Vol. 820
No. 143

Friday
25 March 2022

PARLIAMENTARY DEBATES
(HANSARD)

HOUSE OF LORDS
OFFICIAL REPORT

ORDER OF BUSINESS

Education (Careers Guidance in Schools) Bill
Third Reading 1197
Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Bill
Third Reading 1198
Pension Schemes (Conversion of Guaranteed Minimum Pensions) Bill
Second Reading 1199
British Sign Language Bill
Second Reading 1214
National Insurance Contributions (Increase of Thresholds) Bill
First Reading 1226
Game Birds (Cage Breeding) Bill [HL]
Second Reading 1226
Glue Traps (Offences) Bill
Second Reading 1237
Approved Premises (Substance Testing) Bill
Second Reading 1249
Coroners (Determination of Suicide) Bill [HL]
Third Reading 1254

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

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

This issue of the Official Report is also available on the Internet at
https://hansard.parliament.uk/lords/2022-03-25

The abbreviation [V] after a Member's name indicates that they contributed by video call.

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 SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

No party affiliation is given for Members serving the House in a formal capacity or for the Lords spiritual.

House of Lords

Friday 25 March 2022

10 am

Prayers—read by the Lord Bishop of Leeds.

Education (Careers Guidance in Schools) Bill

Third Reading

10.05 am

Motion

Moved by ***Lord Lucas***

That the Bill do now pass.

Lord Lucas (Con): My Lords, I am honoured to have been chosen by my honourable friend Mark Jenkinson to take this Bill through. It is seemingly small but it will benefit a lot of people in a very important way. I must say that for 30 years in this House it has been my ambition to achieve that; Mr Jenkinson has achieved it in one short Bill. I therefore congratulate him and I am grateful to the Government for their support. I beg to move.

Lord Watson of Invergowrie (Lab): My Lords, we welcome the Bill and congratulate the noble Lord, Lord Lucas, on continuing the good work of the honourable Member for Workington. I particularly welcome the fact that the Bill includes academies, which is an important aspect of increasing its chances of reaching the maximum number of children to begin their preparations for a career and the world of work. For so long we have been told that academies are often literally a law unto themselves, and the terms of their funding agreements mean that in many aspects of their provision they cannot be told what to do. The Bill demonstrates that in fact they can and that all that is required is a stroke of the Secretary of State's pen. A precedent has thus been created.

I will not rehearse the powerful arguments advanced by my noble friend Lady Wilcox at Second Reading on the need for effective, regular, independent careers guidance. However, I feel that I have to draw something to the attention of the Minister—if her eyes roll as I start this, frankly, I would not be surprised, because it is about the consistency of government policy again. Yesterday I raised with her the fact that the *Levelling Up* White Paper talked up mayoral combined authorities at the same time as she was advancing a government position that effectively talked them down in terms of local skills improvement plans. We had the Chancellor talking up the need for an apprenticeship levy review just a month after the Government had voted down a Labour amendment in another place asking for just that. This Bill talks about year 7; it lowers the start of career guidance from year 8 to year 7. Yesterday the Minister said:

"We question the value of provider encounters in year 7, before those students can act on them".—[*Official Report*, 24/3/22; col. 1139.]

That is what this Bill does. I may not be alone in being not just perplexed but slightly irritated at the Government's apparent inability to present consistent policy. It is absolutely right that year 7 should be where it starts, but it was right yesterday in our discussions on the skills improvement Bill as well and I very much regret that that was not accepted.

Finally, the concession on the skills Bill that the Minister made this week in respect of the noble Lord, Lord Baker, and his clause, shows that the Government have finally determined that they will make careers guidance more effective and meaningful and they are supporting it further in this Bill. That is why we welcome the Bill and look forward to it becoming law.

The Parliamentary Under-Secretary of State, Department for Education (Baroness Barran) (Con): My Lords, I thank my noble friend Lord Lucas for bringing forward the Bill and I thank all noble Lords who have participated in its passage through your Lordships' House.

If I may, I will clarify the reference to *Hansard* that the noble Lord opposite made. When I said that students were not able to act on those encounters, that was not encounters in relation to careers advice but provider encounters with colleagues from further education colleges—UTCs. That is an important distinction to make.

This simple but effective Bill will ensure that all pupils in all types of state-funded secondary schools in England are legally entitled to independent careers guidance throughout their secondary education. That means high-quality support for every single child in every single state secondary school in every single local authority in England, without exception. It will fulfil a commitment in the *Skills for Jobs* White Paper, reaching over 600,000 year 7 pupils each year.

I am enormously grateful to my honourable friend the Member for Workington for his work on this important Bill and I congratulate him on ensuring that it passed through the other place. I know that the whole House will be grateful for this move to extend access to independent careers guidance, which will be widely welcomed. The Government are committed to supporting schools across the country to develop and improve their careers provision. The Bill is one step forward in ensuring that our young people receive high-quality careers guidance from an earlier age.

Bill passed.

Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Bill

Third Reading

10.11 am

Motion

Moved by ***Lord Holmes of Richmond***

That the Bill do now pass.

Lord Holmes of Richmond (Con): My Lords, it is an extraordinary honour to stand here in the shoes of my noble friend Lord Borwick, with his permission. He is recovering from Covid and we very much look forward to welcoming him back to the rank this coming Monday.

[Lord Holmes of Richmond]

This was a lovely, smart, straightforward Bill presented to and piloted through the House of Commons by my honourable friend Peter Gibson. I thank him, the departmental officials and my noble friend the Minister for all the work that was done to get the Bill to this place. It will mean that people can travel with greater safety and security in taxis up and down the country, and for that reason it does exactly what a Private Member's Bill should do: it makes a clear, concise, effective change that will benefit citizens right across the land.

Baroness Scott of Bybrook (Con): My Lords, I, too, send my best wishes to my noble friend Lord Borwick, who is unwell, and thank my noble friend for standing in for him today.

I am pleased to be here to give my support and that of the Government to the Bill. It is an important step to make our transport network safer. As my noble friend Lord Borwick said at Second Reading, the Bill will formalise the sharing of vital safeguarding and road safety information between licensing authorities. I pay tribute to my noble friend for his expert and committed stewardship of the Bill and to the other noble Lords who have contributed their views during its passage through the House.

It is also right that we acknowledge and thank Members of the other place for their contribution. Peter Gibson, the honourable member for Darlington, shepherded the Bill throughout and it is down to him and my noble friend Lord Borwick that we have the Bill in front of us today. It would be remiss of me not also to mention Daniel Zeichner—I hope that I have pronounced his name properly—the honourable Member for Cambridge, who originally brought a version of this Bill forward and has been a strong advocate throughout. I also thank the many other Members of the House of Commons who contributed to debates on the Bill. The widespread and cross-party support for the Bill in both Houses reflects the positive impact that it will have and the sensibleness of its provisions. Once again, I thank my noble friend Lord Borwick and express my strong support for the Bill.

Bill passed.

Pension Schemes (Conversion of Guaranteed Minimum Pensions) Bill

Second Reading

10.15 am

Moved by ***Baroness Redfern***

That the Bill be now read a second time.

Baroness Redfern (Con): My Lords, it is with great pleasure that I am able to take the Pension Schemes (Conversion of Guaranteed Minimum Pensions) Bill through this House. It gathered a lot of support in the other place and I am hopeful that it will have a similarly positive reception here.

In 2019, during the debate on the Guaranteed Minimum Pension Increase Order, the noble Baroness, Lady Drake, asked:

> "Will the Government press ahead with their planned changes to GMP conversion?"—[*Official Report*, 14/2/19, col. 1956.]

In the same debate, Lord McKenzie also asked about guaranteed minimum pension equalisation and conversion. I am very sad to say that Lord McKenzie is no longer with us; he is truly missed in this place. I know that he would have been here today to take part in this debate. The next year, during the Guaranteed Minimum Pension Increase Order 2020 debate, the noble Baroness, Lady Sherlock, asked a similar question and referred back to the original question posed by the noble Baroness, Lady Drake. As a Back-Bencher, I cannot speak for the Government, but I think that the Bill may go some way to answering the question posed by the noble Baronesses and the late noble Lord.

I begin by setting out what guaranteed minimum pensions are and why schemes may wish to convert them at all. The noble Baroness, Lady Drake, will have little to learn from what I have to say, as would the noble Baroness, Lady Sherlock, who I know would have been here but is suffering from Covid.

The Bill will help occupational pension schemes to correct a basic issue of unfairness. It will make it easier for occupational pension schemes to correct people's pensions to ensure that they do not receive less pension income as a result of the guaranteed minimum pension legislation than they would have done if they had been the opposite sex. In other words, it will help schemes to correct a situation which is fundamentally unfair and which has been agreed to be unfair since 1990.

Guaranteed minimum pensions—GMPs, as they are usually called—were a feature of the UK's pension system in the late 1970s, 1980s and 1990s. The detail behind the way in which GMPs work is extremely complex, but the basic premise is very simple. An employer who sponsored a defined benefit occupational pension scheme could contract it out of the additional state pension. For service between April 1978 and April 1997, the scheme was required to pay the members a GMP. The intention was that, on reaching pension age, the amount of GMP that an individual member would have built up would be broadly equivalent in value to the additional state pension that they would have received had they not been contracted out.

GMPs have some important features. The GMP legislation requires the payment of a survivor benefit to an affected member's surviving spouse or civil partner in the event of the member's death—something which is of great comfort to many people. I will talk about survivor benefits in more detail in a moment.

As well as survivor benefits, GMPs also have indexation and revaluation requirements set out in law. Where these apply, this means that the GMP has to be increased to provide some protection against the effect of inflation. However, as can be the case with pension entitlements, the GMP rules reflect the different values of the past. Men and women qualified for them at different ages and, to reflect this, they also built up at different rates.

The cumulative effect of these different rules is that a man and a woman could start work for the same employer for the same pay and conditions on the same day, work for the same length of time and leave that job at the same time, but, because of the impact of the GMP rules, they may receive different amounts of pension in retirement. Both men and women can lose out on pension income in retirement as a result of their sex. It is not as simple as one sex losing out consistently over another. GMPs were abolished for future service in 1997 and a rather simpler system for salary-related, contracted-out occupational pension schemes was brought in. Contracting out was abolished entirely in 2016. However, millions of people in the UK have GMPs built up during a lifetime of hard work.

It seems difficult to believe now that GMP rules could create different outcomes for men and women. In fact, it was difficult to believe at the time. In May 1990, the European Court of Justice ruled that pensions are deferred pay and, as such, must not differentiate between men and women. In the UK, the Equality Act 2010 requires equal treatment between men and women for all pensions accrued from the date of that judgment. Occupational pension schemes are therefore required to equalise pensions to correct for the unequal effect of GMPs from May 1990 onwards. A High Court judgment in the Lloyd's case in 2018 also put it beyond doubt that the affected schemes must go back and equalise people's pensions for the period from 1990 to 1997 to correct the differences caused by the GMP rules.

As some of us here may be beginning to suspect, however, equalising people's pensions for that period to correct the differences caused by the GMP rules is even more difficult than it sounds. Equalising a pension to correct the differences caused by the GMP rules means that affected pension schemes must go back and correct a person's overall pension if it is lower, because of the effect of those rules, than it would have been had the person been of the opposite sex. I assure noble Lords that this does not mean taking money away from some people and giving it to others. If it turns out that someone is entitled to more guaranteed minimum pension than if they were of the opposite sex, nothing happens; that advantage is not taken away. It simply means that the scheme needs to increase pensions in some cases where people are losing out because of the way in which the GMP rules work.

However, equalising people's pensions in this way is proving a slow process. As we have heard, some Members of this House have been talking about this issue for several years. Following the Equality Act 2010, the Department for Work and Pensions tried to help schemes struggling to work out how to equalise pensions to correct the effect of the GMP rules. The department worked closely with the pensions industry. As a result, in 2016, it proposed a methodology for pension schemes to use. This methodology involved converting the GMP into what could be termed "normal scheme benefits"—that is, pension benefits not subject to the complex GMP rules that created the differences in the first place—and carrying out conversions using existing legislation set out in the Pension Schemes Act 1993. Following consultation, the Department for Work and Pensions published guidance on this methodology in 2019. The industry agreed that the proposed methodology was a sensible approach. A member's converted benefits must be at least equivalent to the value of the benefits pre conversion and must provide a survivor benefit in the light of the valuable survivor benefits that were included in GMPs.

However, the pensions industry has also pointed out that the legislation supporting the conversion process contains some uncertainties that it believes will expose it to legal risk and potential accusations of not equalising correctly. That is why this Bill seeks to amend and clarify the conversion legislation set out in the 1993 Act so that affected pension schemes can better use it to meet their obligation to equalise for the effect of the GMP rules. It does—I very much hope and believe this—exactly what the noble Baronesses, Lady Sherlock and Lady Drake, have been calling for for several years and which the much-respected Lord McKenzie called for.

For example, the way in which survivor benefits are treated in the conversion legislation needs to be clarified. The industry has pointed out that legal requirements around survivor benefits when GMPs are converted are not sufficiently clear in the current legislation. As I mentioned earlier, survivor benefits are the benefits paid out to a scheme member's widow, widower or surviving civil partner when the member dies; they are therefore extremely important. It matters hugely to many people that their husband, wife or civil partner is protected financially in the event that they pass away. This Bill therefore amends the provisions governing how survivor benefits must be paid after a scheme has converted the member's GMP.

Similarly, before converting GMP, pension schemes are required to get the consent of the sponsoring employer who funds the scheme. This might look reasonable, considering that the employer has invested a lot of money to ensure that scheme members receive a decent retirement income. Unfortunately, it is not that straightforward, however, because the current legislation does not cover all situations; for example, where the original sponsoring employer is no longer in business.

Finally, the Bill removes the requirement that schemes must notify Her Majesty's Revenue & Customs when they carry out a GMP conversion exercise. HMRC does not want or need this information; indeed, it has issued guidance asking schemes not to submit it. As it costs schemes money to submit this information, it seems sensible to simply remove the requirement, saving both parties time and money better spent elsewhere.

I should briefly make it clear to the House that this Bill does not ask schemes to do anything new or unexpected; nor does it impose any new costs or requirements on occupational pension schemes or their employers. Affected occupational pension schemes have known that they need to equalise pensions for the effect of GMP inequalities for many years. They should have planned accordingly. The methodology and guidance published by the DWP can help schemes to do this, although it is for the trustees of each scheme to decide which methodology is most appropriate for their scheme. This Bill simply helps pension schemes to use the legislation underlying the department's methodology

[BARONESS REDFERN]
and guidance with more certainty in order to correct the effects of a long-standing inequality in the pensions system.

As we have heard, this Bill has been called for in this House for several years. I am delighted to present it for debate today. I beg to move.

10.28 am

Lord Davies of Brixton (Lab): My Lords, I thank the noble Baroness, Lady Redfern, for her detailed and clarifying introduction to the Bill. It is a complicated subject but she made an excellent job of providing the necessary clarification for your Lordships. I do not want to get into the detail of these proposals except in one respect, but I do want to put them in the context of pensions policy as a whole.

If I was asked whether I welcomed the Bill, I would be equivocal, because it is a recognition of the failure of a policy which is dear to my heart. The policy of better pensions, introduced in 1978, with all employees receiving an earnings-related pension from the state or a substitute scheme from the employer, was good and in advance of its time. We should not forget that. To a large extent, the introduction of the new state pension was only possible because of the success of the state earnings-related pension scheme.

I will resist the temptation to wander down memory lane, but I was in at the birth of contracting out. I was a member of the occupational pension board. We set out the rules by which contracting out should operate. We spent a great deal of time assessing how guaranteed minimum pensions should work. It is always worth making the point that they became extremely complex largely because of the industry demanding particular provisions. The idea was simple, but it became more and more complex as further demands were placed on it by the pensions industry, and there is a certain ruefulness when the pensions industry then complains about how complex it is. The complexity was largely brought about by the industry itself.

Contracting out was an essential element of the state earnings-related pension scheme, but that is history now. I accept that, but we have these leftovers, the GMPs, which potentially will be with us for many years. With the possibility of survivor benefits being paid in respect of GMPs, it could be decades into the future.

This Bill is essentially about a process. It is not about the principle of conversion, which is already being built into the legislation. Instead, it facilitates the process of conversion. Conversion has come to the fore because of the need to equalise benefits in respect of GMPs. It is not the GMPs that must be equalised but the benefits in excess of GMPs, adding complexity on to complexity. The principle of conversion was seen as a particular method of achieving equalisation, but they are separate.

There is the possibly, rarely taken, I am told, of the dual records approach, whereby each scheme keeps a record for each member, whether they are a man or a woman, and each year it pays the higher pension. Schemes were not keen on using that approach because it meant that members ended up with more pension. From their perspective, the members might have thought it was a good idea to have dual records and best-of year-by-by-year schemes against that approach, and if pushed, I see their point. However, it is important to understand that this arrangement is for the benefit of schemes and their administration. It is difficult to argue that there is much in here which is of benefit to members, which is my major concern.

As I said, the ship has sailed. The problem with the Bill for me is that how it operates in practice depends on material outside its scope. It depends principally on the detailed guidance which has been issued by the DWP, as well as professional practice, because at the heart of conversion is this concept of actuarial equivalence. The legislation and the DWP guidance say nothing about what is meant by actuarial equivalence, and it is in effect left to the actuarial profession, but it is a key issue. We are legislating for something which is effectively outside the control of the law. It is down to the actuaries to assess how that works in practice.

I do not want to be difficult on this Bill, and I will certainly not oppose it. Given the problems we have with the legislative timetable, if we were to make an amendment to it in Committee, it would crush its opportunity of getting through. But we must look in detail at how the Bill works with the underlying guidance and actuarial practice in Committee, when we can press the Government to ensure that members do not lose out.

In that context, my concern, which I am not sure can be handled in this Bill, is that the proposal for conversion is made by the trustees. They must consult the employers but there is no requirement for any consultation with the members. In the pensions legislation, there is a requirement that if you make a major change to a pension scheme, there must be a process of consultation, but on this change, there is no requirement for that level of consultation. That concerns me. It might be argued that the members are not losing out, since they are getting benefits the actuarial equivalent of which is worth the same to the member before and after. However, there is a change in the structure of the benefits being provided, and that potentially is of value to members, even if the monetary value is the same.

Therefore, there is a key issue here. I do not want to delay the Bill, since so much work has gone into preparing it, but I am concerned that the people who appear to be left out of considering these issues are the members being affected. It is not enough to say, "Well, they're getting something which is actuarially equivalent." We must think about that in a way which has not so far been reflected in the discussions on the Bill.

10.37 am

Baroness Wheatcroft (CB): My Lords, I welcome the Bill and thank the noble Baroness, Lady Redfern, for introducing it. As a pensions amateur sandwiched between two pensions professionals—the noble Lord, Lord Davies, and the noble Baroness, Lady Drake—I will keep my remarks brief.

I wanted to speak about the Bill because it is about equalities, and I like equalities that work both ways: not just treating women equally but, on the occasions

when they should be levelled up, treating men equally to women. It is not often that we have the opportunity to do that, but in this Bill we do. As the noble Baroness, Lady Redfern, pointed out, nobody will lose as a result of the Bill. People will only gain, and that is to be welcomed.

However, I have questions. The legislation that gives rise to this—the need for equal treatment—came about in 1990. It is fair to ask why it has taken quite so long to get to this position. During that period, there has been a question mark over survivor benefits which this Bill now finally seeks to deal with, but one of the important things about pensions is that there should be a degree of certainty. As people plan for retirement and old age, it is imperative that they be able to look ahead and see what their income might be. I am told that this Bill affects millions of people. As a result of this, they will still not be able to look at what their future pension is and plan for it.

So I ask the Minister whether there is a way in which a deadline could have been imposed to make it clearer for people, so that they can have some idea now of the effect that equalisation will have on the pension they are looking forward to—or should it remain that pension schemes just wait and wait, leaving people in limbo, unable to plan for their future?

Many times, as she introduced the Bill, the noble Baroness referred to how complex it is. That is true: you only have to look at it; it is a small Bill, but it is certainly not simple. So finally, I make a plea—I am not alone in this, and it has been done many times—for simplification of pensions. How can people look ahead and plan if the legislation is so complicated that even the professionals cannot make sense of it? Many pension professionals still scratch their heads about how the lifetime limit, for instance, will impact people, and we have seen how the tax issue can cause all sorts of unwanted anomalies to pensions. My final plea to the Minister is to please look at pensions simplification, and perhaps a little more effectively than we did with tax simplification.

10.41 am

Baroness Drake (Lab): My Lords, I refer to my register of interests, in particular my position as a pension scheme trustee. I support the Bill, which clarifies legislation that enables occupational pension schemes to convert guaranteed minimum pension benefits into other scheme benefits. I congratulate Margaret Ferrier MP, and the noble Baroness, Lady Redfern, who is sponsoring the Bill through the House. This is not an easy issue to pick up and run with, and I compliment the noble Baroness on her speech; it was quite a tour de force on this very technical issue.

How to resolve guaranteed minimum pension equalisation has remained unsettled for 32 years. Although it is very important, the longevity of the issue bears a resemblance to the Schleswig–Holstein question, about which Lord Palmerston said: "Only three people have ever really understood the Schleswig–Holstein business—the prince consort, who died; a German professor, who has gone mad; and I, who have forgotten." However, having listened to my noble friend Lord Davies, he has confirmed that certain actuaries still have a long memory on the detail of this issue. For lots of other people, it is a mystery lost in the 32-year mists of time.

The GMP equalisation issue arises because, from 1978 to 2002, the state pension had two parts: the basic state pension and the state earnings-related pension, which was known as SERPS. Employers with salary-related pension schemes could contract their employees out of SERPS, so that the employers and employees paid lower national insurance contributions, but the employers remained obliged to provide a guaranteed minimum pension similar to that which would have accrued under SERPS, if the employee had not been contracted out. That the state pension age for women was 60 and for men was 65, at the time, led to some unequal outcomes, the description of which I will leave in Schleswig-Holstein, but the noble Baroness, Lady Redfern, and the Lords Library have done an admirable job in describing how those inequalities occurred.

A decision of the European Court of Justice that occupational pensions constitute deferred pay meant that, from 1990, these unequal pay outcomes had to be addressed. That decision was confirmed by the High Court in 2018; hence the 32-year history we are trying to address. Over many years, pension schemes have sought legal certainty on how to implement GMP equalisation, but the Government have sought to rely on guidance—presumably because of their own liability concerns about being firm and fast in addressing the issue.

There are a number of ways in which schemes can equalise benefits for the differences in outcomes between men and women. As referred to by the noble Baroness, Lady Wheatcroft, the unequal impact of this can affect men as well as women. In 2016, following a government consultation on a proposal to convert guaranteed minimum pensions into scheme benefits under the provisions in an amended Pension Schemes Act 1993, many respondents still expressed concern about the lack of legal certainty in certain respects.

The Government support this Bill, as I do, which amends GMP conversion legislation for schemes that want to use the conversion method of equalisation and makes it easier to use. Guy Opperman, the Minister in the other place, said:

> "What the Bill does is key. It … gives the Government the ability to set out in regulations the details of how survivor benefits will work for surviving spouses or civil partners of people with guaranteed minimum pensions"

and

> "who must consent to the conversion of guaranteed minimum benefits",—[*Official Report*, Commons, 26/11/21; col. 627.]

when the scheme's sponsoring employer no longer exists—normally, the employer has to consent.

I support the Bill but have three questions that seek clarity—they are not rowing against the intent of the Bill—that I would like to put to the Minister. Given the Government's and respondents' previous reservations about the conversion methodology and what was permissible under the Pension Schemes Act 1993, what confidence does the DWP have that this Bill will now provide legal certainty? Are there any implications for the Pension Protection Fund arising from GMP

[Baroness Drake]
equalisation, in respect of scheme members who have entered the PPF, who are in schemes in PPF assessment or schemes that might go into PPF assessment in the future, where equalisation issues have been in play?

Finally, there is an important outstanding problem that needs addressing, although it is not in itself a reason not to support the Bill: the lack of clarity on the tax implications of GMP conversion. GMP equalisation could bring negative tax penalties for some scheme members, where an increase to pension benefit or the value of a past transfer payment flowing from equalisation impacts an individual's annual allowance or lifetime allowance position, and therefore potentially exposes them to a greater tax bill.

Such individuals will have planned their pension savings in good faith, in adherence to the tax rules, unaware of potential retrospective adjustments to their benefits from GMP equalisation and the impact on their tax position. The Minister kindly wrote to my noble friend Lady Sherlock recently, advising that:

"The tax position regarding the conversion method is potentially more complex than other methods. This is because the conversion method can change the form of a member's benefits and therefore its effects may have a wider impact. More detailed work is being done by HMRC to understand the tax issues associated with the conversion method. HMRC is working closely on this with its industry working group."

Can I push the Minister to give further reassurance on this matter, given the potential for unfairness to arise from the tax rules, and to give an indication of how soon an answer can be expected? Something of a precedent was set quite recently when the tax rules were favourably adjusted for public sector workers whose pension benefits were retrospectively enhanced to address age discrimination.

Those are my three questions, but the noble Baroness, Lady Redfern, very kindly referred to the wonderful Lord McKenzie of Luton, and I have not had a chance to comment on him in this House. I remember on my second day in this House, I was proverbially pinned against the wall by him. He said, "You're working on the Equitable Life compensation Bill because I know you're going to know about guaranteed annuity rates." I thought gosh and said okay. I assured him that I had many other qualifications and many other interests but I would work with him on it, and that was the start of a very strong working relationship over 10 years in this House. I personally, let alone the House, sadly miss the quality of the contribution he brought on these issues.

10.51 am

Baroness Merron (Lab): My Lords, I congratulate the noble Baroness, Lady Redfern, on introducing this important Bill. I am particularly grateful for the clarity with which she simplified the complexities. Noble Lords will realise that I am but a stand-in for my excellent noble friend Lady Sherlock, to whom we send our best wishes for a full and speedy recovery. I hope I will do justice to her today.

As we have heard, guaranteed minimum pensions are a legacy arrangement for pension schemes which contracted out of the state pension between 1978 and 1997. Their aim was to ensure that when someone who contracted out reached pension age their guaranteed minimum pension would at least equate to what they would have got in additional state pension.

However, as we have heard in this very informed debate, the saga of GMPs has been long and winding. A series of court judgments has established that men and women must be treated equally in relation to GMPs. That may sound obvious but is actually very complicated because it is quite possible that, in practice, a man and a woman who had the same working history could end up with different GMPs. There are all kinds of issues. The difference in the state pension age meant that women's pensions accrued more quickly. Revaluation and indexation of GMPs affected men and women differently, and then there is a whole set of complexities around survivor benefits.

GMPs are a legacy issue and contracting out has been abolished, but the historic issues remain, as my noble friend Lord Davies pointed out. The DWP has tried to sort this out without legislating. It consulted and published guidance, but it has never provided sufficient clarity and certainty to draw a line under the issue. It is up to each occupational pension scheme how it goes about equalisation within the law and guidance, but there are still too may risks facing schemes trying to work out how to deal with this, so the Bill seeks to address the legal uncertainty that current legislation can pose when pension schemes seek to adopt a process for addressing equalisation of guaranteed minimum pensions.

As the noble Baroness, Lady Wheatcroft, so correctly said, this is about equality. I am grateful to her for emphasising the need for certainty and simplification, which chimed with the comments made by my noble friend Lady Drake, who rightly reminded your Lordships' House that pensions are deferred pay. Indeed, they should be as understandable and certain as we expect pay to be.

The noble Baroness, Lady Redfern, has helpfully set out the main aims of the Bill and I confirm the support of these Benches. However, I have some questions. It would be helpful to know what consultation has gone on with the industry about the provisions of the Bill. Can the Minister tell the House whether the Government have taken legal advice that gives them confidence that, if this Bill is passed, there will finally be sufficient legal certainty for occupational schemes which adopt an approach to equalisation within the law and guidance? This is a crucial question because the legal position has continued to evolve. During the debate last year on the order uprating GMPs, my noble friend Lady Sherlock raised the November 2020 Lloyds case, which has been referred to in this debate, when the High Court ruled that formerly contracted-out schemes owed a duty to members with GMPs who had exercised their statutory rights to transfer out benefits to equalise those benefits for the unequal effect of GMPs. She asked the Minister whether the Government planned to issue any further guidance and support to pension schemes in the light of that judgment. In a letter following that debate dated 11 March 2021, the Minister said that the Government had published guidance on the method for equalising pensions for the effect of GMPs and did not think anything

further was needed. Will this Bill have any impact on those who have transferred out? Is the Minister still confident that there is sufficient legal certainty for schemes in dealing with this situation?

My noble friend Lady Drake raised the issue that GMP equalisation can have negative tax penalties for some scheme members where any increase to their pension or past transfer penalty flowing from equalisation impacts their annual allowance or lifetime allowance position. I realise that HMRC has published guidance for pension schemes on the tax implications of adjustment payments made as a result of equalising benefits. However, it is extremely complicated, especially in relation to the tax position of the conversion method. The Minister said in a letter after the last GMP uprating debate that more work is being done by HMRC to understand the tax issues associated with the conversion method and that it is working with its industry working group, so my noble friend's question is a good one. When can we expect to have an answer? After all, it would be a shame if we were to pass a Bill designed to sort this problem out once and for all only to be left with uncertainty in relation to tax matters.

My noble friend Lady Drake asked a number of pertinent questions today. There was one that I particularly wish to emphasise. It was about what happens to people whose pensions schemes are in the Pension Protection Fund—that is, what would happen to people who are due an equalisation who are either in the PPF or on their way in. This is a particularly important question. If it turns out that the Bill should have covered this but has not, I hope that the Minister will assure your Lordships' House that a way will be found to address it before the Bill becomes law.

Finally, I shall say a word about what happens next with this Bill. The Pensions Minister, Guy Opperman, indicated his support for it, for which we are grateful, but he also said at Third Reading in the other place:

"The reality is that there is no real way for my hon. Friend's Bill to get through this House and the House of Lords in the time allowed".—[*Official Report*, Commons, 25/2/22; col. 659.]

I am hoping this is no longer the Government's view. Can the noble Baroness tell your Lordships' House whether the Government believe that the Bill could reach the statute book during this parliamentary Session and, if so, what it will take to get it there?

Having asked the Government repeatedly for legal certainty, we hope that it may finally come through this Private Member's Bill. I congratulate Margaret Ferrier MP on bringing this Bill through the Commons and the noble Baroness, Lady Redfern, on bringing it to us. I am pleased to offer our support.

11 am

The Parliamentary Under-Secretary of State, Foreign, Commonwealth and Development Office and Department for Work and Pensions (Baroness Stedman-Scott) (Con): My Lords, I first congratulate my noble friend Lady Redfern on the excellent way she introduced this debate. My noble friend has brought to the attention of the House and explained very clearly the need for occupational pension schemes to correct the issue of men and women being treated differently because of the impact of having a guaranteed minimum pension.

As my noble friend reminded us, Members of the House have been calling for this legislation for several years now. I am delighted to say that I can finally give the noble Baronesses, Lady Drake and Lady Sherlock, the assurance that they have been seeking. This Bill, admirably, makes the requested changes to the guaranteed minimum pension conversion legislation and has the full backing of Her Majesty's Government. I am deeply sad, however, that Lord McKenzie of Luton is not here to see the Bill being debated today; I know that he was a great advocate of this change. I am sure that the whole House will join me in endorsing the tribute that the noble Baroness, Lady Drake, paid to him; he was outstanding in his field and is greatly missed.

My noble friend has set out very clearly and concisely what guaranteed minimum pensions are, why an occupational pension scheme might want to convert them into other scheme benefits and why this Bill is so helpful. I will therefore limit myself to recapping the issue in brief. Guaranteed minimum pensions, or GMPs, were built up in the UK's occupational pension system between 1978 and 1997. During this period, occupational pension schemes could contract out of the additional state pension; in return, they were required to provide their members with a GMP. As it sounds, this was a guaranteed minimum level of pension with important rights attached, including revaluation, post-1988 indexation and survivor benefits.

The rules for GMPs are subtly different for women and men. For example, women can start receiving their GMP at age 60, while men have to wait until 65. This has resulted in complex differences in the amount of GMP a man and a woman can receive. So complicated are these differences, indeed, that overall, both men and women can in fact lose out, depending on individual circumstances. The key issue being addressed dates back to May 1990, when the European Court of Justice ruled that pensions are deferred pay and must therefore be paid equally to men and to women. The Lloyds case at the High Court in 2018 put beyond doubt the question of whether the effects of the GMP rules must be equalised. If a member of a UK pension scheme has GMPs for the period May 1990 to April 1997, their pension needs to be equalised for the negative effect of any differences created by the GMP rules.

It is up to pension schemes themselves to decide how best pensions should be equalised. Individual pension scheme trustees will know more about their members and their scheme rules than government does. However, equalisation is not exactly an easy thing to undertake; we are, after all, talking about complex scheme rules and pensions legislation as they apply to GMPs accrued in the 1990s. Unsurprisingly, therefore, schemes did look to government for help.

My department worked with the pension industry to develop a suggested methodology that uses GMP conversion, and published guidance to help schemes. The basic idea is that schemes can use existing GMP conversion legislation set out in the Pension Schemes Act 1993 to convert the GMP part of the pension into other pension benefits to which the complex GMP

[Baroness Stedman-Scott]
rules no longer apply. The whole pension can therefore be equalised to correct for the effects of the GMP rules.

Although this methodology was welcomed by the pensions industry when the guidance was published in 2019, industry also pointed out that the conversion legislation set out in the Pension Schemes Act 1993 is unclear in places. This means that some pension schemes have been unwilling to use it to convert their members' GMPs in order to fulfil their requirement to equalise. The pensions industry has therefore called on the Government to make amendments to the GMP conversion legislation. These amendments would go a long way to giving schemes more certainty over what they need to do to meet the legal requirements of GMP conversion, and would therefore make it a lot easier for schemes to equalise benefits as part of a GMP conversion exercise. It is these amendments, I should add, to which the noble Baronesses, Lady Drake and Lady Sherlock, referred in previous debates.

The pensions industry has two significant areas of concern about the conversion legislation: first, how survivor benefits must be provided by the scheme once the GMP has been converted, and whether survivor benefits themselves can be converted. Many pension lawyers argue that it is currently unclear exactly how the conversion legislation applies to people who are survivors at the time of the conversion, as well as to the actual earners. Secondly, the pension industry has some concerns as to who exactly needs to consent to a GMP conversion exercise being carried out. The legislation in the 1993 Act specifies "the employer" in relation to the occupational pension scheme, but the identity of this entity may be uncertain given that 30 years may have elapsed since the GMP was accrued.

The Bill before us today responds to these calls from the pensions industry to bring clarity to the GMP conversion legislation. It addresses all of these points and also includes a further amendment requested by Her Majesty's Revenue & Customs, which saves time and money for both pension schemes and HMRC.

I will speak first about the changes to how the conversion legislation treats survivor benefits. This Bill amends the Pension Schemes Act 1993 to make it clear that the conversion legislation can be applied to someone who is a survivor at the time of the conversion. The Bill also removes the existing legislation setting out what GMP survivor benefits are to be paid when a member's GMP has been converted, and replaces it with a power for the Secretary of State for Work and Pensions to set out conditions for these benefits in regulations. I today reiterate what my fellow Minister at the Department for Work and Pensions said in the other place: the Government will consult fully on the drafting of these regulations.

These changes are important—survivor benefits provide a crucial source of income to widows, widowers and survivors of civil partnerships. To many people, the knowledge that their surviving spouse or civil partner will receive a portion of their pension is hugely reassuring. It is therefore vital that pension schemes are absolutely clear how survivor benefits must be treated when GMPs are converted, and what survivor benefits must be paid after conversion has been carried out.

Turning to the pensions industry's concern about how to identify "the employer", the Bill removes the term "the employer" and replaces it with a requirement for "each relevant person" to consent before a GMP conversion exercise is carried out. Relevant persons will then be defined in regulations.

Finally, both the administrators of occupational pension schemes and officials in HMRC will be delighted to see that the Bill removes the requirement to notify HMRC when a scheme converts its GMPs. In 2019, HMRC published guidance for formerly contracted-out schemes, which made it clear that it no longer required schemes to notify it if GMP conversion had been carried out. However, because this is still a requirement of the Pension Schemes Act 1993, many schemes do still submit this information to HMRC, despite HMRC having no use or need for it. I should be clear at this point that the notification requirement in the 1993 Act did not function as a check by HMRC that a scheme had carried out GMP conversion correctly, or indeed at all; it was simply a notification of facts, which is no longer needed by HMRC.

I shall sum up why Her Majesty's Government support the Bill. It is with real pleasure that I am able to give the Government's backing to the Bill that my noble friend Lady Redfern has brought before us for discussion today. It is another significant step in clearing the path for schemes to meet their legal obligation and to equalise for the effects of GMPs. It will be welcomed by the industry, pension scheme trustees and of course the members who stand to benefit from the equalisation of pension benefits.

Some excellent points have been made in this debate, and I am immensely grateful to noble Lords for their interest and insights. Again, I am very sorry that Lord McKenzie is not here today to be part of this debate and see this Bill go through.

I shall deal with some of the specific points raised by noble Lords. The noble Lord, Lord Davies, asked why there is no requirement for consultation with members. When the trustees of a scheme decide to use GMP conversion to convert GMPs into ordinary scheme benefits, they are required to take all reasonable steps to consult in advance the people whose GMPs will be converted. The noble Lord asked about government guidance. We will revisit the guidance following the passage of the Bill and update it to reflect recent developments, including this legislation.

I wholeheartedly agree with the noble Baroness, Lady Wheatcroft, about equality going both ways. That is something that in my role as Minister for Equalities I intend to do. She asked, quite understandably, why it has taken so long to get to this position. The Government have been clear that, in light of the Barber judgment of 17 May 1990, occupational pension schemes need to equalise pensions accrued from that date to take account of the unequal effect of guaranteed minimum pensions. The High Court judgment in 2018 put beyond doubt that occupational pension schemes must equalise pensions to address these inequalities.

The noble Baroness, Lady Wheatcroft, raised the issue of the content of the survivor benefit regulations. The honourable Member for Rutherglen and Hamilton West's Bill generously gives the Government the ability

to set out in regulations the details of how survivor benefits will work for the surviving spouses or civil partners of people with guaranteed minimum pensions. The Government are aware of how important survivor benefits can be, as I have said. We will therefore work with the pensions industry on the details and then consult on the draft regulations. The noble Baroness asked how many people are affected. I can confirm that there were around 8 million people with contracted-out memberships at the final count in 2015.

The noble Baroness, Lady Drake, asked what the implications are for members in PPF assessment or those who might go in. I thank her for raising the question of whether there are any implications for schemes going into the Pension Protection Fund, and I will write to her and place a copy of the letter in the Library.

The noble Baroness, Lady Drake, asked whether the Bill would give schemes the legal certainty that they have been seeking in order to enable them to use GMP conversions to meet their equalisation obligations. The Government are confident that the Bill and the regulations that will be made if it is passed will address the concerns that the industry has raised. It will give the schemes the certainty that they have been seeking.

We should give our best wishes to the noble Baroness, Lady Sherlock. I will confirm to her that her colleague, the noble Baroness, Lady Merron, has done an admirable job in representing her.

The noble Baroness, Lady Merron, asked about the tax impacts and what HMRC is doing—specifically, when will HMRC provide guidance on the tax position? HMRC will publish supplementary guidance in the coming weeks on the tax implications of conversion as well as highlighting to industry where tax issues could arise for certain types of member. HMRC is working with industry, DWP and Her Majesty's Treasury to determine the appropriate outcome and treatment for those affected by conversion as well as the scope and timing for any legislative changes.

The noble Baroness asked me if we could get the Bill through and what it would take. It would take the Bill having its Second Reading approved and no amendments being tabled. That is why it is important that I and my colleagues work hard, in the short period we have, to ensure that all questions are answered. As to that, I give the undertaking, which I have given on numerous occasions, that we stand ready and the door is open to do that in the time available.

The noble Baroness, Lady Merron, asked if the Bill would have an impact on those who have transferred out. Trustees will need to revisit past statutory transfers and assess what steps they should take in relation to members who transferred their benefits out of the scheme without being equalised for the effect of the GMP rules. Trustees of occupational pension schemes will have to make their own decisions, and different schemes are likely to have different approaches. Trustees will need to take advice on how they should approach unequalised transfers.

The noble Baroness asked whether the Bill should have covered the position on members in the PPF or who might go in. I have given the answer to the noble Baroness, Lady Drake, that we will write, and the noble Baroness, Lady Merron, will receive a copy of that letter.

The noble Baroness, Lady Merron, asked about reaching the statute book, and I think I have answered that question. She asked what consultation there had been with the industry. I am happy to confirm that we have had extensive consultation with the industry through the GMP equalisation industry and government working group.

Ensuring that no one loses out on pension income as a result of the complicated rules around guaranteed minimum pensions is important, and this Bill will help occupational pension schemes to better achieve that.

11.18 am

Baroness Redfern (Con): My Lords, I thank the noble Lord, Lord Davies, and the noble Baronesses, Lady Wheatcroft and Lady Drake, for their contributions today. In particular I thank my noble friend Lady Stedman-Scott and the noble Baroness, Lady Merron, for their support for the Bill. I thank the staff who have so ably guided me through the Bill. I particularly thank Margaret Ferrier, who very ably steered it through the other place so that it might be debated here today.

Correcting this basic issue of financial differences in people's hard-earned pension income is important. I am heartened and grateful to see that there is clear cross-party agreement on this issue. I beg to move.

Bill read a second time and committed to a Committee of the Whole House.

British Sign Language Bill

Second Reading

11.19 am

Moved by ***Lord Holmes of Richmond***

That the Bill be now read a second time.

The Lord Speaker (Lord McFall of Alcluith): Before we begin the British Sign Language Bill, I would like to point out that a British Sign Language interpretation of proceedings is available to watch on parliamentlive.tv. I am delighted to mark this first occasion of the live use of BSL interpretation in the House of Lords. *[In British Sign Language: "Thank you."]*

Lord Holmes of Richmond (Con): My Lords, I am grateful to the Lord Speaker for taking the first line of my speech. It is such a positive point, and right that he should make it from the chair to show the whole House's support for such a wonderful first in your Lordships' Chamber.

Standing here this morning, I am but a bridge—a conduit or messenger—for the British Sign Language Private Member's Bill. All of the credit and plaudits should go to the honourable Lady, Rosie Cooper, who steered her Bill through the other place in such style. Similarly, credit should go to all the organisations which have supported and pushed for such a Private

[Lord Holmes of Richmond]
Member's Bill, not least the BDA, the RNID and all other organisations and individuals, right across the country, who have spent so much time pushing for this measure.

I start with an apology. I would have liked to have practised a small amount of sign language to put into my speech this morning but, having consulted many people, because of the obvious difficulties for me in being able to have a conversation in BSL, it was advised that it would be inappropriate for me to do so. I hope that is okay with everybody out there and perfectly in order. Again, I underline the fantastic live signing on parliament.tv as I speak.

The purpose of the Bill is, in many ways, incredibly straightforward. It is simply this: to include BSL signers. I will give one example, to make the point. Imagine you are a BSL signer and you go to a hospital or GP appointment. The news might not be good, but whether good or bad, it is certainly personal—perhaps some of the most personal interaction you may have with the state. In those circumstances, it seems wholly appropriate that a BSL signer should not have to rely on a spouse, parent, child or sibling to enable that encounter to be accessible and inclusive. This seems a perfectly reasonable proposition and it is certainly well set out and delivered in other aspects of the public sector.

The Bill itself was unopposed through all of its stages in the other place. Again, that is great testament to the honourable Lady, Rosie Cooper. In many ways, if noble Lords and those beyond this House want to get to the entire purpose of the Bill, just read the Long Title, so brilliantly penned by her.

On the detail of the Bill, Clause 1 recognises BSL as a language of England, Scotland and Wales. The Bill does not extend to Northern Ireland, for two key reasons: first, to recognise and respect the usage of British Sign Language and Irish Sign Language in Northern Ireland; secondly, to note the limited extent of the Equality Act 2010 in Northern Ireland.

Clause 1 puts on a statutory footing what was set out in a ministerial Statement in 2003 on the recognition of BSL as a language. Clause 1(2) is a technical but important part of the Bill, which simply sets out to ensure that it does not cut across or stymie any existing legislation and legislative provisions, not least those set out in the Equality Act 2010, particularly pertaining to reasonable adjustments.

Clause 2 puts a duty on the Secretary of State to report on the promotion and facilitation of BSL across all the departments of state listed in the Schedule to the Bill. This could be plans, strategies, approaches to promotion or press releases—anything, in reality, which leads to the promotion and facilitation of BSL. In many ways, it is Clause 2 which will enable the deaf community to hold the Secretary of State and the Government to account on the provisions of this Private Member's Bill.

Clause 3 sets out a duty on the Secretary of State for the production of guidance for the promotion and facilitation of BSL. Again, there is a real opportunity here to bring out best practice and set out case studies—in short, to drive up and improve right across the piece on BSL. One of the key elements of Clause 3 is that it will be supported by an advisory board of BSL signers to put in their views, experience and expertise to the Secretary of State in the creation and deployment of that guidance.

That brings me to the non-statutory provisions, which the Minister has set out alongside the Bill. I will not dwell too much on these because I would not want to take words from my noble friend the Minister this morning. First, however, that board of advisers, the BSL signers, is absolutely critical to so much of what will happen in this space. Secondly, there is a move to increase the number of signers across the country. Thirdly, it will ensure that all elements of access to work fit with the intent and purpose of this Bill.

This Private Member's Bill is clear, concise, simple and straightforward. In the British Sign Language Bill, the honourable Lady, Rosie Cooper, has given us a barrel of a Bill, from which can flow forth the finest brew of all: inclusion. I beg to move.

The Deputy Speaker (Baroness Barker) (LD): My Lords, the noble Baroness, Lady Thomas of Winchester, is taking part remotely and I invite her to speak. For the middle section of her speech, the noble Baroness will be assisted by the noble Lord, Lord Bruce of Bennachie.

11.28 am

Baroness Thomas of Winchester (LD) [V]: My Lords, I warmly welcome this Bill and pay tribute to all those people who have made it possible, particularly my old friend David Buxton, chair of the British Deaf Association, and of course the noble Lord, Lord Holmes of Richmond.

Some years ago, I met a man who happened to be in charge of the Access to Work programme at the DWP, and I managed to persuade him to fund BSL interpreters for the surgeries of councillors with hearing loss, one of whom was David Buxton. I do not know whether there are now any councillors who fall into this category. Perhaps the Minister can tell us, and whether the scheme is ongoing.

I now hand over to my noble friend Lord Bruce, to whom I am very grateful for his help.

At this point, Lord Bruce of Bennachie continued the speech for Baroness Thomas of Winchester.

At first glance, this is a very modest Bill, but it is of enormous significance because, as we have heard, it gives legal status to British Sign Language at long last. In time, it will be unacceptable for the courts to be the only public service to offer BSL. It is also timely because, for the last two years, people with hearing impairments have not been able to lip-read, with so many people in masks. I can imagine that this will have taken its toll on their mental well-being, with many being very hesitant about going out and about.

It must be stressed that BSL is not everyday English put into sign language; it is a language in its own right, with its own grammar and syntax. It is of fundamental importance that there are far more properly trained interpreters who can fulfil the promise that the Bill affords. It is particularly important for there to be enough interpreters to work in the health service so

that the children of parents with hearing loss are not put into the invidious position of having to be the go-between at consultations, especially when sensitive matters are being discussed. I know that the Department for Education is considering a GCSE in BSL—could the Minister say how far advanced those plans are?

At this point, Baroness Thomas of Winchester resumed.

My final point is to ask the Minister how we should scrutinise this legislation in the months ahead. Will the guidance that the DWP will issue to all departments be made public? When will the Cabinet Office's report on the promotion of BSL be published? Finally, how will jobseekers with hearing impairments be able to access the services of BSL interpreters? The Bill is very welcome, if long overdue, and we all wish it well.

11.32 am

Baroness Grey-Thompson (CB): My Lords, I very much welcome the Second Reading of this British Sign Language Bill. I admit that it was quite an emotional moment when the Lord Speaker announced that it was being live-streamed on the Parliament channel—this is truly a landmark moment. I thank the many deaf people who have been in touch with me about the Bill. Philip Linnegar from the Hearing Advisory Service wrote to me and said that he could not imagine a more significant piece of legislation for deaf people. Indeed, it is a step forward, but there is always more that could be done.

In recent months, we have seen the power of television—the power of "Strictly" to educate is possibly more than we ever thought it might be. Rose Ayling-Ellis was amazing. It is wonderful to hear about the increase in people wanting to learn sign language. Over the years, I have heard many times about teaching BSL in schools or even having a GSCE—that would show true commitment.

I also thank Jill Jones, from the Deaf Ex-Mainstreamers Group, who told me that only 4,000 of the 54,000 deaf children in the UK are permitted to learn BSL—because deaf children must have an education, health and care plan in order to do so. Which spoken language requires a medical plan in order for a child to learn it? In published research on language endangerment, she states that there can be no other route to increasing the number of deaf children accessing BSL except by legal requirement. She is concerned that, although professionals working with families are supposed to give balanced information to all deaf and hard-of-hearing children, because of normalisation they do not always do so.

Sadly, I tried numerous times in lockdown to persuade the Government and others to enable BSL interpretation to be available at the 5 pm briefings. I know that this is beyond the scope of the Bill, but, with the commitment that we are seeing in the Chamber today, I hope that that might be something that could change in the future. It was possible in Scotland but not the rest of the UK.

Linguists have recognised sign languages as being bona fide languages since the 1970s. It would be interesting, in how we move on from here, to see how we can protect BSL, in terms of giving it the same status as English, Welsh and Gaelic. The same ethos was applied successfully in the Welsh Language Act 1993, in terms of giving this recognition.

I thank the noble Lord, Lord Holmes, for explaining the issues within Northern Ireland—quite a number of people have asked me that question. As wonderful as "Strictly" was, the memories may quickly fade, and I do not want to lose the momentum that we have. So it is important that we do everything we can to promote and facilitate training and education about British Sign Language for families with deaf and hard-of-hearing children. Co-workers and classmates also need to be educated in high-quality sign language communication in order to better provide for the inclusion within the community of deaf and hard-of-hearing persons. Again, this is crucial to BSL maintenance.

I will briefly talk about the UN Convention on the Rights of Persons with Disabilities. The Deaf Ex-Mainstreamers Group was involved in the response to the UK Government in 2017. The UNCRPD clearly stated that families of deaf and hard-of-hearing children must be given information about BSL, which will not only help to save BSL from its endangered status but actually move the debate on. The UN convention was ratified by the UK Government, so it would be extremely helpful if this were more fully acknowledged. I hope that Her Majesty's Government will continue to take advice from experts in BSL maintenance as well as talking to hard-of-hearing children, who are rarely included in any discourse about BSL.

I am hugely supportive of the Bill, and I look forward to its swift progression through your Lordships' House.

11.36 am

Lord Bruce of Bennachie (LD): My Lords, I am pleased to follow the noble Baroness, Lady Grey-Thompson, whom I thank for her very well-directed comments, which I am sure will be well received.

I am delighted to support the Bill and congratulate Rosie Cooper on introducing it and securing its passage through the other place. As the daughter of deaf parents, she knows all about the challenges of deafness and the importance and richness of sign language. As the parent of a deaf daughter, I have learned so much about the deaf community in the UK and worldwide. I have limited use of sign language—I can finger spell—but I greatly appreciate the skill of BSL interpreters and have campaigned to increase their number and status. I hope that the Bill will encourage more.

I have campaigned in many ways on behalf of deaf people, with varying degrees of success. I am an honorary vice-president of the National Deaf Children's Society and the RNID, of which I am a former trustee. I am also a special representative of DeafKidz International. Over the years, I have supported all efforts to give legal recognition to sign languages. As a member of the Parliamentary Assembly of the Council of Europe, I was a rapporteur on sign languages, and I tried to include sign language in the European Charter for Regional or Minority Languages.

As my noble friend Lady Thomas pointed out, the only place where BSL is required to be used by law is our courts, and that is specifically because of the

[Lord Bruce of Bennachie]
requirements of the European Convention on Human Rights. Even so, that has not always gone smoothly: cases have been dropped because no sign language interpreter was available. I hope that the Bill will lead to an increase in the number of qualified interpreters generally.

It is ironic that languages such as Welsh, Gaelic and even Cornish have recognition in the United Kingdom, but BSL, an indigenous language, does not. Indeed, Welsh and Gaelic have their own TV channels, although there are few people for whom these are their only language—yet, for some profoundly deaf people, BSL is their essential first language. I have been disappointed that, on occasions, Ministers have sought to deprioritise sign language, quoting limited numbers. I believe that the numbers are irrelevant. For our deaf fellow citizens, BSL is their passport to work, relationships and participation in the wider community. They have a right for that to be recognised.

After years of campaigning, I realised there was a need for an all-party group on deafness, and I thank all those who helped to establish one and keep it going. There are so many discrete issues affecting deaf people, ranging across access to audiology, digital hearing aids, subtitling, telephone communication, interpreters, et cetera. We were honoured to have Jack Ashley as our president—he gave us unstinting support.

As a rapporteur for the Council of Europe, I visited Sweden and Finland and produced a report in 2003 on the protection of sign languages. This secured the support of the assembly but was not followed through by Ministers, although a number of member states did subsequently provide official recognition of sign languages, as the Scandinavian countries did long ago, even enshrining it in their constitutions.

What I learned in that process was that legal recognition has a transformational effect. It greatly increased deaf awareness and understanding of communication with deaf people. It led to the inclusion of sign languages in the curriculum. This, in turn, had two important benefits. First, it widened awareness of sign language across the population in general and, secondly, it increased the pool and deployment of sign language interpreters. I secured the support of Gordon Brown as Prime Minister for pilots, known as I-Sign, in Merseyside and Devon to train more interpreters. These proved successful, and David Cameron undertook to extend them.

When I came up in the Private Members' Bill ballot, I introduced my own Bill in 2013. The Communication Support (Deafness) Bill addressed the needs for support for all forms of communication with deaf people, including lip-speaking, text-to-speech recognition and sign language. It also proposed a BSL board to promote sign language. Ironically, the Minister at the time, Mike Penning MP, declined to support the Bill and it was squeezed out. However, I like to think that my engagement with him might have had some effect because he is a sponsor of this Bill. As the noble Baroness, Lady Grey-Thompson, has said, someone else who certainly had a galvanising effect on securing government backing is surely the inspirational Rose Ayling-Ellis, whose spectacular success in winning "Strictly Come Dancing" reached millions in showing how BSL cements the bridge between the deaf and hearing worlds.

The Bill follows similar legislation in the Scottish Parliament and the progress of sign language in Wales, which understands bilingualism better than any part of the UK. While progress has been welcome, there is nevertheless much more to be achieved in all parts of the UK. I hope that the Bill will be the start of a transformation.

I completely understand and endorse the deaf community's wish to see this Bill pass unamended into law, but I have some questions for the Minister. The simplest and most welcome provision is Clause 1(1), which simply states:

> "British Sign Language is recognised as a language of England, Wales and Scotland."

Hallelujah to that. However, I ask the Minister to explain what the following subsection means:

> "Subsection (1) does not affect the operation of any enactment or rule of law."

Do the Government envisage offering BSL as a language option within the school curriculum? I know that the RNID has been working on that. It has proved popular and had enormous benefits in countries where this is the case. Will the Government reconsider giving support to the further development of video relay services which help sign language users communicate remotely, not just for work and business purposes, but for family and relationships?

Although not directly related to only BSL, when can the Government achieve their commitment to ensuring that the captioning—namely, subtitling—signing and audio description of streaming services are brought fully into force? It is now nearly five years since the Digital Economy Act was passed, giving the Government the power to regulate these services. It is over a year since Ofcom gave the Government final recommendations on how this should work. So when will the secondary legislation be brought forward? I appreciate that it may not be the Minister's direct responsibility, but I hope that she will be able to reply, either now or in writing.

As we have mentioned, the Bill excludes Northern Ireland, where British Sign Language and Irish Sign Language are both used. Is the Minister aware of any proposals to introduce similar legislation for the Province? Finally, in Clause 3, the Secretary of State is required to

> "issue guidance … about the promotion and facilitation of the use of British Sign Language."

Will Ministers engage with the private sector to encourage wider support for BSL through VRS and face-to-face interpretation?

Like my noble friend Lady Thomas, I commend my friend David Buxton on his tireless, cheerful and good-natured campaigning on behalf of his community. Thousands of deaf people are cheering this Bill on. Let it be the start of a revolution in deaf awareness in the UK.

11.43 am

Baroness Merron (Lab): My Lords, it is a pleasure to follow the noble Lord, Lord Bruce, whose closing comments were undoubtedly uplifting for us all. I feel very humbled to be taking part in this debate on such a significant Bill and on such a historic day. As the Lord Speaker reminded us, this is the first occasion on which British Sign Language will be used for our proceedings on Parliament TV.

I congratulate the noble Lord, Lord Holmes, on championing this Bill and its passage through your Lordships' House. I add to the many tributes we have already rightly heard to my honourable friend Rosie Cooper MP, who brought this Bill to the other place and has piloted it through. Her inspiring work has built substantial cross-party support, such that the Bill has every chance of becoming law. I also congratulate the many people who have campaigned over such a long time to bring this point to our attention, and they have also campaigned for the rights of those who deserve these rights. The Bill will be tremendous for promoting opportunities for those who are disabled up and down our country.

I have been very moved by some of the stories which I have heard from people advocating for this Bill. This includes stories of gifted deaf people being denied opportunities because they are users of BSL. I have also heard tales of children having to interpret for their parents because no BSL signer was available and, as a result, being party to sensitive discussions, such as health diagnoses. Frankly, these are situations in which they should never have been involved. This should not be happening in our country in 2022.

Who could not have been moved and uplifted by the gathering of campaigners in Trafalgar Square which took place just last Friday, on the same date that the UK Government officially recognised BSL in 2003? It was also the day when MPs backed the proposed legislation on Report and at Third Reading in another place. The noble Baroness, Lady Thomas, made a great, correctly fond and supportive reference to David Buxton, chair of the British Deaf Association and founder of the BSL Act Now! campaign. Mr Buxton said at last week's rally:

"It's not the end of the road, it's the start of the road."

He added that the next campaign is to get

"BSL in the home and BSL in the schools",

and I endorse his comments. I reflect that last Friday's rally had to be moved from Parliament Square to Trafalgar Square because of its popularity. Indeed, there was an appearance from the "Strictly Come Dancing" winner Rose Ayling-Ellis. She praised the turnout and told the crowd:

"This is what the deaf community is about."

Those of us who remember her performance and words on "Strictly" will know that she lifted our hearts, taught us so many lessons and inspired an audience, both those who are deaf and hard of hearing and those who are not. While we may move on to the next episode of "Strictly", we will not forget that inspiration in a very long while.

As has been set out already, there are some 90,000 people in the UK for whom BSL is the primary method of communication, and 150,000 signers in total. However, deaf people still do not have access to the same public information and services which are so readily available to the hearing population. This is the evidence, if ever we needed it, that we need to go further, starting with enshrining that recognition in legislation. The Bill would constitute the important next step in upgrading BSL to a language of Great Britain that is well warranted. As the noble Baroness, Lady Grey-Thompson, emphasised, this would put it on a similar footing to how Welsh and Gaelic are considered in Wales and Scotland, respectively.

This Bill—and the future Act—would be an important piece of symbolism. However, it is so much more than just a gesture. This recognition will help to improve life for those who sign, particularly those who are deaf or deafblind and who rely on its various forms on a day-to-day basis. As the noble Lord, Lord Bruce, stated, legal recognition of BSL means so much in practice because it will help to promote and facilitate its use. The other measures in the Bill would require the Secretary of State to report on how this is being done by the Government, and to take leadership on this by issuing guidance for the wider Government's own use. As we have heard, by issuing guidance on the use of BSL, and by requiring the Secretary of State to report on actions taken by government departments to promote or facilitate its use, the Bill would result in BSL users seeing an absolute step change in their ability to access public services in their first language.

I very much welcome this Bill on behalf of these Benches, but I have a few questions to ask the noble Baroness the Minister. The first relates to Clause 2, which places a duty on the Secretary of State for Work and Pensions to report on the promotion and facilitation of British Sign Language by ministerial departments. Can the Minister tell the House whether that reporting requirement will extend beyond central government departments to other parts of the public service? Will it, for example, cover the delivery of health services, court services and jobcentres, and will it cover executive agencies and other arm's-length bodies? I hope that the Minister will be able to say that it will.

Clause 3 places a duty on the Secretary of State to issue guidance on the general promotion and facilitation of British Sign Language. Again, can the Minister tell the House whether that guidance will cover the public sector as a whole in the way that I have described in respect of Clause 2?

Finally, for this Bill to get through before the end of this parliamentary Session, we will need to show restraint. So can the Minister assure the House that, if no amendments are tabled, the Bill will definitely be passed before Prorogation?

I conclude by once again congratulating the noble Lord, Lord Holmes, my honourable friend Rosie Cooper MP and the many, many campaigners, and I pledge the support of these Benches for this Bill. It will be a really important moment, not just for the deaf community but for everybody, when this Bill—I hope—reaches the statute book.

11.52 am

The Parliamentary Under-Secretary of State, Foreign, Commonwealth and Development Office and Department for Work and Pensions (Baroness Stedman-Scott) (Con):

[Baroness Stedman-Scott]

My Lords, it is indeed a special day for us, and I am delighted that this Bill has come before your Lordships' House. I join all noble Lords in thanking my noble friend Lord Holmes for bringing forward this important Bill. I pay tribute to the honourable Member for West Lancashire, who has worked tirelessly with my honourable friend the Minister for Disabled People to build such great cross-party support for this Bill.

The Government are committed to supporting all people with a disability, including deaf people, to lead fulfilled, independent lives. For deaf people, this must include the ability to communicate with others through BSL or other forms of deaf communication. As my honourable friend the Minister for Disabled People has said, BSL is a rich, vibrant language in its own right that helps to build a sense of community for many deaf BSL signers. This was made absolutely clear—as the noble Baroness, Lady Merron, has already said—to all who attended last week's Sign Language Week rally, which had to be moved to Trafalgar Square, organised by the British Deaf Association.

Deaf people from across the country came together to mark the 19th anniversary of the recognition of BSL as a language in its own right by the UK Government. But this year's rally was filled with a sense of great anticipation that this Bill would place this recognition into law, and we must not let them down. Attendees eagerly watched the Bill's Third Reading, and the message from Members in the other place was clear: they want us to pass this Bill and for the Government to get on with delivering for BSL signers and the deaf community. This is what we intend to do.

As my noble friend Lord Holmes has set out, this Bill recognises BSL as a language of England, Wales and Scotland and places a duty on the Secretary of State for Work and Pensions to issue guidance on the promotion and facilitation of BSL. It also requires the Secretary of State to report on information supplied by ministerial departments regarding their use of BSL. We are going further. Alongside the Bill, my honourable friend the Minister for Disabled people has announced a suite of non-statutory measures that will help promote and facilitate the use of BSL. These include: establishing a non-statutory advisory board of British Sign Language signers to advise the Secretary of State for Work and Pensions on matters relating to BSL; examining how we might increase the number of BSL interpreters; reviewing how we might work in DWP to ensure the Access to Work fund better helps BSL signers; and considering how the Government can further facilitate and promote BSL usage. We hope that, alongside these measures, we will see an increase in the use of BSL across society.

Noble Lords have raised a number of questions, which I will seek to address. The noble Baroness, Lady Thomas, asked about BSL guidance. As I have said, Clause 3 places a duty on the Secretary of State for Work and Pensions to issue guidance on the promotion and facilitation of BSL, which will be developed together with deaf BSL signers as part of the remit of the non-statutory board. Guidance may include advice on reporting requirements, but also on best practice for BSL communications, and could include case studies setting out the value of BSL provision. The intention is that the Government would work with the board of BSL signers, as I have said, to explore the best approaches to ensure that the guidance is targeted at everyday interactions for deaf BSL signers and helps service providers and public authorities adhere to the requirements of the Equality Act 2010, in particular the duty to make reasonable adjustments and the public sector equality duty.

The noble Baroness, Lady Thomas, also raised the issue of the progress of a BSL GCSE, as did the noble Lord, Lord Bruce. I can confirm that the DfE is working closely with subject experts to develop draft subject content for a BSL GCSE. The DfE is also working with Ofqual to ensure that the subject content can be assessed appropriately. The department is aiming to consult publicly on the draft subject content later in 2022. The Minister for Disabled People has written to the Minister for School Standards to better understand if there is any potential to expedite this process.

The noble Baroness, Lady Thomas, asked about interpretation for local councillors holding surgeries. Councils are required by the Equality Act to make "reasonable adjustments" to accommodate the needs of disabled councillors, who would otherwise be placed in a position of disadvantage compared with non-disabled councillors.

The noble Baroness also raised the important question of whether jobseekers will be able to access BSL. The DWP helps deaf people access our services in a number of ways. The noble Lord, Lord Bruce, raised the point about the video relay service. I will give more detail on that later, but it is available for all DWP services through GOV.UK. For existing deaf customers who require BSL, Jobcentre Plus work coaches are able to book a face-to-face BSL interpreter to come to appointments to help people. If a deaf person attends a jobcentre to seek access to a DWP service, they will be signposted to use the video relay service via GOV.UK and, where necessary, a future appointment can be arranged for a face-to-face appointment with a BSL interpreter.

The noble Baroness, Lady Grey-Thompson, asked me about the United Nations and the disabled group. I will write to her on that. I thank the noble Baroness for her help in arranging for somebody to teach me to use sign language to say, "I beg to move". However, I have failed on this occasion because I do not have to say it—so I am saving it for another day.

Perhaps I may just say, in full agreement with the noble Baroness, Lady Merron, and others, that we will never forget the performance of Rose Ayling-Ellis. It lifted our hearts and it has had a profound effect, for which we are all grateful.

I pay tribute to the noble Lord, Lord Bruce, for his efforts to promote the issues of deaf people and the various groups that he has worked with. I know that he tabled some legislation before. This has been a long time coming, but we have got there in the end. That is why we must make sure that this Bill passes.

The noble Baroness, Lady Thomas of Winchester, asked why we do not make BSL an official language and said that the Bill does not go far enough. Other languages of the UK, including English, do not have official recognition, so it would be inappropriate to

make an exception for BSL. Welsh is an official language in Wales only. The Bill provides for statutory recognition of BSL as a language, which gives the assurances sought by deaf charities and the BSL signers they represent.

The noble Lord, Lord Bruce, raised the important point about Clause 3 on guidance for business and the private sector. Guidance intended for the public sector will be useful to the private sector as it will set out information about BSL form and functions, and set out case studies that are relevant and can be useful to the private sector. He also raised the point about a province being recognised. I did not catch the province, so I hope he will allow me to read *Hansard* and write to him to confirm the answer—I will be most grateful. I have already made reference to the video relay services that the noble Lord mentioned. Progress has been made in this area. A number of service and telecommunications companies have introduced a video relay service which allows deaf people to communicate with non-British Sign Language signers via an interpreter using video phones.

Lord Bruce of Bennachie (LD): I am very grateful and appreciate the development of VRS, but a lot of deaf people are concerned, because they want it for social purposes and these services cost quite a lot of money. I have been pressing for the Government to look at ways of getting affordable access so that deaf people can use it not just for work but for relationships, family and personal reasons. I hope the Minister might take that away.

Baroness Stedman-Scott (Con): I will take that back to my colleague the Minister for Disabled People, and write to the noble Lord, and place a copy in the Library for the whole House.

The noble Lord, Lord Bruce, raised the point about the Bill affecting

"the operation of any enactment or rule of law."

The rationale for Clause 1(2) is to ensure legal certainty so that recognition of BSL will not generate confusion or disputes. In particular, the purpose and effect of Clause 1(2) is to leave the existing balance of legal protections of the Equality Act 2010 unaffected.

The noble Baroness, Lady Merron, asked how broad the guidance and reporting requirements will be. Clause 2 requires the Secretary of State for Work and Pensions to regularly report on what each relevant ministerial department detailed in the schedule to the Bill has done to promote and facilitate the use of BSL in its communications with the public. These communications could include public announcements, publication of a plan, strategy or consultation document, or activities promoting its work—for example, press conferences. The reporting requirements will be for UK ministerial departments to comply with, not for individual hospitals or schools. This reporting will give us a much better understanding of how BSL is being used across government and how we can continue to improve communication for BSL signers.

I shall finish by saying two things. First, I too endorse the great work of David Buxton. He has been spoken of with great affection and great dignity and I and my Benches join in that tribute. Let us be absolutely clear: we want this Bill to go through, as it is very important. Expectations are high, commitment is high and, as I said on the previous Private Member's Bill, if any noble Lord has any issues, please come and see us so that when we get to Committee there will be no amendments and the Bill will pass in time for a great celebration by the people for whom this will make a great change to their lives.

12.04 pm

Lord Holmes of Richmond (Con): My Lords, I thank all noble Lords who participated in today's important and ground-breaking debate. Each contribution has underscored not only the purpose of the Bill but the need for the Bill—in essence, that simple and most powerful of all points, that when we seek to include a seemingly particular sector, group or community, everyone benefits. I thank my noble friend the Minister and her ministerial colleague the Minister for Disabled People, the honourable Chloe Smith in another place, for all the work and commitment they have both shown to the Bill; to all the officials at the DWP for all the work they have put in to briefings and, indeed, the preparation of the Bill; and, again, to the honourable Rosie Cooper in another place for all her work on the Bill. Finally, I thank David Buxton, who has done so much in this space for so many.

Bill read a second time and committed to a Committee of the Whole House.

National Insurance Contributions (Increase of Thresholds) Bill

First Reading

12.06 pm

The Bill was brought from the Commons, read a first time and ordered to be printed.

Game Birds (Cage Breeding) Bill [HL]

Second Reading

12.07 pm

Moved by ***Lord Randall of Uxbridge***

That the Bill be now read a second time.

Lord Randall of Uxbridge (Con): My Lords, this Bill is not about the rights and wrongs of game shooting per se, its merits or demerits. Actually, well-managed shoots can be of conservation benefit, in terms of habitat management, although it would be very good if we finally got around to banning lead ammunition. Game meat is very healthy—unless of course it has lead in it, so that is something else we want to look at. However, the Bill is not about this at all; the Bill is about a welfare issue.

I take issue with the incredible number of pheasants and red-legged partridges that are now being released into the wild on an annual basis. I found a figure from

[Lord Randall of Uxbridge]
the Game & Wildlife Conservation Trust, which estimated in 2016 that 47 million pheasants and 10 million red-legged partridges were released into the wild for shooting. Those are incredible numbers and there is research by both the GWCT and the RSPB; I declare my interest as a council member of the RSPB. Both organisations have published research which I recommend that noble Lords read. There are just too many—big numbers—being released into the wild for shooting. However, as I said, this is about welfare.

Many people, when they go into the countryside and see pheasants roaming around—rather beautiful birds with their rather evocative call—perhaps in the evening when they are going to roost or whatever, might think that this is part of the rural idyll. What I think a lot of people do not quite realise is that many of these birds, although not all, have actually been bred in what amount to factory farms. My Bill would outlaw raised laying cages—battery cages, in fact.

I have seen estimates that about six to 10 farms still use raised battery-style laying units: small cages that are shared by one male pheasant with up to 10 females, with sometimes as little as 33 square centimetres per bird. Very often the floors are of sloped wire mesh in order for the eggs to fall down to be more readily collected, and they have roofs of wire netting, which can sometimes scalp the birds.

Partridges are kept in even smaller enclosed cages. In fact, I was surprised to find a quantity of Defra papers—which I will show my noble friend the Minister in case he has not seen them—that reckon that nearly all red-legged partridges released on shooting estates were breeding birds with less space than a piece of A4 paper. I find that very difficult to believe, but that is what the Defra research said.

I had hoped to visit a game farm before I came to Second Reading. I have been in discussions with the Game Farmers' Association and I am hoping to visit next week to see one in operation, avian flu allowing—I think avian flu has hit a lot of the imports that we have been getting from France, which is another bone of contention for me, given the possibility of the introduction of not just avian flu but other diseases. I understand that the Game Farmers' Association encourages good practice with a code of conduct—I am sure it does, as I am sure I will see—but I do not think every game farm is a member. That is why we need legislation.

I know a lot of my colleagues, both in this place and the other place, will say that the Conservative way is self-regulation. I am afraid that, from time to time, self-regulation has been proved not to be effective. I feel that there must be something that can be done.

Clause 1 of my Bill would outlaw, as I have said already, keeping pheasants or partridges in raised laying or battery cages for producing eggs. Clause 2 sets minimum sizes for enclosure. Clause 3 covers the penalties.

I noticed a Statement from my friend in the other place last year saying that the Government were going to be calling for evidence. That is the very least that should be happening, and it should be happening soon. This Government have a pretty good record on animal welfare, but there is a bit of a problem with game birds. They start of possibly as livestock, if they are in cages, and so should have the same regulations as other livestock do. That is one of the things I find strange. Once they are released, they become wild birds, and then have a different status. Sometimes, of course, they are caught again at the end of the season—I am not an expert on these things at all—and they become livestock again. It is actually quite a complicated business—I would say it is a ridiculous situation.

We need to give these birds the very best opportunity of having high welfare standards, as we would to poultry or ducks. It is about time we had regulation on the statute books. I beg to move.

12.14 pm

Baroness Bennett of Manor Castle (GP): My Lords, I begin by sincerely commending the noble Lord, Lord Randall of Uxbridge, for stepping into what is a gaping hole in the law for the protection of birds in this land: protection for what, for some of the year at least, represents 50% of the total avian bird weight. I thank the noble Lord also, in his very clear and concise introduction, for painting a picture of what life is like for these caged partridges and pheasants—the actual physical circumstances. I think many of us may have encountered the experiences of chickens in this situation but here we have what are at least genetically wild birds in what can be described only as torturous circumstances.

There is a broader question here, which the noble Lord hinted at, of whether it is appropriate to cage, breed and mass release in such enormous quantities. The figures are uncertain, but I would also go with the figures the noble Lord used: 47 million pheasants and 10 million red-legged partridges. This question is one that the nation, and its ecologists and nature lovers, are increasingly becoming aware of, but that is an issue for another day. However, I have to note that, in the 1970s, the estimated combined figure was 4 million, against 57 million now. That is one way in which the usage of our landscape has massively intensified.

In commenting on issues covered by the Bill of the noble Lord, Lord Randall, Victoria Prentis, speaking for the Government in the other place, said that the Government wanted to remain "world-leading" in animal welfare. Yes, that astonishingly common and so frequently unwarranted phrase pops up again. I can only believe that if the Government want to be world-leading, we will hear from the Minister that this Bill will have full backing and a push to get it through your Lordships' House before the end of this Session.

The Green Party also supports the Bill. It provides some limited but important protections for the welfare of animals whose short life begins in captivity before they are released into the landscape, often without the capacity to survive, so that they can be blasted from the sky, dead or injured. This is the fate that is estimated for 25% of these birds, the others helping to massively grow the fox population, getting killed on the roads, or otherwise suffering a miserable death in an alien environment.

That the breeding birds be not kept in a raised laying cage or battery cage to produce eggs is surely a basic essential of welfare. However, I am interested in

where the 2 square metres of floor space per bird in the Bill comes from. Perhaps the noble Lord, Lord Randall, could tell us in his summing up. It seems like a vast improvement on what we have now, but it would be interesting to know where it came from.

It is interesting to look at where we are now in the law for the protection of these birds. Essentially, there is none. There is the *Code of Practice for the Welfare of Gamebirds Reared for Sporting Purposes*, from July 2010, which is the voluntary industry regulation that the Government are so fond of. As the noble Lord, Lord Randall, has indicated, it is clearly inadequate. I note that the code of practice says:

"Failure to comply with a provision of this Code shall not of itself render you liable to proceedings of any kind".

The very valuable Library briefing notes that the Animal and Plant Health Agency carries out targeted inspections on game bird farms and notes that the plan is that appropriate action is taken against anyone who breaks the law. Given that the noble Lord, Lord Randall, has raised the issue here, can the Minister tell me, now or in writing, how many such inspections have been carried out in the past 10 years since the code has been in place, how many enforcement actions have been undertaken, and whether any legal cases have been taken out or concluded?

I note that the 2010 impact assessment estimates there are about 5,000 establishments rearing 50 or more game birds per year in England, 400 of them being major establishments. It also notes that

"larger cage rearing farms can produce up to 3 million eggs a year."

We are talking about something of a very significant scale.

I have a couple of questions about jurisdiction. The Bill is for England and Wales. I understand that it is not under the Minister's powers, but what is the situation in Scotland and Northern Ireland? Obviously, it is a devolved competence, but are the Government looking to co-operate to achieve the standards in this Bill, or ideally higher standards, across these islands? Birds obviously do not stop at the Scottish border—there is not a line where they show their passports.

Moreover, I would like to ask about the situation with the many millions of birds imported from the continent. The 2010 impact assessment notes that about 50% of pheasants and 90% of partridges that are released are imported into Great Britain, mostly as hatching eggs, with a lesser number of day-old chicks from France. The impact assessment also says that some may be from beyond Europe. What are the standards being imposed on those imports? Are the Government at least looking to ensure that imported birds are raised under at least the same standards as are applied under this Bill? If not, there is obviously a risk that breeding would simply stop in the UK and birds would be shipped in from the continent under factory conditions.

Going back to where we are now in the UK, I also note that the 2010 impact assessment concluded that there were about 40,000 birds being kept in small barren cages. That is what the noble Lord, Lord Randall, is seeking to address. The impact assessment recommended a post-implementation review plan after the introduction of the code. I have not been able to find such a review, so I would be interested if the Minister could point me towards it.

I might have asked whether the Bill should not have gone further to guarantee that birds are kept for eggs only under free-range conditions. But, sadly, with the increased virulence and prevalence of bird flu, there is now no such rearing occurring even for chickens, as well as for pheasants and partridges, with farmers having been ordered to keep birds indoors since November. The noble Lord, Lord Randall, also raised this point. I wonder about the bird flu implications and concerns of the game bird rearing and release industry. Perhaps I will come back to this with a Written Question, but it would be interesting if the Minister could comment on that.

Finally, I also note that the 2010 impact assessment goes into considerable detail about the animal welfare implications of the use of bits and spectacles designed to prevent the birds hurting each other under these extremely stressful conditions and to prevent the pecking of eggs. I do not know whether the noble Lord considered including that in this Bill; I would be interested in any thoughts he, or indeed the Minister, might have on that.

The noble Lord, Lord Randall, has raised a crucial issue today. It is a pity that it is a quiet Friday and that this is not getting more attention from across the House. I thank the noble Lord for highlighting the issue and for using his successful place in the ballot very well, and I look forward to the rest of the debate.

12.22 pm

The Earl of Leicester (Con): My Lords, I thank your Lordships for allowing me to speak at such late notice, and I refer to my interests in the register with regard to land management, farming and forestry.

Policy towards animal welfare, including the welfare of game birds, should be based on principle and evidence, not opinion. The evidence from the Defra research in 2015 clearly demonstrated that there was no need for further restrictions on the use of laying units, including raised laying units, when they are used in accordance with the existing statutory code of practice and industry guidance. The evidence from this research suggests that restricting or banning the use of properly managed raised laying systems could very well compromise the welfare of breeding birds. Advice from the game bird veterinary sector suggests that if RLUs are replaced with alternative systems, a rise in the use of antibiotics is almost inevitable. This is important.

There are two fundamental advantages to raised units from a health and welfare perspective: the health of the breeding birds is better in raised units as they do not come into contact with contaminated ground conditions, and eggs produced are always cleaner than floor-laid eggs and therefore have a significantly lower chance of yolk sac infection or other diseases such as rotavirus. Both these factors have had an important impact on antibiotic use in the game sector. Indeed, over the last six years, I think the game sector has reduced the use of antibiotics by 70% and therefore the build-up of antimicrobial resistance—AMR. The WHO has predicted that AMR, if left unchecked, could be responsible for more human deaths in the world than cancer by 2050.

[The Earl of Leicester]

Finally, I will go part of the way to answering the assertion or question from the noble Baroness, Lady Bennett, on the number of prosecutions. There have been no successful prosecutions against game farms by the Animal and Plant Health Agency, which carries out regular targeted game bird farm inspections. We also need to put this into perspective: each year, 50 million pheasants are reared, but we must remember that 1 billion broiler chickens are also reared in this country.

12.25 pm

The Earl of Erroll (CB): My Lords, I am sorry to intervene, but I asked whether I could quickly make a comment in the gap after listening to the debate. I am afraid that I have been abroad and did not get my name down in time.

The problem with the Bill is that it is trying to put together raised laying units and battery cages as if these were the same thing, and it is trying to trigger an emotional response in people to condemn both. I am not a game breeder myself at all, but I have read research which says that the raised laying units which are outside, have space in them and even give an enhanced environment and things like that are more hygienic and better for the birds, and you get less disease. That is a very different concept from battery cages, about which I know absolutely nothing. The least we can do in the interests of the birds is to give them the better, hygienic conditions. At the end of the day, this is not about trying to ban everything, but I think it is counterproductive if you deliberately make it worse for the birds in law. That is really all I want to say.

12.26 pm

Baroness Bakewell of Hardington Mandeville (LD): My Lords, I thank the noble Lord, Lord Randall of Uxbridge, for his excellent introduction. It is important to protect the welfare of breeding game birds and the raising of chicks.

The noble Lord, Lord Randall, set out the case for this short Bill extremely well. I agree with him that it is time that lead shot was banned, as discussed during the passage of the Agriculture Act. There will, of course, be those who find it abhorrent that chicks are raised to be shot at for the purposes of enjoyment and later to appear on the dinner table. However, the shooting of game is part of the country way of life. In the village from which I take my name, the pheasant shoot was a regular occurrence in season, with people from all walks of life taking part. There will be those who have paid for a gun down to those who are taking part as beaters. The enjoyment of being outdoors, even in inclement weather, is all part of the experience.

I am a country girl—or woman, to be more precise—and accept that there are those who take part in activities which I do not, but I have no wish to curtail their activities. I am only too happy to eat pheasant, partridge and even pigeon. The meat from game birds is extremely healthy, as the noble Lord, Lord Randall, referred to, and the birds have enjoyed a previously carefree life. It is therefore important that those birds kept for breeding should have a decent life and should not be raised under battery conditions, as described by the noble Lord, Lord Randall, and referred to by the noble Baroness, Lady Bennett of Manor Castle. I regret that I cannot agree with the noble Earl, Lord Leicester, but I understand that the use of antibiotics should be avoided wherever possible.

The requirement of this short Bill is clearly explained: that the cage used for rearing should be a minimum size of two metres square per bird, so that the bird can move around. It should have nesting material, a scratch pad and a least one perch so that the cage can produce a modicum of reality closer to that which the bird would experience if laying its eggs in the wild.

The conditions in the Bill are not onerous, but I suspect that there will be those game farmers who will consider this to be an added burden and cost on their business and will attempt to avoid compliance. The penalties for not treating breeding game birds properly could be imprisonment of not more than 51 weeks and a hefty fine. I understand that the game breeding fraternity needs some time to adapt to these changes and has been given a year in which to do this. As the game bird shooting seasons are cyclical, this gives gamekeepers plenty of time in which to make adaptations to their breeding and rearing accommodation. The Government indicate that they will be gathering evidence from the sector to inform policy development and will be calling for evidence later this year, and I welcome this commitment to consult.

The welfare of game birds is covered in the Animal Welfare Act 2006. There is also the statutory *Code of Practice for the Welfare of Gamebirds Reared for Sporting Purposes*, which offers additional protection and requires that barren cages should not be used for breeding pheasants or partridges. I support the noble Lord, Lord Randall, in his Bill and welcome the additional measures in it to help protect the welfare of game birds.

12.29 pm

Baroness Jones of Whitchurch (Lab): My Lords, I thank the noble Lord, Lord Randall, for tabling this Bill and for his comprehensive introduction of its purposes. He is right to pursue the issue. It is a reminder that, although we have good animal welfare standards in the UK, our work is never done and there will always be categories of animals and birds that get left behind when we draw up legislation.

This seems to be the case when it comes to breeding pheasants and partridges. It seems an anomaly that they can be kept in battery cages when their use for hens laying eggs for human consumption has been banned in the UK, along with the rest of the EU, since 2012. It seems that game birds have a particularly dismal life on two counts. They are condemned to live in unsuitable conditions and produce offspring for the sole purpose of being shot for "sport". I am grateful to the League Against Cruel Sports and Animal Aid for providing distressing accounts of the continuing suffering still being experienced by game birds in battery cages. Some of their evidence was reflected in the contribution from the noble Lord, Lord Randall, who illustrated well the scale of the problem and the disgrace of some of the provision that still exists.

As the noble Lord acknowledged, we understand that the Government are looking to issue a call for evidence later this year to examine the case for further reforms to the welfare provisions for game birds; as he said, this is the minimum we should expect. It would be helpful if the Minister could offer further details of the scope and timescale for this review because, with the best will in the world, this commitment seems rather vague. Sadly, this has been a mark of this Government's approach to animal welfare legislation—a policy of stop/go, and the more recent abandonment of the legislation on banning trophy hunting and the importing of fur and foie gras, show that they succumb all too easily to pressure from the powerful lobby groups among their membership. To be clear, these are all issues that a Labour Government intend to tackle when we come to office.

Of course, the provision for game birds should have been covered by the Animal Welfare Act 2006, which makes it an offence to cause unnecessary suffering to animals. However, if neither that legislation nor the statutory code of practice provides sufficient guarantees that game birds will be housed in appropriate accommodation, clearly, more action is necessary. As the league points out, it is difficult to imagine how the current arrangements conform to the five freedoms that are the basis of UK animal welfare law.

The current code of practice sets out explicit conditions to provide the basic health and welfare that we would all expect to be provided, so there has obviously been a failure of oversight and enforcement if breaches of the code continue to take place. I support the noble Baroness, Lady Bennett, in asking for more information on the statistics on the numbers of inspections that have taken place and enforcement actions that have been followed up.

As the years go by, our expectations of animal welfare standards rightly continue to rise. We have still not banned enriched cages for laying hens, which are glorified battery cages. What consideration is being given to such a ban? Does the Minister agree that this should apply to pheasants and partridges too?

Finally, the British people now expect their laying hens and chickens to have a decent quality of life; this means the ability to roam about, as free-range chickens are enabled to do. We all understand why the current threat of avian flu has required hens to be kept indoors, with the loss of eggs described as free range in the supermarkets. However, now that spring is coming and the birds will be increasingly anxious to get outside, can the Minister update us on when the ban on outdoor access is likely to be lifted?

Sadly, parliamentary time means that this Bill is unlikely to jump through all the hoops before the end of the Session. However, I hope that the noble Lord, Lord Randall, will work with us to pursue these issues in the coming Session, and I hope the Minister will be able to commit to giving it government support if he does so. I look forward to his response.

12.34 pm

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Benyon) (Con): My Lords, I remind your Lordships of my entry in the register.

I congratulate my noble friend on introducing the Bill. He is known for his interest in fauna and flora and for pursuing conservation and animal welfare issues, and I have enjoyed working with him over many years on many of these issues. The Bill, which aims to improve the welfare of game birds during breeding, addresses a subject on which he has spoken eloquently today.

I certainly support the principle behind my noble friend's Bill. The Government are clear that we want all kept animals to experience good welfare throughout their lives. As outlined in Defra's *Our Action Plan for Animal Welfare*, published in May last year, the Government are committed to maintaining our position as a world leader on animal welfare, and we want to build upon that record. The noble Baronesses, Lady Jones and Lady Bennett, questioned that. If I had time I would go through a list, which would include extensive measures that take us way beyond what most other similar economies have done on animal welfare. However, I will not rise to that goading, because time is pressing.

Since 2010, we have raised the bar on farm animal welfare standards. We have introduced new regulations for minimum standards for meat chickens, made CCTV mandatory in slaughterhouses in England and banned the use of battery cages for laying hens, sow stalls for pigs and veal crates for calves. We want to continue with these achievements.

Our Action Plan for Animal Welfare refers to the Government's ambition to improve the welfare of farmed animals in relation to confinement. We recognise the growing concern over the use of cages for farmed animals on the part of the general public, animal welfare organisations and parliamentarians.

Of course, game birds such as pheasants and partridges are different from other farmed animals, in that they are reared principally for sport, rather than meat. I, like many noble Lords who have spoken today, have never visited a game farm. In fact, my noble friend's actions today have prompted me to want to do so to gain a greater degree of knowledge about how these birds are produced. We know that a large number are produced in purpose-built game farms while others are produced in closed flocks, reared on the same farm in which they are released. We need to understand more about that.

The noble Baroness speaking for the Labour Party asked about a call for evidence, which was mentioned in the other place. The word "soon" infuriates Members of this House, but it will be soon. I hope that she will see that it is comprehensive in seeking to find out more about how we are raising game birds in this country and making sure that, if necessary, we can change the regulations.

As has been said, farmed game birds are bred on farms or are imported as eggs or day-old chicks, mostly from France. A number of noble Lords referred

[Lord Benyon]
to the issue of avian influenza. There has been an enormous number of outbreaks of avian influenza in areas such as the Vendée and the Loire, regions of France from which a lot of these eggs come. The French authorities, as we have done in this country, have created restriction zones from which no eggs may be exported. We are working closely with the French authorities, as we are with other countries, to make sure that we are minimising the risk and moving this country beyond the restrictions we are placing as soon as it is safe to do so. However, we are still having new outbreaks in this country, which are distressing both in terms of animal welfare and for the people who manage these farms. We will continue to learn lessons from this severe and damaging outbreak, and we want to make sure that we are as well protected as we can be from a disease that, of course, comes in on wild migrating flocks of birds.

One of the welfare challenges in game bird production relates to the confinement of breeding birds, which restricts the expression of normal behaviours. While the majority of breeding pheasants are in harem-based floor pens, an increasing number are kept in raised cages, with one cock to about seven females. Almost all breeding partridges are kept in pairs, some in raised units, either in wooden boxes or cages to keep the males away from each other. Other welfare challenges relate to stockmanship, the use of various management devices and procedures and transport.

Unlike other poultry, game birds are not subject to any specific animal welfare legislation but, as has been said, are covered by the Animal Welfare Act 2006 until they are released into the wild. The Act makes it an offence to cause unnecessary suffering to any animal, or to fail to provide an animal with its welfare needs, such as a suitable environment, an appropriate diet, and protection from pain, injury, suffering and disease.

Defra's 2010 *Code of Practice for the Welfare of Gamebirds Reared for Sporting Purposes* also provides practical guidance for those breeding and rearing game birds for the purpose of release for sport shooting, together with birds retained for breeding purposes. The code applies to game birds up to and including the period for which they are confined to the release pens. It includes advice on inspections, good biosecurity, disease treatment, record keeping and catching and transportation.

A question was asked about the number of investigations, and I can confirm that, according to the Animal and Plant Health Agency, 14 inspections took place across Great Britain in 2020 and 16 in 2021. One inspection in England resulted in non-compliance being identified, and a follow-up inspection was carried out to ensure corrective action was taken. There have been no game bird welfare prosecutions in the past three years.

The code also advises that the use of management devices, such as spectacles and bits, which are used to prevent feather pecking and egg eating, should not be considered as routine, as they do not allow birds fully to express their range of normal behaviours, and that these devices should not be relied upon. On the issue of how breeding pheasants and partridges should be housed, the code already states that barren raised cages for breeding pheasants and small barren cages for breeding partridges should not be used, and any system should be properly enriched. My noble friend Lord Randall's Bill aims to prohibit the use of these cages.

Noble Lords will be pleased to hear that one of the areas we are already reviewing is game bird welfare, including examining the evidence on the use of cages for breeding pheasants and partridges, but also considering management practices and the use of enrichment. I pay tribute to the industry for the steps it has taken to self-regulate. I pay tribute to Aim to Sustain, the umbrella organisation which includes British Game Assurance and other bodies, which is creating a rigorous assurance scheme that looks at the whole range of game bird rearing, on individual premises and on farms and estates. If any shoot is not signed up to British Game Assurance, it is very stupid. It should, because it is proving that it is getting shooting's act in order, and I encourage every shooting interest to sign up to it.

A question was put about antimicrobial resistance. I am pleased to see that usage has dropped by 43% to 6 tonnes of active ingredients since 2019, and by 70% since 2016, but there is still a long way to go

The Government wish to support the sector in its continual improvement of bird welfare, so we want to look at current practices in the sector, including the current use of cages for breeding pheasants and partridges and the possible alternatives. We also propose to seek the views of the independent, expert Animal Welfare Committee on breeding and rearing game birds and where improvements can and should be made, but we will also need to understand how any proposed changes will impact on the game bird industry, which provides a significant contribution to the rural economy. Shooting has many benefits for wider conservation and biodiversity, as many noble Lords, including the proposer of the Bill, said.

It is for these reasons that the Government must express our opposition to this Bill. We believe it is premature and unnecessary, as we already have the power to make regulations under the Animal Welfare Act 2006, should we wish to ban cages for game birds.

I recognise and welcome the passion and commitment of my noble friend on issues of animal welfare, and I am sure that he will continue to press the Government on this important issue. We have listened keenly to what he and other noble Lords have said today and we will continue to listen to what is said in the future. The Government's opposition to the proposed Bill is based not on any lack of respect for those views but rather that we wish to make progress on improving animal welfare first by way of engagement with the sector and other key stakeholders.

12.45 pm

Lord Randall of Uxbridge (Con): My Lords, I thank all noble Lords who have taken part in this debate; some very good points were made. I mention in particular the noble Baroness, Lady Bennett of Manor Castle, but I also very much welcomed the comments from my noble friends Lord Leicester and Lord Erroll. Private

Members' Bills come in a variety of categories. There are those that aim to legislate—obviously, that is their nature—but others that aim to raise the issues higher up the agenda.

My noble friend Lord Leicester suggested that I might have conflated raised cages with battery cages. In a normal cycle, these things would be raised and discussed in Committee, and a Bill could be amended. I am not going to sob myself to sleep over this one. The Government have described my proposals as unnecessary and premature—this is not the first time that I have been described in such terms, including by various family members—but it has been important to raise these issues.

The noble Baroness, Lady Bennett, asked me where the suggestion of two square metres came from. That was put in with a view to establishing through debate whether that would be the correct measurement. I recognise that many people, both within your Lordships' House and outside, have direct knowledge of this. I have already spoken to game farm specialists and I will be meeting some. But the point of some of these things is exactly what we have heard.

I know that my noble friend the Minister cares as much as I do about conservation and the welfare of animals, but he sits on the Front Bench. That is a slight difference; he is somewhat constrained, not necessarily by his immediate colleagues but by other forces out there, including even, perhaps, some down the road. We have had a very interesting debate. I live in hope that this will be given a Second Reading, because this is the House of Lords—if we were the House of Commons, we would have booted it out. With that, I beg to move.

Bill read a second time and committed to a Committee of the Whole House.

Glue Traps (Offences) Bill

Second Reading

12.48 pm

Moved by ***Baroness Fookes***

That the Bill be now read a second time.

Baroness Fookes (Con): My Lords, I pay tribute to my honourable friend in the House of Commons, Jane Stevenson, who ably took the Bill through all its stages in that House. Without her valiant efforts, I would not be standing here today to introduce this Bill—so my warm thanks go to her and the colleagues who supported her. Before I forget, I declare my interests in the register relating to animal welfare.

I am extremely proud to take this Bill through the House, as it will end a great deal of animal suffering. Let me sketch in the background. Glue traps are widely available and cheaply sold online and in various stores and shops. They are small boards covered by a non-drying glue. They are usually set down on the floor or on some horizontal surface. Any animal that gets on to them is then immediately trapped by its feet or paws. This can lead to horrific injuries and suffering. In a panic, the animal may try to tear itself away, maybe tearing its skin or fur. It will certainly suffer from exhaustion and hunger, if it is not found immediately, and could have a slow, lingering death. That is torture in my language, and no animal, whether regarded as a pest or not, should have to suffer such an inhumane way of dying.

It is not only rodents, for which these traps are intended, that are caught. The RSPCA says, horrifyingly, that over the last five years it has found over 200 animals caught, including an unfortunate cat, many birds and a hedgehog, which is endangered. This is a truly horrifying spectacle.

It is made worse because many members of the public, rather than professional pest controllers, apparently panic when they see an animal caught and then commit the ghastly second torture of either throwing it away or drowning it. That is quite horrible to contemplate. There are plenty of other ways of dealing with this. The gold standard, of course, is to rodent-proof buildings. Failing that, there are traps that will catch the creatures alive, so they can be dispatched humanely, or there are what are usually called snap-traps, which immediately cause the death of the animal. That may be rather sudden but that is all to the good. There is no case for the general use of these inhumane traps.

Every animal welfare organisation I know of deplores them, so does the veterinary profession. Yesterday, I had an encouraging conversation with the noble Lord, Lord Trees, who is one of the most eminent veterinary surgeons in the country. He warmly endorses this Bill, and is sorry that he could not be here to offer his commendations in person.

I turn to the terms of the Bill. Clauses 1, 2 and 10 are the key parts, and I will concentrate my attention on them, since I must not try the patience of the House too much with a lengthy speech.

Clause 1 makes it an offence for a person to set a glue trap if the intention is to kill rodents or if they know it could kill a rodent. It would be an offence for a person to allow or permit someone else to set the trap. In addition, if a person passing sees such a trap and does nothing whatever about it, this is also an offence. Some people have suggested that this could be unfair on the innocent passer-by, but there is a useful addition: it has to be without reasonable cause. A passer-by who would not even recognise a glue trap if they saw one would be quite safe, so there is no real problem there.

Another point that has been put to me is why this is confined to rodents and not all vertebrates. My understanding from the officials is that they could come under this Bill anyway. In any case, as was discussed as part of the previous Bill, the Animal Welfare Act 2006 made it an offence to allow an animal to suffer unnecessarily, which includes an animal that has been trapped, as it would then be under a person's responsibility or control. I am reasonably happy about that.

The only exception to all these persons who commit an offence is a pest controller with a licence to do so. That brings me to the second important clause, Clause 2, which institutes a licensing regime. Given what I have just said, people may ask why on earth we would want

[Baroness Fookes]
a licensing scheme to permit these traps to be set. In fact, the Bill is tightly drawn: the Secretary of State may grant a licence only to preserve public health and safety and, importantly, if there is no other satisfactory solution.

It may perhaps be helpful if I give one or two examples. Rodents may have gnawed through the wiring in a hospital or power station where there is an imminent worry about danger to human life or health or danger from fire. The other possibility is if an aircraft is in flight, or even taking off or landing, and an animal is found. These traps are useful, in that they are simple and can be tucked into places where perhaps another trap could not.

Interestingly, New Zealand, which we have sometimes looked to for examples, instituted an Act that forbade all glue traps, but had to roll that back a little to allow it in particular circumstances—the kind of circumstances that I have described. Happily, though, I gather that there are very few of these that now take place in New Zealand.

The Secretary of State can attach all manner of conditions to the issue of a licence. It could be for a single person or a group of persons, and the licence can be revoked; a great deal of power rests with the Secretary of State to have a solid and clear-cut set of conditions. Regulations made under the Bill—or Act, if it reaches the statute book—will be via statutory instrument with the negative procedure in place.

I have to declare that, as a former chairman of the Delegated Powers and Regulatory Reform Committee, I am always very wary of regulations that give Ministers power, now and in the indefinite future, to do whatever they wish by regulation. I would have preferred if it had been possible—it was not possible for me—to ask that draft regulations and a draft licence should be here for us to look at, so that we had a much better idea of precisely what would be covered. For example, I would want to see a regulation stating very clearly that the traps had to be inspected every hour or two hours, so that they were not left for a long time, which is one of the horrors of the regime as it currently stands. However, I am in the hands of my noble friend the Minister as to what he may be able to tell us in response. The Bill has government support, so I live in hope.

The final clause, Clause 10, is also of some importance. It applies only really to England because the devolved Administrations have the power to work on this issue themselves. My understanding is that the devolved Administrations are very likely to have Bills very similar to this one, or may already have them, and I hope that is the case.

The other part of Clause 10 relates to the time when the Bill, if it became law, would be implemented. The Secretary of State has the power to decide the day on which it should be implemented, and it could be that different parts of the Bill were implemented on different days. My understanding, from discussions with officials and from the Explanatory Memorandum that the Government produced, is that they have in mind about two years. I have to say that that is a disappointment to me. I understand that those who produce these traps have to change their ways of doing business and that a licensing system needs to be set up, but I still think that the two years that has been suggested is far too long; I would like to see a much shorter time span. That said, I believe the Bill is three-quarters of the way to where I want it to be, and I very much hope that it will receive a fair wind through this House.

I must add by way of warning that, if anyone seeks to amend the Bill, it will have to return to the House of Commons and the Bill will then be lost. I issue that as a final warning. I hope very much that it will be sufficiently good to win the acceptance of this House and will soon pass on to the statute book. I beg to move.

1 pm

Lord Randall of Uxbridge (Con): My Lords, having taken up rather a large amount of time on the previous Bill, it is only for me to say that I fully support my noble friend Lady Fookes, a well-known and long-standing champion of animal rights; that I congratulate the Government, since, being psychic, I think that they like this one—and that, without submitting to the danger, as we heard in considering the previous Bill, of becoming unnecessary, I shall sit down.

1.01 pm

Lord Bourne of Aberystwyth (Con): My Lords, it is always a great pleasure to follow my noble friend Lord Randall—particularly when he is so brief. It is also a great pleasure to follow my noble friend Lady Fookes, who is well known for her commitment to animal welfare and who set out the case with admirable clarity for why this measure is needed.

Obviously, I speak in favour of this Bill. I also pay tribute to Jane Stevenson in the other place for the work she has done on it and thank the Government and the Minister for facilitating this very sensible and positive measure. It deals with unspeakable and unnecessary cruelty to primarily rodents, as we have heard, but it also applies to hedgehogs, robins, birds, pets—to all animals that are caught in these dreadful traps and then die of hunger, dehydration, exposure and suffocation, often clawing through their own limbs to get free.

The RSPCA has done considerable work in this area, and also deserves praise. Although this is not the primary reason for the legislation, it is worth saying that these traps can pose a considerable danger to human health, because the animals defecate and urinate once they are caught. It is also worth saying that public opinion, unsurprisingly, is very strongly in favour of legislation in this area. We should not lose sight of that.

We have heard about the experience of New Zealand; Ireland has acted in a similar way. I am not sure whether Ireland has the exceptional circumstances exemption that New Zealand has, but there is no evidence of a particular hazard from rodents—from pests—because of their acting in the way we are looking at here. Can the Minister tell us whether Ireland has a similar exceptional circumstances exemption

to New Zealand's, and as is proposed here? I can see the case that has been made by my noble friend for such an exemption, but it must be as narrowly drawn as it is because of the cruelty involved. May I also ask the Minister about the devolved Administrations? I gather that Scotland and Wales are progressing similar legislation, but I am not sure whether that is true of Northern Ireland. It would be strange if they were the only authority within the UK and Ireland that is not acting, and it would be good to hear about that.

Upon going online, it is obvious that it is very easy to purchase these things through Amazon, for example. Enter "glue traps" and up pops a plethora of places where you can order them. If we legislate as is proposed here—and I hope we do—outlets that offer these things would, I think, be caught and it would be illegal to do so unless they are offered expressly to those with a licence, proof of which would be required. The Minister may wish to comment on this. I appreciate that he might not want to be too specific about the legislative position, but it seems to me that these people are aiding and abetting the commission of an offence if they are offering these things for sale to members of the public, even if they are operating outside the jurisdiction. If they are sending these things to people in the UK, it seems to me that they are knowingly causing or permitting an offence to be committed, but it would be good to have that confirmed, if possible.

Like my noble friend Lady Fookes, I think two years is far too long to wait; we should be able to act much more quickly than that. I cannot see why it should take so long, but that said, we clearly need to have publicity and education about the measure, particularly on the impact on people who are offering glue traps for sale. What is going to be done in that regard?

That said, this is an extremely sensible measure. I am sure it will be evident that there is widespread support within the House for it, just as there is among the public. It would be really good if we could progress it very quickly. I strongly support of the Bill.

1.06 pm

Baroness Bennett of Manor Castle (GP): My Lords, I rise with pleasure to support the Bill introduced by the noble Baroness, Lady Fookes, and to commend her on her clear and thoughtful introduction. As she said, the practical reality of animal population dynamics is that if you kill or remove animals in a situation where there is a food source and access, populations will breed very quickly to replace them, and the only real long-term solution is to make the structure in question rodent-proof, and that should be the ultimate long-term solution.

I shall be quite restrained in pointing out that we are not hearing the phrase "world-leading" here because, as other noble Lords have said, New Zealand, Ireland and various Australian states and territories have already brought in such a ban on glue traps. I note the point made by the noble Lord, Lord Bourne, about the US Centers for Disease Control and Prevention highlighting the health dangers of these traps as they are a way to spread disease.

Several noble Lords have commented on how broadly available these things are. Prices start from 99p, and they are undoubtedly being bought and put in utterly inappropriate places by people who really do not understand what they are doing, so I agree with noble Lords who have said that two years is far too long for this legislation to come into effect. I cannot see why six months would not be a perfectly reasonable timeframe.

It has been said before, but we have to think about what, according to the British Veterinary Association, we are talking about: animals suffering torn skin, broken limbs, hair removal and a slow and painful death from suffocation, starvation, exhaustion and even self-mutilation. It is horrific that this has been allowed to go on for so long, but we are at least taking a step forward here.

Like the noble Lord, Lord Bourne, I am also concerned that this legislation talks just about setting the traps. As far as I can see, it does not say anything about selling them, so it does not appear to ban that. I am interested in the noble Lord's interpretation that selling would be aiding and abetting. I wonder how much prosecution of small sellers through online marketplaces we might be likely to see, and to what extent that might be regarded as a police priority in these circumstances. I would like to see this Bill ban sale as well as placement.

Like others, I have concerns about Clause 2 and the potential loophole it creates of registered use. Humane Society International has noted the unregulated nature of the pest control industry and the concern that a large loophole might be created. However, I take the point made by the noble Baroness, Lady Fookes, that we have what we have now, and we take this or nothing. That is certainly the basis on which I will be operating: taking what we have now but seeking to improve and strengthen it. Given that the Government are apparently likely to back the Bill, what plans do they have to review and re-examine it two or three years after it comes into effect, to see whether it needs strengthening, improving or changing?

1.09 pm

Baroness Bakewell of Hardington Mandeville (LD): My Lords, I thank the noble Baroness, Lady Fookes, for her excellent introduction to this Bill. The noble Baroness has a strong reputation on animal welfare and has been a formidable advocate on animal welfare issues for a great many years. She is a force to be reckoned with.

Glue traps are extremely effective at catching small animals and are designed to deal with rodents, such as mice and rats. However, they are an indiscriminate tool and catch everything that is unfortunate enough to pass over their surface, including birds, snakes, hedgehogs, kittens and even, in one case, a parrot. The animals so caught struggle to get free but cannot and suffer a long and painful experience, before death eventually releases them from their agony. While it is desirable to get rid of rodents, this is an inhumane way of doing it.

Under the Wildlife and Countryside Act 1981, it is an offence to set a glue trap where wild birds may be captured. The RSPCA found, in a survey undertaken

[Baroness Bakewell of Hardington Mandeville] in 2015, that 73% of the animals caught in glue traps were species other than rodents. I have not personally had experience of a glue trap. However, glue traps are readily available and members of the public can buy one and set it to catch a rat or a mouse, with no knowledge of what will happen or how to deal with the animals caught in their trap. They are unaware of what will happen to the animal and how to dispatch it humanely or quickly end its misery. Glue traps are not an appropriate mechanism for dealing with either a minor rodent problem or an extensive infestation of rats.

I support the need for a properly trained pest control officer to be able to obtain a licence from the Secretary of State to deal with a specific infestation in a particular location, where another means of pest control would be inappropriate or impossible. This safeguard in exceptional circumstances is essential. The example given in the briefing of a rat in the cockpit of an aeroplane is one such circumstance.

Clause 5(5) lists, in paragraphs (a) to (h), a range of purposes when an inspector may enter premises to make an inspection. These provisions are very wide. Can the noble Baroness, Lady Fookes, and perhaps the Minister, say why it is necessary to have such a wide range of detailed restrictions for action to be taken? Clause 5(7) says:

> "The inspector must, on request, provide a record of anything that is seized under subsection (5)(h) to any person who … has possession or control of the thing seized immediately before its seizure."

This seems a bit obscure. Can the noble Baroness or the Minister please give a little more detail on what it actually means?

Clause 7 refers to "Offences by bodies corporate" and its subsection (1) to an offence under the Act being

> "committed by a body corporate".

Can the noble Baroness give some indication of what kind of body corporate she is referring to?

Clause 9 refers to several interpretations of what is meant in the Bill. Under "premises", paragraph (b) refers to

> "any tent or movable structure".

I imagine this might refer to a marquee which has been erected for a fete or a wedding. Can the Minister confirm this, please?

In 2015, a YouGov poll indicated that 68% of the British public agreed that glue traps should be banned in the UK, with only 9% opposed. Since 2015 was seven years ago, is there any more up-to-date information on what the public think about glue traps? Given the general tenor of public opinion on animal welfare, I imagine that this figure may have increased, not decreased.

Lastly, I come to the date of implementation, referred to by the noble Baronesses, Lady Fookes and Lady Bennett of Manor Castle, and the noble Lord, Lord Bourne of Aberystwyth. Why will the offence of setting a glue trap not come into force for two years? I can see no rationale for this, other than that it might take that long for stocks of existing glue traps to be used up. Surely this is unacceptable. To be condemning small animals and rodents to acute suffering during this period is not humane when it could be stopped sooner. The Welsh and Scottish devolved authorities have indicated that they plan to introduce similar legislation, and I welcome this. Given the time lag, if the UK Government are not careful, Wales and Scotland will have their legislation in place before England. Surely the Government can act sooner to end this abhorrent practice.

I congratulate the noble Baroness, Lady Fookes, on bringing forward this legislation and fully support the aim and thrust of the Bill.

1.15 pm

Baroness Hayman of Ullock (Lab): My Lords, I thank the noble Baroness, Lady Fookes, for her excellent and thorough introduction to the Bill, which answered a number of questions that I had, having read it. As the noble Lord, Lord Randall, and others have said, she has a fearsome reputation as a champion of better animal welfare, and I am so pleased that she has introduced to the House this important Bill, which we will support from these Benches. I also pay tribute to Jane Stevenson MP for steering it through the other place—and to the RSPCA, which was mentioned by the noble Lord, Lord Bourne, and HSI, for all their campaigning on this issue.

We have heard many reasons why glue traps should be banned: they are inhumane and cause absolutely unacceptable and unnecessary suffering. If animals are caught on them, they suffer often horrific injuries and a slow and painful death from starvation, dehydration, suffocation and exhaustion—it really is horrible. Even worse, they are known to break and dislocate their limbs, tear off fur and skin and even attempt to gnaw off their limbs. It is really appalling that these traps are still available in this country.

So we know that trapped animals will experience prolonged and unnecessary suffering, and we have also heard from the noble Baroness, Lady Fookes, that the traps are considered to be inhumane by the British Veterinary Association. She mentioned that this was also endorsed by the noble Lord, Lord Trees. A University of Oxford study has found that capture on a glue trap has an extreme impact on animal welfare, lasting many hours, and that they scored worst, on the overall welfare impact of non-lethal components, out of all rat control methods that were examined.

As other noble Lords—the noble Baronesses, Lady Fookes and Lady Bakewell—said, it has been reported that protected species, birds, bats, wild mammals, hedgehogs, foxes and even pet cats and kittens have been caught by these traps. One thing that was very helpful for me was the explanation and clarification from the noble Baroness, Lady Fookes, of why only rodents are mentioned in the Bill. I was concerned about that, but she answered that question very thoroughly in her introduction.

We know that birds have been trapped in many instances, despite it being an offence to install glue boards in a place where wild birds could be captured. So it is still happening, even though we have had legal assurances that it should not be. The England and Wales Animal Welfare Act makes it clear that animals

caught on or in traps are protected under the Act. Therefore, failing to deal with trapped animals humanely is an offence. However, in practice, members of the public are not aware of their responsibility to deal with a captured animal and are either unwilling or unable to dispatch animals that are caught in a humane manner.

One of the concerns is the fact that the vast majority of high-street manufacturers do not include any specific information on the packaging or any instructions for the user. So I support the noble Baroness, Lady Bennett, on the fact that, actually, we should be looking at the sale of these traps, as well as a ban on their use. In 2015, HSI did a poll that found that over half of respondents said that they did not know what to do with a trapped animal when they found one. Most of them suggested something that was actually an offence under law.

Another issue that has been discussed is the use by so-called professional operators who often do not behave professionally at all. It is really important that, when we look at the licensing section of this Bill, the exceptional circumstances are genuinely exceptional. The situation that Clause 2(2) in the Bill describes is tightly worded so that the Secretary of State may provide licences only under exceptional circumstances. I am interested to hear more from the Minister about what they might be, beyond those which have already been mentioned.

We have heard that glue traps have been banned or restricted in many other countries, and that a UK ban has very strong public support. We really need to catch up. I agree with other noble Lords who have already spoken that two years seems to be a long time. If it possible to bring this forward, I hope that the Minister will be able to talk to his department about how this might be achieved. We have also heard how New Zealand has banned the sale and use of glue traps since 2015. I understand that, in 2022, there were only two approvals there, for use and sale respectively, so that suggests that there are adequate alternatives that can be deployed successfully, if necessary, to manage rodents. Again, I think that these exceptional circumstances should be very, very exceptional.

In conclusion, I am pleased to see that we have legislation on banning glue traps. It is an important step forward in animal welfare, and I am absolutely delighted that the Government are supporting this Bill.

1.21 pm

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Benyon) (Con): My Lords, I echo the thanks around the House to my noble friend Lady Fookes for her sponsorship of this important Bill, and for the powerful manner in which she made her case. I am also very grateful to noble Lords' invaluable contributions in today's debate. Like others, I pay tribute to my honourable friend Jane Stevenson, the Member of Parliament for Wolverhampton North East, who successfully steered this Bill through another place with passion and clarity. I also pay tribute to the Conservative Animal Welfare Foundation for its support as we progress this important legislation.

I confess that I have been a legislator, in one form or another, for around 17 years, and, in a way, I am quite shocked that we are getting to this only now. I am as horrified as other Members of this House by the nature of this type of pest control, and I am delighted that we are doing something about it at last.

As noble Lords are no doubt aware by now, glue traps cause extreme suffering. As has been said, the British Veterinary Association reports that animals can suffer from

"torn skin, broken limbs and hair removal and die a slow and painful death from suffocation, starvation, exhaustion and even"—

an horrendous concept—

"self-mutilation".

Furthermore, a study published in the journal *Animal Welfare* earlier this year concluded that glue traps are one of the very worst methods of rodent management when it comes to their impact on welfare.

I always remember a pest controller telling me why he only used humane traps. He said that it was not the rat's fault that it is a pain in the—he used a word which is probably not acceptable in Parliament, so I will use another—neck. His point was absolutely right. We must remember that there are often very good reasons for controlling pests, but we must do so in a way which is as humane as possible. The findings that we have discussed today support the British Veterinary Association reports which add that:

"rats may die of exhaustion or suffocation, are unable to perform normal behaviours and are likely to cause fear, anxiety and pain."

While we can all agree that rodent control is essential, I hope that we can also agree that it should not lead to undue suffering. As has been said, it is not just the intended victims which suffer. There have been over 200 incidents reported to the RSPCA over a five-year period involving some species which are rare, including hedgehogs, squirrels and even a parrot. Victims of these traps have suffered horrendous injuries, many of which may have been fatal. Some of us are no doubt all too familiar with the tragic case of Miles, a black and white cat found in an alleyway in north London last year with four glue traps stuck to him, and with injuries so severe that the only humane choice was to end his life. This is just one of many disturbing incidents which ended with unnecessary animal suffering and unnecessary distress for members of the public who do not anticipate the poor welfare conditions which are likely to come from amateur use of such means.

That brings me on to the purpose of the Bill: to recognise the immense suffering that glue traps can cause and to take them out of the hands of amateurs. This Bill will ensure that glue traps are used only by professional pest controllers, and only in very limited circumstances when they are needed to preserve public health and safety and there is no other tool suitable for the job. This measure is a proportionate step which strikes the right balance between protecting animal welfare and preserving human health. With more humane traps readily available, it is therefore right to ban these traps in all but the most exceptional circumstances.

My officials have had early discussions with the pest control industry to establish when these traps may be needed. The feedback has been that rodents are often cautious of changes to their surroundings and

[Lord Benyon]

may avoid approaching unfamiliar objects, such as more traditional mouse and rat traps. However, due to the way a glue trap is set, it may capture rodents more quickly than other methods. For this reason, professional pest controllers may need to use glue traps for the very rare situations when rapid speed of capture is important and a delay may cause a serious risk to public health or safety. An example is the possible need for rapid removal of rodents from places with—as my noble friend Lady Fookes said so eloquently—critical infrastructure involving wiring and electrics where there is a danger of gnawing damage and, in extremis, fire. Another possible example is a mouse being spotted in the cockpit of a commercial aircraft. In this case, the mouse must be caught quickly as there is a real risk to public safety if wiring is damaged. Other rodent traps may be harder to position in this case and use of glue traps may allow the mouse to be caught more quickly than using other methods.

For such rare cases where these traps are needed, a licensing regime will be required. This has been set out in the Bill and will enable such traps to be used only by professional pest controllers and only when absolutely necessary. The wording of the Bill is clear that licences may be granted only for the purpose of preserving public health or public safety and where there is no other satisfactory solution. Licences will also place conditions on the use of traps to minimise any detrimental welfare impacts. The licensing regime will allow for the scale of use of glue traps by pest controllers to be monitored and for the inspection of authorised pest controllers to ensure compliance with the terms of licences, allowing enforcement action to be taken if terms are breached.

The two-year lead-in period has been discussed by noble Lords. This period before the offences apply will give adequate time to put a suitable licensing regime in place. We look forward to working closely with animal welfare groups and pest control organisations to ensure that the licensing regime is appropriate and effective.

While some may claim that this Bill could lead to problems with rodent infestations, the experience in other countries does not support this. Both in Ireland and New Zealand, where these traps have been banned, we are not aware of any experience of increases in rodent infestations. The pest control industry in both countries appears to have successfully and easily moved to the use of alternatives.

I will quickly go through some of the questions put to me by speakers in today's debate. The question regarding Ireland and New Zealand is an interesting one. Ireland has a full ban and New Zealand has allowed exemptions by ministerial approval, such as we are proposing, from the outset. Approved exemptions have declined year on year and are now in very small numbers—single figures—per year, which I think will be reflected here when we implement this legislation.

A question was asked about why are we not banning glue traps in their entirety. I think that I covered that in terms of the cases, in extremis, where life and limb and public health may be put at risk.

I will not goad the noble Baroness, Lady Bennett, about who is world-leading—she is right that we are not world-leading on this, but it is high time that we did this. We might be UK leading, as we are doing this before Scotland, Wales and Northern Ireland, but we will work with the devolved Administrations to make sure that we are sharing, best practice, licensing and all the rest of it.

The two-year delay is an issue; I understand that. I will reflect the mood of the House on that in my discussions with officials and in the process of implementing this legislation.

My noble friend Lord Bourne asked why we are not banning the sale of glue traps. Under the UK internal market rules, it is not practical to ban the sale of glue traps in England as they could still be purchased elsewhere in the UK. However, as we discussed, legislation may be impending in those countries. Glue traps also need to be sold to pest controllers under exceptional use licences. We expect a ban on their use to be effective as existing stocks of glue traps are used up over the two-year lead-in time. It should become impossible for the wrong kind of people to obtain them after then. We will engage with the devolved Administrations, as I say, as they progress this legislation.

My noble friend also asked what the Government will do to educate businesses and the public regarding the change to the law so that unnecessary persons are not buying traps that they cannot legally use. In the two years before the offences come into force, the Government will work with stakeholders, including pest control and animal welfare organisations, to educate businesses and the public about the ban on the use of glue traps and the use of alternative, humane traps. We note that, after the Humane Society's "Unstuck" campaign, also supported by the British Pest Control Association and the RSPCA, many retailers have withdrawn these traps from general sale on welfare grounds. We also expect that, in response to the ban, large importers of glue traps will begin importing fewer of them and offering more alternatives as part of their business planning, so that the market for glue traps will dry up.

There is no indication that the ban on the sale of glue traps will be detrimental to human health. Other humane methods are available; we want to encourage people to use them through both good practice and this legislation.

A question was asked about licensing. We currently expect the public authority delegated with the licensing functions to be Natural England, as it already fulfils this function for other licences relating to wildlife management. However, there may be a change in the remit and responsibilities of Natural England and other public bodies in future, so the provision in the Bill to appoint any competent public authority is needed.

We have been clear that high standards of animal welfare are one of the hallmarks of a civilised society. We already have some of the highest animal welfare standards in the world. This Bill takes forward an important commitment in the Government's *Action Plan for Animal Welfare*

"to restrict the use of glue traps … to help make sure rodents are despatched in a humane manner."

As I conclude on behalf of the Government by thanking noble Lords for their involvement in today's debate, in particular my noble friend Lady Fookes for

her work in guiding the Bill through this House, I also thank the animal welfare organisations, pest control organisations and suppliers who have engaged with my officials throughout the passage of the Bill. The Bill will add a small but vital part to our animal welfare legislation. I hope that we can ensure its smooth passage through this House.

1.33 pm

Baroness Fookes (Con): My Lords, in turn, I thank all those who took part in this debate. I also thank the Minister. I was much encouraged by most of his remarks. The old schoolteacher in me says, "Seven out of 10".

Lord Benyon (Con): I will take that.

Baroness Fookes (Con): One query about bodies corporate was not answered by the Minister. My understanding is that this is simply to ensure that corporations cannot get away with it because they are corporations and so can give the blame to somebody else, which is why there is a reference to particular senior people in a corporation who would have to take the blame if anything happened.

The noble Baroness made another point, which I did not quite get, but which related to the paragraphs about inspectors on premises. I know these look rather detailed, but the idea is to make sure that nobody has any wiggle room. They perhaps rather overegg the pudding, but better that than to underegg, in the circumstances.

I very much hope that the Bill goes through unamended, because of the danger that it would otherwise be lost altogether. I will be closely following the speed with which the department acts in dealing with these matters and the care that it takes in drawing up the conditions attached to licences. I forewarn my noble friend the Minister that I will be after him if progress does not seem satisfactory.

Bill read a second time and committed to a Committee of the Whole House.

Approved Premises (Substance Testing) Bill

Second Reading

1.36 pm

Moved by ***Baroness Sater***

That the Bill be now read a second time.

Baroness Sater (Con): My Lords, it is a privilege to move the Second Reading of the Approved Premises (Substance Testing) Bill, which was introduced by my honourable friend Rob Butler MP in the other place. I am pleased that, to date, the Bill has had a successful passage and received support from all sides.

Noble Lords may remember a Bill that was introduced last year by my noble friend Lady Pidding and my dear friend, the late right honourable Dame Cheryl Gillan, which focused on improving substance testing in prisons. It was welcomed in your Lordships' House and has now received Royal Assent. I hope that this Bill, which has similar aims but for approved premises, will be similarly supported and gain a smooth passage.

I declare a personal interest in that I was a youth magistrate for over 20 years. I have now retired. I saw first-hand the destruction that drugs can cause and the path they can lead people down. It is a sad fact that many of the children who were before me may have ended up in approved premises at some point in their adult lives, so I know how important it is to help make them safer and more supportive environments for rehabilitation.

Approved premises provide temporary accommodation for the highest-risk individuals in the community, subject to supervision or rehabilitation. They exist to ensure that these high-risk individuals with the most complex needs receive additional, targeted residential supervision and rehabilitative support, following release from custody. They also provide supervision and support for a small number of bailees and high-risk offenders serving community sentences.

Patterns of drug misuse in both custody and the community are changing, and the Prisons and Probation Ombudsman has made repeated recommendations about the urgent need for a comprehensive drugs strategy for the approved premises estate. In recent years, psychoactive substances have become much more prevalent within the illicit economy in approved premises. Prescription medicines are also abused by some residents, sometimes proving lethal. The use of drugs in approved premises can have a significant impact on the physical and mental well-being of individuals in both the short and the long term, and it undermines an offender's ability to engage in rehabilitation and turn their back on crime.

Currently, to ensure that approved premises are safe and drug-free, residents are drug tested if requested by staff, in accordance with the house rules they are required to accept as a condition of their residence. While this provides a basis for drug testing, it does not set out a comprehensive statutory framework for the testing for illicit substances, the scope of substances that may be tested or the types of samples that may be taken. This Bill is a response to this issue and would enable Her Majesty's Prison and Probation Service to create a comprehensive framework and bring approved premises in line with the testing regime used in prisons.

I turn to the content of the Bill. First, it extends the range of substances that can be tested for, in order to cover all forms of psychoactive substances, as well as prescription and pharmacy medicines. The Bill will also offer supportive measures that would help probation to combat an issue that we know of, whereby some approved premises residents bully other residents for their genuinely prescribed prescription medication. The Bill will enable offender managers to ensure that only those supposed to be taking such medications are taking them.

The Bill will also introduce urine testing, replacing oral fluid testing which is currently used. There are relatively few drugs that can be reliably detected in oral fluid. This means that the current testing regime

[Baroness Sater]
has reduced capacity to quickly identify drug use among residents; as a result, residents' needs are not identified, and care planning cannot be managed effectively. Moving to urine testing will allow probation to test for a wide range of different substances for longer. Although this varies depending on the substance being tested for, as a general rule, substances are detectable for hours in oral fluid, whereas with urine testing they are detectable for days.

Alongside mandatory drug testing, the Bill will provide an express power for the use of prevalence testing in approved premises, using residents' samples to test for the prevalence of various substances on an anonymised basis. This measure is key in helping HMPPS to understand the ever-changing drug landscape and allow it to tackle the threat of drugs in approved premises. Taking appropriate action will reduce the risks to residents and provide them with appropriate treatment and support, which in turn will help to aid rehabilitation and support the efforts to reduce reoffending.

In conclusion, I hope that your Lordships will recognise the importance of implementing these changes. I believe that this Bill will make a tangible difference. It will enable probation to better identify and respond to new and emerging patterns of drug use in approved premises and, in turn, ensure that it can provide the necessary care and treatment for individuals to support their rehabilitation and prevent reoffending. I also believe that it will create more opportunities for positive interventions on those individuals who really need our help to become mentally and physically healthier and go on to lead crime-free lives.

I look forward to hearing noble Lords' contributions and hope that the Bill will receive support across the House. I beg to move.

1.42 pm

Lord Ponsonby of Shulbrede (Lab): My Lords, I congratulate the noble Baroness, Lady Sater. She is a former magisterial colleague of mine; we sat in the same youth court together for many years and we have both seen the types of cases to which she referred in the opening part of her speech. We in the Labour Party broadly support the Bill and welcome in particular the attempts to identify substance abuse in approved premises. This will allow the Government to respond effectively and flexibly to the changing patterns of drug misuse.

In my 15 years as a magistrate, I have seen the types of drugs coming to both youth courts and adult courts change multiple times. I understand that there is a constantly changing landscape and that testing regimes need to change to reflect that reality. We are happy to see that this Bill is about providing assistance with rehabilitation first, and prosecution second. Residents who test positive for drugs will be directed to appropriate substance misuse organisations first; if their behaviour continues, punitive sanctions could be implemented. However, this should not be seen as a substitute for what the Government must do: namely, invest in treatments, harm-reduction initiatives and supportive policies to reduce the prevalence of substance misuse in the community.

The noble Baroness—I might say "my noble friend" in this context—talked about urine testing. We welcome the introduction of urine testing alongside oral fluid testing. She spoke also about the greater range of substances that need to be tested. I have certainly been on a number of prison visits over the years where we have been told of the ever more imaginative ways of getting psychoactive substances into the prison. It is a constant battle for prison officers to try to reduce the number of these substances getting into the premises. She also spoke about anonymous sample testing. This is a reality of the situation, if I can put it like that. I have certainly heard the argument that, if the sample testing is anonymised, it is more likely to give a realistic reflection of the drug use in the institution being tested.

I shall say something about the background statistics, as I know the Minister is very keen on his statistics. The figures that I have are that, between September 2012 and August 2017, there were 46 deaths in approved premises and 29 of those were linked to drugs. In 2018-19, there were 20 deaths and, in 2019-20, there were 21. It is unclear how many of those are linked to drugs, but those were deaths in approved premises.

In 2017-18, the annual report by the Prisons and Probation Ombudsman and the Probation Service said the use of synthetic drugs and psychoactive substances was getting out of control and that the problem was spreading to removal centres as well as approved premises, so it is a widespread problem. I think testing is part of the solution to that, but the real key is that the ministry has a realistic understanding of the extent of the problem. I support the noble Baroness's Bill.

1.46 pm

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Wolfson of Tredegar) (Con): My Lords, I thank my noble friend Lady Sater for introducing this important Bill today, and I thank the noble Lord, Lord Ponsonby of Shulbrede, for his contribution to this short debate. As the only non-magistrate speaking in this debate, I will say that it has been a pleasure working with my noble friend on this issue. I am grateful for the broad support from the Labour Benches. The Government fully support the Bill. As with the complementary Prisons (Substance Testing) Bill that received Royal Assent last year, I hope this Bill receives unequivocal support across the House.

This Government are committed to tackling the causes of reoffending to keep our communities safe. We have heard some statistics; I shall add a couple more that I think underpin the need for the Bill. About 80% of crimes for which a caution or a conviction ensues are committed by repeat offenders, while around 62% of prisoners have either an alcohol or drugs need, or both. If you put those two statistics together, the case for the Bill is essentially made out.

We know that maintaining treatment for prison leavers is crucial to reducing reoffending. In December last year, we published our landmark cross-government drugs strategy, which represents an ambitious 10-year commitment to work across government to address illegal drug use, including increased and enhanced testing in prisons and approved premises. The strategy

is underpinned by a record investment of nearly £900 million of additional funding over the next three-year spending review period. That will take the total investment in combating drugs over the next three years to £3 billion.

As the noble Lord, Lord Ponsonby, noted, the commitment has to go beyond only treatment. We know that people who suffer from addiction also have multiple and complex needs for which they also need support, and we are leading the world in delivering a joined-up package across treatment, accommodation and employment. The Bill will allow us to deliver further on the commitments set out in the Government's drugs strategy and ensure that every offender has access to treatment and support, enabling them to turn their backs on crime. It will ensure that we can understand and react quickly to the changing patterns of drug use that exist in approved premises and hamper an individual's chances of rehabilitation.

As my noble friend set out, the Bill will implement a comprehensive drug-testing framework, enabling mandatory drug testing for psychoactive substances together with prescription and pharmacy medicines. Supported by the change to urine testing, this will enable us to test reliably for a wide number of different substances and for longer.

In addition, as the House has heard, the Bill also puts prevalence testing on a firmer statutory basis. That will improve our ability to identify emerging trends and ensure that we are able to react quickly. These combined measures will help us to tackle the use of drugs in approved premises and ensure that staff can respond effectively and implement the necessary treatment but also care planning.

The Bill will ensure consistency of testing and treatment from prison to the community, and will be vital in ensuring that approved premises are safe and drug-free, and that the risk of serious harm is reduced for the individual as well as for other residents and the wider public.

I conclude by again thanking my noble friend Lady Sater for introducing the Bill. The benefits of this legislation are clear to see, and I very much hope that this House will endorse and support the Bill.

1.50 pm

Baroness Sater (Con): My Lords, I thank my noble friend for his support and his comments on the importance of follow-up with treatment and support for the residents in approved premises. I also thank the noble Lord, Lord Ponsonby, from the Opposition Front Bench, whom I would also call my friend.

The Bill will enable approved premises better to identify and respond to drug use and, in turn, help provide the appropriate care and treatment for individuals on their path to rehabilitation and efforts to reduce reoffending.

Finally, I thank the clerks and the officials at the MoJ for their excellent guidance and advice on procedure during the preparation of the Bill.

Bill read a second time and committed to a Committee of the Whole House.

Coroners (Determination of Suicide) Bill [HL]

Third Reading

1.51 pm

Motion

Moved by ***The Lord Bishop of St Albans***

That the Bill do now pass.

The Lord Bishop of St Albans: My Lords, I shall make just one or two brief comments. I am sure everybody is greatly relieved that the timing is going so well this afternoon, and I really shall not delay your Lordships for too long, but this gives me an opportunity to say one or two brief things and then give some thanks.

The reason behind the Bill is that, seven or eight years ago, a couple came to see me, sat in my study and told me how their son had taken his life because of a gambling problem. The sad thing about that story was the way they talked about the fact that they could see what was happening. He had gone in and out of treatment, but they just could not reach out to him. They knew what was going to happen, and they watched as he slowly spiralled down until that fateful day when he took his life. That led me on a journey. Eventually, we managed to get a Select Committee here. As your Lordships may be aware, Peers for Gambling Reform is now, I think, the largest lobbying group in the House of Lords.

That is what inspired me to work on this; that is the background. It is a very human story. The Bill has what sounds a rather calm, dispassionate title. The issue before us is that, whenever we try to grapple with this, we are told by the Government that we simply do not know the nature and size of the problem. Last year, Public Health England gave the most comprehensive estimate to date of the number of annual gambling-related suicides: 409 in one year. That accounts for 8% of all suicides in 2020.

In the recent inquest into the tragic death of Jack Ritchie, the coroner's conclusion was that warnings, information and treatment of problem gambling had been "woefully inadequate" and failed to meet Jack's needs. The coroner said that he could not be blamed for his gambling problem. That brought home to many of us something that we already knew: that many of these online products have been designed to be addictive and are having a devastating impact on people. The suicide headline is just the tip of the problem, but it is the most dreadful part of it.

I have learned an awful lot from putting the Bill forward. I am grateful for the help I have had from other Members of the House, but particularly from the Minister, who very kindly met with me. He has been very honest about the problems he sees with it, and I understand that. If we had had time, I would have brought amendments to address some of those points. I intend to put another Private Member's Bill in the ballot for the next round, which will be a much broader Bill that will pick up many of the concerns of coroners, some lawyers, and indeed the Government.

[The Lord Bishop of St Albans]

Fundamentally however, my motivations behind the Bill have not altered. Suicide is a terrible thing and the best way to tackle it is to identify the underlying causes and put in strategies to address them. So I am grateful for all those who have helped it get this far and I will be returning to this later on. However, with those final words I draw to a close.

Lord Ponsonby of Shulbrede (Lab): I too have no wish to delay the House, but I will say a couple of words to congratulate the right reverend Prelate on the progress he has made with the Bill and on his expressed wish to take the matter further with a further Private Member's Bill. My experience of Private Members' Bills is certainly that it is an attritional process that he is engaged in, and I am glad to hear that he is working constructively with the Minister. As we heard in the earlier debate, the Minister is very keen on data and he will no doubt be focusing his question—if I can put it like that—on how the coroners' service can address the concerns which the right reverend Prelate has quite rightly raised.

The right reverend Prelate told a very moving story when he introduced the debate today and gave some statistics on the reality of addictive online gambling products. I have to say that anyone who has had anything to do with young men will know that such products are absolutely ubiquitously used, and there are all sorts of ways of enticing people into gambling further. So I wish the right reverend Prelate—and the Minister—well with future Private Members' Bills.

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Wolfson of Tredegar) (Con): My Lords, I too have no wish to delay the House but, like the noble Lord, Lord Ponsonby of Shulbrede, I also thank the right reverend Prelate the Bishop of St Albans for highlighting this important issue and enabling us to have the time in the House today. I thank him for giving me his time earlier in the week. With all respect to other meetings which I had during the week, that was one which I found really interesting and from which I learned a lot.

I will say word about the legislation and, as the right reverend Prelate indicated, the Government's approach. The legislation would require a coroner or inquest jury to record gambling addiction and any other relevant factors in a conclusion of death by suicide. Of course, the Government endorse the sentiment behind the Bill and recognise the importance of gathering quality information on the circumstances leading to self-harm and suicide, including the role that gambling can play. However, the Government do not agree that these proposals are the appropriate way to tackle the issue. As my noble friend Lady Scott set out at Second Reading, they would result in a significant expansion of the coroner's jurisdiction to identify the perceived reason—the "why"—behind an individual's suicide death, and we do not consider this to be appropriate for the fact-finding summary process of a coroner's investigation, which is really focused on the hard factual questions of who, where, how and when. We also have a concern that information gathered in this way would likely be both incomplete and inconsistently obtained and therefore would not provide a sound basis for delivering the interventions needed to secure improved outcomes in this important area.

2 pm

Coroners have a statutory duty to issue a prevention of future deaths report to any person or organisation where they believe that action could be taken to prevent future deaths. In most cases, the report and responses are published on the Chief Coroner's website.

So far as the tragic case of Jack Ritchie, who the right reverend Prelate mentioned, is concerned, the Government have read and considered the senior coroner's report and will respond formally to his concerns in the coming months. We are committed to learning lessons from those findings to prevent others taking their lives in similar circumstances.

As I am sure the right reverend Prelate knows, the University of Sheffield has been commissioned to estimate the number of people requiring treatment for harmful gambling at both national and local levels. This research is expected to conclude next year. In addition, the 2022 Adult Psychiatric Morbidity Survey will include questions on gambling; again, this is designed to improve the evidence base.

Following last September's first-ever review of the impact of gambling-related harms in England, the Office for Health Improvement and Disparities has committed to work with other government departments and stakeholders to improve data collection and to deliver effective responses. In March 2021, we published our fifth progress report on the national suicide prevention strategy, which included a refreshed suicide prevention work plan. We recognise the need to address gambling-related harms as a public health issue and are committed to expanding mental health services so that 2 million more people can access support by 2023-24.

Over and above that, the NHS long-term plan commits to expanding the geographical coverage of NHS services for people with serious gambling problems. The National Problem Gambling Clinic and four further clinics are already in operation, with 10 more expected by 2023-24, and £57 million is being rolled out to support local suicide prevention plans and to develop suicide bereavement services in every part of the country. More imminently, in the coming weeks we will publish a White Paper on the review of the Gambling Act 2005, which was launched last year.

As we have heard, this issue has been before the House previously, and I look forward to returning to it again when we debate the right reverend Prelate's amendment to the Judicial Review and Courts Bill—another occasion on which this important topic will be aired. I heard the word "attritional" very carefully put in by the noble Lord, Lord Ponsonby. I also heard that the right reverend Prelate is going to try his luck in a form of gambling, which is, of course, entirely proper, which is the Private Members' ballot, and we look forward to the result in due course.

In all seriousness, this is a topic which requires sustained engagement. The right reverend Prelate and I had a very good meeting earlier this week, and I look

forward to further such meetings, and the conversation in that regard will continue. However, for the reasons I have set out, the Government are unable to support the Bill at this time.

2.03 pm

Bill passed and sent to the Commons.

House adjourned at 2.03 pm.