, employers and wider society too.

2.25 pm

Lord Craig of Radley (CB) [V]: My Lords, it is a pleasure to follow the interesting speech of the noble Lord, Lord Lancaster, who holds the rank of brigadier, and to give my support to this draft order. The House will shortly be debating the quinquennial renewal Bill, which will be an opportunity to consider in detail its proposals. As time is limited, I have just one general trailer point for now. The Armed Forces Act 2006 incorporated the three single service discipline Acts into one overarching Act. There is a good case, with which I believe the Minister is in sympathy, to ensure that all enactments that deal directly with the Armed Forces should be brigaded under a single Armed Forces Act. I have raised this suggestion a number of times, first in 1998 when debating the interaction between the Armed Forces Acts and the Human Rights Bill and mostly in debating the Overseas Operations (Service Personnel and Veterans) Bill. Other Acts, such as those concerned with complaints and flexible working also spring to mind. I hope the Government will give serious thought to this suggestion and set about doing it for present and future, if not for past, legislation.

Apart from that, I have just one peripheral query. I was intrigued to realise that the Armed Forces Act is due to expire not five years from its last enactment, which was in May 2016, but that it can be extended by order until the end of the calendar year. In 2011, I had an amendment to the quinquennial Bill affecting the inclusion of an Armed Forces covenant report, which was accepted, and another amendment which I moved on Report and which was carried against the Government's wishes. It was October and the renewed Armed Forces Act had to be law by November, so there was no time for ping-pong or consulting. The revised arrangement with a government concession was agreed following a meeting I had with the then Defence Secretary which allowed me to withdraw my amendment and the Bill returned to the Commons without further delay. No attempt was made by the Government to extend the Act beyond 8 November, although with the sixth order it could have gained a period of grace of almost two months. It would be interesting to know how frequently in the past this "extension" by means of a sixth order, in this case from May to December 2021, has been used. In the 30 years I have spoken in debates on these Acts, I do not recall that it has been invoked previously.

2.29 pm

Lord Rogan (UUP) [V]: My Lords, I acknowledge the almost ritualistic nature of this debate, which is required under the terms of the Armed Forces Act 2006. None the less, it offers this House a welcome opportunity

to pay tribute to the brave service men and women who serve our country with honour, valour and skill. At a time when we are being urged to remain at home and stay safe because of Covid-19, members of our Armed Forces remain out front and in harm's way across many different settings.

Last summer, in an interesting blog on his website, the Minister for Defence listed five examples of ongoing overseas operations involving UK military personnel. As the noble Baroness, Lady Goldie, alluded to, they included the Royal Navy ships stationed in the Gulf and the Indian Ocean; UK forces from all services based in Kabul, Afghanistan; a UK deployment forming part of the NATO presence in Estonia and Poland; Royal Airforce jets in Lithuania as part of NATO's air policing mission; and UK troops engaged in UN peacekeeping missions and training operations.

More recently, when winding up the Grand Committee debate secured by the noble Lord, Lord Lancaster, the noble Baroness, Lady Goldie, who I am delighted to see is in her place today, informed your Lordships that more than 6,000 UK personnel were deployed on 39 operations in 46 countries. These are truly remarkable commitments for a country that some critics say has lost its place at the top table of global affairs. At home, we have all witnessed our service men and women playing an absolutely vital role in guiding us through the pandemic.

Last month, Robin Swann, the Northern Ireland Health Minister, announced that more than 100 medically trained military personnel were being deployed to the Province to assist local nursing staff on the wards. In normal circumstances, given the history of the Province, that might have been seen as a controversial move. However, in a statement which was somewhat unusual, to say the least, Sinn Fein publicly supported the decision. It added that

"any effort to make the threat posed by Covid-19 into a green and orange issue is divisive and a distraction."

Since the initial lockdown last March, specialist planners, medics and logistics experts from across the Armed Forces have worked at the heart of the national COVID Support Force. Noble Lords will recall the remarkable job that UK troops did in building Nightingale hospitals around the nation. Within a matter of weeks, and sometimes days, sport stadiums, convention centres and entertainment complexes were converted into fully equipped, top-of-the-range community hospitals.

Later, when the UK Government finally got their act together to launch the national Covid testing programme, thousands of our military personnel were deployed at short notice to operate hundreds of mobile testing centres, which carried out hundreds of thousands of tests. Most recently, as the long-awaited vaccination programme began to roll out, it was again our highly skilled men and women of the UK Armed Forces whom the Government turned to. Not only have our service personnel been at the fore in distributing the vaccines to all four corners of the United Kingdom but many, as well as military veterans, have also been engaged in giving jabs to the public. I was also pleased to hear the Defence Secretary, Ben Wallace, say in another place week that UK Armed Forces had delivered thousands of doses of the vaccine to the Falkland Islands, Gibraltar

and the Ascension Islands. He also provided an assurance that the Ministry of Defence stood ready to support vaccine delivery to all British Overseas Territories.

Given the vast array of activities and achievements that I have outlined, it is obvious that all members of our Armed Forces should expect the strongest possible support from Her Majesty's Government, not just in terms of resources but in other areas. To that end, I look forward to delving deeper into some of these issues when the Armed Forces Bill is debated in your Lordships' House later this year. In the meantime, I fully support the order before us today.

The Deputy Speaker (Lord Faulkner of Worcester) (Lab): My Lords, the noble and learned Lord, Lord Morris of Aberavon, is not available at the moment, so I call the noble Lord, Lord Empey.

2.33 pm

Lord Empey (UUP) [V]: My Lords, in her opening remarks, my noble friend the Minister listed the areas where our service personnel are currently deployed. These range from a very difficult deployment in Mali to deployment on European soil, in Estonia and Lithuania. Of course, there is still Afghanistan and the situation in the Middle East as well, and threats are emerging in the South China Sea. It is perfectly clear that the variety of fields of operation continue to be significant.

The Minister referred to discipline, and of course that is part of the processes that we are debating today. But it is the legal position that I want to reflect on for a moment. I think that many people in this country and in this Parliament are still reeling from the implications of the cases and abuses undertaken and led by sleazy lawyers, who tried to exploit the position when soldiers were deployed in very difficult environments, such as in Iraq and Afghanistan. I just want to check with the Minister what training our service personnel receive on the legal aspects of their deployments in different locations around the world. Does she believe it is adequate? Does it take into account potential difficulties that soldiers, sailors and air personnel could be putting themselves into through their activities in these areas?

We also discussed the covenant. This was a considerable innovation and a very welcome one. Apart from the assistance provided for the Covid situation, most of the services in our country at the moment tend to be deployed on other things, including, from time to time, bomb squads deployed not only in Northern Ireland but around the country. However, that was not always the case. The situation regarding the covenant concerns me somewhat because, although it has been operating reasonably effectively here in Northern Ireland in recent years, there are still several weaknesses in its establishment.

A moment ago, the noble and gallant Lord, Lord Craig, referred to the annual report that the Secretary of State produces, usually in December each year, on how the covenant is operating. Members need to be aware that at no stage since its commencement have the Northern Ireland Executive produced a report of those activities. That has been done by the other devolved regions—Scotland and Wales—and those have subsequently been incorporated into the report. However, no such report has been made in Northern Ireland, so Parliament

[LORD EMPEY]

is not seeing how the covenant is being operated there. I have no doubt that we will come back to that when the Bill comes before us, but I wanted to draw the House's attention to the fact that it is a missing link. If the Secretary of State cannot get a report from the Executive in Northern Ireland, he may have to find other means, and he should be provided with the powers to do so. The covenant is UK wide and defence is a non-devolved issue, so I do not believe that the Secretary of State should be left in ignorance of what is happening on the ground.

We all wish our Armed Forces well. They face many challenging times. We will see the first deployment of the "Queen Elizabeth" carrier force in the next few months and that will be a huge step forward, but I believe that we have underfunded our defence for many years and I hope that this overstretch is not allowed to continue further.

2.39 pm

Lord Thomas of Gresford (LD) [V]: My Lords, the events in Myanmar over the last few weeks have demonstrated the dangers of a politicised military. This statutory instrument, which appears every year, gives us the opportunity to stop and reflect on the position of the military in our own country. It is the mark of a major constitutional principle that the military is under the control of Parliament.

The Armed Forces Act, which the instrument renews, as the Minister reminded us, concerns itself centrally with discipline. The Army, the Navy and the Air Force are not structured like limited liability companies; the personnel are not employees with the right to trade union representation; and they are not democracies where the personnel vote for their officers. Yet the Act provides that soldiers can be punished if they refuse to obey a lawful order or if they absent themselves from their unit. As the Minister has commented, obeying orders without question in a chain of command is fundamental to the military. That is how it can function as a powerful unit within the state.

The norm is that the Armed Forces are subordinate to Her Majesty's Government. Only once in my lifetime has there been any threat or challenge to political control. In the period after the 1974 election when Harold Wilson returned to the premiership, there was much talk that he and his Government were Soviet agents. Speculation was abroad of a military coup to replace his Government with military rule led by the late Lord Mountbatten. This was of course the height of the Cold War. You can imagine that, if Mr Corbyn had won the 2017 election, there might have been widespread talk on social media to similar effect, Cold War or no.

At that time, in 1974-75, I was privileged to be allowed to lunch every day in an officers' mess based in the same complex of buildings as the assize court where I habitually practised. Whether Harold Wilson was a Soviet agent was a subject of lunchtime discussion in the mess—although mainly, I have to say, by the retired and elderly officers who customarily frequented it. In case it is suggested that I am exaggerating about what I heard, it was serious enough for Mrs Thatcher, when she subsequently became Prime Minister in 1979, to

set up a committee to investigate it. It concluded that there was no real foundation for the rumours that had widely circulated—now I am not so sure.

Myanmar reminds us of the importance of this measure today. I pay tribute to the armed services. I am sure that when they go abroad on operations they are fully trained in the rules of engagement. That only 10 court martial trials have emerged from both Iraq and Afghanistan out of some 3,000 investigations shows how much they are up to the standards that we expect of them.

The civil war between parliamentarians and royalist forces in the 17th century shook the foundations of this country. After the Restoration, when James II started to replace Protestant officers in the British army with Catholics, it led to the invasion of Protestant continental forces under William of Orange. His variegated army was strengthened when Churchill defected to his side—that was, of course, John Churchill, the commander of the English forces, later Duke of Marlborough. His defection drove the monarch into exile. The Bill of Rights 1688, repeated in 1689, was that deal: no standing army in Britain without the consent of Parliament. That is the consent that we are giving today. William of course took his army over to Ireland to confront the Catholics at the Boyne, with consequences that face us today.

Since the Falklands, Parliament has asserted the right to vote on the commitment of British forces to active operations. We shall shortly be debating the Liberal Democrat amendment to the Overseas Operations Bill on whether Parliament's consent should be a necessary precondition for a British Government to derogate from the European Convention on Human Rights in overseas operations. This Government's proposal is that they should have the sole power to derogate under the Royal Prerogative. I hope that when we come to debate that proposition, we shall give it a Churchillian gesture.

2.45 pm

Lord Truscott (Non-Afl) [V]: My Lords, it is a pleasure to follow the noble Lord, Lord Thomas of Gresford, and his tour through history, which was certainly very instructive, especially for some of us who have studied history over a number of years.

I support the order before us. The other place has debated the Armed Forces Bill and for the first time the Armed Forces covenant was put into law in Clause 8, which is very welcome. A number of noble Lords have mentioned the covenant. The idea of a covenant and charter, as has been said, has been around for over a decade. The point about the covenant is that it is a broad promise by the nation to ensure that those who have served in the Armed Forces and their families are treated fairly. As the noble Lord, Lord Thomas, has just said, members of the Armed Forces do not of course have employment contracts, so they rely on the Government to treat them properly.

I do not want wish to repeat things that noble Lords have already said during this debate. However, I wish to raise a point about the overall state of the Armed Forces, which was raised by a number of other noble Lords, including the noble Lords, Lord Reid of Cardowan, Lord Campbell of Pittenweem and Lord Empey. We cannot fulfil the covenant—which is so crucial for our

Armed Forces personnel, their families and veterans—and our national security requirements if the Armed Forces are understrength, demoralised and having difficulty retaining personnel. As has been mentioned, our Armed Forces remain 10,000 below the total strength that Ministers said was needed in the 2015 strategic defence review. As has also been mentioned, the Ministry of Defence recently reported that the battle-ready strength of our battalions at the moment is seriously under par.

Another issue that has been raised is that of Armed Forces pay, which has declined significantly since 2010. Although of course I welcome the £24 billion of extra defence spending over the next four years, I am concerned that, if it is spent almost exclusively on kit, that will be at the expense of our defence people. In his Statement last November the Prime Minister said:

“Reviving our armed forces is one pillar of the Government’s ambition to safeguard Britain’s interests and values by strengthening our global influence”.—[*Official Report*, Commons, 19/11/20; col. 487.]

Those are very fine words.

The delayed integrated security, defence, development and foreign policy review told us that the Government wish to define ambitions for the UK’s role in the world and the long-term strategic aims for our national security and foreign policy. Her Majesty’s Government made the spending announcement before figuring out what the strategy should be. There are rumours, as has been mentioned in today’s debate, that the Army will be cut further to pre-Napoleonic levels. Surely there is a strategic disconnect here.

Finally, in the other place the Secretary of State for Defence said on 8 February that

“in the end, if we do not invest in our people, we will not have anything for the future of our armed forces.”—[*Official Report*, Commons, 8/2/21; col. 126.]

If Her Majesty’s Government really believe in global Britain, they need to invest in their service personnel first and foremost.

2.48 pm

Lord Robathan (Con): My Lords, I very much agree with the last things said by the noble Lord, Lord Truscott, and I welcome his comments.

I should declare two interests before I go any further. The first is that I have a son in the Army. He is currently enduring sleeping out in the snow in the Sennybridge training area, poor chap—but I like to bask in his reflected glory when people pay tribute to the Armed Forces. The second, more pertinent interest is that I have been in the receipt of an Army pension for over three decades.

I of course support this continuation order. Indeed, I think I took it through the Commons in 2011, although I have not checked *Hansard*. I pay tribute to my noble friend Lord Lancaster’s comments: he is absolutely right that this is about the relationship between Parliament, the people and the Armed Forces. That may be historic, but this is an extraordinarily important measure, because without it we would be in a very different position.

I will take this opportunity to look at wider defence and Armed Forces issues. I welcome the Government’s pledge of an extra—I think—£16.5 billion over the next four years but, regrettably, and I hate to say this, it is

not enough. Yes, we need to have good equipment and ships. Defence procurement, by the way, is always a mess; we thought we had got it sorted about eight years ago when I was working at the Ministry of Defence, but I am afraid that cost overruns continue to be absurd and it always needs to be sat on very closely.

I follow what the noble Lord, Lord Campbell, said because I fear that the reduction people have been speaking about—the plans to cut the army to a ceiling of 72,000—are true. Now, this is nuts. It is completely bonkers. I would like to quote Kim Darroch, who was our ambassador in the United States and is now the noble Lord, Lord Darroch. He was addressing a defence committee recently, and I thank the right honourable John Spellar for pointing this out to me. The noble Lord, Lord Darroch, said:

“I would be really worried about reducing further the size of the British Army. I say that in part on the basis of my experience in Washington. I would go into the Department of Defense and occasionally to see General Mattis myself or to take people in to see him and his predecessor under the Obama Administration. One of the things that both would say consistently is, ‘You are already too small—in terms of your Army. I mean, 80,000 just isn’t good enough. You need to be above 100,000. It is a big mistake to reduce to the level you are at. For goodness’ sake, do not go down any further and expect to retain your current level of credibility in Washington.’”

Those are powerful words from a noble Lord who sits as a Cross-Bencher, not as a Conservative.

The current coronavirus crisis shows the need for manpower—perhaps we call it people power in these politically correct days—in helping to organise the Nightingale hospitals, as my noble friend mentioned, and for the vaccinations that are still being done through military personnel. I think we used to call it military aid to civil authority. You need a disciplined force for that, and as an insurance policy to cope with the unexpected. By the way, we are about to face rocketing unemployment levels, so recruitment should become easier. We do not want to add to that unemployment.

I turn briefly to the threats. Have we forgotten that President Putin has invaded Ukraine and seized Crimea? Have we forgotten MH-17, the airliner shot down over Ukraine by Russian rockets in 2014, or the poisonings in Salisbury with Novichok, which was then used against Mr Navalny in Russian territory? Do we not understand that President Putin thinks in Cold War terms, as a former KGB officer? He wants to make Russia great again, to coin a term. China is also flexing its muscles with cyberattacks while building bases on reefs in the South China Sea, threatening Australia and now us over Hong Kong. There is also the recent ban on the television network CGTN. It talks about civil-military fusion; Chinese trade, by which we all benefit, is linked to its plans for aggrandisement.

I was born after the Second World War and we have been cutting the Armed Forces ever since, often for very good and sensible reasons: the end of the war and of national service, the withdrawal from empire and the end of the Cold War. In 2010, the strategic defence review, in which I was a participant, talked a lot about asymmetric warfare but I do not recall any serious discussion about resurgent military power in either Russia or China. We fondly imagined that the world

[LORD ROBATHAN]

was getting safer. We may not like it, but it is actually getting more dangerous. As the world changes, so we must change too in our own interests. There is a report in the press today that France and Germany spend more on defence than we do, which rather undermines our proud boast to be the second-largest defence spender in NATO. I rather hope that my noble friend the Minister might be able to comment on that. By the way, my Army pension comes out of the defence budget, which is absurd.

We need to acknowledge these threats—I have not mentioned ISIS or terrorism—and the utility of a flexible Army. It will be more worrying if there is a further reduction in our forces. We will not be taken seriously by our allies in the United States and in NATO itself, nor by the rest of the world, including China and Russia, if we send the wrong message. Of course, we need cyber and space programmes; we need new technology such as unmanned aerial vehicles, or drones as we usually call them. But we also need people—boots on the ground and trained personnel able to defend our country and our interests.

2.54 pm

Lord Bhatia (Non-Afl) [V]: My Lords, this SI has been prepared by the Ministry of Defence. The SI

“provides for the continuation in force of the Armed Forces Act 2006 ... which would expire at the end of 11 May 2021”.

This instrument will continue in force until the end of 2021. As the Explanatory Memorandum says, its territorial application is worldwide. It

“applies to members of the armed forces wherever they are in the world and applies to civilians subject to Service discipline in certain areas outside the United Kingdom or on Service ships or aircraft. Civilians subject to Service discipline are ... defined in Schedule 15”.

These groups are

“principally of persons who work or reside with the armed forces in certain areas outside the United Kingdom or are travelling on Service ships or aircraft.”

As it then says,

“the 2006 Act would cease to have effect one year from 12 May 2016 ... but for the fact that Her Majesty has power to make Orders in Council, each extending the life of the 2006 Act for one year ... The central effect of expiry of the 2006 Act would be to end the provisions which are necessary to maintain the armed forces as disciplined bodies. Crucially, the 2006 Act confers powers and sets out procedures to enforce the duty of members of the armed forces to obey lawful commands. They have no contracts of employment, and so no duties as employees. Without the 2006 Act, the powers and procedures under which the duty to obey lawful commands is enforced would no longer have effect. Commanding officers and the Court Martial would have no powers of punishment in respect of a failure to obey a lawful command or any other form of disciplinary or criminal misconduct. Members of the armed forces would still owe allegiance to Her Majesty, but the power of enforcement would be removed.”

The Act provides all the necessary powers for the commanders of the Armed Forces, which are among the UK’s most valuable assets. They defend our country during wartime and, in some cases, give their lives for the country. In return, the UK has a duty to ensure that when the soldiers retire or are killed, there are proper pensions for them and their families. Are the pensions and support structures in place to ensure that these individuals and their families are protected effectively?

2.57 pm

Lord Dodds of Duncairn (DUP) [V]: My Lords, I thank the Minister for the clear way in which she explained the purpose of today’s order to the House and for setting out so elegantly the extent of the work and service undertaken by today’s Armed Forces. I add to what other noble Lords have said by paying tribute again to our Armed Forces of the United Kingdom of Great Britain and Northern Ireland. We owe such a debt of gratitude to the service men and women of our Armed Forces for their courage, professionalism and outstanding devotion to duty, which is unparalleled in the world. It must never be forgotten that the sacrifices of our Armed Forces, at home and abroad, enable us to carry on our daily lives, protected as far as possible from hostile action and secure in our democracy and our liberties.

No one epitomised more the best qualities of our veterans than the late Captain Sir Tom Moore, who will never be forgotten. I also pay tribute to all those organisations and charities which have done so much for veterans, through delivering services and helping to champion their cause. Each and every one of them, and the many volunteers involved, deserves our highest praise.

This order is one of the more significant parliamentary processes that we undertake each year, as it enables the Armed Forces to continue to exist—and to exist as disciplined bodies, subject to annual parliamentary renewal. The debate gives us the opportunity to discuss a number of issues with the Minister. I will raise first the Armed Forces covenant, which has been mentioned by other noble Lords. The covenant is so important, given that it represents the promise between our country and those who put on the uniform to serve it and protect us. It is our solemn responsibility to look after them while they are in service and afterwards.

I welcome the provisions in the Armed Forces Bill—it was debated in the other place on Monday—to strengthen the statutory underpinning of the Armed Forces covenant and to reinforce it in law. I am pleased that this legislation will apply to the whole United Kingdom. We must be vigilant in ensuring that veterans in all parts of the United Kingdom benefit equally and in full from the protections in that covenant. We have been campaigning for that for some considerable time. It was recognised in the *New Decade, New Approach* agreement and I am pleased at the progress that the legislation represents.

Sadly, as has been referenced by the noble Lord, Lord Empey, there have been attempts to block and somewhat impede the implementation of the covenant in Northern Ireland—with some even trying to deny that it applied there. This is in a country where, despite making up less than 3% of the population of the United Kingdom, our people contribute in much larger numbers proportionally than elsewhere to both the Regular Forces and the Reserve Forces. As will be recognised, veterans in Northern Ireland have particular difficulties and challenges, given that many of them live where they also carried out operational duties.

The Government could be more ambitious in looking at the Armed Forces covenant and as the Bill proceeds through Parliament. I ask them to go further than covering

health, education and housing. I join the noble Lord, Lord Reid, in asking the Government to include other areas such as employment, pensions, criminal justice and social care, to name but a few.

The other issue I would like to raise is protection for members of the Armed Forces who served in Northern Ireland in Operation Banner but are not covered by the provisions of the legislation recently introduced in Parliament to protect against vexatious and other claims where there has already been an investigation. The repeated investigations of ex-service men and women, some of them many years after the events, are a really serious problem. It is excellent that legal protection is given to veterans who served overseas, but it is essential that those who served in Northern Ireland receive the same protection. I welcome commitments from the Government stating that

“Legislation will be coming in due course”,—[*Official Report*, Commons, 8/2/21; col. 50.]

but given that such legislation is to originate from the Northern Ireland Office, can the Government give a firm commitment that it will not be held up by that department as a result of political manoeuvring? We really need action on this issue, which also affects members of all the security forces who served in Northern Ireland.

The passing of this order is fundamental to the protection of our country. I unreservedly support it and I am grateful for the opportunity that its annual discussion affords to raise issues of concern to our service men and women, and our veterans.

3.03 pm

Lord Morris of Aberavon (Lab) [V]: My Lords, this order is what remains of what used to be an annual Army Act to legalise our Armed Forces—an important relic to reinforce our repugnance of military rule by Cromwell. Indeed, my first speech on the Front Bench was on the Army Act and the estimates. Looking across the world, particularly at Myanmar, one can see that nothing has changed and the patterns are still the same. Today we are fortunate in that our Armed Forces not only protect us but have provided such an important role in their assistance to the civil power—namely, the National Health Service—in the pandemic.

I welcome the enshrinement of the military covenant in legislation, as my noble friend Lord Reid has done. It is also appropriate that Mr Kevan Jones MP reminded the other place that the starting point was

“in 2008 with the Command Paper under the last Labour Government”,

which advocated not only

“putting the covenant into law but giving it teeth”.—[*Official Report*, Commons, 8/2/21; col. 56.]

I welcome the reduced version in the new proposal mandating the covenant, despite a lack of enforcement proposals, again referred to by my noble friend Lord Reid of Cardowan.

Today in my few minutes I wish to concentrate on Clauses 2 to 7 and Schedule 1, which deal with court martials. As a young, inexperienced and newly called barrister and subaltern I appeared in quite a few court martials in Germany in the course of my national service. Even in your Lordships’ House there cannot be many ex-national service men still around. Other than that,

however, I took no professional or other interest in court martials. That was until the case of Sergeant Blackman, which aroused considerable publicity in 2017, following which I secured a short debate in your Lordships’ House. I suggested the need for a review of the system, and the MoD acted with unaccustomed speed—I suspect encouraged by the noble Earl, Lord Howe, who was then Defence Minister—to set up an inquiry under the former circuit judge Shaun Lyons. We are grateful to him for his report. Former Judge Advocate-General Blackett had expressed concern about the working of the court-martial system. As I understand the Bill, it is a great loss of opportunity to fully take on board the anxieties expressed at the time.

Clause 3 provides for the Lord Chief Justice to nominate a circuit judge to preside over court martials. I had thought it was the President of the Queen’s Bench Division who allocated judges, but I may be wrong. From time to time—at present, indeed—a High Court judge has been nominated to preside on serious cases. I welcome this provision as I have appeared from time to time before licensed circuit judges in murder cases. The important point is that such cases in the court-martial system are rare. There are about six or seven a year, and it is experience in handling such heavy cases that matters, hence the need for a judge.

Schedule 1 makes minor amendments to the personnel and numbers in a court martial. In the numbers set out there remains the possibility that, in a serious case such as murder, a verdict by a majority of one—3:2—could achieve a conviction. The numbers are not announced following a court martial. Since our Armed Forces are now very much reduced in numbers and cases can involve civilian dependants, the chasm between the system prevailing in our civil criminal system and the court martial remains. When I discussed the anomalies and differences with one of the highest judges in the land, it was suggested that in such cases we should consider moving to a system that provides for ordinary citizens: that is, justice by trial by jury. I regret that I did not pursue this more radical measure more fully.

New Zealand, I am told, and as I told the House then, has moved to a system where the verdict has to be unanimous. I am conscious of the decision of the Court Martial Appeal Court under the noble and learned Lord, Lord Judge, in the case of *R v Twaite* that the system is ECHR-compliant but, with respect to the court, a majority verdict as proposed needs very careful reconsideration. The proposals in Schedule 1 tinker with a system. A system that allows the finding of guilty of murder by a majority of 3:2 is not fit for the 21st century, particularly when the figures are not announced as they are in civil trials by jury in our country.

I welcome the statutory protocols in Clause 7 regarding the direction of service personnel and giving the DPP the final decision, but I hope that the supervision of the Attorney-General remains as it does for other court martials.

3.09 pm

Baroness Smith of Newnham (LD) [V]: My Lords, it is very frequent that Ministers talk about wide-ranging debate when they are summing up. In winding up for

[BARONESS SMITH OF NEWNHAM]
the Liberal Democrat Front Bench, I indeed comment that this has been an extremely wide-ranging debate on one of the shortest statutory instruments that I have ever seen, but clearly one that is very important.

However, it appears that legislation linked to defence and the Armed Forces is a bit like buses, in that we have three pieces of legislation almost simultaneously: the Armed Forces Act (Continuation) Order 2021, the Armed Forces Bill 2021—currently in the other place—and the Overseas Operations (Service Personnel and Veterans) Bill. Inevitably, there is some overlap between those three pieces of legislation. While, like my noble friend Lord Campbell of Pittenweem, I will focus primarily on the Armed Forces Act (Continuation) Order 2021 today, it is necessary to think about the other Bills—precisely because, while I, like other noble Lords and clearly the Liberal Democrat Benches as a whole, fully support this continuation order, it is vital that we have our Armed Forces. Given that they may not be maintained within the kingdom without the consent of Parliament, in line with the 1688 Bill of Rights, it is vital that this order goes through.

It is also vital that the Armed Forces are not just maintained legally, with the support of Parliament—although that is vital—but supported with money and the support that is needed for service personnel to enable them to fulfil their functions. The continuation order might be primarily about service discipline, but, as many noble Lords have pointed out this afternoon, there are issues around recruitment, retention and the size of our Armed Forces. In particular, while this order simply agrees that we should have Armed Forces, I have several questions that I would like the Minister to answer this afternoon, if possible; they are particularly associated with the size of our Armed Forces.

As my noble friend Lord Campbell of Pittenweem pointed out, there is an essential question of a standing army, there are questions and concerns about shortages and various noble Lords have asked questions about the size of the budget. They have pointed out in particular that the size of the defence budget, in and of itself, is not the only issue that matters; what matters is ensuring that we are supporting our Armed Forces, not simply putting money into capabilities such as tanks. I note that the noble Lord, Lord West of Spithead, is not speaking today, but, if he were, he would probably be talking about ships.

However, we also need to consider the size of the Armed Forces. The noble Lord, Lord Robathan, raised the issue brought up by the United States about the size of our Armed Forces, suggesting that 80,000 was too small. Could the Minister confirm whether it is indeed correct that the size of our Armed Forces is due to slip to 72,000, and what assessment the Ministry of Defence or Secretary of State has made of their size and whether this is appropriate for the United Kingdom, particularly at a time when the United Kingdom Government are talking about global Britain?

We have heard about the many very important roles of the Armed Forces, to which I pay tribute. Some of them have been domestic: one of them was at the 2012 Olympics, but they also supported the NHS in relation to vaccinations and other authorities in relation to

flooding. Internationally, they have dealt with humanitarian questions, and they also deal with all those other defence issues that one expects the Armed Forces to be dealing with: humanitarian intervention, peacekeeping and military involvement, supporting NATO and the United Nations. What assessment have Her Majesty's Government made of the size of the Armed Forces and our global commitments? Are they fit for purpose, or should we be looking for an expansion of our regular forces? As has been suggested, at a time of pandemic and rising unemployment, there may well be a pool from which to recruit people.

However, there is also a question of retention. What assessment have Her Majesty's Government made of the facilities available to the Armed Forces? In particular, is service accommodation now fit for purpose? The National Audit Office suggests that it perhaps is not and that SLAM accommodation needs to be looked at; what assessment have the Government made of this?

Finally, there is a whole range of issues that the Liberal Democrat Benches and Members across your Lordships' House will clearly wish to raise in the Overseas Operations (Service Personnel and Veterans) Bill and, in particular, the Armed Forces Bill—so these are just a few questions to flag up concerns that will come forward over the coming weeks and months.

3.15 pm

Lord Rosser (Lab) [V]: As my noble friend Lord Reid of Cardowan and noble Lords have said, we are discussing this order a few days after a national newspaper leaked what it said was a Ministry of Defence report revealing that 32 out of 33 infantry battalions are seriously “short of battle-ready troops”. The chair of the Commons Defence Committee was reported as saying:

“Britain's role on the world stage is at stake and our relationship with the US.”

We need a proper defence strategy without further delay.

I also want to thank all the men and women of our Armed Forces, including, but not only, those deployed to standing commitments in Cyprus or the Falklands, those serving as part of our NATO defences in Estonia or the UN peacekeeping in Mali and those helping this country through the Covid crisis.

British forces are respected worldwide for their professionalism and for their values which we most admire: integrity, loyalty, discipline and service. Therefore, we welcome the order to extend the present Armed Forces Act 2006 from the end of May until the end of December, not only because expiry of that Act would end the provisions that are necessary to maintain the Armed Forces as disciplined bodies but also so that Parliament has the time to give the proper scrutiny to the new Armed Forces Bill, which has just had its Second Reading in the other place—and to have the time for cross-party work to improve the legislation. We support the Armed Forces Bill and stand firmly behind our Armed Forces. We recognise their ongoing efforts to make our country and the world safer.

The Bill presents a real opportunity to make meaningful improvements to the day-to-day lives of our Armed Forces personnel, veterans and families. However, the Government's focus appears too narrow, and, as currently

drafted, the Bill is a missed opportunity that fails to develop a future framework for our Armed Forces, veterans and their families—or to deliver on the laudable promises made in the Armed Forces covenant. We believe that the covenant represents a binding moral commitment between the Government and service communities, guaranteeing them and their families the respect and fair treatment that their service has earned. From substandard housing to veterans' mental health and social care, the promises made in the covenant often do not match the reality experienced by our service communities. However, the Bill does little to tackle these issues head-on.

The Bill also looks at the service justice system, and we welcome the new service police complaints commissioner—but we want to improve the confidence in, and results in, cases of murder, manslaughter and rape and to solve the problem of reinvestigations.

With the extension of the Armed Forces Act 2006 under this order, I hope that the Government will use the time provided to work constructively and cross-party to get the best for our Armed Forces.

3.19 pm

Baroness Goldie (Con) [V]: My Lords, we have had an excellent debate this afternoon; it has been both passionate and constructive, and I thank all noble Lords for their contributions. What has shone through without exception is a shared desire to do the right thing by those who do right by us—and a shared determination to recognise our bravest citizens. I reassure the noble Lord, Lord Truscott, that it is because they are our people that we will do the right thing by them. I also seek to reassure my noble friend Lord Robathan that, according to NATO criteria, we are the highest defence spender in Europe; these criteria are established and robust.

It is worth reminding noble Lords that the purpose of this debate is to provide for the continuation of the Armed Forces Act 2006 as it currently is, not as it would be if amended by the Armed Forces Bill, which, as has been noted, had its Second Reading in the other place on Monday night. This House will have a full opportunity to debate the provisions of that Bill when it comes to this House in due course. Having said that, the Bill has been introduced and I understand why noble Lords have found comment irresistible. I will therefore say a little this afternoon in response to some of the points raised, knowing that we will return in much greater detail to these topics later in the year.

I was pleased to hear the support for the Bill, though the acceptance from the noble Lord, Lord Rosser, was just a little grudging, if I might say so. I hope that, as we proceed to a fuller debate later this year, we will be able to reassure him of the many positives in the Bill. It takes forward matters of considerable importance relating to the implementation of the service justice system review and the Armed Forces covenant. I note the areas in which noble Lords feel the Government could be taking a different approach in the Bill. I have listened to the comments on topics such as the covenant being too narrow in its scope and its legal duty not being strong enough and concerns raised over aspects of the service justice system. I will try to deal with these accordingly.

The noble Lord, Lord Reid, and other noble Lords argued that the scope of duty for the covenant is too narrow—that it should be broadened beyond housing, healthcare and education. We have chosen these remits carefully and, importantly, in consultation with the Armed Forces community, because we know that they will make the greatest improvements to family life. Significantly, the Bill contains provisions for us to expand this scope into other areas through secondary legislation at a later date. I reassure the noble Lord, Lord Reid, and your Lordships, that the scope of this provision will be reviewed regularly. This is not the end of our legislative effort; it is the beginning.

The noble Lord, Lord Reid, and a number of other contributors, argued that the legal duty is not strong enough. They were concerned that creating a legal duty to “pay due regard” to the principles does not, in their estimation, give enough clout. There has been talk from the Opposition Benches in the other place of needing to set “measurable national standards”. Throughout this, our challenge has been to try to strike a balance. On the one hand, we wanted to ensure delivery against the covenant principles but, on the other, we wanted to avoid the sort of prescriptive approach that puts bureaucratic barriers in the way of practical delivery. I assure your Lordships that public bodies were consulted extensively. Our decision also reflects the diverse nature of public services across the United Kingdom, not least in the devolved nations, as a number of noble Lords referred to. The devolved nations have responsibility for these areas.

The noble Lord, Lord Empey, raised the issue of awareness of implementing the covenant obligations, as did the noble Lord, Lord Dodds. These changes will make the impact of the covenant more local. That will possibly raise a desire to make more obvious just how that is benefiting Armed Forces personnel and veterans. I remind noble Lords that the Bill honours the promise to give the covenant the legal standing needed to deliver for everybody in the Armed Forces community, right across the whole United Kingdom.

I move on to the service justice system, about which a number of comments were made, not least by the noble and learned Lord, Lord Morris, and the noble Lord, Lord Rosser. The Government have considered the reviews of His Honour Shaun Lyons and Professor Sir Jon Murphy. It is their recommendations that underpin the improvements to the service justice system that we are taking forward in the Bill. I am pleased that the noble and learned Lord, Lord Morris, welcomes the broad thrust of the improvements, but I noticed his particular concerns and look forward to him pursuing these matters when we debate the Armed Forces Bill later in the year.

Noble Lords raised a range of issues in their contributions. I will try to deal with these as best I can. The noble Lords, Lord Reid, Lord Campbell, Lord Truscott and Lord Rosser, my noble friend Lord Robathan, the noble Baroness, Lady Smith, and other noble Lords all raised the size of the military. The integrated review, which is not yet published but is expected soon, will detail the forward shape of our whole defence capability as we look to a new age of threats. Any speculation about Army force structure at

[BARONESS GOLDIE]

the moment is purely that—speculation. I reassure noble Lords that we are confident that we have the numbers and the capabilities to do the job. We have discharged our core obligations to protect and secure the nation against threat, despite the challenges of Covid. That has been entirely down to the professionalism, competence and commitment of our Armed Forces personnel.

I want to include the reservists in that. My noble friend Lord Lancaster helpfully outlined the extremely positive position in relation to the reservists. We hope the provisions of the Armed Forces Bill will be a further encouragement to them.

The noble and gallant Lord, Lord Craig, raised a matter which is dear to his heart: a consolidation of Armed Forces legislation; a desire to see it all under one legislative umbrella. He was, perhaps, imputing to me a view which I have not yet formed. I want to look at this issue in considerable depth. The noble and gallant Lord has approached me on the matter, and I will respond to him on it, but I make clear to your Lordships that I have not formed any view on it at the moment.

The noble Lord, Lord Empey, raised the important matter of training of our Armed Forces personnel. There were echoes of the overseas operations Bill when the noble Lord made that point. I can confirm that serious regard is given to training and we deliver all necessary training. It is important that all our service personnel, at all levels, fully understand the obligations placed on them by both UK law and applicable international law. I can confirm that the training is also reinforced ahead of deployment on operations. For example, civil servants deploying in key roles to operational theatres and in key operational policy roles in the MoD also receive training in the law of armed conflict. In addition, each commander deployed in a military operation will have a dedicated military lawyer available at all times to give them specific legal advice. I hope that reassures the noble Lord that we endeavour to service this important issue in the best possible way.

The noble Lord, Lord Bhatia, raised the issue of pensions to dependants. I undertake to write to him separately on that matter.

In conclusion, I thank noble Lords for their contributions. As the noble Baroness, Lady Smith, said, that is the accepted lexicon of any wide-ranging and interesting debate, but that is just what this rather unusual continuation order debate has been. It is unusual because the debate is on continuing the current Armed Forces Act 2006 but, in doing so, we have an opportunity to see the Government's proposals for the future of the 2006 Act. Today's debate has made it clear to me that there will be an extremely interesting and lively debate on the Armed Forces Bill later in the year.

In the meantime, there is the much simpler task of continuing the current Armed Forces Bill. Everyone in this House agrees that we owe our men and women in the Armed Forces a tremendous debt of gratitude. We have seen them at their very best, particularly in the past year. The support of noble Lords for this draft order not only contributes to Parliament upholding the constitutional position—so eloquently described

by the noble Lord, Lord Thomas of Gresford—that the Armed Forces may not be maintained without the consent of Parliament but it reflects the deep affection this House holds for our servicepeople through its support of the draft continuation order.

Motion agreed.

Universal Credit (Transitional Provisions) (Claimants previously entitled to a severe disability premium) Amendment Regulations 2021

Motion to Regret

3.30 pm

Moved by Baroness Sherlock

That this House regrets that the Universal Credit (Transitional Provisions) (Claimants previously entitled to a severe disability premium) Amendment Regulations 2021 (SI 2021/4) will result in claimants in receipt of the Severe Disability Premium in legacy benefits moving on to Universal Credit without ensuring that all will be fully compensated for the loss of the Premium; and calls on Her Majesty's Government to extend to legacy benefits the same uplift given to Universal Credit in response to the COVID-19 pandemic, and to ensure that claimants are advised before moving from legacy benefits to Universal Credit that they could suffer financially as a consequence.

Relevant document: 42nd Report from the Secondary Legislation Scrutiny Committee

Baroness Sherlock (Lab) [V]: My Lords, I am pleased to move this Motion standing in my name. These regulations are the latest twist in a long-running saga that concerns the severe disability premium, or SDP, which provides support for the extra costs of care incurred by severely disabled people living alone without a carer. It is worth about £67 a week and is paid on various means-tested benefits.

The latest government figures I could find suggest that over 500,000 working-age households get SDP. But when the Government created universal credit to replace legacy benefits, they chose not to include an equivalent of the SDP. As a result, although some disabled people are better off, many of the severely disabled people getting this premium will be much worse off on universal credit. That is a wider pattern: some people are better off on universal credit than legacy benefits and some much worse off.

To deal with that, the Government pledged a system of transitional protection, so that, at the point of transfer, no one would lose out in cash terms. But they will apply this only during what they call mass migration, the point when the DWP closes down legacy benefit claims en masse and tells people they have to claim universal credit instead. If someone moves on to UC before that point, which is called natural migration, they get no transitional protection.

Unfortunately, many people have no choice. You cannot make new claims for legacy benefits, and if you are already getting them but your circumstances change—say you lose your job, have a baby or move house—you are forced on to universal credit. Two people getting the SDP found themselves in this position when they moved home. They were forced on to UC and were much worse off. They went to court and in 2018 the High Court ruled that this was unlawful discrimination. So the DWP created something called the SDP gateway to stop those getting the premium naturally migrating to universal credit and losing out. Those who had already crossed over were given compensation for the lost premium, although that was originally set arbitrarily low, so that was challenged in court again, and it is now based on the lost SDP.

These regulations remove that gateway and give some compensation to those who will then be moving over to universal credit. But it is not full compensation; it does not compensate for the loss of the enhanced disability premium, only the severe disability premium. Nothing is paid where the SDP is attached only to housing benefit. And it is a fixed sum, which is reduced when any part of your universal credit rises, even if that is only because your rent has gone up. So claimants will see the support they receive fall in real terms, year on year.

If someone moved on to universal credit during a managed migration, they would have transitional protection based on all their legacy benefits, not just the SDP. That managed migration process has been paused. Can the Minister tell us what the new target date is for completing it? Zacchaeus 2000 points out that Covid-19 has increased rates of redundancy and caused changes in working hours, increasing the number of people on legacy benefits experiencing a change in circumstances. More claims will therefore end up moving on to universal credit with no transitional protection or with just the transitional SDP element.

Some vulnerable people risk losing a lot of money. Marie Curie, in its excellent briefing, points out the impact on people with terminal illnesses or life-limiting conditions. It says that the loss of the two disability premiums could leave new claimants up to £84 a week worse off. Then there is the related issue of the £20 uplift to universal credit. That was not applied to legacy benefits, many recipients of which are disabled people or carers. This is incomprehensible, as well as unfair. Since there is meant to be a pandemic measure, many sick or disabled people have spent the last year shielding at home, with spiralling energy costs and lots of additional costs such as home deliveries, PPE and much more.

Astonishingly, the Secretary of State for Work and Pensions, Thérèse Coffey, suggests that claimants should simply claim universal credit if they want the £20. This is terrible advice. Some people will be worse off on universal credit than they were on legacy benefits, even with that extra £20. Others, who would be better off on universal credit because of the £20 uplift, will be worse off if it is taken away. How will they know? It is really complicated. The DWP says that it cannot advise individual claimants, so why on earth is the Secretary of State for Work and Pensions telling people to switch?

If someone applies for universal credit, there is no going back. Noble Lords may have seen cases of people in the news of people getting tax credits who then applied for universal credit and were rejected because they had savings; UC has a savings threshold, unlike tax credits. But then they were not allowed to go back to tax credits, so they got nothing. We surely cannot have that apply across all kinds of other categories of claimant.

What should be done? First, the Government should urgently address the flaws in their strategy for dealing with people in receipt of severe disability premium who are going to be forced on to universal credit. The House of Lords Economic Affairs Committee said:

“The DWP should introduce an equivalent to the Severe Disability Premium. This should be a self-care element for any disabled person who does not have someone assisting them and claiming the carer element of Universal Credit.”

Many charities agree. What is the Government’s response to this?

Secondly, the DWP should address the process of claimants moving from legacy benefits on to universal credit. We need an urgent update on managed migration. We need mass communication, and we need personalised advice for anyone thinking of moving so that they know the consequences before they make that jump.

Thirdly, the Government should extend the £20 uplift to legacy benefits. They should do the right thing and make that uplift permanent. The Economic Affairs Committee put the case simply:

“We believe that the increase shows the original rate was not adequate ... The Government should commit to making the increase in the standard allowance permanent.”

That original rate is not adequate as a result of years of benefit cuts and freezes. The House of Commons Library figures show that, excluding Covid-related increases, most working-age benefits were between 9% and 17% lower last year than they would have been if the Government had simply uprated them by inflation since 2010. The OBR estimated that the 2015 Budget would cut over £9 billion from social security spending by the end of this financial year. No wonder that before that £20 uplift, unemployment support was at its lowest level in real terms since 1992.

We need action. Temporarily extending the uplift will simply temporarily extend the confusion and uncertainty. The Government should do the right thing, address the problem with SDP, extend the uplift to legacy benefits, make it permanent and announce it as soon as possible, so that people have certainty and can judge for themselves whether they will be better off on universal credit or legacy benefits. The case for taking action on this matter could not be clearer. I hope I do not have to press the Motion to a vote, because I hope the Government will realise what is at stake and do the right thing.

The Deputy Speaker (Baroness Watkins of Tavistock) (CB): As the noble Baroness, Lady Bowles, has withdrawn, I call the next speaker: the noble Baroness, Lady Altmann.

3.38 pm

Baroness Altmann (Con): My Lords, it is a pleasure to follow the noble Baroness, Lady Sherlock. This is a most difficult issue and I have every sympathy with my noble friend the Minister and the Government in their efforts to support those who have been affected by the pandemic and urgently need help with living.

[BARONESS ALTMANN]

I recognise that there are calls for the £20 uplift to be extended to all legacy benefits. However, my suggestion to the Government is that, unless there is the appetite and the funding to extend the £20 to everybody, it seems unwise to commit to a further 12 months of the uplift, as has been called for, given that we are hopeful—I certainly am—that the impact of the pandemic will be behind us to a large degree in 12 months, and we will be into a recovery within the next few months. I would certainly not support any calls for a major one-off lump sum payment to offset the loss of the £20 uplift. I support the Government's move to add £20 to the existing benefit as a temporary measure in light of the pandemic and its dreadful impacts.

However, I also believe that, in the context of this particular discussion on the severe disability premium and the loss of the EDP as well, it would be worth the Government considering whether a self-care element might be added, as recommended by the Economic Affairs Committee. Also, as the noble Baroness, Lady Sherlock, suggested, can my noble friend the Minister update the House on what is happening with managed migration? To what extent are we seeing success in the Government's moves to help people back into work and ensure retraining—after all, this is the fundamental rationale for universal credit and the reorganisation of the benefits system? Those who are able to work and are helping people to get back into work are the ones we are trying most to assist in our social security system.

To what extent are we moving away from the extraordinarily complicated layers? Indeed, today's debate and all the issues we are discussing highlight the extraordinary complexity of the regime, with a bit of benefit for this and a bit of benefit for that and one level of disability and another level of disability. The claimants themselves need financial advice to figure out what benefit they are better off on and what benefit they should be claiming. The noble Baroness, Lady Sherlock, is correct to identify this as a problem, but I hope that we can proceed with the aim of simplifying the benefits system through moving to one payment, with perhaps one or two additions, rather than one or two hundred additions, which can be the case over the entire benefits system.

I am unable to support the regret Motion moved by the noble Baroness. As I have said, I welcome the Government's efforts—and, I know, those of my noble friend the Minister and the department—to really assist those who are struggling through the pandemic.

3.42 pm

Baroness Donaghy (Lab) [V]: I support everything that my noble friend Lady Sherlock said in moving her regret Motion.

I have some experience of the grinding juggernaut of universal credit—a High Court reversal here, the occasional telling-off there by the Secondary Legislation Scrutiny Committee, on which I served for a couple of years—with the Government's policy being that nothing will stop this managed migration. I think that it should be stopped. Remember, universal credit was never universal in the first place. It did not cover most disability

benefits, it did not fit the needs of the self-employed, and the minimum income floor is a particular burden during the pandemic.

Some of the structural problems are coming home to roost. Even now, the Secondary Legislation Scrutiny Committee had to remind the Government that they should include in their Explanatory Memorandum the fact that, because the gateway closed last month, people moving to UC may face an erosion of their benefits. Independent advice is vital and will not be readily available to those people who receive the severe disability premium.

These allowances are not a luxury; they help to cover the extra costs that disabled people face—particularly during the pandemic, with extra heating costs and increased food costs. Many of us can afford broadband and take it for granted that we can do our grocery shopping online, with a minimum spend of £40. The Disability Benefits Consortium's report on disabled people on legacy benefits found that

“82% of disabled claimants have had to spend more money than they normally would during the pandemic”—

mainly on food shopping and utility bills. Charities and campaigning groups on poverty issues have called for the extension of the uplift to legacy and related benefits. The disabled, carers and those with a long-term illness are in the poorest 10% of the population. Quite simply, it is not good enough for the Minister in the Commons to say that this will take several months to implement.

The £20-a-week uplift is due to end in April 2021, unless the Chancellor decides to extend it. The poorest households would lose 10% of their budget. Policy in Practice says that stopping the uplift would mean that “683,000 households, including 824,000 children, would no longer be able to afford to meet their essential needs”.

Citizens Advice has said that this

“would push those just about managing into debt.”

Even more worryingly, BASW—the British Association of Social Workers—suggests that

“low income is a driver of children being investigated as part of child protection concerns.”

Support targeted at the lower half of wealth distribution in the UK or the unemployed is two to three times more effective at increasing spending in the economy than a universal stimulus, as low-income households spend a higher proportion of their budget on essentials. A case study provided by the Zacchaeus 2000 Trust, a small charity, outlined the experience of Lee, who was incorrectly moved on to universal credit despite being in receipt of the severe disability premium on a legacy benefit and the SDP gateway still being in place. She went into serious debt and rent arrears. She was moved back on to legacy benefits and she would not want to go back on to universal credit. The overworked DWP did not always acknowledge her inquiries, or looked only at the most recent correspondence rather than at her whole history.

Seriously unwell and disabled people such as Lee do not need the added stress of UC's failing system, especially during a pandemic. The Government must look at this again.

3.47 pm

Baroness Bennett of Manor Castle (GP) [V]: My Lords, it is a great pleasure to follow the noble Baroness, Lady Donaghy. Her outline of the structural problems of universal credit was excellent and her testimony of the suffering in our communities was powerful.

I congratulate the noble Baroness, Lady Sherlock, on her regret Motion and offer the Green group's strong support for it. I also endorse all her asks in providing a basic, decent level of benefits.

Many noble Lords may have seen a photo that was shared widely on social media yesterday. It showed a queue for a food bank in the snow in Glasgow. People were so desperate to get the basics of life that they endured those conditions. It is very clear that our economic and welfare systems have utterly failed.

The Minister may be aware of the McKinsey & Co report that came out this week. It made an interesting international comparison and showed that countries with minimal welfare provision, such as the US and the UK, have had to pay out huge amounts more in the conditions of the pandemic. We are, of course, in an age of shock and can only expect more shocks. Not providing basic, decent benefits on a regular basis ends up costing a great deal indeed.

I thank the noble Baroness, Lady Altmann, for making the case for a simpler benefits system. She highlighted the difficulties in what you might call the "old regime" of a mix of benefits. We also heard from the noble Baroness, Lady Sherlock, about the incredible complexity that disabled people face with the severe disability premium, which we are addressing today. The noble Baroness, Lady Altmann, laid out very clearly the case for a universal basic income. I have one direct question for the Minister, to which I would really appreciate an answer: are the Government finally considering this obvious, simple, clear, fair solution that means that no one falls through the gaps?

The noble Baroness, Lady Donaghy, referred to some personal accounts and experiences and I should like to do the same. I have an account from someone who suffered a traumatic brain injury and spent a year in hospital. It is posted on the North Staffordshire Green Party website—I will tweet out the link. This is a long story, but it is the kind of experience that many people with a severe disability premium payment would have gone through. This man received the disability living allowance in 2004, not after the original application but after being forced to go through an appeal process. The payment was awarded for life. A decade later, that was replaced by the personal independence payment and the man had to reapply. I will now quote a few of his own words because we should listen to these experts from experience. He said:

"We entered a small dimly lit room with a young male assessor. He told me he had worked in mental health for several years to which I replied—good, you'll be able to understand my brain injury. I left the assessment extremely tired but rather dazed ... It was only a few weeks later when the award letter arrived, I realised why I was feeling dazed—everything in the assessment conclusion letter was a blatant lie—I wasn't bothered that I had been declined—I felt demoralised and degraded. I revealed to the assessor some of my most intimate moments. As I was reading the assessment I felt as though I had been contradicted with some of the information being made up. It was this moment I realised I

had been interrogated not assessed. This sent my mental state of mind tumbling into an abyss of depression—you can appeal, I was told. How can you appeal blatant lies, I thought; and did not appeal."

Many Members of your Lordships' House will be well aware that recipients of the severe disability premium have been through experiences such as that, often again and again. Yet we are subjecting them to the level of complexity that the noble Baroness, Lady Sherlock, outlined.

The payments exist because our society is discriminatory, as it does not exist in ways that meet peoples' needs without their requiring the special extra payments because of their disability. As I pointed out at Second Reading of the Financial Services Bill, if we make a society that works for those who are vulnerable, we make a society that works well for everybody. All of us are only one accident, one medical emergency, one crisis away from needing payments like this. Knowing that those payments are there—reliably, certainly and sufficient—is vital to us all.

3.52 pm

Baroness Thomas of Winchester (LD) [V]: My Lords, I declare that I receive DLA. I applaud the noble Baroness, Lady Sherlock, for tabling this Regret Motion and speaking so lucidly about the issues that we are concerned with.

The interaction of universal credit with the severe disability premium is not for the fainthearted, as noble Lords will understand. It is a fiendishly difficult subject. What is clear and absolutely shocking is that disabled people on the legacy benefits, including SDP, have received no £20-a-week uplift in response to the pandemic, unlike those on universal credit, as we heard. Unless this particular cohort of claimants gets good advice on whether to migrate to UC, they are likely to lose out over time, as we know that there is no SDP in universal credit. It is very much thanks to our committee, the Secondary Legislation Scrutiny Committee, that the Explanatory Memorandum makes clear what is happening over time.

Some people would argue that it does not matter because of the disability benefits of PIP and DLA, which are regularly updated. But we are talking about working-age severely disabled people who will have a great deal of expenditure in their lives, such as installing and regularly servicing appliances, paying for care, extra heating, transport, food and all kinds of things. Being disabled is extremely expensive and we are hearing from many people that they are really struggling. As for the jobs market, it was difficult for disabled people before the pandemic and will be even harder now, with so many people unemployed. People will therefore need all the help that they can get. The Regret Motion should be supported.

3.56 pm

Baroness Browning (Con) [V]: My Lords, it is a great pleasure to follow the noble Baroness and to hear from her first-hand experience.

The severe disability benefit, as we have heard, awarded to people with existing disability benefits such as ESA and PIP, is by definition for the most

[BARONESS BROWNING]

complex disabilities, including physical and learning disabilities, autism, mental health challenges and, as we have heard, for people who are terminally ill. The excellent Motion of the noble Baroness, Lady Sherlock, states that when moving to universal credit claimants should be,

“advised before moving from legacy benefits ... that they could suffer financially”.

This is perhaps, in many cases, one of the groups who find it most difficult to obtain advice. For many, access to, or even ability to use, IT will be a challenge in itself when the benefit system is becoming almost exclusively an IT facility.

The Secondary Legislation Scrutiny Committee of this House examined the Explanatory Memorandum and discovered that it did not make clear that transitional payments would erode over time. The Government responded to that point and revised it to include further information at the request of the committee. However, if it takes a scrutiny committee of the House of Lords to identify that people are going to be worse off under a system, what hope is there for many people outside this House who do not have that expertise, knowledge or understanding? There is a responsibility on the Government to be absolutely transparent and make sure that before people make the move to universal credit, which, as has been said, is a one-way system—there is no going back, once people are in it—they do not erroneously put themselves at a financial disadvantage.

I know that my noble friend the Minister understands these things. She, of all people, with her experience of work before she came into the Lords, understands only too well how disadvantaged people live. I have a high regard and respect for that knowledge and I am glad that she is there to bring it to her department.

I mention one thing in passing and I hope that noble Lords will not think that it is too sexist. This debate has predominantly been contributed to by women. I sometimes wonder whether that is because it is women who take the responsibility in the family for the benefits of relatives and dependants. Maybe that is why women have a more instinctive understanding—I have no doubt that people will complain about this—of the real impact of these issues on day-to-day lives.

A lot of the disability groups have made their case about the financial impact this will have, including Disability Rights UK, among others. Disability Rights UK has made very strong statements, which I am sure the Government are aware of. But on the question of managed migration, my experience is that this group, who are the most severely disadvantaged because of the level of their disability, have been subject to all sorts of changes and disadvantages. But we have not had this spelt out in debate in either House.

My noble friend will know that last year, after 30 years of experience in Parliament of personally dealing with casework—I cannot imagine how many I have dealt with—I actually struggled to engage with the Government’s website to apply for ESA for a young woman in a very difficult situation with an advancing degenerative disease. In order to apply for ESA, the computer made me keep going to universal credit. This woman was married to a man in receipt of the

support level of ESA, and the only way the computer would allow me to apply for even universal credit for her was if that man agreed to forfeit the right to his ESA. I know my noble friend has taken this up, and I hope she has made some progress with it. But this is what people are facing. They deserve a lot better than this.

4.01 pm

Viscount Chandos (Lab) [V]: My Lords, I shall speak briefly but vehemently in wholehearted support of my noble friend Lady Sherlock’s regret Motion.

I was privileged to be a member of the Economic Affairs Committee when it conducted its inquiry into universal credit. It began in January last year, before it became clear that Covid-19 would indeed spread from China and have such a devastating impact on British society and the economy, although our resulting report was published in July. It was therefore able to reflect and comment on the action taken by the Government in response to the pandemic crisis. The chronology is important because we set out to review the workings of universal credit quite independently of the pandemic and to make recommendations for times in the future which, even if they will be inescapably affected by the pandemic, will be more normal and comparable to circumstances before that crisis.

The specific issue of the severe disability premium, which this Motion is about, should be seen in the broader context of universal credit, its design and its agonising phased introduction over the past 10 years against the background of the Conservative-led Government’s premeditated reduction in welfare spending. Professor Jonathan Portes, who was, *inter alia*, chief economist at the DWP between 2002 and 2008, recently wrote:

“The overwhelming case against cutting Universal Credit: not the pandemic, but the extraordinary cuts to unemployment-related benefits over the last four decades.”

The majority of these cuts, which took benefits from 25% of average earnings in 1979 to under 15% in 2019, were implemented by Conservative Governments. However, disappointingly, I have to acknowledge that the Labour Government of 1997 to 2010 did not do anything to reverse that trend.

What is true broadly of the inadequacy of universal credit is even more so in relation to its failure for so many of those with disabilities. The Joseph Rowntree Foundation calculates that 31% of disabled people live in poverty, compared to around 20% of the population as a whole. Half of all those in poverty are disabled or live with a disabled person.

The Economic Affairs Committee was advised that the introduction of an equivalent to the severe disability premium would cost approximately £1 billion per annum. If 10 Downing Street can employ three times as many official photographers as the White House, surely it would agree that the sum of £1 billion to alleviate the poverty suffered by 50% of all disabled people would represent extraordinary value for money. Can the Minister give us the comfort that this will be addressed, allowing my noble friend to withdraw her Motion? In the absence of that comfort, I would have no hesitation in supporting my noble friend’s Motion if she chooses to press it.

4.05 pm

Baroness Ritchie of Downpatrick (Non-Afl) [V]: My Lords, it is a pleasure to follow the noble Viscount, Lord Chandos. I congratulate the noble Baroness, Lady Sherlock, on her regret Motion and particularly on its content. I support that Motion because I am of the view that these new measures will result in claimants who are in receipt of the severe disability premium on legacy benefits moving on to universal credit without ensuring that they will all be fully compensated for the loss of the premium. That is the fear of many of the disabled organisations, as well as of Marie Curie, which has supplied many of us with a briefing paper on this particular issue.

When universal credit was introduced, I was a Member in the other place and opposed it at that particular stage. I saw and viewed it as a benefit measure that would heap further misery on people and push individuals towards food banks. With the pandemic, that has become a greater reality, and permanent financial measures are now required to help people who are increasingly in financial need.

As other noble Lords have referred to, it is worthy of note that the House of Lords Secondary Legislation Scrutiny Committee drew attention to the erosion rules, stating that:

“The Explanatory Memorandum did not make clear that these transitional payments will erode over time”.

I note that the Government revised those to include further information at the request of that committee. In addition, this committee noted the widening

“eligibility to the transitional SDP element to both ex-partners after a couple receiving SDP separate”,

and observed that the Department for Work and Pensions had estimated

“that this eligibility change will benefit a few hundred claimants overall.”

It is worthy of note that Disability Rights UK stated that, from October 2020, these transitional payments were no longer ring-fenced and separate from other universal credit elements. Under the new rules they were classed as a “transitional element” only. In such circumstances, a claimant will not, in fact, receive an increase. Disability Rights UK has stated that the new regulations will mean that,

“after transitional help is eroded after time, UC for disabled people will be significantly less generous than ESA and the other legacy benefits it has replaced.”

Marie Curie, which provides such strong support for cancer sufferers, believes that everyone nearing the end of their life should have the financial support they need for a decent quality of life. No one should spend the end of their life facing poverty or material deprivation. Marie Curie has particular concerns regarding the move to universal credit for people with terminal illness who live alone without a carer, and the impact that the loss of severe disability premium will have on that group. In that regard, will the Minister provide assurance that the disability Green Paper planned for publication this spring will review the financial support available to disabled people living alone and without a carer to look after them? What discussions have the Government had with the Ministry of Housing, Communities and Local Government to ensure that

any new claimants for universal credit who would have been entitled to SDP under the legacy benefits scheme are able to afford all the care and support they need and are not left more socially isolated by the abolition of this component?

In summary, I support the regret Motion. I urge the Minister, as I urged her yesterday, to urge her colleague to undertake a root and branch policy review of the social security system to ensure that it is fit for the needs of this era, with all the accompanying problems that have been challenging us with the pandemic.

4.11 pm

Baroness Primarolo (Lab) [V]: My Lords, I support the regret Motion that my noble friend Lady Sherlock has tabled. I congratulate her on a brilliant introduction to what is a very complex area.

The brutal consequences of the pandemic, added to the trend of increasing levels of poverty under benefit cuts and the growth of inequality, have left families trapped, with no prospect of improving their situation. Millions of people on legacy and related benefits did not receive the £20 uplift applied to universal credit and working tax credits. As many speakers have said in this debate, this is particularly important, as most people on legacy and related benefits are disabled, carers or have a long-term illness. The majority of these fall within the poorest 10% of the population and are the very people who are likely to have been unable to work for an extended period and are less likely to have any savings to fall back on. As the Disability Benefits Consortium has said, they still face higher costs as a result of the pandemic, due to increased food, fuel and phone costs and needing extra support from paid carers.

Into this situation, the Government now intend that people on legacy and related benefits should move to universal credit. Therein lies a very big problem, so eloquently explained by my noble friend Lady Sherlock. I am grateful, as other speakers were, to the briefing from Marie Curie, which makes a compelling case, outlining the difficulties for people living with terminal illness who are living alone and do not have a carer in receipt of carer’s allowance to look after them. They will face terrible consequences from the change that is being proposed. As has been said, under universal credit the severe disability premium and the employment support allowance are both being scrapped. That leaves many of those who would otherwise have been entitled to severe disability premium much worse off.

Although the Government try to make compensation arrangements, Marie Curie provides the example of a gentleman who is 55, who has applied for ESA and has a life-threatening illness. As a result of these changes, if he were moved to universal credit he would be more than £44 a week worse off, on an income that is already very small indeed. It cannot possibly be the Government’s intention to severely undermine the financial position of those in receipt of these benefits, particularly at a time of pandemic. As has already been made clear, claimants in receipt of transitional payments will not receive the annual uplift in universal credit; their support will therefore fall, in real terms, year on year. As the Explanatory Memorandum on transitional protection puts very clearly, the Government’s policy is to gradually

[BARONESS PRIMAROLO]

eradicate the additional income received by former severe disability premium recipients—in other words, to cut their benefits.

The noble Baroness, Lady Ritchie, asked two very important questions to add to the questions asked by my noble friend Lady Sherlock. The Minister must tell us how, in discussion with other departments, the Government will ensure that those affected by this change will still get the care and support they need and will not be left socially isolated as a result of these changes. She also needs to tell your Lordships' House when the Government will bring forward the special rules for people living with terminal illnesses. Better still, she should tell the House today that these poorly timed changes, which will only increase anxiety and uncertainty for disabled people, will be withdrawn and that the Government will think again.

4.16 pm

Baroness Fookes (Con) [V]: My Lords, I want to make a general point about universal credit, because nobody, as far as I can see, has had a good word to say for it in this debate. I believe that, as a general system, it is a great improvement on the old system. I remember, as a local MP, trying to help constituents with all kinds of welfare problems through the maze of different regulations. It was almost impossible to find the exit from the maze and I suspect that, on many occasions, DWP staff were almost as bewildered as I was. I welcomed the change to a much simpler system of universal credit. I accept that it suffered from cuts made in the amount available to it, and that I much regret, but I do not regret the simplification.

On the severe disability premium, other noble Lords have spoken very eloquently of the importance of this to people at the lowest end of the scale, and I have every sympathy with that, but my understanding is that it is not immediately being withdrawn. I should be interested to hear from my noble friend the Minister what sort of erosion is likely to take place and over what timescale. Is it to be months, years? That makes a great deal of difference to how people are being treated. I should also be interested to know the numbers of people who are enjoying this severe disability premium. Again, it would be very helpful to have some idea of the scale of this.

In addition, I feel very strongly about the £20 addition, both for people in general and for those getting the severe disability premium. I am at one with others in the Chamber who feel that they should be receiving it, and I hope this will be possible. I imagine that it rests with the Chancellor of Exchequer, and I hope my noble friend will make very clear to him the strong feelings in this House, which I warmly share, about the value of keeping the £20 premium in the present circumstances, and in making sure that those on the severe disability premium are included. I feel very strongly about it.

None the less, I understand the difficulties my noble friend faces. As I think my noble friend Lady Browning pointed out, we know that her heart is very much in favour of the underdog and, from her previous work as a leading member of a charity trying to improve people's lot, she will have a full understanding and knowledge of what is at stake. I hope very much that

she will use all her persuasive powers on those in government who want to see that people at the bottom end of the scale are well and fairly treated. I look forward very much to hearing what my noble friend has to say.

4.20 pm

Baroness Drake (Lab) [V]: My Lords, I congratulate my noble friend Lady Sherlock on bringing clarity to the dauntingly complex in expressing her regret. We should be clear, to quote Scope, that this change affects a group with some of the highest support needs and extra costs. These are the people we are putting at risk, many of whom are shielding at home and facing spiralling energy costs. I, too, quote Marie Curie, because it is such a reputable organisation, about those living alone with lifetime illnesses and the cut in SDP. It says that without this money available, many more people are likely to struggle to afford the costs of care. That is likely to reduce social contact, increase their social isolation and have a devastating effect on many people nearing the end of their lives.

I have absolutely no doubt that the Minister is committed to enhancing the well-being of those with serious disabilities, but regrettably, as so powerfully articulated by my noble friend and reputable voices on behalf of those with disabilities, the new regulations will give rise to detriment for some severely disabled claimants. The loss of SDP under universal credit leaves new claimants worse off. Vulnerable claimants might not understand that they could suffer financially by moving from legacy benefits to universal credit. Not all existing claimants will be fully compensated for the loss of the severe disability premium when moving on to universal credit, and the transitional compensation that is made available has limitations. Claimants on those payments will not receive any annual uplift in their universal credit, so the support erodes away. The payments are insufficient to match the combined losses under universal credit. The payment could be lost through certain changes of circumstance, and the managed migration has been paused.

The Explanatory Memorandum did not initially make it clear that these transitional payments will erode over time. That is ironic, because these regulations present one of the harshest examples demonstrating why legacy benefits should be uplifted in line with universal credit throughout the pandemic and that the £20 weekly uplift should be retained after April.

In February, the Disability Benefits Consortium reported that over 2.5 million people are claiming legacy benefits, the majority of whom are disabled. Pre-pandemic, nearly half the people in poverty were disabled or living with disabled people. The pandemic has compounded their difficulties.

On 8 February, I received the letter that the Minister issued to all Peers, highlighting the great efforts made by DWP staff during the pandemic, which I completely endorse; I am full of admiration for the effort they have put in during the pandemic. However, she went on to refer to public expenditure on job protection, sustaining the welfare safety net and interventions to get people back into work. That and other public expenditure has to be assessed against the economic costs of not undertaking such state intervention. Yes, the Chancellor has challenging judgment calls to make,

but the efficacy of those judgments does not hang on cutting the income of those with the severest disabilities. He has far more powerful fiscal measures in his armoury. Nothing about the saving, which targets such a vulnerable group of people, will seriously contribute to the challenges he has to deal with.

The complexity and downsides of these new provisions will make them very difficult, if not impossible, for some severely disabled claimants to understand. As Citizens Advice said:

“Everyone’s situation is different. That’s why it’s important to seek independent advice before making a voluntary move to Universal Credit from another benefit which includes a severe disability premium. You won’t be able to reverse your decision ... you could end up worse off, despite the temporary uplift to Universal Credit.”

I add to the compelling questions posed by other noble Lords: where can claimants go for this advice? Where will they find the sources of this advice and will the DWP pay charities to assist with advice provision? As I said on opening, this is a sad tale.

4.25 pm

Baroness Janke (LD) [V]: I also add my thanks to the noble Baroness, Lady Sherlock, for tabling this Motion, which we will support. Many have highlighted the evidence of the severe impact of the pandemic on people with disabilities. Scope’s disability report highlights many of these difficulties, such as accessing food and essentials. Many disabled people feel forgotten and isolated, beset with anxieties about their future. Buying food and accessing essential services has been problematic for many who live alone. Difficulties in accessing benefits and delays in payments have often left disabled people financially insecure. The crisis has further highlighted existing flaws in the system, as other noble Lords have said, and the introduction of temporary changes has introduced uncertainty.

Scope calculates that the cost of the pandemic to people with disabilities is as much as £583 a month related to their impairment or condition, even factoring in benefits designed to meet these costs. For those still on legacy benefits, as others have drawn attention to, there has been no temporary uplift, despite the increasing costs and the worsening circumstances of those still on legacy benefits.

Severe disability premium is received by people who are severely disabled and living alone without a carer to look after them. They often have life-limiting illnesses, as the Marie Curie briefing tells us. I congratulate the noble Baroness, Lady Sherlock, on her explanation of how the new circumstances have come about. These are complicated and detailed. I certainly note the comments of the noble Baroness, Lady Browning, who has highlighted the inaccessibility of these to the people they most affect.

However, as legacy benefits are gradually being absorbed into universal credit, new rules provide the criteria for a flat-rate transitional payment to those currently in receipt of SDP who make a claim for universal credit after that date. However, this payment, as has been explained by many noble Lords, will gradually erode due to lack of uprating and deductions for changing circumstances, leaving people formerly receiving SDP significantly worse off over time. This is quite shocking, as many noble Lords have said. Has

an impact assessment been conducted and what are the results? I would also like to know the numbers of people who have now gone on to universal credit through their changed circumstances but will not be eligible for the transitional payment.

How can it be right to penalise people already suffering from debilitating disabilities, including those living with life-limiting illnesses? It means that many new claimants who would have been entitled to SDP under the legacy benefits system will be unable to afford the care and support they need and will be even more socially isolated as a result. It is important to recognise the very high extra costs faced by those without a carer, who have to pay for almost every job or service they need.

We have heard just what a severe impact the pandemic has had on many people with disabilities and their families. It seems particularly unfair that no uplift has been made to legacy benefits to provide support for those in such severe need. It is particularly shocking that measures to further disadvantage people with severe disabilities have been introduced under the auspices of migration to universal credit. I very much hope that the Minister will raise the very many serious issues that have been discussed in this debate and urge the Government to work with the disability charities to make much better arrangements for people with disabilities.

I support the Motion. I support the aim of extending the uplift of the £20 a week to legacy benefits, and I would certainly support the provision of extra advice about migration to universal credit. However, as we have heard from other noble Lords today, I also believe that the system needs a review, to be able to support those with the most severe needs.

4.30 pm

The Parliamentary Under-Secretary of State, Department for Work and Pensions (Baroness Stedman-Scott) (Con): My Lords, I thank the noble Baroness, Lady Sherlock, for bringing this Motion to the House, and I thank all noble Lords for their valuable and heartfelt contributions to the debate, which I am extremely grateful for.

Let me say first that we are committed to supporting the most vulnerable in society and in this financial year alone we will spend £55 billion on benefits to support disabled people and people with health conditions in Great Britain. Since this awful virus attacked, that commitment has been shown in the way we have mobilised our welfare system like never before to protect vulnerable people and those who are affected by the pandemic. I hope briefly to provide some reassurance about the protections and support that are in place for those moving from the severe disability premium to UC.

On the question of whether claimants migrating to universal credit will be worse off, importantly, it is not true that everyone who moves to UC who was entitled to the SDP loses money. The regulations ensure that the arrangements for providing financial support to those previously entitled to the SDP continue from 27 January this year. We are not reducing the levels of the SDP-related transitional payment; they remain the same as now. Additionally, through universal credit, disabled people in receipt of the limited capability for work and work-related activity addition receive more than double the equivalent monthly rate available to

[BARONESS STEDMAN-SCOTT]

those in the same circumstances on legacy benefits. Those who are moved to UC by the department and have no change of circumstances will benefit from transitional protection if their UC entitlement is less than what they were receiving on their legacy benefit.

I also take this opportunity to bring to your Lordships' attention new regulations that will also take effect from 27 January 2021. This is a positive change to existing regulations and will ensure that, in circumstances where a couple who are entitled to the SDP separate and make a new UC claim, both ex-partners will be eligible to be considered for the transitional SDP element in UC.

We have already introduced transitional payments worth up to £405 a month for people previously entitled to the SDP who are eligible. By September 2020, we had paid transitional payments to more than 16,000 people, and by 2024-25, approximately 25,000 claimants will benefit from the total package of support provided by the SDP gateway and the SDP transitional payments, worth an estimated £300 million over six years.

The SDP group is the only one to receive a form of protection after moving to UC following a change of circumstances, because we recognise that it is a distinct group, with people frequently seeing a reduction in award when moving to UC and who are less likely to be able to work. The SDP-related transitional payments are set at levels which broadly reflect the amounts for SDP only, with an adjustment made for people who are receiving the UC limited capability for work and work-related activity addition.

Many, if not all, noble Lords in the debate raised the UC uplift. We will continue to keep everything under review as the situation evolves. The Secretary of State, the Chancellor of the Exchequer and the Prime Minister meet regularly to discuss all these issues and will consider the economic and health context before making any decisions. The Government will continue to assess how best to support low-income families and a decision on the uplift will be made in due course.

Noble Lords also raised the issue of extending the uplift to legacy benefits. I have to be straight and truthful: there are no plans to do that. It has always been the case that claimants on legacy benefits can make a claim for UC if they believe that they will be better off. On the important point that noble Lords raised about advice to be given to people before they make that decision, I would encourage those contemplating such a move to go to GOV.UK or contact the citizens advice bureau to determine, based on their household circumstances, whether they would be better off on UC. That is because of the point noble Lords raised already: claimants cannot return to their previous legacy benefits once they have claimed and been awarded UC. It is very important that they satisfy themselves that they will be better off financially in the new system.

From 22 July 2020, a two-week run-on of income support, employment and support allowance and jobseeker's allowance is available for all claimants whose claim to UC ends entitlement to these benefits, to provide additional support for claimants moving to UC.

I will now deal with some of the points that noble Lords raised. I will do my best to fit all of them in; if not, I will write to noble Lords after the debate.

The noble Baroness, Lady Sherlock, raised the issue of what the Government are doing about bringing forward long-awaited changes to special rules for people with terminal illnesses. We take the issue of terminal illness very seriously and treat people in such circumstances with the utmost speed and sensitivity. Our processes for dealing with people who have a terminal illness with a life expectancy of six months or less have been designed specifically to enable decisions to be fast-tracked at all stages. The noble Baroness, Lady Ritchie of Downpatrick, also made a point about this issue. I can confirm that universal credit provides enhanced personalised support for those with a terminal illness, and that it is done in the most sensitive and appropriate way possible.

The noble Baroness, Lady Sherlock, asked about a decision on the uplift. I have already covered this; the decision will be made at the time the Chancellor has said, and all circumstances will be taken into account.

I thank my noble friend Lady Altmann for her thoughtful and considered contribution, and for raising the point that what we really want to do is get people back to work. All our energies and time are being spent doing this, because it is one of the best ways to help people in these circumstances.

The noble Baroness, Lady Sherlock, and my noble friend Lady Altmann asked about an update on managed migration. The move to the UC pilot was suspended following the outbreak of Covid-19 and currently no confirmed restart date has been set. The noble Baroness, Lady Donaghy, and my noble friend Lady Fookes raised other issues about universal credit. I understand that people have serious concerns about it, but I would ask all noble Lords to consider the fact that, as my noble friend Lady Fookes said, had the legacy system been in place, it would have buckled and would not have stood up in the robust way that universal credit has done.

The noble Baroness, Lady Bennett of Manor Castle, raised the issue of a universal basic income. I will say as politely and straightforwardly as I can that the Government have not changed their position on this and have no plans to introduce it. She also cited the case of a person who has obviously had great trauma and felt badly treated—that is probably an understatement. I will say to the noble Baroness again that, if she gives me the details of the case, I know that the Minister for Disabled People will want to look into it.

I turn to the questions put by the noble Baroness, Lady Thomas of Winchester, who I personally have the utmost respect for. First, as of 27 January, SDP claimants have been able to move to UC, should they wish to do so. Secondly, the transitional SDP element is treated in the same way as the transitional element for those who are required to move to UC by the department. It is eroded only if a claimant is awarded a new element in their UC or an existing element increases, with the exception of the childcare cost element. At this point, although the transitional element will reduce, the overall money will remain the same.

The noble Baronesses, Lady Thomas and Lady Primarolo, said that disabled people find it difficult to get work and that, in the current circumstances, that difficulty is all the more pronounced. I know that the Minister for Disabled People is absolutely committed to doing all he can. We are already helping disabled people stay in work and enter work through a range of programmes: Access to Work, Disability Confident, the Work and Health programme and the Intensive Personalised Employment Support programme.

My noble friend Lady Browning speaks from personal experience that has been very difficult for her. I can only say that the door is open to continue the dialogue and that I will make sure that that happens. I will get into hot water if I make any comments on the points she raised about women, but I do think that they have merit.

I am sorry, but as much as I am prepared to answer the questions put by noble Lords, time has eluded me, so I shall now hand over to the noble Baroness, Lady Sherlock.

4.42 pm

Baroness Sherlock (Lab) [V]: My Lords, I am grateful to all noble Lords who have spoken and I thank the noble Baroness, Lady Janke, for her support in helping to make the case for this Motion. Likewise, I thank the noble Baroness, Lady Bennett, for supporting the Motion and for reminding us of the human face of suffering in that terrible picture of people queuing in the snow to access a food bank.

My noble friend Lady Drake described compellingly the damage these changes can do and why they sit poorly alongside the Government's moves to support people in the pandemic. I know that the sums may not sound life-changing to some, but they really are. My noble friend Lady Primarolo reminded us of the poverty facing so many severely disabled people, which is being aggravated by the pandemic. She pointed out the severe losses that many will now face. As the noble Baroness, Lady Thomas, said, being disabled is extremely expensive. It is wonderful to see her taking part in this debate and I am grateful for her support and for sharing her experiences and expertise.

I am grateful too to the noble Baroness, Lady Browning, who has long been a champion for disabled people. I thank her for her support and for reminding us of the additional challenges facing so many people with complex disabilities as they contemplate a move to universal credit. I do not think that just going to GOV.UK and testing it out for themselves is the answer. I also note her celebration of the wisdom of women in this regard. That makes me thank in particular our sole male speaker, my noble friend Lord Chandos, for his well-informed reflections and for the work that he and his colleagues on the Economic Affairs Committee have done so well to take apart many issues around universal credit and to flag up the challenges that need to be addressed. The noble Baroness, Lady Ritchie, has once again given her strong support for the Motion and analysed the real problems that this move will pose to severely disabled people and those with life-limiting conditions. I am grateful to her for that.

The noble Baroness, Lady Fookes, spoke up for universal credit, but highlighted the problems caused by underfunding it. I am grateful to her for speaking

out so strongly for the £20 uplift. The noble Baroness, Lady Altmann, does not want the £20 uplift to be extended to legacy benefits or made permanent and has argued that getting people into work is the answer. But, as I am sure she knows, universal credit is paid to people who are both in and out of work. Moving someone into work does not solve the problem at all; it simply relocates it.

This debate has highlighted the vital role played by the severe disability premium in enabling sick and disabled people to get critical care. As my noble friend Lady Donaghy pointed out, disability premiums are not a luxury; rather, they help cover the extra costs that disabled people face. The Minister said that if claimants can hold out until managed migration, they will get full transitional protection—but she could offer no information on when even the pilot would restart, never mind when the managed migration programme would be finished. She also said that some people will be better off. I acknowledge that, but the fact that some people will gain is not much help to those who will be much worse off.

I had hoped that the many powerful speeches today would have persuaded the Minister of the case for the changes set out in my Motion. Perhaps they did, really, but she is not in a position to concede them. I hope that, if the House were to endorse this Motion, it might add strength to her arm when she goes back to the Secretary of State and tries to persuade the Government to do the right thing. Again, I am grateful to everyone who has spoken but, to that end, I wish to test the opinion of the House.

4.45 pm

Division conducted remotely on Baroness Sherlock's Motion

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Motion agreed.

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4.58 pm

Baroness Scott of Bybrook (Con): My Lords, I beg to move that the House do now adjourn briefly until 5 o'clock.

Sitting suspended.

Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 (SI 2020/928)

Motion to Regret

5 pm

Moved by Baroness Randerson

That this House regrets that the Town and Country Planning (Border Facilities and Infrastructure) (EU Exit) (England) Special Development Order 2020 (SI 2020/928) will have considerable implications for the haulage industry and the local areas that these measures will affect, and regrets that the failure of Her Majesty's Government to prepare for Brexit has required these measures to be implemented. *Special attention drawn to the instrument by the Secondary Legislation Scrutiny Committee, 26th Report*

Baroness Randerson (LD) [V]: My Lords, I make it clear that I in no way question the need for the proposed border facilities to take pressure off some of our ports. Many port sites are too congested to process the number of vehicles they deal with, now that border checks are so much more complex. Unfortunately, in keeping within the strange time warp within which we now operate in this House, we are debating something that is already in force. However, the Secondary Legislation Scrutiny Committee drew our attention to it in September.

I am moving this regret Motion to question the use of the special development order as the procedure of choice for the Government. It is apparently only the second time, since its introduction in 1990, that this

[BARONESS RANDERSON]

procedure has been used—in this case, to grant temporary planning permission until 2025. The process allows the Government, in the form of the Ministry of Housing, Communities and Local Government, to give themselves planning permission, applied for by the so-called border departments. There is no statutory obligation to consult the public.

I ask the Minister for some explanation of why so little was done by the Government until it was too late to provide satisfactory democratic accountability for the siting of border facilities. Not surprisingly, local residents are concerned about traffic congestion, environmental and noise impacts, air quality and more. I ask why the haulage industry does not yet have the support and facilities it urgently requires, because inland lorry parks are needed to provide food, toilets and rest facilities for drivers.

In 2016, the UK voted to leave the EU. In January 2017, Prime Minister Theresa May made it clear that the UK would not remain in the single market and customs union. From that point onwards, the negotiations were only ever going to make a marginal difference to the complexities of doing business with the EU. Time and again, the Government were warned, by hauliers, haulage representatives and exporters, of the need for early preparation. Therefore, I find the repeated pleas of urgency in the Explanatory Memorandum completely unacceptable. The Government have had four and a half years to prepare for Brexit; it is no good shouting “emergency” now.

The special development order in Schedule 1 gives the Government development powers over great swathes of England. The list of 29 areas includes whole counties and most of the south coast. Seven actual sites have been approved so far. There are several in Kent, because Dover is the busiest port and is very congested. Surprisingly, Birmingham and Warrington are there, because they are needed to service Holyhead port, 100-plus miles away.

In Kent there is the controversial proposed White Cliffs site, a rural site that is close to an AONB, but there is no environmental impact assessment for the application. The site includes an ancient Roman right of way. The residents of the neighbouring villages of Whitfield and Guston are disgusted by the way that they have been treated by this process. Letters arrived for them on 31 December telling them that the Government had acquired the site and it would be used from July. Their rights to protest or even to know what is going on are minimal. This week Dover District Council dealt with the issue. Councillors say they were not allowed to see the application until 24 hours before the meeting, and that they had to do so in secret and were not allowed to disclose details to others. Residents have not seen the detailed plans. Will the Minister specify exactly what information, plans and reports will eventually be made public?

Inland border facilities are only one part of tackling the provision of adequate port facilities. The Government set up the Port Infrastructure Fund, to which ports made bids to adapt their facilities, but it was seriously underfunded, so ports, already badly overstretched by the combined impact of Covid and Brexit, are left with a major shortfall. Portsmouth, for example, is some £5 million short.

SMEs are struggling with the major complications of new customs checks; an estimated one in seven is at risk of going out of business. Even for the largest companies that can employ specialist staff, there are big additional costs. Both Logistics UK and the Road Haulage Association urged the Government a year ago to speed up the employment of new customs agents to help with the process, but so far we have only 10,000 of the 50,000 required.

The anticipated long queues of lorries waiting to be processed have not yet materialised. Instead, traffic into ports is way down on previous years, reported as a 68% fall in volume of exports to the EU so far, while up to 75% of EU lorries are going home empty. That reflects a huge fall in business activity by UK companies. Many businesses are moving jobs to the EU because even if you are the only lorry in the port, the procedures and preliminary form-filling now required are time-consuming and expensive.

Welsh ports are particularly hard-hit by the Northern Ireland protocol. Rather than using the Great Britain land bridge, hauliers are driving straight down to the Republic to take ferries to mainland Europe. There used to be three sailings a week from Rosslare to France and Spain; now there are 15 and rising. Obviously, this hits the survival of Holyhead, Fishguard and Pembroke Dock.

My purpose today is to shed some light on the factors behind the headlines and, in respect of the special development order, to demonstrate what the Government are doing, and how they have chosen to do it via a planning process designed for emergencies, when they are dealing with an entirely predictable set of consequences of a decision made over four years ago. I beg to move.

5.08 pm

Lord Berkeley (Lab) [V]: My Lords, I am pleased to follow the noble Baroness, Lady Randerson, in speaking about this Motion.

I have had a lot of communication from the site that the noble Baroness mentioned in Guston near Dover, which I know quite well because I spent 15 years building the Channel Tunnel just next door to it. I am as astonished as she is that the Government do not seem to be following even their own pretty flawed regulations for this so-called emergency. I am particularly interested to look at the Explanatory Memorandum that comes with this draft regulation—well, it is not a draft any more—because, as the noble Baroness said, the Government have had four years to think about this and plan for it, yet the first that the residents heard of it was on New Year’s Eve.

The first thing I shall mention is that paragraph 7.7 of the Explanatory Memorandum states:

“The SSHCLG’s approval must be sought”—
it clearly has been sought—

“and given before the development of a specific site can start.”

It also states that evidence needs to be submitted for why a site is necessary and why it is the right site and that there needs to be an environmental study, as the noble Baroness said, and a construction management plan.

Can the Minister confirm that, before CLG gave approval, all this documentation had been prepared and submitted to it? Will she say when it was submitted and why the local residents, the local parish council and others did not receive a copy of that documentation? Will she put all this documentation in the Library of the House so at least we can see it, albeit retrospectively?

One of the most important things is—why Guston? My understanding from a long time ago until now is that the most important, first-priority route for trucks going to or from the Channel Tunnel or the port of Dover is the M20. As we all know, one or probably two sites have been designated and are apparently in use. Ministers told us only last week that there were no more traffic jams at Dover, so it is interesting that they have suddenly decided that they need to have a third site on the A2, which is partly single carriageway. Why is it needed there? The consultation with the stakeholders clearly did not have any effect on the residents, but the port of Dover was consulted and I understand that it suggested an alternative site further up the road. Will the Minister explain why that site was rejected and on what grounds?

This is the most disgraceful means of trampling over local people's rights to live. There was no environmental study on the noise pollution for 24 hours a day, or light pollution. Is the site really needed at all? Will the Minister say who was consulted before this went to CLG? Paragraph 10.2 of the Explanatory Memorandum states:

“Government officials have had numerous discussions with a range of stakeholders including individual ports and established government forums with industry.”

What it does not mention is the poor people affected next door. Perhaps the Minister will also put in the Library a list of all those who were consulted and say why the local villages were not consulted and what the effect is on those villages. This is one of the worst examples I have seen of government trampling over local people when the need for this has not been demonstrated to them or anyone else. I look forward with interest to the Minister's response.

5.14 pm

Baroness Neville-Rolfe (Con): My Lords, in speaking to this order, I express delight that I am following the noble Lord, Lord Berkeley, as he and I worked together, cross-party, on a number of issues.

I find myself in a dilemma today. I support all that the Government are doing to try to ease the adjustments and complexities of Brexit. They are right to speed up the planning process to provide for border-control measures and to provide for associated facilities and infrastructure. They have been preparing for some time, as I recall concerns expressed two years ago by the horticultural industry that the portaloos that it hires for their farm workers each year had been appropriated.

It was good to hear from the Minister earlier today that traffic is flowing freely, that only 2% to 3% of lorries have been turned back in Kent and that most relate to Covid tests or paperwork issues of their own making. I thank her for her courtesy. We both have links to Wiltshire, of course—she to Bybrook and I to Chilmark—and she has had a distinguished career in local government. I noted that representatives of Logistics

UK told the EU Sub-Committee earlier this week that, in the experience of its members, delays have been relatively few and isolated in respect of specific sectors and routes. That is more promising than the prophets of doom expected.

On the other hand, as with so much to do with government at present, I am not happy about the lack of opportunity for scrutiny of this instrument. This measure, which, if badly managed, could have a profound effect on individual citizens and communities, was made as long ago as 3 September 2020 and came into effect on 24 September. Seven facilities have been approved, and I believe that a more controversial one near the historic white cliffs of Dover—already mentioned by the noble Baroness, Lady Randerson, and the noble Lord, Lord Berkeley—may be in the pipeline. This SI was drawn to the attention of the House by our excellent scrutiny committee on 17 September. It is now 11 February, nearly five months later. I am shocked by this. In that time, we have debated many less important measures and on many days the Grand Committee Room has been empty.

I am also very concerned that in the words of the website:

“There are no associated impact assessments for this legislation.”

This is exactly the sort of measure that would have benefited from that sort of analysis and, as it will last for five years, there is no excuse for not providing one. I know from being both a civil servant and a Minister in the past that, even if an impact assessment is partial, with several “tbcs”, it helps good decision-making and communication by identifying the benefits and who will be hurt and how. It forces a conversation with those likely to be concerned—small businesses, including cafes or garages, hauliers of all kinds, those constructing the facilities, government agencies, local and parish councils, civil society and so on. Indeed, as far as I am concerned, such analysis and consultation is a critical part of an effective planning system, whether leisurely or accelerated, as I accept has to be the case here. Moreover, I have noticed over the last 50 years that government departments, which are doing the constructing, have been responsible for some of the worst eyesores, although I recognise that here we are talking about temporary structures and car parks.

I note that the SI sets out a lot of detail required for each planning application—possibly too much, given that the permissions are temporary and that we need to avoid bureaucracy wherever we can. But, given the wide-ranging powers that the SI gives over the countryside and any buildings, perhaps the Minister can kindly provide more information today on what has been done, and is being done, under these special powers, how local people and local and national businesses are being affected, who has been consulted—a point made by the other speakers—and her plans going forward.

Finally—it is this that prompted me to speak today—I find it extraordinary that the measures will last for so long. Developments can take place until 31 December 2025 and the required reinstatement works have to be completed by 31 December 2026. This is an age away and well beyond the next general election. Why is the Minister not seeking renewal of these powers annually, as with some other emergency measures, so that we can examine

[BARONESS NEVILLE-ROLFE]

what has been done, applaud progress that has been made by the Government and renew these draconian powers only if we all feel that that is justified? However, those reservations are certainly not sufficient for me to vote in favour of the regret Motion, which I do not support.

5.19 pm

Baroness Wheatcroft (CB) [V]: My Lords, I thank the noble Baroness, Lady Randerson, for the way in which she introduced her regret Motion. I support what she said. I am deeply unhappy with this order. I declare an interest: I have a house midway between the Ashford and proposed Dover sites.

I listened with interest to the noble Baroness, Lady Neville-Rolfe, who always has something new and interesting to say. However, I am puzzled that, two years ago, the Government were snapping up Portaloos—presumably for these intended lorry tailbacks—yet did not at that stage think about seeking permission for the sites on which they might be used more permanently. I therefore wonder whether the Minister can explain when she comes to wind up why it was so late in the day that the Government decided to seek these emergency powers and go ahead with building parks that it was quite obvious would be required since we were leaving the single market.

It is clear that trade is significantly down at the moment. If that remains the case, presumably we will not need anywhere near the amount of provision currently being sought. So, what are the Minister's projections, or those of her department, of how many of these sites will be required? That might give us an indication of how optimistic the Government are about the future of British exports.

Like other speakers, I am particularly concerned about the lack of consultation and the areas in which these lorry parks are being housed. Noble Lords have referred to Guston. Apart from having a port, Dover is a great tourist attraction because of its magnificent and extraordinarily well-managed castle; I recommend paying a visit to anyone who has not been there. However, it is short on car parks and facilities. If there were to be provision in the neighbourhood for extra car parking, it would be useful to see that accommodated more sensitively than what is currently proposed: a huge lorry park on the A2, where, as others have said, there is only single-lane traffic in some places. There is already deep concern in Ashford that if traffic builds up to the level it was before Brexit, there could be tailbacks, making it extremely difficult for the emergency services to get through. Local communities are really concerned about that.

They also feel that their opinions are simply not taken into account, and not just in the case of lorry parks. Last year, the Napier barracks, discussed earlier this afternoon, was turned into a hostel for asylum seekers. They have to be housed somewhere but the conditions there are appalling. The locals would not wish anyone to be housed in such conditions, but they do wish that they had been consulted before such a facility was put in their midst. That did not happen. Equally, now, those in Guston and the villages around there face a transformational development going ahead

in their midst without prior consultation. Consultation taking place once the bulldozers have started work, which is what happened in this instance, does not strike me as consultation at all. I would be grateful if the Minister could tell me how she views the process of consultation if work on the site has already begun.

5.24 pm

Lord Thomas of Gresford (LD) [V]: My Lords, it is always a pleasure to follow the noble Baroness, Lady Wheatcroft, and to listen to her fight on behalf of the villages around where she lives in Kent. Perhaps I can move a little further north.

Prior to 1 January, Holyhead port carried 1,200 lorries a day, inbound and outbound. The consequences of the ending of the transitional period are that traffic has been reduced by 50% at present, and that Stena Line has moved one of its ships to the Dublin to Cherbourg service. The Government say that this fall-off is temporary only—teething troubles—and that we can shortly expect the transit of lorries to resume its previous volume.

Meanwhile, the Conservative Member of Parliament for Warrington South has said that the proposed Appleton Thorn inland border control point will deal with 350 lorries per day, inbound and outbound, with only 69 parking spaces available on the site. He pooh-poohs concerns voiced by the local Liberal Democrat councillors, Judith Wheeler and Sharon Harris, that figures previously released suggested 700 vehicles per day using this facility and that they would use Barleycastle Lane for access, which is not wide enough for two lorries to pass each other.

Given the normal flow at Holyhead of 1,200 vehicles and trailers a day, how can this site cope with the expected traffic? Do some of these lorries simply disappear into the wilds of north-west Wales? The proposed site to deal with Holyhead-Ireland traffic is more than 100 miles and a two-hour drive away from Holyhead. Where, incidentally, is the traffic from Northern Ireland to Liverpool to be dealt with?

I am a frequent traveller in the proposed area since Appleton Thorn lies on the route from north Wales into Manchester and is at the junction between the M56 and the M6, if you are going north to Scotland. I know only too well that the junction of the Liverpool-Manchester motorway, only two motorway exits further on over the Warrington viaduct, is an area which frequently snarls up. I am an expert on the rat-runs around that junction. Perhaps that is why the site chosen has been deserted by the large Shearings coach company. I cannot expect the Minister today to pass any opinion on the suitability of the site, but I would welcome a definitive undertaking to provide up-to-date information on what the current travel figures from and to Holyhead, and those forecast for the future, are. That is the sort of information a proper planning application would provide. I also want a definitive statement on the expected capacity and use of the Appleton Thorn site.

This one site and its problems illustrate how inadequate the preparations have been for Brexit, and for the problems involved in placing the border with Northern Ireland in the middle of the Irish Sea. I do not believe that the process outlined in this measure, with temporary planning permission granted by the Secretary of State,

is a satisfactory solution at all, particularly having regard to the minimum consultation requirements it contains. This procedure, used only once, as my noble friend Lady Randerson said, is not appropriate for this type of huge development, with such an impact on the surrounding countryside. I am sure the Government's response will be, "What else can we do?" I hope that the people of Holyhead, and the people of Appleton Thorn and Warrington, will take full knowledge of the absolute failure of this Government to look after their interests.

5.29 pm

Lord Bourne of Aberystwyth (Con) [V]: My Lords, it is a great pleasure to follow the noble Lord, Lord Thomas of Gresford. I share many of his interests in protecting Holyhead and other Welsh ports. I too thank the noble Baroness, Lady Randerson, for setting out the issues as clearly as she did and, once again, highlighting some of the problems that are being experienced, and will be experienced, by ports in Wales.

The background to the order is clear, and I do not deny that there will be a need for such sites as we are being asked to approve the designation of. I am less clear on how this need only recently made itself obvious. We have this need even though we have an agreed EU exit and an agreement at the end of transition period. If we need these processing centres and holding bays under benign circumstances, then a fortiori we would have needed them without agreements also. I am not clear why this need has become urgent so recently, because it should have been obvious earlier. I would welcome some explanation of that from my noble friend the Minister. It may be that there is a perfectly simple explanation, though it is not clear to me. That is the prime question I have: why were these centres not planned for longer in advance?

Like others, I think that the usual planning procedures, with their democratic checks and balances and controls, are something that we should normally follow. Like my noble friend Lady Neville-Rolfe, I cannot understand why these procedures are needed until the end of 2025. That does not seem very temporary. If we have an urgent need now, does that continue for another four years? I cannot understand why we are not able to revert to normal planning procedures once the immediate urgency, which is apparent, has passed. As I have indicated, I am certainly not against the provision of sites and the need for that is clearly there, but I have some further questions for my noble friend.

The affected local authorities are listed in a schedule to the order—I think there are 29. I am not quite clear on why some authorities are in the list and others are not. The list includes, for example, Devon but not Cornwall, Somerset but not Gloucestershire and Essex but not Hertfordshire. I would welcome guidance from the Minister on the basis on which these local authorities were listed. What discussions have there been with the local authorities concerned about the listing and what can be expected? Is it to be expected that all 29 authorities may have holding bays placed in them?

Furthermore, how were the sites themselves chosen? It is not apparent. If for example, I could ask about North Weald in Essex: where is this processing centre for and how was it chosen? The Explanatory Note makes

it clear that owners and occupiers of land adjacent to the site and access routes, parish councils, planning authorities, fire authorities, police authorities and environmental bodies are

"given an opportunity to comment".

I very much welcome that. I have studied some of the background in relation to Birmingham Airport. I can see that fairly detailed restrictions and conditions have been imposed there. I take reassurance from that; there seems to have been a thorough process. But I have concerns about why it will be as long as to the end of 2025 and I have concerns about why we have not acted earlier.

I also have concerns about the Welsh ports. What discussion has there been with the Senedd about the Welsh ports and the challenges they face? Has there been discussion about possible processing centres within Wales itself with the Senedd? I would welcome some reassurance on that from the Minister.

5.33 pm

Lord Bradshaw (LD) [V]: Many Members of this House came into politics through local government. Their motivation was to make things better for local communities, usually through improvements in local services. It was my motivation. There was always a problem with funding, but real choices and compromises had to be made. For some years, funding for local government has been systematically reduced and the statutory duties which must be met have increased. This has reduced the attractiveness of becoming a local elected representative, as all you do is make unpalatable cuts or apologise for the inevitable reductions in local services. This causes experienced councillors to resign and less good candidates to put themselves forward.

On top of this bleak scenario, there is an increasing tendency towards centralising power and decision-making and towards central government setting aside the established means of checking the abuse of such powers. Before turning to the matter before the House today, I will point out the democratic deficit that is emerging in my home county of Oxfordshire. There have been some extraordinary examples over the last year, where decisions on Oxfordshire's life and environment are being taken by unelected, unaccountable and remote bodies.

Perhaps the most notable example of this is when the Secretary of State Robert Jenrick intervened in South Oxfordshire, where a newly elected Administration was forbidden to take forward its local plan and where he ordered their officers to put forward a plan prepared by the previous Conservative Administration—a process described by the *Oxford Mail* as

"an extraordinary affront to local democracy".

I now turn to my latest example of the pushing aside of local democracy. It has been proposed that a substantial number of large lorry parks be created under special development orders, to be sited around the country, adjacent to ports and motorways, for lorries awaiting processing through the new customs clearance arrangements arising from the decision to leave the European Union. The Government either did not foresee the need for such facilities or were not very keen to explain the likely consequences of our

[LORD BRADSHAW]

decision to leave the EU. The local authorities covering the areas subject to the special development orders are not able to mount any meaningful protest about the establishment of the proposed lorry parks. While provision is made in the special development orders for the eventual dismantling of a site, there is also provision to extend their use.

Who is going to manage and pay for these lorry parks? Is there to be proper oversight, or is the cheapest contract going to be let to a company like Serco or G4S, with minimum-wage staff in the worst of conditions? These places have the potential to become centres of crime, with theft of loads, people smuggling, drug crime et cetera. They are likely to cause a lot of noise, light and air pollution. Unless they are properly managed, they will be a persistent cause of problems. I hope the Minister has the answers to some of these questions because I cannot see the local authorities, which have been trampled on, wanting anything whatever to do with them.

Organisations such as the CPRE, the National Trust, the Wildlife Trusts and other bodies concerned with the environment, as well as local government, are dismayed by the number of major planning issues which are now being taken above their heads. I hope that the Government will give serious attention to these reservations.

5.39 pm

Baroness McIntosh of Pickering (Con) [V]: My Lords, I am delighted to follow the noble Lord, who speaks with such knowledge on these issues. I am grateful to the noble Baroness, Lady Randerson, for her presentation of the key issues here, many of which I agree with. I declare my interest as an honorary president of the United Kingdom Warehousing Association. I approach this issue from a northern perspective, and I ask my noble friend in particular about why Teesport, for example, does not seem to be included here? The local authority representing that area is not in the list in Schedule 1, despite obviously being a major port.

Throughout the year, I meet a number of local businesses, particularly in north Yorkshire, two of which have a background in cold storage, logistics and distribution. I would like to share with the Minister that they have impressed on me the clear need for greater prioritisation and use of these northern ports. I am thinking in particular of Immingham, which now has three berths, because it has reclaimed a number of them; there is extra capacity at Hull, because we have sadly lost the passenger route between there and Zeebrugge; and I would also add Teesport to these, as it is not too far away. To what extent can we develop and use the extra capacity, and build on the existing capacity, at these northern ports? That would ease the bottlenecks that we have seen so clearly at the southern ports, as identified by my noble friend Lady Wheatcroft, who lives in Kent.

The other sad thing to record is the closure of a lobster and crab firm, Baron Shellfish of Bridlington, which had been exporting live lobsters and crabs to Europe, most particularly Spain and France, since we entered the Common Market, and has ceased trading. It claims that one of the reasons for this is the forms

and extra bureaucratic and administrative barriers in place since 1 January. To what extent are we in the situation where we need the planning permission set out in this order because we have not gone down the path of digitalisation? We are relying entirely on paper-based forms. Yet as other noble Lords have said, we had four years to prepare for this situation; it was the will of the people to leave the European Union, including, we were told, the single market and the customs union. I firmly believe that we would not be in this position today if we had identified and progressed an advanced digitalisation procedure. I appreciate that my noble friend may not have the details today, but I would be grateful if she could write to noble Lords who have participated this afternoon. By concentrating more on northern ports and a programme of digitalisation, we could have eased some of the bottlenecks that we have seen.

I entirely agree with those who have regretted the lack of consultation on, and parliamentary oversight of, the order before the House today. We are told that, under the order, land used for this purpose has to be reinstated by the end of 2026 unless there are environmental benefits, such as biodiversity and drainage. Who will pay for that? I hope that local authorities are not going to be left to pick up the extra bill. This has presumably been worked out and thought through.

In paragraph 9 of the 26th report of the Secondary Legislation Scrutiny Committee, the Ministry of Housing, Communities and Local Government states that:

“Those invited to make representation must have had no less than 14 days to do so; copies ... received must be provided to MHCLG.”

It would be helpful to know to what extent the ministry has publicly refuted any of those concerns.

I will not be voting against the order, but I do regret the manner in which it has been adopted.

5.45 pm

Lord Roberts of Llandudno (LD) [V]: My Lords, 80% of heavy goods vehicles from the Republic of Ireland use ports in Wales—Pembroke Dock, Fishguard or Holyhead, with the vast majority using Holyhead. With Brexit, big changes came about, and I know that in Dublin they spent €30 million on adapting and modernising the port there. When I phoned Holyhead, I asked a number of people in the area what changes they are seeing. None at all. I do not know whether money has been spent since, but money is needed. We need that 14 acres for extra lorry parking and longer lorry parking, we need new rest and refreshment accommodation, and we need registration.

With registration, there are new documents—a lot more documents than they used to have. They come over on the ferry from Ireland and there is nowhere to go in Holyhead, Anglesey or north Wales; they either have to go to Warrington, 100-odd miles away, or to Birmingham, which I am told is nearer 170 miles away. This is total nonsense and shows a total lack of preparation by the Government. We asked them some time ago, “What is being done? For instance, have you got planning permission?” Yes, they had planning permission for a park. But had they bought it? No, nothing had been purchased. So we are lagging behind, and in lagging behind we are creating new problems.

The road from Holyhead through to Manchester or Birmingham, as was mentioned by the noble Lord, Lord Thomas, will be more congested, more polluted and noisier. Why have the Government not prepared for this, instead of just saying that it will happen and it will be okay? I am afraid that it might be some ruse—and as a Welshman, perhaps I can bring this up—and they will abandon the Welsh ports and encourage direct sailings from Ireland to mainland Europe. This would mean that Holyhead, which 20 years ago was the poorest community in the whole of Wales, will assume again that title. Already, Sealink has halved the number of its ferries. This is for a number of reasons, of course. The pandemic takes some blame, but Brexit takes a massive part of the blame.

Even last week, one-quarter of the labour force at the docks at Holyhead has been put on hold—they have lost their jobs for the time being. Are we going to see this happening at all the ports, which mean so much to us in Wales, given what they bring into the economy? What will happen, say, if Holyhead is bypassed? I asked whether the Government would provide compensation, but oh no, there is no intention to compensate. How on earth are we going to tackle this poverty, once again, in Welsh port areas?

I want the Minister to give me an assurance that the Government will proceed, even at this late date—and it is massively late. I asked this last October and was told that it would happen when the transition came in, but nothing happened when the transition came in. They are not ready. I think this is possibly the most incompetent Government of all time. The folk in these areas certainly need to be protected, their jobs need to be secured and we need to be absolutely sure that Wales will not become a black hole of this Government.

5.48 pm

Baroness Bennett of Manor Castle (GP) [V]: My Lords, it is a pleasure to follow those powerful remarks and to echo the concern about the state of the country and the poverty of the country. Whatever happened to the levelling-up agenda? I begin by declaring my position as a vice-president of the Local Government Association.

I find myself, for the second time today, backing a powerful—unarguable, really—regret Motion against the actions of the Government. I thank the noble Baroness, Lady Randerson, for tabling it. I do not see how any reasonable person could not regret the situation of the communities that have had these inland border facilities dumped on them without notice or control, or any hope of having control over what happens in them—facilities that are going to transform their lives and environment. I do not see how anyone could possibly not regret the fact that we are running the country through emergency powers, without proper democratic oversight, as the noble Baroness, Lady Neville-Rolfe, alluded to earlier.

There has been some discussion during the debate on this Motion about what is happening on our borders. I go to an independent source, Bloomberg's *Supply Lines*, which quotes the logistics platform Transporeon saying that freight volumes from the UK to the EU were down 25% last week from the same period a year ago. I echo questions asked by other noble Lords about whether the Government are considering the level of

change in these facilities and how they will manage it, and the fact that we might see large surges and drops in this potentially fast-changing domain.

I will focus on four sets of questions for the Minister. The first has been nagging away at me since the end of last year. We saw a Brexit deal agreed on 23 December. On 30 December, both Houses of Parliament met for a single day to debate this enormous, dense document of great complexity. The following day, we saw residents of the villages Whitfield and Guston receive letters telling them what is happening with these inland customs facilities. This is a question about timing: did the Government plan such timing to avoid democratic scrutiny and oversight, or was it simply mismanagement?

My next set of questions is about the people in those villages. I am thinking particularly of a report in the *Guardian* about a parent of a disabled child, who had just taken a five-year mortgage on a home because of the peace and quiet of the vicinity. Will the residents affected by all these facilities, right around the land, be fully compensated and given the option of being bought out, with all their financial and moving costs, given that this has been dumped on them by the national Government, without them having any control?

My final questions pick up from what the noble Lord, Lord Bradshaw, said when he asked who will run these sites. Will they be run by outsourced minimum-wage workers, working for contractors? There will obviously be great concerns about the impact of air pollution and litter. How will those issues be monitored? I hope that these questions can be answered today—or perhaps the noble Baroness can answer them later by letter.

5.53 pm

Lord Naseby (Con) [V]: My Lords, I also thank the noble Baroness, Lady Randerson. She has covered a challenging discussion, put forward some suggestions and covered a huge amount of ground. Frankly, I look at the port of Dover as the weakest link in the post-Brexit implementation strategy, which I understand to be under the control of the Chancellor of the Duchy of Lancaster, whose attitude at times—I am sorry to say this—has seemed to be pretty cavalier.

There are three dimensions to the story of Dover. Pre 2020, there was the practice of closing down the M20. Well done; that was good planning. One does ask why they did not take it a little further and recognise that the A2 is not sensible at all and that other practices should be tried around the M20.

Secondly, we have evidence that Her Majesty's Government, and particularly this department, were behind the curve in the recruitment of customs officials. One would have thought that the department would have thought about that, but we are still behind the curve.

The Road Haulage Association asked for instructions on the new software just before Christmas, but none were forthcoming. Then we had the announcement, almost out of the blue, about the Kent access permit on 14 December, to be implemented by a 31 December deadline. That is not a very sensible way to move forward. According the chairman of the Business Application Software Development Association, Bill Pugsley, the problem is not the IT system itself, but the fact that it

[LORD NASEBY]

arrived too late for people to learn how to use it. It needed to be phased in, in his judgment, over a period of six months.

The HGV and Kent access permits are only part of seven key IT systems, all linked to a successful international trade in 2021 and beyond. I am told that the key determination is the CDS, originally supposed to be launched in April 2020 to give developers time to test it and roll it out to the customers. But that only happened in mid-December. Now, the Secretary of State, Minister Gove, is, in some of the publicity, blaming the traders for not being ready. Frankly, this is no different from the doctors who offered their services to help with vaccinations—and I am married to a doctor—having to fill out 15 forms with 21 pieces of evidence.

To get back to this important topic: there is no doubt that there has been a fall in traffic. Whatever the department may say, for every 1,000 lorries that went out pre Brexit, only 820 are going out today—and of those, the number going out empty has grown. What worries me more and more is: what are we doing to solve this problem? Others have commented on other aspects, but I do not see that, once we have got all this IT working properly, we need to stretch it out to 2025.

I would like to say to my noble friend on the Front Bench: think about the poor hauliers themselves. They are the absolute salt of the earth; they are tough men and women; they are skilled; they are working very long hours. Why do we not have a truce and look after them a bit? We know the government software was delivered late. Let us admit that and improve the facilities for these people. That, at least, will take some pressure off local residents as well. After all, we all want Brexit to succeed. That should be our priority, so that our exports can move swiftly abroad.

5.58 pm

Baroness Bakewell of Hardington Mandeville (LD)

[V]: My Lords, it is a pleasure to follow the noble Lord, Lord Naseby, and I thank my noble friend Lady Randerson for her extensive introduction and for ensuring this debate took place. This is a piece of legislation to bypass the normal planning system to create temporary inland border control posts, as everybody has said.

As an ex-councillor, I am concerned that the Government are taking planning powers to themselves without any of the consultation normally attached to planning applications. The border control posts appear to be in areas where the Government believe goods may enter the country because of their proximity to ports, coastlines or large inland waterways such as the Manchester Ship Canal. Twenty-nine English local authority areas that may be affected by these temporary planning permissions are listed in Schedule 1, including Devon, Dorset and Somerset.

Despite plenty of warning, no action was taken to be ready for exit from the EU. These temporary border posts are to be started immediately. The temporary permissions lapse on 31 December 2025, and all structures must be removed, and sites cleared, by 31 December 2026, when the sites will be reinstated to their former state. The construction industry will have to move fast to meet these deadlines.

We are left with the impression that these structures—which must not be higher than 25 metres and are, by their very nature, quickly constructed and easily removed—are likely to be self-assembled. The countryside is therefore likely to be littered with shanty-town structures acting as temporary border control posts. However, the facilities that the border posts must provide are extensive and likely to require large areas of land to accommodate facilities for drivers, vehicles and staff.

Given that the SI is subject to the negative procedure, today's regret Motion is the only way in which Peers can raise their concerns. The SI gives very specific restrictions on what cannot be harmed by the structure or where they should not be constructed. They should not be constructed in a national park, near a historic building or in an AONB, and ancient trees are to be protected, et cetera. My noble friend Lady Randerson gave some examples of where the restrictions in the SI are being ignored. The noble Lord, Lord Berkeley, has also given examples of these new regulations being flouted.

Some of these control posts are likely to be some distance from the port of entry, so how will the Government ensure that traffic will not take a diversion to avoid inspection? There is, therefore, a possibility that animal products and plants will be allowed into the country without proper checks. This is in direct contradiction to the reassurances that the Minister, the noble Lord, Lord Gardiner, has given on numerous occasions during debates on statutory instruments around animal and phytosanitary plant movements. The public and the businesses involved must be assured that animal and plant health will always be protected from the import of disease and substandard products.

I note that in Schedule 2 there is mention of the movement of nuclear material and dangerous goods, which may not be moved through these border posts. Can the Minister tell us how nuclear material and dangerous goods will be transported and cleared if not through these border posts?

With regard to reinstatement, the site operator must submit their plan to the Secretary of State on or before 31 June 2025. This does not appear to allow sufficient time for approval before site clearance begins on 31 December 2025. Can the Minister please comment on this?

I am extremely concerned about the implications of this SI, and fully support the comments of my noble friend Lady Randerson. This SI drives a coach and horses through local planning procedures. I support the need for temporary border posts; however, this is not an emergency and is entirely predictable. It is a demonstration of an appalling lack of forethought. I look forward to the Minister's response.

6.03 pm

Baroness Wilcox of Newport (Lab) [V]: My Lords, I am proud to note my vice-presidency of the LGA and am pleased to follow the noble Baroness, Lady Bakewell of Hardington Mandeville, who shares with me a long career in local government, as does the Minister. With that background, we will always bring a pragmatic and reasoned approach to any issue. After all, it is local government that gets things done, though after more than a decade of unremitting cuts I marvel at how it

manages to do anything. As this pandemic has shown, we have a local government structure—thank goodness—that is managing to function and is run by elected members and government officers, who do indeed have the authority.

The noble Baroness, Lady Randerson, made a most comprehensive and detailed opening speech. She raised many apposite points regarding this emergency legislation, including noting the 29 local authorities listed in the measure and whether there has been appropriate consultation. I do not intend to repeat those points other than to emphasise the core argument: the giant lorry parks that this instrument facilitates stand as a symbol—indeed, a metaphor—of the Government's failure to plan properly for Brexit.

We have heard many noble Lords speak with knowledge and experience on these matters from both a political and industrial perspective, including my noble friend Lord Berkeley, with his Channel Tunnel experience. Frankly, it is inexplicable how the situation has come about, other than to view it as incompetence, inaction and inefficiency.

I have four main questions for the Minister. How much will these parks cost? How will they operate? How can the Government reassure businesses that fear being pushed to bankruptcy over these problems? How can the Government reassure the significant concerns of residents who understandably fear that these sites will make their lives a misery? In recent weeks, we have seen reports of residents in villages such as Guston who have been told that the fields at the end of their gardens will be taken over without consultation and as part of back-door plans to cover up how the Government have been unable to prepare for what we all knew was coming down the line.

In Ashford, too, the enormous inland border facility is not only a nuisance for those in the immediate vicinity but lost lorries are causing havoc in Sevington after being given the wrong postcodes by the Government. The facility next to junction 10a of the M20 has been housing truckers since last December but several villages in the area have reported problems with drivers getting lost and causing chaos.

This chaos in Kent is not inevitable but the Government have simply not been prepared. However, the huge sums of money that they seem to be wasting in that area is, frankly, astonishing. According to one report, close to £4 million was handed to consultants to find a location for, and alternative to, Operation Stack. That is, of course, on top of £470 million spent on control posts and other infrastructure and £235 million on computer systems and hiring new staff. That is more than £700 million. Just imagine what impact that would have had on public service budgets.

Most incredible of all is that despite the chaos that has been caused to the people of Kent, and despite the vast sums of money that have been wasted, the Government still have not worked out how the system will operate in the months ahead. Jimmy Buchan, the chief executive of the Scottish Seafood Association, said that it had seen little improvement since the new rules were in place. He noted that these are not minor impediments to trade. The industry in Scotland has basically ground to a halt. Businesses that employ

hundreds of people in communities around our coastline are losing money and, in some cases, are close to going under. He urged the Government to get a grip on what is now a full-blown crisis before severe and lasting damage is done to the sector.

Hauliers have been reporting that UK traders have been put off by the cost and hassle of the new customs paperwork required for exporting to the EU. They complain of a general confusion about the new rules and a shortage of customs agents to process the required forms. They also say that the Government's IT systems are not reliable and have a tendency to stop working. Richard Burnett, the chief executive of the Road Haulage Association, says that it warned the Government for months about their lack of preparation. He continues to urge them to act on this matter now and not shrug it off as teething problems.

The fact that the Government have not even completed an impact assessment for these regulations indicates that they do not have any interest in reflecting on their mistakes. I will ask my questions once again. How much will these parks cost? How will they operate? How can the Government reassure businesses who fear being pushed into bankruptcy? How can the Government reassure the significant concerns of residents? Finally, I should add a further question. Can the Government explain to the House how we have ended up in a situation where at this late hour, through emergency legislation, the Government are concreting over the countryside to build lorry parks?

6.08 pm

Baroness Scott of Bybrook (Con): My Lords, we have had an interesting and wide-ranging debate and I thank the noble Baroness, Lady Randerson, for tabling the Motion. I also thank noble Lords on all sides of the House for their contributions. I should say up front that the 10 minutes available to me will not be enough to answer their questions, although I would have loved to answer every one. Please accept my apologies if I do not get to them all but I will make sure that I write to all noble Lords who have taken part in the debate and put a copy of my letter in the Library.

First, the suggestion in the Motion that the special development orders have needed to be implemented because the Government failed to prepare for Brexit is incorrect. We have prepared extensively for Brexit, as, indeed, have many others involved in our borders and the trade that flows across them, including our hauliers.

Very soon after the result of the 2016 referendum on this country's membership of the European Union, we knew that part of taking back control of our borders as a sovereign nation would mean a change to the procedures at those borders, and that the sorts of checks and inspections which have routinely been carried out on goods traded with the rest of the world, even while we were a member state of the EU, would be extended to trade with the EU.

The Government, as well as hauliers, ports, airports, traders and other businesses, have therefore been preparing for the introduction of border controls and checks for some time. In recognition of the additional challenges faced by traders and hauliers due to the impacts of the coronavirus pandemic, last year we announced a phased

[BARONESS SCOTT OF BYBROOK]

introduction of those checks—between the end of the transition period on 1 January and 1 July of this year. These intensive preparations have meant that we have successfully avoided disruption at the border following the first round of changes at the end of the transition period. Freight flowing through our ports is now at or approaching the levels that we would expect for this time of year, and traffic is flowing freely to and from those ports.

Ministers have been clear that full customs, sanitary and phytosanitary inspections on products imported from and exported to the EU will come into effect from 1 July. We published our border operating model, most recently updated on 31 December last year. This document provides clarity on how and where we expect border checks to be made, and the infrastructure that will be required to facilitate them.

We should remember that how to provide for the checks necessary at the border is a commercial decision for ports, airports and rail facilities. If they wish to operate as a port, to serve and facilitate trade with other countries, they must provide the infrastructure and have it accredited by the relevant inspection authorities. In usual circumstances, such businesses would be expected to finance the provision of the necessary infrastructure themselves but, in recognition of the unique situation of Brexit, the Government have provided a significant amount of public funding to support ports, airports and rail facilities to build that required infrastructure.

In July last year, the Government announced £470 million of funding for infrastructure as part of the wider package of £705 million for border-readiness. Two hundred million pounds of that was provided for the port infrastructure fund, with provisional grants allocated to ports at the end of last year. Contracting with ports, and the subsequent payments of grants, which will not need to be repaid, is progressing rapidly as we speak.

In addition to the port infrastructure fund, where it is not possible, due to a lack of space, for ports to build infrastructure on site, the Government are delivering inland border facilities away from ports, for which Her Majesty's Treasury have provided £270 million. As noble Lords would expect, these sites require planning permission. Although there had been considerable work at pace by the border-facing departments to deliver these sites, due to the impact of Covid-19, and in the light of the Government's decision that the UK would leave the single market and customs union, it was determined in early 2020 that there would be insufficient time to follow the planning route via local planning authorities to ensure that planning consent, site preparation and construction of the required strategically important inland sites could be completed by 1 January 2021. As such, and due to the number of inland sites required, a single overarching special development order—an SDO—was made as a statutory instrument to ensure that the sites could be delivered on time. This answers a number of noble Lords' questions about why it was done at this time.

Special development orders, such as the one referred to in the Motion, are a long-established part of the planning system, designed specifically to handle planning

proposals of national significance. Our border infrastructure is essential to maintaining the integrity of the border and thus to the security of the UK and to support for the UK's foreign policy and national security objectives. The SDO has therefore been made available so that we are able to move quickly to develop the inland sites and ensure that they are ready for use by those trading across the border.

The development and use of land for inland border facilities in England was approved under the town and country planning special development order 2020, which came into force on 24 September 2020. This SDO grants temporary planning permission for border processing, the associated stationing of vehicles entering or leaving Great Britain and the provision of infrastructure and facilities. To date, MHCLG, as the department responsible for taking planning decisions under the SDO, has used it to approve the temporary use and development of seven sites. These inland border facilities are at Warrington and Solihull, to serve Holyhead and the short straits, North Weald, Manston, Ebbsfleet and Waterbrook and Sevington, both in Ashford, to serve Dover and the Eurotunnel.

The noble Lord, Lord Berkeley, the noble Baroness, Lady Randerson, and others have expressed a lot of concern about the site at the white cliffs of Dover. Just to make it clear, it was purchased at the end of December 2020 by the Department for Transport. It will be used by Defra as a border control post and by HMRC as an office of departure and destination. The site will not be used as a lorry park.

Further, the statutory engagement period started on 13 January and concluded yesterday—10 February. We offered residents a 29-day engagement period rather than the 14-day period specified in the SDO. As we have with all these SDOs, we will continue to engage with residents, MPs and local authorities as the project moves forward. I should also say that Dover District Council has welcomed this site because of the jobs that the development will bring. The site does not have planning permission as yet; no decision has been made. We expect a proposal for use of the site to be submitted at the beginning of March. I just wanted to update noble Lords on that.

It is important to note that these are temporary provisions, necessary to address a temporary need. The development must end, at the very latest, by 31 December 2025, with all reinstatement works completed by 31 December 2026. In many cases, as has been said, the provisions will not be needed for that long—and probably for only a short period of two to three years. I hope that answers the questions asked by my noble friends Lady Neville-Rolfe and Lord Bourne of Aberystwyth. A number of noble Lords asked about the cost of the reinstatement works, which will be met by the Government.

I want quickly to get through one or two more points before I finish, although I doubt that there are many I can address. First, there was no debate on this SI because special development orders follow the negative procedure. The order was laid on 3 September. After 40 sitting days, no prayer Motion was passed in either House so it did not come up for debate.

I have come to the end of my time, as I knew I would. There are so many other interesting and important issues to respond to, so I assure noble Lords that I will send a letter as soon as possible and put a copy of it in the Library.

6.19 pm

Baroness Randerson (LD) [V]: My Lords, I thank the Minister for her detailed response. I am sure she will forgive me if I say that I find some of the Government's arguments very unpersuasive. However, I look forward to her letter explaining the additional issues that I fully understand she did not have time to address.

I thank all noble Lords who have taken part. Across the parties here today there has been a very high level of unanimity and great concern about the loss of local democratic processes and the potential level of environmental damage involved in this.

The Minister finished by commenting on the time lapse, which other noble Lords have mentioned. I am afraid that is an issue with our current procedures, but in the light of that time lapse this Motion today could only ever be a probing Motion. In that spirit, I am therefore prepared to withdraw it.

Motion withdrawn.

Covid-19 Vaccines Deployment Statement

The following Statement was made in the House of Commons on Thursday 4 February.

“With permission, I would like to make a Statement on coronavirus.

Our nation is getting safer every day as more and more people get protected by the biggest immunisation programme in the history of our health service. More than 10 million people have now received their first dose of one of our coronavirus vaccines. That is almost one in five adults in the United Kingdom. We are vaccinating at scale, while at the same time retaining a close focus on the most vulnerable in our society to make sure those at greater need are at the front of the queue.

I am pleased to inform the House that in the UK we have now vaccinated almost nine in 10 over-80s, almost nine in 10 over-75s and more than half of people in their 70s. We have also visited every eligible care home possible with older residents in England and offered vaccinations to all their residents and staff. That means we are currently on track to meet our target of offering a vaccine to the four most vulnerable groups by mid-February.

That is an incredible effort that has drawn on the hard work of so many, and I want to just take a moment to thank every single person who has made this happen: the hundreds of thousands of volunteers up and down the country, the scientists, our colleagues in the NHS—the GPs, the doctors, the nurses and the vaccinators—those in social care, the manufacturers, the local authorities, the Armed Forces, the civil servants who work night and day to make this deployment possible, and anyone else who has played a part in this hugely logistical endeavour. It really is a combination of the best of the

United Kingdom. At our time of national need, you have given us a big boost in our fight against this deadly virus, which remains a big threat to us all.

There are still more than 32,000 Covid patients in hospital, and the level of infection is still alarmingly high, so we must all stay vigilant and keep our resolve while we keep expanding our vaccination programme, so that we can get more people protected even more quickly. We have an ambitious plan to do that. We are boosting our supply of vaccines and our portfolio now stands at more than 400 million doses, some of which will be manufactured in the United Kingdom, and we are opening more vaccination sites too. I am pleased to inform the House that 39 new sites have opened their doors this week, along with 62 more pharmacy-led sites. That includes a church in Worcester, Selhurst Park—the home of Crystal Palace Football Club—and a fire station in Basingstoke, supported by firefighters and support staff from Hampshire Fire and Rescue Service.

One of the greatest pleasures for me over the past few months has been seeing the wide range of vaccination sites that have been set up right in the heart of our local communities. Cinemas, mosques, food courts and so many other institutions have now been transformed into life-saving facilities, giving hope to people every day. Thanks to that rapid expansion, we have now established major national infrastructure. There are now 89 large vaccination centres and 194 sites run by high-street pharmacies, along with 1,000 GP-led services and more than 250 hospital hubs. Today's announcement will mean that even more people will live close to a major vaccination site, so we can make vaccinating the most vulnerable even quicker and even simpler.

We have always believed in the power of science and ingenuity to get us through this crisis, and I was pleased earlier this week to see compelling findings in the *Lancet* medical journal, reinforcing the effectiveness of our Oxford/AstraZeneca vaccine. It showed that the vaccine provides sustained protection of 76% during the 12-week interval between the first and second dose, and that the vaccine seems likely to reduce transmission to others by two-thirds. That is really great news for us all, but we will not rest on our laurels.

No one is really safe until the whole world is safe. Our scientific pioneers will keep innovating, so that we can help the whole world in our collective fight against this virus. I saw how wonderful and powerful this ingenuity could be when I was one of thousands of volunteers who took part in the Novavax clinical trial, which published very promising results a few days ago. Today, I am pleased to announce another clinical trial—a world-first study that will help to cement the UK's position as a global hub for vaccination research. This trial will look at whether different vaccines can be safely used for a two-dose regime in the future to support a more flexible programme of immunisation. I want to reinforce that this is a year-long study, and there are no current plans to change our existing vaccination programme, which will continue to use the same doses. But it will perform a vital role, helping the world to understand whether different vaccines can be safely used. Our scientists have played a pivotal part in our response to this deadly virus, and once again they are leading the way, helping us to learn more about this virus and how we should respond.

[BARONESS RANDERSON]

It has been heart-warming to see how excited so many people have been to get their vaccine and to see the work taking place in local communities to encourage people to come forward to get their jab. Honourable Members have an important role to play too. I was heartened to see colleagues from both sides of the House coming together to encourage take-up within minority-ethnic communities through two joint videos posted on social media last week. As the video rightly says, ‘MPs don’t agree all the time but, on taking the vaccination, we do.’ I could not agree more, and I am grateful to every single Member who has come forward to support this national effort. We want to make it as easy as possible for colleagues to do so. This week, we published a new resource for Members that provides more information on the vaccine rollout and what colleagues can do to increase the take-up of the vaccine in their constituencies. That is an extremely valuable resource, and I urge all Members to take a look at it and think about what they can do in their constituencies.

Our vaccination programme is our way out of this pandemic. Even though the programme is accelerating rapidly and, as the Chief Medical Officer said yesterday, we appear to be past the peak, this remains a deadly virus, and it will take time for the impact of vaccinations to be felt. So for now, we must all stand firm and keep following the steps that we know make a big difference until the science can make us safe. I commend this Statement to the House.”

6.21 pm

Baroness Thornton (Lab) [V]: My Lords, it is clear that we will live with Covid-19 and its mutations for a long time, so a full vaccination programme seems the best way to get out in front of it. Obviously, everyone was very pleased to hear the study results regarding the Oxford/AstraZeneca vaccine reducing transmission and maintaining protection for over 12 weeks. While the daily cases begin to fall, it is vital that the Government do not repeat previous mistakes and take their foot off the gas just as things look like getting better. Could the Minister update us on whether he expects similar trial data to be published for the Pfizer vaccine?

Would the Minister care to comment on the—how can I put this?—forceful comments of his honourable friend Sir Charles Walker MP on “Channel 4 News” when he accused the Government of robbing people of hope and said:

“We cannot cancel life to preserve every life”—

whatever that means? Apart from the fact that, in my own view, that sounds like a petulant child, it is concerning that these are the pressures being brought to bear on the Government, and it is to be hoped that they will bear up and previous mistakes will not be repeated.

It seems that the Government are on track towards their promise of vaccinating the top four Joint Committee on Vaccination and Immunisation priority groups by the middle of this month. That is to be applauded. Regarding data, though, I think everyone is concerned about the reports of lagging take-up among black, Asian and minority ethnic communities as well as among poorer communities. We know that these groups have been the worst affected by the pandemic and we

need to get them to take up the vaccine, but I am conscious that much of what we hear is based on anecdotal stories rather than hard data at community level split by ethnicity. What data does the Minister have on that? When can colleagues get council ward level data so that they can be part of the effort to drive uptake?

As the first phase is coming to an end, can the Minister update us on the number of care home staff who have received their first dose, and perhaps what the plan is to encourage those who have not done so to take up the vaccination?

It appears that one in five over-80s in London has yet to be vaccinated; that is what the latest figures suggest. Some 78% of over-80s in the capital have had a first dose, lower than for other groups, while the figures are 83% for the 75-to-79 age group and 79% for the 70-to-74 group, so we still have some way to go in London.

When we get to the beginning of April, those who have had their first dose will be expecting and needing their second one. Can the Minister give an assurance that there will be enough supply to ensure that everyone who is due their second dose will get it?

Also, we do not want the vaccine rollout across Britain to be undermined by a vaccine-resistant strain entering the country, which the Government’s failure to secure our borders risks jeopardising—but we will be coming on to that in the next Statement.

Will the Minister say what conversations are now taking place with the JCVI and what changes might be made to the priorities of the people who will be due the vaccination? For example, will the JCVI be reviewing key workers? Data has shown that those who work closely with others and are regularly exposed to Covid-19 have higher death rates than the rest of the population. By prioritising those workers alongside the over-50s and over-60s and people with underlying health conditions, surely we can reduce transmission further, protect more people and keep the vital services that they provide running smoothly—which, of course, includes reopening schools.

Baroness Brinton (LD) [V]: My Lords, I start by congratulating everyone working in the vaccine sector: the scientists, still working behind the scenes to ensure that there are vaccines that will be effective against the South African and Manaus variants; those involved in the manufacture and supply chain; and all those on the front line, making sure that the vaccines are delivered into arms safely and swiftly by clinicians, with administrators, staff, the military and volunteers helping. A notable reason why the UK has been able to manage this so well has been the expertise of Professor Chris Whitty and our vaccine research community, which has so many years’ experience in epidemics, including the Ebola outbreak in west Africa.

The Joint Committee on Vaccination and Immunisation has also kept our focus on who should be protected first, and the government delivery group, led by Kate Bingham, has also done well. The numbers vaccinated in the top four priority group continues to grow and I, for one, hope that the target for next week will be achieved.

The Statement says:

“We ... visited every eligible care home possible with older residents in England and offered vaccinations to all their residents and staff. That means we are currently on track to meet our target of offering a vaccine to the four most vulnerable groups by mid-February.”

However, I still cannot find the actual number and percentage of social care staff vaccinated, whether those working in care homes or domiciliary care staff providing essential support to keep people living in their own homes, so please can the Minister provide the number and percentage of social care staff who have now had their first dose of vaccine? Once again I ask: why are care staff not disaggregated from NHS staff in the published data?

The target of “offering” a vaccine to those in or working in homes is, frankly, no target at all. We know that, after Christmas, an alarming number of cases were diagnosed in care homes, which has resulted in residents and staff being refused vaccine until all cases are over in those homes. With very limited visits by families, the only way that Covid could have come in is, unfortunately, via staff, who probably picked it up from others over the Christmas break. Today, the ONS has said that one-third of all Covid cases in hospital during this pandemic have been over the past month. That is truly shocking.

Was the Prime Minister’s bold statement last year that Christmas should not be cancelled and his encouragement to allow people to mix, against all the expert advice from SAGE and alternative SAGE, worth it? How many deaths will have resulted from those cases, which could have been avoided if that expert advice had been followed earlier?

There are reports of some surgery teams arriving at care homes with enough vaccine only for residents and staff being redirected to large hubs, many miles away. This is unhelpful when staff work shifts and are on low wages, with no access to the transport needed to get to a hub. What is planned to ensure that all care home staff can be vaccinated at their place of work by their local vaccination teams?

Another bit of ONS data this week has shown that there were more than 30,000 Covid-related deaths of disabled people between mid-January and mid-November last year, representing 60% of all Covid-related deaths in that period. I remain concerned that many of those under 70 who are disabled or learning disabled and live in homes are still not on a priority list. We know that those requiring close personal care are at very high risk. The ONS data proves that. When will the Government add them to the top four priority lists?

The opening of large hubs is welcome, but they must not replace very local access to vaccines, whether through GP surgeries or local pharmacies. Worrying reports are emerging of GPs running out of supplies and being told that the large vaccine hubs are being prioritised over them. I thank the Minister for the excellent briefing that MPs and Peers had earlier this week on vaccines and possible treatments for Covid-19. The Statement says:

“This trial will look at whether different vaccines can be safely used for a two-dose regime in the future to support a more flexible programme of immunisation.”

It goes on:

“I want to reinforce that this is a year-long study, and there are no current plans to change our existing vaccination programme, which will continue to use the same doses.”

However, the green book on the vaccination programmes states:

“For individuals who started the schedule and who attend for a vaccination at a site where the same vaccine is not available ... it is reasonable ... to offer a single dose of the locally available product”

to complete the schedule. If safety has not yet been established, why does the green book say that potentially unsafe dosing regimes can go ahead?

The Minister is correct to say that no one is safe until the whole world is safe, and it is good that the UK has made a commitment of £548 million to COVAX with match funding to provide 1 billion doses of vaccine this year to developing countries. I hope that the Prime Minister will use his chairing of the G7 to encourage other countries to donate their share to make this happen. The examples of the South African and Manaus variants are a wake-up call to all of us that we must work as a global community to protect all people and the world’s economies from Covid-19.

Lord Bethell (Con): My Lords, I am enormously grateful for the thoughtful questions from the noble Baronesses. They are entirely right to applaud the progress of the vaccine. I start by sharing some pretty formidable statistics on that. An absolutely remarkable 95.6% of those aged 75 to 79 have received their first dose. I have never seen a government statistic quite like that. It is an astonishing figure. Such a very large proportion of a target population have come forward, have been efficiently vaccinated and are now protected from the worse effects of this awful disease. It is an enormous success story. Of those over 80 years old, 91.3% have received their first dose and 74% of 70 to 74 year-olds have received their first dose. Up to 9 February, an astonishing 13,580,298 people received their vaccine. These are extraordinary figures. It will have a huge impact not just on the personal lives of those who have been vaccinated and their families but on the workings of the entire NHS. It is a massive game-changer and will dramatically reduce the amount of hospitalisation for and deaths from Covid. We are determined to take full advantage as a country of this enormous success story.

We are enormously pleased with the WHO readout on the AstraZeneca vaccine. It is exactly what we hoped for and what we understood from the clinical trials of the vaccine, and it is pleasing to see worldwide recognition that a 12-week gap between the two doses is the right approach and that the AstraZeneca vaccine is good for over 65 year-olds. I greatly thank those at the WHO who have done that. We are completely committed to the vaccine rollout and we will not take our foot off the pedal in any way.

I completely understand the point of those who are concerned about the impact of the lockdown. The noble Baroness alluded to the words of Charles Walker, who is entirely right that the lockdown has a huge impact on the economy, the public mood and particularly on those who cannot make it to school. However, the approach we are taking—a slow and steady approach

[LORD BETHELL]

of not rushing into anything—is exactly the one that will pay the greatest dividends for the economy. It is hugely supported by the general public and it will mean that, when we release the lockdown and return children to school, we can do it with the confidence that we will not have to go back again.

We are concerned about the lag in take up, particularly in black African communities. There are clearly, among the really good stories of take up, one or two areas where we are concerned. The work of the communications team on anti-vaxxers' stories and the support we have got from social media firms has been really good across the board, but this is one area where we are enormously focused. The data is not always crystal clear, and we have not published it all yet, but this is one area where the noble Baroness is entirely right and we are very concerned.

The noble Baroness asked for reassurance on the second dose: will everyone get a second dose, and are there enough supplies in the warehouses for everyone? I reassure her and all noble Lords who may be concerned on that point that we are absolutely committed to the second dose. Everyone will get it, and they will get it on time. The supplies are in place.

The noble Baroness, Lady Brinton, asked about whether it was our policy to give a difference second dose to the first. I will be crystal clear: this is not our policy. If you are given a dose of "A" then your first dose will be "A" and your second dose will be "A" as well, and not "B." We are looking into clinical trials that seek to understand whether an "AB" combination might be safe and may even be better. There are examples in other spheres where mixing two different vaccines can have a benign effect on the body and can stimulate a greater antibody response. We are looking at this very carefully. The COM COV clinical trial has been given £7 million to look into this. It is a long-term clinical trial and we are not expecting a readout any time soon but, if there are benefits, we will chase those down.

I completely agree with the noble Baronesses, Lady Thornton and Lady Brinton, on variants of concern. We have all been alerted to the grave danger that a mutation might have enhanced transmissibility, increased severity and escapology. Should such a variant emerge that could somehow jeopardise the Ming vase of our massive vaccination success story, we would be extremely concerned to address it. We are shortly having a debate on borders, and I shall save my comments for that debate, but I completely endorse the concerns of both noble Baronesses.

The noble Baroness, Lady Brinton, mentioned Professor Chris Whitty. To all those who missed it, I mention the presentation he gave yesterday on the investment in therapeutic drugs and antivirals, which was unbelievably impressive. We are enormously lucky to have someone like Chris as our Chief Medical Officer. Indeed, the Deputy Chief Medical Officers, Jonathan Van-Tam and the others, have all served us extremely well. I also praise others who have stepped up to public life in our time of need, including Kate Bingham and the noble Baroness, Lady Harding. They have both done an enormous public service and deserve enormous praise.

The noble Baroness, Lady Brinton, asked about disabled people. She is entirely right: there are those who are disabled or who have learning difficulties, and we are concerned about the impact of Covid on them. Many who are clinically extremely vulnerable are already in the priority level 4 and will already be in the prioritisation list. Others will be in prioritisation level 6. We are looking at whether we should change the prioritisation system in any way, and the JCVI keeps a running watch on this. I reassure the noble Baroness that all those in a high-risk group will be prioritised in a reasonable fashion. We will be reaching prioritisation level 6 very soon indeed.

The noble Baroness, Lady Brinton, talked about the importance of sharing vaccine with other countries. Tedros is absolutely right: we are not safe until everyone is safe. Britain has taken leadership role in CEPI, Gavi and ACT; we continue to support the global distribution of vaccines through our contribution of IP, our massive financial contribution and our diplomatic leadership. We remain committed to that, and we will continue to use our chairmanship of the G7 to influence other nations to step up to their responsibilities.

The Deputy Speaker (Lord Bates) (Con): My Lords, we now come to the 20 minutes allocated for Back-Bench questions. I ask that questions and answers be brief so that I can call the maximum number of speakers.

6.40 pm

Lord Hamilton of Epsom (Con): My Lords, I congratulate the Government on the vaccine programme. After a pretty disastrous war against Covid, it looks as though the Government may be winning the last battle, which is the one that counts. What happens to people who have received the jab and are registered under the test and trace system? Will they be forced to isolate, despite inoculation making it very unlikely that they will catch the disease or transmit it to others?

Lord Bethell (Con): My Lords, I am afraid that is not the view of the scientists at the moment. I am extremely glad about all those who have had their first jab, but the very strong recommendation is that everyone has to abide by the lockdown rules at the moment. The transmissibility is still there: a person who has had the jab can still, and often may well, be infected by the disease, carry it and communicate it to someone who has not had the jab. They remain a danger to the community and, until a very large number of the population have had the jabs, those protocols will remain in place.

Baroness Hayman (CB) [V]: My Lords, I will first follow up on an earlier question. I am not sure that the Minister managed to reply on the issue of when and if we are expecting evidence on the interval levels between doses on the Pfizer, rather than the AstraZeneca, vaccine?

My main question is about how, given the impressive and successful vaccine programme, we have to recognise that it has mobilised enormous effort and resources. There is growing evidence that Covid will be with us long-term, so it is not a one-off exercise. Can the Minister share government thinking on the sustainability

of the programme—for example, the potential for future programmes to be combined with the annual flu vaccination drive or for a single bivalent vaccine against both diseases?

Lord Bethell (Con): My Lords, I reassure the noble Baroness that the interval protocols for the Pfizer vaccine have been completely endorsed by the JCVI, the CMO and the MHRA. They are extremely clearly endorsed by the British authorities, and she should feel enormous confidence in our approach to that.

However, the noble Baroness is right: I do not know, and cannot say for certain, what the long-term prognosis is. We do not know what the transmissibility of the disease will be with the current vaccine. We are working on new versions of it that should address the South African variant, but we do not know for sure whether that will prove dominant in the UK. It is the view of the CMO, Jon Van-Tam, that it will not beat either Covid classic or Covid Kent—but it is not certain whether that is the case right now.

We do not know whether there will be a rolling programme of mutations that roll on to the shore and require us to update the vaccine regularly—or whether we will have to hold our borders as they are now until we have the kind of vaccine development programme that can turn around refreshed vaccines within, say, 100 days. Those are all possibilities; we are putting in place the necessary plans in case that should be required, but it is my confident hope that the current vaccine will have a massive impact on Covid and that we can return to something that approaches normal in the very near future.

The Lord Bishop of St Albans: I too add my congratulations to Her Majesty's Government on an extraordinarily rollout of the vaccines. I pay tribute to all those involved, not least one group not often mentioned—the practice managers, who often work through the night. Can the Minister comment on the community champions scheme? Faith leaders across Hertfordshire and Bedfordshire, where I live, have been waiting to use our huge, extensive network of people on the ground to communicate with hard-to-reach groups, such as ethnic minorities and so on. Only now are we being brought into that opportunity. Will the Government commit to working with us, since we are keen to use all our resources to help get those messages out to those hard-to-reach groups?

Lord Bethell (Con): I am enormously grateful to the right reverend Prelate for mentioning practice managers. Managers in the NHS are sometimes given a bit of a hard time and are too often overlooked. But, my goodness, if the vaccine deployment has been a success and been run smoothly—and if the constant reports I get of two-minute turnarounds, accurate invitations and appointments made briskly and accurately are correct—it is because of those managers. The NHS practice managers are running a tight ship and delivering huge value for the NHS. They are too often overlooked but, boy oh boy, have they delivered on this occasion.

The right reverend Prelate is entirely right to raise the issue of not only community champions but volunteering overall. It has been one of the toughest aspects of our response to Covid to make use of the hundreds of

thousands of people who have stepped forward in various schemes to help with it. There are returning practitioners from healthcare; there are community champions, which he rightly described, along with the faith groups; there is also St John Ambulance and the vaccinating volunteers. Quite often, hygiene protocols and the necessity to put in place measures to avoid transmission of the disease have meant that it has been difficult to mobilise the army of volunteers. One thing that we should look back at, when we do our post-mortem, is how we as a country can deploy civic society more effectively.

Regarding the faith groups the right reverend Prelate specifically mentioned, I pay tribute to their role in the vaccine deployment. The sight of vaccines being given out in synagogues, mosques, gurdwaras and temples up and down the country surely has a huge part to play in their successful deployment among many difficult-to-reach groups.

Baroness Massey of Darwen (Lab) [V]: My Lords, may I press the Minister once more on care homes, as mentioned by the noble Baronesses, Lady Brinton and Lady Thornton? The progress on vaccinating residents is indeed impressive. Are there now plans to also vaccinate as a priority, with encouragement if necessary, the staff who work in care homes and to offer the vaccine to relatives who wish to visit, so that family life of some sort can be re-established?

Lord Bethell (Con): My Lords, we have done an enormous amount to prioritise care home staff, for the entirely pragmatic reason that it would make no sense at all for vulnerable care home residents to be infected by the staff who come and serve them. It is not always possible to put care home staff in exactly the same queue as those residents, sometimes because they are the ones delivering the vaccines. There is in fact a hugely sophisticated NHS route for care home staff to get their vaccine. However, I hear loud and clearly the concerns of noble Lords on this area. Let me please look at it more closely and I will correspond with the noble Baroness, Lady Massey, if I can provide her with any more details that would be helpful.

Lord Scriven (LD) [V]: My Lords, some GPs in Sheffield have told me today that their hubs have a zero supply of vaccine and have been closed for over a week. However, they have not yet vaccinated all of their high priority patients. Those patients are now being directed to travel by bus up to 10 miles to the mass vaccination centre, but the most nervous and vulnerable say that they will not go there. What can the Minister say to GPs who are waiting and able to vaccinate patients but have no vaccine because it has all gone to the distant mass vaccination centre?

Lord Bethell (Con): My Lords, I have heard the noble Lord's concerns about this matter when he has brought them up previously, but I simply do not recognise the story he is telling. I would remind him that 95.6% of those aged 75 to 79 have had the vaccine. This is not the story of people who are concerned about going to mass vaccination centres. There are GP centres up and down the country that are closed because they do not have supplies, and it is supply that is undoubtedly the

[LORD BETHELL]

rate-limiting factor. That is because, as he knows, the supply comes in large boxes. If GPs do not have enough people to use up a large box, we have to prioritise those who have longer lists.

Lord Lansley (Con) [V]: My Lords, I want to ask my noble friend about the Moderna vaccine. I understand that we have 17 million doses on order, the first batches of which are likely to arrive in the spring—let us say, in May. Where will the vaccine be used? It seems that with a trial taking place in America of its use among 12 to 17 year-olds, there is an argument for it to be reserved for use in vulnerable younger people or, indeed, given its relative significant effectiveness, to be reserved for use later in the year as a booster vaccine for the most vulnerable groups. Can he tell us the Government's thinking about the use of this vaccine?

Lord Bethell (Con): As ever, my noble friend is extremely perceptive in his insight. The Moderna vaccine is indeed an interesting one that may well prove to be a useful complement to the Pfizer and AstraZeneca vaccines, which are the bulwarks of our vaccination deployment at the moment. As he probably knows, the MHRA has already sanctioned the use of existing vaccines in some children where there may be a strong clinical need, and under the advice of their clinicians. However, it is our aspiration to spread the vaccines as widely as possible. Unfortunately, children are a vector of infection and it may be that there are strong arguments for vaccinating not just vulnerable children, but perhaps a large number of children. We will look at various different vaccines for that, and Moderna may possibly be a candidate for the kind of A-B double-dose vaccine that I alluded to earlier.

Baroness Scott of Needham Market (LD) [V]: My Lords, as we move towards group six, we are getting into a rather complex situation where vaccination is not determined only by age but by health conditions and their severity. Can the Minister say something about how we will communicate to the public the kind of conditions and the level at which they have them that will lead them to be vaccinated so that people have a clear understanding and GP practices are not inundated by the task of having to give that information out?

Lord Bethell (Con): The noble Baroness is entirely right. We are entering a different phase of the rollout where definitions are not based so clearly on age and where more choices have to be made. Noble Lords have raised special groups and interests for which they have made a good case for them to be prioritised. We are reaching the moment when that communication will be made more clearly. I cannot say for certain what it will be because I do not yet have the information in my gift. However, I reassure the noble Baroness that, when that moment comes, the communication will be done very clearly and all the arguments that have been made in this Chamber will be listened to.

Lord Singh of Wimbledon (CB) [V]: My Lords, I have two concerns about a generally impressive vaccine rollout. The first is the advice not to book a summer holiday. Even if it is cancelled later, planning for a break can have an important therapeutic effect on people at

a very difficult time. The second is the policy of not allowing visits to relatives in care homes until all staff and residents have been vaccinated. However, I am reliably told that the vaccination take-up among staff in some homes is as low as 20%. Does the Minister agree that a policy which bars vaccinated relatives while giving unvaccinated staff unrestricted access needs to be revisited urgently?

Lord Bethell (Con): My Lords, the noble Lord touches on one very positive subject: summer holidays. I entirely agree with him on the therapeutic effect of planning one's holiday. I spend far too much time looking at Scottish cottages and the North Coast 500 to inspire me about the months ahead.

The noble Lord touches on the very difficult subject of care homes. I do not avoid the fact that this is one of the most awkward and regretful circumstances of the moment we are in. The bottom line is that care homes have many residents of different ages. A care home epidemic is unbelievably difficult to control and leads to mortality and sickness. I do not recognise the 20% figure that he articulated, but he is right that in many homes it is not the case that 100% of residents have been vaccinated. It is certainly not the case that everybody who would wish to visit one has been vaccinated. We are in a strange lacuna where visits are not possible—at least not indoor visits, only outdoor ones. I hope that we can end this awkward and difficult moment with the swift and emphatic deployment of the vaccine.

Lord Wigley (PC) [V]: My Lords, will the Minister join me in welcoming the fact that Wales had become the first of the UK nations to have vaccinated more than 20% of its population? Will he confirm that the availability of vaccine supplies for all four homes nations has been co-ordinated by the NHS centrally? That being so, can he reassure me that adequate supplies will consistently be made available to the NHS in Wales to keep up this rate of vaccination, and to enable it to give to all those who have had their first jab their second follow-up jab within 12 weeks?

Lord Bethell (Con): My Lords, I pay tribute to the Welsh for hitting that remarkable number. I thank the noble Lord very much indeed for bringing it to the House's attention. I absolutely assure him that distribution of the vaccines is done in very close concert between the four nations. These numbers are assessed and gone through in great detail on a weekly call on Thursday evenings between the Secretary of the State and his opposite numbers. The JCVI and Emily Lawson, who is running the vaccination programme, are in close contact with their DA counterparts. The figures I have seen suggest that the supply to the nations is more than the target numbers that we had originally planned.

Lord Haselhurst (Con) [V]: My Lords, is it not the case that, however brilliantly successful the vaccine rollout has so far been, we still know too little about transmissibility for it to be wise to switch at a stroke from lockdown to the previous normality? While this uncertainty persists, will the Government put caution before risk in their approach to the lifting of restrictions?

Lord Bethell (Con): My Lords, my noble friend is entirely right that there are many mysteries of immunity that we do not fully understand. While we have some strong evidence on the transmissibility of the disease after vaccination, it is not crystal clear. The evidence we have is that it reduces infection by two-thirds, but that still means that a third of people who have the vaccine might get the disease and be able to pass it on. That is an extremely serious risk when the vast majority of the population have not been vaccinated at all. We do not want a situation where a small minority of the population might be spared sickness and death, but a very large amount of the population become infected with a disease that might hospitalise them or lead to other infections. That is why we are cautious. We are also conscious of variants of concern, which remain a potent threat as long as the vaccine has not been rolled out.

Baroness Tyler of Enfield (LD) [V]: My Lords, I will press the Minister a little further on the low take-up of the vaccine by some care home staff, which has already been raised by other noble Lords. Recent research from the National Care Forum has shown that some of the significant factors accounting for this low take-up include vaccinators coming to homes with enough vaccines only for residents, and staff being expected to travel to vaccination centres if they are not vaccinated in the home, but not being given time off. Those not on shift when vaccinators come, such as night shift staff, are missed, and some fear having to take unpaid time off if they develop a reaction to the vaccine. Could the Minister say what steps the Government are considering taking to tackle these very specific barriers?

Lord Bethell (Con): My Lords, I do hear the noble Baroness and I would be happy to look into this matter further. However, my understanding is that the vaccination rates among care home staff are much higher than she describes. It is not unusual for care home staff to have their health provided for by the local NHS, and for them to be required to travel to receive that support. That is quite normal for anyone getting a vaccine, even if they work in social care. It is entirely in our interests to make sure that social care staff are vaccinated, so there is no way that there is any kind of policy or deliberate effort to avoid vaccinating care home staff. However, I will be glad to look into this further and, if I may, I will copy the noble Baroness into the correspondence that will clearly result from this debate.

Lord Farmer (Con) [V]: My Lords, having vaccinated the vulnerable tiers, at what level do we revert to normal, bearing in mind, first, that the remaining population is highly unlikely to require hospitalisation or to die from Covid; and, secondly, the mental health stresses which are starting to unravel our social fabric? On that note, do any members of SAGE have recognised expertise in mental health, so that their advice is weighted to this consideration as well as to others?

Lord Bethell (Con): My Lords, the honest truth is that I cannot lay out a timetable for my noble friend. That will happen in the week of 22 February and the Prime Minister has made that clear. He is entirely right that the vaccine dramatically reduces hospitalisation and death. Target groups 1 to 4 account for nearly 90% of

the deaths, so this is a dramatically improved situation. However, it does not remove the threat of Covid altogether. At the moment we have an infection rate of around 2% in the country. Were we to open up tomorrow, that infection rate might lead to a much higher rate: 10% or 20%. If we ran at a rate of 20% we would have a very large number of young people who would end up in hospital one way or the other, and who might experience long-standing damage from the Covid disease. We would also increase the rate of mutations in our own country and we would have a great displacement of that effect on the rest of the NHS system.

So this is not a binary game in which we have suddenly hit the moment where we can lift everything. We have to tread cautiously on that. However, I agree with my noble friend that the mental health impact of the lockdown is intense. I reassure him that two members of the SAGE subgroup SPI-B are members of the British Psychological Society. SPI-B presents the independent expert behavioural science to advise the top SAGE—the Scientific Advisory Group for Emergencies—and it brings to the debate a very clear insight on mental health and brings to our awareness the impact of lockdown, which, as my noble friend quite rightly points out, is immense.

The Deputy Speaker (Lord Bates) (Con): My Lords, the time allowed for Back-Bench questions on this Statement has now elapsed. I apologise to those whom I was unable to call. There will now be a short pause to allow for some changes before taking the second Statement.

Covid-19 Statement

The following Statement was made in the House of Commons on Tuesday 9 February.

“With permission, I would like to make a Statement on new measures to keep this country safe from coronavirus. Thanks to our collective efforts, we are turning a corner. Cases of coronavirus have fallen 47% in the last two weeks, and they are falling in all parts of the UK, but we are not there yet. Hospitalisations are falling, but there are still many more people in hospital than at the April or November peaks, and the number of deaths, while falling, is still far too high.

Our vaccination programme is growing every day. We have now vaccinated over 12.2 million people—almost one in four adults in the United Kingdom—including 91.4% of people aged 80 and above, 95.9% of those aged between 75 and 79, and 77.2% of those aged between 70 and 74, who were the most recent groups to be invited. We have also vaccinated 93.5% of eligible care home residents. We have made such progress in protecting the most vulnerable that we are now asking people who live in England who are aged 70 and over and have not yet had an appointment, to come forward and contact the NHS. You can do that by going online to nhs.uk, or dialling 119, or contacting your local GP practice, so that we can make sure that we reach the remaining people in those groups, even as we expand the offer of a vaccine to younger ages.

[LORD BATES]

These are huge steps forward for us all, and we must protect this hard-fought-for progress by making sure we stay vigilant and secure the nation against new variants of coronavirus that put at risk the great advances that we have made. Coronavirus, just like flu and all other viruses, mutates over time, so responding to new variants as soon as they arise is mission critical to protect ourselves for the long term. We have already built firm foundations, like our genomic sequencing, which allows us to identify new variants, our testing capacity, which allows us to bring in enhanced testing wherever and whenever we find a new variant of concern, and our work to secure vaccines that can be quickly adapted as new strains are identified.

Our strategy to tackle new variants has four parts. First, the lower the case numbers here, the fewer new variants we get, so the work to lower case numbers domestically is crucial. Secondly, as I set out to the House last week, there is enhanced contact tracing, surge testing and genomic sequencing. We are putting that in place wherever a new variant of concern is found in the community, like in Bristol, Liverpool and, as of today, Manchester. Thirdly, there is the work on vaccines to tackle variants, as set out yesterday by Professor Van-Tam. Fourthly, there is health protection at the border, to increase our security against new variants of concern arriving from abroad.

I should like to set out to the House the new system of health measures at the border that will come into force on Monday. The new measures build on the tough action that we have already taken. It is of course illegal to travel abroad without a legally permitted reason to do so, so it is illegal to travel abroad for holidays and other leisure purposes. The minority who are travelling for exceptional purposes will be subject to a specific compliance regime and end-to-end checks throughout the journey here. Every passenger must demonstrate a negative test result 72 hours before they travel to the UK, and every passenger must quarantine for 10 days. Arriving in this country involves a two-week process for all. We have already banned travellers altogether from the 33 most concerning countries on our red list, where the risk of a new variant is greatest, unless they are resident here. But even with those tough measures in place, we must strengthen our defences yet further.

I appreciate what a significant challenge this is. We have been working to get this right across government and with airport operators, passenger carriers and operational partners, including Border Force and the police—I thank them all for their work so far—and we have been taking advice from our Australian colleagues, both at ministerial level and from their leading authorities on quarantine. The message is, ‘Everyone has a part to play in making our borders safe.’ I know this is a very difficult time for both airlines and ports, and I am grateful to them for working so closely with us. They have such an important role to play in protecting this country and putting in place a system so that we can securely restart travel when the time is right—the whole team at the borders working together.

Let me set out the three elements of the strengthened end-to-end system for international arrivals coming into force on 15 February. This new system is for

England. We are working on similarly tough schemes with the devolved Administrations, and we are working with the Irish Government to put in place a system that works across the common travel area. The three parts are as follows: hotel quarantine, testing and enforcement.

First, we are setting up a new system of hotel quarantine for UK and Irish residents who have been in red-list countries in the last 10 days. In short, this means that any returning residents from those countries will have to quarantine in an assigned hotel room for 10 days from the time of arrival. Before they travel, they will have to book through an online platform and pay for a quarantine package, costing £1,750 for an individual travelling alone, which includes the hotel, transport and testing. That booking system will go live on Thursday, when we will also publish the full detailed guidance.

Passengers will be able to enter the UK only through a small number of ports that currently account for the vast majority of passenger arrivals. When they arrive, they will be escorted to a designated hotel, which will be closed to guests who are not quarantining, for 10 days, or longer if they test positive for Covid-19 during their stay. We have contracted 16 hotels for an initial 4,600 rooms, and we will secure more as they are needed. People will need to remain in their rooms and, of course, will not be allowed to mix with other guests. There will be visible security in place to ensure compliance, alongside necessary support so that, even as we protect public health, we can look after the people in our care.

Secondly, we are strengthening testing. All passengers are already required to take a pre-departure test and cannot travel to this country if it is positive. From Monday, all international arrivals, whether under home quarantine or hotel quarantine, will be required by law to take further PCR tests on day 2 and day 8 of that quarantine. Passengers will have to book those tests through our online portal before they travel. Anyone planning to travel to the UK from Monday needs to book these tests, and the online portal will go live on Thursday. If either of these post-arrival tests comes back positive, they will have to quarantine for a further 10 days from the date of the test and will, of course, be offered any NHS treatment that is necessary.

Any positive result will automatically undergo genomic sequencing to confirm whether they have a variant of concern. Under home quarantining, the existing test-to-release scheme, which my right honourable friend the Transport Secretary has built so effectively, can still be used from day 5, but that would be in addition to the two mandatory tests. The combination of enhanced testing and sequencing has been a powerful weapon throughout this pandemic, and we will be bringing it to bear so that we can find positive cases, break the chains of transmission and prevent new cases and new variants from putting us at risk.

Thirdly, we will be backing this new system with strong enforcement of both home quarantine and hotel quarantine. People who flout these rules are putting us all at risk. Passenger carriers will have a duty in law to make sure that passengers have signed up for these new arrangements before they travel and will be fined if they do not. We will be putting in place tough fines

for people who do not comply. That includes a £1,000 penalty for any international arrival who fails to take a mandatory test; a £2,000 penalty for any international arrival who fails to take the second mandatory test, as well as automatically extending their quarantine period to 14 days; and a £5,000 fixed penalty notice, rising to £10,000, for arrivals who fail to quarantine in a designated hotel. We are also coming down hard on people who provide false information on the passenger locator form. Anyone who lies on a passenger locator form and tries to conceal that they have been in a country on the red list in the 10 days before arrival here will face a prison sentence of up to 10 years.

These measures will be put into law this week, and I have been working with the Home Secretary, Border Force and the police to make sure that more resources are being put into enforcing these measures. I make no apologies for the strength of these measures, because we are dealing with one of the strongest threats to our public health that we have faced as a nation. I know that most people have been doing their bit, making huge sacrifices as part of the national effort, and these new enforcement powers will make sure that their hard work and sacrifice are not undermined by a small minority who do not want to follow the rules.

In short, we are strengthening the health protection at the border in three crucial ways: hotel quarantine for UK and Irish residents who have visited a red-list country in the past 10 days and home quarantine for all passengers from any other country; a three-test regime for all arrivals; and firm enforcement of pre-departure tests and the passenger locator form. Our fight against this virus has many fronts, and just as we are attacking this virus through our vaccination programme, which protects more people each day, we are buttressing our defences with these vital measures, to protect the progress that together we have worked so hard to accomplish. I commend this Statement to the House.”

7.03 pm

Baroness Thornton (Lab) [V]: My Lords, a hotel quarantine policy has been debated for months and was finally announced two weeks ago, yet the legislation underpinning the scheme has not been laid. That means that, yet again, Parliament cannot scrutinise and vote on the regulations until after they have been brought into force. Can the Minister advise the House when they will be published and when we will get the opportunity to debate them? I hope that he will be able to assure me that they will not be laid at the 11th hour, as so many other coronavirus regulations have been, which would mean that people who are impacted by this policy and need to implement it will have to get up to speed very fast indeed to make the necessary arrangements.

The UK’s quarantine policy is due to come into effect on Monday. It is exactly a year to the day since I raised this exact issue in your Lordships’ House in response to a Statement repeated by the Minister’s predecessor, the noble Baroness, Lady Blackwood. Her answer was basically that the Government would be putting the resource into dealing with quarantine immediately. A year later, “immediately” has not really happened, which is a shame. We have possibly borne the burden of deaths as a result of that, too.

It is also clear to see that there are gaping holes in the Government’s new hotel quarantine system. Figures suggest that thousands of people travelling from higher-risk countries will be missed by the scheme every day. Analysis of passenger data suggests that 10,000 passengers will arrive in the UK on Monday from countries where the South African or Brazilian variants of Covid-19 are circulating but which are not yet on the Government’s “red list”. These people—roughly 19 out of 20 passengers—will avoid hotels and ask to quarantine at home. Yet just three in every 100 people are being checked to ensure that they comply with home quarantine. Does the Minister think that that is good enough? Given that we know that the South African and Brazilian variants of the virus involve a key mutation, E484K, which may help the virus evade antibodies and render the Pfizer and Oxford/AstraZeneca vaccines less effective, the Government’s failure to secure our borders risks jeopardising the fight against Covid-19 just at the moment when it looks like we are making significant progress. So I hope that the Government will urgently review the policy and extend quarantine to all travellers arriving in the UK.

I turn to the implementation of the policy. Will the Minister update the House on the number of beds in hotel rooms that have been secured for travel quarantine measures? Can he confirm whether they are seeking to expand capacity in anticipation of extending the policy to further countries? What steps are being taken to ensure that staff in quarantine facilities are given adequate PPE? I would also be grateful if the Minister could outline what support and financial assistance will be in place to help people seeking to return to the UK from “red-listed” countries who cannot afford the up-front £1,750 quarantine cost. This is very important, given that, among the numerous categories of travellers, there are likely to be people who had to go abroad at short notice for family emergencies.

Finally, it has been announced that people found to have omitted to reveal that they have travelled from a “red list” country could possibly face up to 10 years in prison under the Forgery and Counterfeiting Act 1981. While the penalties for non-compliance are a core part of any regime, does the Minister accept that a 10-year prison sentence is really disproportionate? It is more severe even than sentences given out for some violent and sexual offences. Sir Keir Starmer has, quite rightly, pointed out that pretending judges would sentence anyone to that long in prison, in court cases that—given the current backlog—will not be heard for several years, is not going to help anyone and probably will not deter anyone.

Baroness Brinton (LD) [V]: My Lords, the Minister is right to say that it looks as if the corner has been turned on cases, and even on hospitalisations, in this most recent surge. I too, like the noble Baroness, Lady Thornton, look forward to actually seeing the quarantine regulations being laid in Parliament. We keep asking for sight of them as early as possible. We have known that this quarantine arrangement was coming in—leaks started in December.

The BMA and other medical groups are concerned that those without GPs must have access to the vaccine. Last week, the Government announced that

[BARONESS BRINTON]

undocumented migrants can register with GPs for a Covid vaccine without fear of being prosecuted by the Home Office. This is good news, as we need everyone possible in the country to be vaccinated, to keep us all safe. However, the law currently requires the NHS to report those without a defined migration status. This amnesty announcement, based on the suspension of so-called immigration data sharing between the health service and the Government, is temporary, only during the pandemic. What safeguards are there that this data will not be shared after the pandemic is over? A temporary amnesty will not encourage people to come forward if their data can later be shared.

According to Ministry of Justice data, 2,400 Covid-positive cases were recorded in prisons in December—a rise of 70% in a single month. Given that the Government have a legal duty to provide equivalent healthcare to those in prison, can the Minister explain why prisoners in priority groups 1 to 4 started to be vaccinated only from 29 January?

Will the Minister answer a question I asked earlier this week without a response? There have been number of reports of Sitel and other call centre contractors having their contracts reduced by government and immediately sacking track and trace staff because, as a Sitel manager said,

“At this point in time as a business we need to reduce the number of agents because we have done our jobs.”

Can the Minister please confirm or deny that the Government have asked for track and trace staff numbers to be reduced? Do the Government still believe that test, trace and isolate remains a vital part of coming out of this pandemic, or are they totally relying on the vaccine? Everything that the scientists and doctors are telling us is that we will have to continue to take all precautions, such as “hands, face, space”, and will also need all the protection tools, such as test, trace and isolate, for some time to come, otherwise we will be hurtling towards yet more cases, hospitalisations and deaths.

That brings me to borders. On 22 January last year, alongside the noble Baroness, Lady Thornton, I asked the Minister’s predecessor what steps were being taken to monitor flights from places where Covid-19 had been confirmed or was suspected. I have repeatedly raised worries that the UK was not following either the World Health Organization advice or the actions of the CDC in America, which has resulted in many cases coming into the UK from China and the Far East and, during February, through those returning from skiing holidays in Italy, France and Austria. Every step of the way, the Government have been too slow in making arrangements to monitor passengers, whether placing them in quarantine at home or, as is now proposed, in quarantine hotels.

Some countries have learned through experience that early action at borders is vital. South Korea, Australia and New Zealand are notable examples. Taiwan should be a role model for us all. It began monitoring passengers arriving as early as 31 December 2019, and shortly afterwards created formal quarantining, both at home and in hotels, with electronic monitoring by health teams. Its Government’s clear communication with its people, providing the carrot of a support package for

anyone quarantining, as well as the stick of substantial fines, has meant that a country of 23 million people had, in 2020, fewer than 800 cases, with only seven deaths. One city alone has 3,000 hotel rooms reserved for quarantining; the Government here are proposing 4,000 for the whole of the UK. And the fines in Taiwan are not small, at up to 300,000 New Taiwanese dollars—about £7,500—with one businessman who breached quarantine seven times in three days fined more than £26,000.

Taiwan’s approach is as much about self-isolation as it is about quarantine for those coming from abroad, and the view of the Taiwanese public is that everyone should do their civic duty, helped by the clarity of messaging from the Government and their medical experts. So it is a shame that our Government’s key message is all about the maximum prison sentence. We need as much of the carrot in our approach, rewarding people for self-isolation, preferably by paying their wages and by supporting them with care calls and delivering shopping and medicines, most of which has been notable by its absence to date.

Two things are clear from the worries over the new variants. The UK public want to do their duty. The vast majority of people are complying with lockdown. They also understand that the nature of Covid-19 is changing, and that new variants mean we must change the way we live too. So will the Government please make the changes that we on these Benches have asked for, for over a year, regarding borders? Otherwise, we risk losing all the progress made with vaccinations, we risk children not returning to school, and we risk further and substantial damage to our economy.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, I am enormously grateful for the questions from the two noble Baronesses. By way of introduction, both the noble Baronesses are entirely right that the variants of concern have been a massive game-changer and the reason for this profound inflection point in our approach to border control. Having invested so much in vaccine deployment, having got it right so emphatically, having been ahead of the world in the identification, development, purchase and now deployment of vaccines, and having got so many people who were at threat of sickness and death into a position of safety, it seems entirely right that we now protect the country from mutations that might escape the vaccine by taking tough measures on the border.

That is different from the situation of a year ago: we had comparable infection rates and were all facing the same virus, which did not seem to mutate for months on end. At that point, the priority was to keep our borders open in order to keep the flow of goods, medicines and essential supplies in the planes, trains and boats that are necessary to support Great Britain. But the variants of concern have completely changed that view. That is why we brought in this new, robust and emphatic regime. It depends, in very large part, on existing legislation, but I reassure noble Lords that our plans are to bring in new regulations, where necessary, at the earliest moment. I hope that that will be very soon.

The noble Baroness, Lady Thornton, asked about international surveillance. That is an important part of our overall plan. In Britain, as noble Lords know,

we have the most advanced investment in genomic sequencing anywhere in the world, by far. We are hugely investing in a great dash on capacity, turnaround times, accuracy and the geographic distribution of that surveillance in the UK. But we are also investing in international systems. We have made an open-hearted, big and generous offer to the countries of the world to do genomic sequencing for them, wherever necessary. If anyone wants to send their specimens to the UK, to the Sanger at Cambridge, we will do that for them. We are sending machines, often from Oxford Nanopore, the British diagnostic company, to diagnostic centres in countries that have some genomic capability, to enhance their testing and speed up their turnaround times.

The noble Baroness, Lady Thornton, asked about the enhanced measures we are putting in place to check when people arrive in the UK. I can reassure her massively, because the system for the passenger landing form has been digitised and hugely enhanced. We have dramatically increased the amount of validation of the data put into the PLF. The pretesting certificates are linked directly to the PLF, and we are working on linking it to the hotel booking and testing forms. We are also putting in enhanced surveillance of those isolating at home, which includes phone calls, SMSs and an increased investment in police time to follow up where there may be suspicion of a breach. We are also making a crystal-clear communication to those who have access to private jet travel that we will not tolerate those who have the resources to pay the fines but feel that they can, or want to, get around these measures.

The application of the hotel quarantine measures to all countries—both red list and amber—is something that we keep under review. There is a rolling review of the red list, and we are putting in place the necessary infrastructure, should it be required, for a blanket hotel quarantine protocol on all travellers to the UK.

The noble Baroness, Lady Brinton, kind of answered the question on the number of hotels, for which I am enormously grateful. We have currently booked 16 hotels with 4,600 rooms. However, I reassure her that this is an on-call framework, and we will have access to a massively increased number of hotel rooms if that should prove necessary.

But I have to be clear: the signal from the British Government and the instruction from the Home Office and the Department of Health and Social Care is that there should be no need to travel other than under the most exceptional circumstances. We are not trying to encourage anyone to travel, and we expect the number of people travelling to and from the UK to remain at a low level for the foreseeable future. For those who are currently overseas and seek to return but are experiencing some hardship because they were not expecting, did not plan for and cannot afford the considerable cost of the hotel quarantine, we will publish schemes to spread the payment of that to help people out.

Regarding the legislation, the noble Baroness, Lady Thornton, made a big point of saying that a sentence of 10 years was too long for a breach of contract. I remind her that Section 1 of the Fraud Act 2006 creates a general offence of fraud and introduces a

number of ways of committing it, including fraud by false representation and fraud by failure to disclose information. Committing fraud is a very serious offence. Not everyone who commits their first fraud will get a custodial sentence, but if people repeatedly breach these restrictions or put the lives of others at risk, it will be up to either the magistrates' court or, ultimately, the Crown Court to decide on the sentence. The maximum sentence is 10 years and it is quite right that it should be. The noble Baroness, Lady Brinton, made a very good point when she referred to Taiwan, which I shall mention in a moment.

The noble Baroness, Lady Brinton, asked about the data flows on undocumented migrants and the temporary amnesty. I reassure her that it is absolutely our intention to get everyone in the UK vaccinated, whatever their status. We are completely status blind when it comes to distribution of the vaccine, but we need to know who you are before we inject you with drugs—that is a basic clinical need and one that we cannot avoid.

She asked specific questions about the flow of data and whether this would be a temporary amnesty or would last longer. I do not have access to the precise answer to that question but am happy to commit to write to her on that important point.

The noble Baroness asked about prisons. She is entirely right to be concerned. We have had a terrific track record on protecting prisoners from this disease over the year, but she is right that in recent weeks epidemics have emerged in prisons. We are working incredibly hard to deploy a very large amount of testing and, where necessary, implementing isolation, and the vaccine has been rolled out to those who are qualified.

Turning to Sitel managers, I assure the noble Baroness, Lady Brinton, that we are enormously thankful to all those who have contributed to the tracing operation. We balance the workload between a variety of providers, and Sitel is just one of several that we have. There is no question of our backing off from our tracing operations—quite the opposite. Test, trace and isolate remains an important part of our armoury and it only increases. In recent times, we have doubled up on our commitment to the Lighthouse labs, which have proved cost-effective, accurate and fast. The genomics turnaround in tracking variants of concern has been remarkably efficient. On tracing and VOCs, Project Eagle is working extremely well and I saw incredibly impressive numbers on that this morning. Pharmacovigilance around the vaccine is being supported by test and trace, and the creation of the NIHP is apace.

Finally, the noble Baroness, Lady Brinton, mentioned Taiwan. Given that I am married to a Taiwanese wife, I can absolutely bear testimony to the remarkable achievement of that island nation. Taiwan was hard hit in 2003 by SARS, a time I remember well, since my Christmas was cancelled. It learned the lesson and applied important measures. The island has the advantage of social cohesion, but both the stick and the carrot were thoughtfully used, as the noble Baroness rightly pointed out. It created a green list country with a remarkably low level of infection and death, and that is a lesson we can all learn from.

[LORD BETHELL]

The public are doing their duty and absolutely understand the threat of variants of concern. It is incredibly impressive and I am optimistic for the future.

The Deputy Speaker (Baroness Henig) (Lab): We now come to the 30 minutes allocated for Back-Bench questions. I ask that questions and answers be brief so that I can call the maximum number of speakers.

7.26 pm

Lord Patel (CB) [V]: My Lords, I support the government plans for travel quarantine to reduce the risk of importing new variants of SARS-CoV-2 that may be more contagious and get around vaccine-induced immunity. Both Australian and New Zealand studies have shown that, despite testing prior to flights, the risk of transmitting the virus on flights, particularly long-haul flights, remains as shown by the New Zealand study. My question relates to airline crew, particularly on long-haul flights. What measures do the Government plan against the risk of transmission from an infected crew member?

Lord Bethell (Con): The noble Lord is, as ever, cutting to the chase. The role of hotel staff, transport to and from airports and the flight crew themselves is incredibly important. As the noble Lord probably knows, the outbreak in Melbourne that hit Australia hard was caused in part by the bus drivers from the airport to hotels becoming vectors of infection. That created an unfortunate outbreak, which was hit extremely hard with a long lockdown to squeeze out the outbreak. We are putting in all the right, responsible measures to segregate crew, keep them apart from the rest of the population and ensure that they are, wherever possible, vaccinated against the virus so that they cannot be vectors of transmission.

Lord Moynihan (Con) [V]: My Lords, having flagged up the quarantine restrictions, tens of thousands of people from around the world have been returning to the UK in advance of Monday's deadline to avoid unaffordable costs in hotel bills. This is resulting in many connecting flights across the UK being unexpectedly packed. I understand that this is leading to large numbers of passengers, on arrival at major UK satellite airports, waiting shoulder to shoulder around baggage carousels for their luggage, without airline or baggage-handling staff in evidence, no social distancing and a serious risk of exhausted passengers with low resistance being prone to Covid infection. Will my noble friend the Minister consult colleagues and ensure rigorous application of all social distancing restrictions around all domestic baggage carousels over the remaining three days and beyond?

Lord Bethell (Con): My Lords, I am grateful for the question but my information is slightly different from that articulated by my noble friend. Passengers overseas have heard the message loud and clear, and there has not been, as far as I understand, the kind of rush that he describes. In fact, there has been a lot of sensible behaviour by passengers. We are grateful to London Heathrow, London Gatwick, London City, Birmingham and Farnborough, which to date are the authorised

red list airports and have put in place exactly the kind of social distancing measures around transit from the aircraft to the PCP, from the PCP to the baggage hall, and from the baggage hall to the transport to the hotel. A huge amount of thought has been put into the personnel, signage and arrangements to ensure that that is done in a way that applies the best possible hygiene measures.

Lord Winston (Lab) [V]: My Lords, the Minister knows that I have great respect for him, but I want to put a slightly colder note into this debate, which also reflects on the debate about the previous Statement. We have heard a lot of hugely optimistic and very confident statements from Members of the House and the Secretary of State. It strikes me that we must be a bit more cautious. As the Minister knows, the one country that has conducted more vaccinations than us, proportionate to the population, is Israel. It has also had a complete lockdown of airports, so that there is no ingress at all into the country. Yet puzzlingly, and not even the Israelis can explain this, the infection rate has not gone nearly as well as predicted or expected. Can he comment on that?

Furthermore, what does the Minister intend that the Government should do with regard to poor students returning, as they need to, for their exams? These students are deeply needed by the country and, if they have a good experience here, they will support us in the future when they are adults and working. I would be very grateful for his answer.

Lord Bethell (Con): The noble Lord is right to cite the example of Israel. It is indeed extremely worrying. I touched upon this point when replying to my noble friend Lord Hamilton on the previous Statement. Undoubtedly the fear is that you vaccinate a large proportion of your most vulnerable population but those who have not been vaccinated—mainly the young—feel a licence to go out and socialise and create an enormous problem by spreading the disease on a large scale among the wider population. As I alluded to in my earlier answer, we currently have an infection rate of between 1% and 2%. It is not impossible that it could rise to 10% or 20%. Should that happen with the kind of proportions of people who then end up being hospitalised whatever their age, or suffering from long-term impacts of the disease, we would have a very big problem on our hands. That is why the Government are moving cautiously. I strike an optimistic tone in my answers, but I am extremely cautious and considered in my approach to policy, as are the Government.

Baroness Sheehan (LD) [V]: My Lords, hotel quarantine measures, albeit late and incomplete, are nevertheless welcome—better late than never. However, as things stand, mankind cannot outpace the mutating virus without a global vaccine plan in place. When do the Government think that the time will be right to call for a leader's summit to develop a global collaborative effort to deal with this pandemic?

Lord Bethell (Con): My Lords, I completely agree with the noble Baroness. As I said earlier, we are not safe until we are all safe. That is an absolute axiom. It will soon become a cheesy remark but that does not

make it any less true. Britain is totally committed to the principle of global distribution of the vaccine. We are extremely proud of AstraZeneca, which has a profit-free approach to the intellectual property around the vaccine. It is quite possible that as a cheap, easily administered and portable vaccine, it may become the common global standard for vaccination. It is my hope that it will be rolled out globally, and that it is updated as necessary, as mutations and variants of concern begin to affect it. Britain is very committed to CEPI, Gavi and ACT. These are the major financial commitments that the world has joined in to get the vaccine to the developing world, and we are using our chairmanship of the G7 to champion that agenda.

Lord Harris of Haringey (Lab) [V]: The variants of concern are already here, so self-isolation is vital for those who test positive in the community, yet many fail to do so because they will lose wages. Four million people in the UK have had Covid. The NAO says that the Government have spent over £270 billion on the pandemic so far. That is the equivalent of £67,500 per person infected. If that is the cost of each person who is infected by those who do not self-isolate, how low would the R number have to be for it not to be cost effective to pay at least £1,000 to everyone who tests positive, to ensure that they self-isolate?

Lord Bethell (Con): I am grateful for the noble Lord's fascinating mathematics, but there are other principles at stake here and I am not quite sure that his arithmetic can be leaned upon. One of those principles is personal responsibility. We cannot pay the entire nation a huge wage to stay at home for the entire epidemic; we have neither the cash resources nor the value base to do that. We must look to people to do the right thing. If we do not, we will end up with a country that is dependent on the Exchequer for its money and has the wrong values for the kind of enterprise economy that we need to build to get out of this epidemic.

Baroness Neville-Rolfe (Con): Does the Minister realise that the imposition of a 10-year prison sentence for providing an inaccurate travel history on Covid forms is wholly disproportionate? Existing powers should not be misused for this purpose. Such a measure would require proper reflection and parliamentary debate, and it should therefore be in a new Bill if the Government wish to persist with it. In the meantime, will the Minister amend the present proposals significantly?

Lord Bethell (Con): I do not agree with my noble friend on this in any way—fraud is fraud. If you put people in danger, you deserve to serve the consequences. It will be up to either the magistrate or the Crown Court to determine the sentence. The sentence is laid out in law, not by me or any new measure. Those who put the entire nation at risk by bringing variants of concern into the country should be aware that the courts may take an extremely dim view of their actions.

Viscount Waverley (CB): My Lords, I am going to pass the baton to the next speaker as the points I wished to raise have already been addressed. However, I commend the noble Lord, Lord Bethell, whose performance as a torchbearer at the Dispatch Box is exemplary by anybody's standards. I have recently

been jabbed myself, and the whole vaccination process from start to finish is commendable for being conducted with efficiency and courteousness, making one proud to be a Brit. We will be on to a winner if we replicate that in global Britain.

Lord Bethell (Con): I am extremely grateful for the noble Viscount's kind remarks. They are rightly directed at those responsible for the deployment of the vaccine. The NHS itself has been a central player in all that, as have our academic colleagues, particularly at Oxford University but also Imperial, as well as others who have contributed. I will take his remarks back to the Department of Health and Social Care. It has been a very tough year, and I am extremely grateful for his remarks.

Lord Beith (LD) [V]: My Lords, the Minister is right that there must be a penalty for lying about which countries you have been to in these circumstances, but I am surprised at how confident he is that the Forgery and Counterfeiting Act 1981 is a good tool for this purpose. Some offences under it do not attract a ten-year maximum but a two-year maximum, and it seems unlikely that a court would impose a substantial custodial sentence when comparing this with other offences. Does he not recognise that all the headlines about a 10-year prison sentence undermine credibility in the Government's strategy at a time when we need to support and encourage it?

Lord Bethell (Con): My Lords, I am enormously grateful for the noble Lord's legal insight and will leave it to the courts to decide whether he is right or wrong.

Lord Rooker (Lab) [V]: My Lords, I endorse what the noble Viscount, Lord Waverley, said, but I would also say that the Minister's private office must have had an interesting time supporting him in the last few months. I have two very brief points, and I am sorry that they are detailed. Can he tell us how the rich and famous returning home in private aircraft and landing at one of these five airports will be treated? Will they be treated like anybody else? Secondly, while children under 11 are not covered, can he explain how unaccompanied children over 11 will be dealt with in quarantine and what safeguarding facilities and procedures have been put in place?

Lord Bethell (Con): My Lords, we have only one package in hotel quarantine; there is no VIP suite, so those arriving in their Learjets at Farnborough will have to check in with all the rest of us. As for the children, the noble Lord raises an important point. I know that the issue has been discussed and that provisions have been put in place, but I am afraid I do not have the details to hand. I would be glad to write to him with them in due course.

Baroness Sugg (Con) [V]: My Lords, the vaccine rollout has been an incredible success. We all look forward to the road map out of lockdown expected later this month that the Minister referred to in the previous debate, and that includes our world-leading aviation sector. I support the measures being taken to protect our population against Covid-19 and now is not the time to reopen our skies but, given that it will take airlines something like three months to prepare

[BARONESS SUGG]

for a return to flying, can the Minister give me any reassurance that the aviation sector, which will play a crucial role in our economic recovery from Covid when it is safe to do so, will be included in the forthcoming road map?

Lord Bethell (Con): I completely endorse my noble friend's comments. I am personally extremely committed to travelling. I would fight for the right to travel and I believe in its value. I am extremely grateful to the airports, the airlines, the hospitality industry and all those involved in travel for the huge contribution they have made to the sum of human wealth and experience. It is heartbreaking that we are having to bring in these measures and it is done with huge regret. The cost and implications for the businesses and employees involved is extremely harsh, and we regret it enormously. It is simply a fact of the fight against this pandemic that it is necessary. I cannot confirm for sure that details of a timetable for airlines will be in the schedule in the week of 22 February, but I assure my noble friend that we are in constant touch with both airlines and airports. Their arguments to us are extremely well made and their plight is understood and sympathised with, and when the time is right we will do everything we can to support the travel industry in getting back to where it once was.

Lord Oates (LD) [V]: The Minister told the House in his earlier response to the Front Benches that there was no point in securing our borders before the new variants emerged. Was that not exactly when we should have closed the borders in order to prevent the new variants arriving in our country, rather than shutting them once they had? Why did he suggest that the new variants were unexpected when, as I understand it, mutations were always highly likely, if not inevitable?

Lord Bethell (Con): The virus mutates all the time and minute variations have happened from the very beginning. However, this virus has been unusual in not having profound mutations; it had not changed its seriousness, its transmissibility or its escapology in a meaningful way until the end of last year. Those were not—how shall I put it?—completely unexpected, but they had not been identified before. When they were identified, we changed our tactics, our strategy and our approach. Our determination to keep out variants of concern is manifested in these proposals, and we have moved extremely swiftly to enforce border control as the threat has mounted.

Lord Hunt of Kings Heath (Lab) [V]: My Lords, I want to follow up on that question. The SAGE minutes of 21 January make clear that

“reactive, geographically targeted travel bans cannot be relied upon to stop importation of new variants ... due to the time lag between the emergence and identification of variants of concern, and the potential for indirect travel via a third country”.

By confining the quarantine measures to travel from red-list countries, are the Government not ignoring the SAGE warning about indirect travel?

Lord Bethell (Con): My Lords, SAGE is entirely right that we have to be careful about indirect travel. That is why we have introduced a passenger form that requires people to detail all their recent travels. It is why we have attributed to the filling-in of the form

very serious enforcement measures, including the potential for a large custodial sentence if it is filled in incorrectly. It is why we are using all the benefits of technology and of airline databases in order to track people's travel and ensure that they are not in any way misleading us or skipping around borders to get here. The noble Lord is right that this is a very serious matter. This is a 21st-century pandemic and we are determined to use the techniques of the 21st century to keep out variants of concern. Countries such as Taiwan, Iceland, Australia, New Zealand and Singapore have demonstrated that if you use thoughtful 21st-century methods then you can make a big impact on transmission, and that is what we are determined to do.

Baroness Bennett of Manor Castle (GP) [V]: In his answer to the noble Lord, Lord Patel, the Minister said that

“the crew are, wherever possible, vaccinated.”

It was not clear from context whether the Minister was referring only to plane and train crews or also to bus drivers and quarantine hotel staff. Is this a change in government policy to prioritise the vaccination of key workers, as the Green Party has been calling for?

Lord Bethell (Con): While I acknowledge the Green Party's views on this matter, the JCVI has been clear about what prioritisation levels 1 to 4 are. As I said earlier, we will be looking at the other prioritisation lists in time. I am in no way signalling a change in government policy, because that, I am afraid to say, is not in my gift.

Lord Balfe (Con): My Lords, we seem always to be talking about holidaymakers. There is a small amount of legitimate business still being carried out in Europe. A few days ago, the Parliamentary Assembly of the Council of Europe met in Strasbourg under suitable conditions, with no Covid cases reported at the end of that meeting. NATO and the European institutions are also holding a limited number of meetings. Could the Government at least accept that some legitimate business has to go on across frontiers, even at this time? Or are we going to be like the late Markus Wolf of the Stasi and try to do the impossible by closing down the country—and, in the end, discovering it will not work?

Lord Bethell (Con): My noble friend of all people should know that it is an unfortunate comparison to make between the quite legitimate efforts of the Government to keep out killer viruses with those of a nasty East German regime for which I have no sympathy whatever. We have seen that a large amount of business that we previously thought required travel does not require travel. I must admit I am extremely surprised by the news that the Council of Europe thought it was a great idea to get together for a meeting. It is a decision I am querying, and when I get back to the department I will chat to my Foreign Office colleagues to see if that really was a sensible thing to happen.

Lord Taylor of Goss Moor (LD) [V]: My Lords, while the Act may have long existed, its attachment to mis-filling out forms certainly has not. It is hard to imagine that at any stage Parliament intended that filling out a form misleadingly, however serious the

circumstances, should attract a 10-year sentence. Surely this is something, right or wrong, whatever the principles and whatever the Government might believe is the right thing to do, that should go through Parliament for approval. A 10-year sentence, equivalent to many firearms charges and other serious offences, is surely something that should be subject to parliamentary scrutiny before it is imposed.

Lord Bethell (Con): My Lords, the noble Lord seems to be forgetting that it is not Parliament that is going to be sending people to prison but the courts, and courts are perfectly capable of interpreting the law. They are perfectly capable of assessing the nature and gravity of the offence. I am simply repeating the section of the Act on which people will be prosecuted if they commit a fraud. I am reminding noble Lords and all those thinking about committing fraud on their passenger locator form that the maximum sentence for committing fraud is 10 years, and it will be up to the courts to decide what kind of sentence they apply.

Lord Robathan (Con) [V]: My Lords, I first thank the Minister and the Chief Medical Officer Chris Whitty for a very useful session yesterday on Covid-19 therapeutics. I found it extremely informative. I can see the logic and the good sense behind the quarantine policy—but, bearing in mind Lord Acton’s famous dictum, and knowing that no court will send anybody to prison for 10 years for incorrect information being put on a form under the Fraud Act, does my noble friend not realise that the Secretary of State’s crazed, hollow and exaggerated threats about 10 years in jail undermine the whole policy? If he does not agree with that, could he please defend them? Because so far, I am afraid, I find myself agreeing, unusually, with the two Liberal Democrats, the noble Lords, Lord Taylor and Lord Beith.

Lord Bethell (Con): My Lords, I think I have made the point reasonably clearly, but I am happy to make it again: it is up to the courts to decide how long people go to prison for and it is up to Parliament to decide on Acts. The Act is very clear; it was made in 2006, and it is up to the Crown Court to decide for how long someone goes to prison. It is unfortunate that my noble friend described the Secretary of State in those terms. It is the kind of language that does him no credit. These are extremely important measures. They are devised to protect the country and the vaccine from the very serious threat of mutations of the disease, and they are enormously supported by the public.

Lord Mackenzie of Framwellgate (Non-Afl) [V]: My Lords, I welcome the tightening of controls to prevent the introduction and spread of new variants of the

virus. Will the Minister say whether the policy deals with international travellers who have a stopover for a connecting flight in, say, eight hours or even overnight? Will the road map that the Prime Minister will roll out on 22 February include a flight plan showing how and when the quarantine controls might be lifted, as they are extremely damaging to the travel and holiday sector and to the mental health of the nation, to which the Minister has already referred? Finally, has the Minister yet booked his summer holiday?

Lord Bethell (Con): My Lords, the arrangements for those changing planes in British airports are spelled out in considerable detail. We are not encouraging people to overnight when changing planes. If they overnight, they will be invited to spend 10 days in hotel quarantine, which I think will be a suitable incentive for those who might be thinking of such a travel plan. Those who remain airside will be able to change planes. Those who land in, say, England and are going to end up in Scotland will quarantine in England, and those who fly into Scotland to enter England will quarantine in Scotland. These are the kinds of provisions that we are putting in place to ensure that the quarantine is as effective as possible.

Lord Randall of Uxbridge (Con) [V]: My Lords, I completely endorse the praise for my noble friend and, indeed, his private office. I fully support the measures the Government are introducing, and I look forward to discussing them in detail in due course. Would it be possible to consider the confiscation of a passport, at least for UK nationals, for a flagrant and dangerous contravention of the quarantine regulations, perhaps particularly by those who think they can afford the fines, as he mentioned earlier? I seem to recall that we were able to do this for football hooligans.

Lord Bethell (Con): My Lords, I am grateful to my noble friend for that suggestion and I will take it back to the department. I have not heard it suggested. It is not currently in our plans at the moment, but let me try to understand it a little better.

Ministerial and other Maternity Allowances Bill

First Reading

The Bill was brought from the Commons, read a first time and ordered to be printed.

House adjourned at 7.53 pm.

