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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
UUP	Ulster Unionist Party

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House of Lords

Thursday 24 April 2025

11 am

Prayers—read by the Lord Bishop of Oxford.

Government Supply Chains: Cotton

Question

11.07 am

Asked by ***Lord Rooker***

To ask His Majesty's Government, following the publication of *A Guide for commercial and procurement professionals* regarding tackling modern slavery by the Government Commercial Function in March 2024, whether they have identified any products in government supply chains containing cotton grown in Xinjiang, China.

Baroness in Waiting/Government Whip (Baroness Anderson of Stoke-on-Trent) (Lab): My Lords, before I answer the substantive Question, I want to be clear that abhorrent human rights abuses—including modern slavery and human trafficking—have no place in public supply chains. They affect not only our values and moral standing as a nation but the integrity of our procurement routes.

The Cabinet Office does not centrally hold any specific data on the country of origin of cotton-containing products within government supply chains. As has been referenced, there is extensive guidance for commercial teams to assess the risks and impacts associated with modern slavery.

The Government are committed to continuing strong action in this area. The updated national procurement policy statement was published in February 2025. The NPPS sets out the Government's strategic public procurement priorities. As part of these priorities, contracting authorities should have regard to ensuring their suppliers are actively working to tackle modern slavery and human rights violations.

Lord Rooker (Lab): I thank my noble friend the Minister for that Answer, but is she aware that 22% of the world's raw cotton is grown in the Xinjiang region of China? China is a world leader in hiding supply chains to obscure the supply. In some countries, half of their cotton products are actually made from cotton grown in Xinjiang. Why have both Governments stuck to paper-based tracing systems and the word of traders when it is possible to use forensic element analysis of products to find out which region they were grown in? We have been taken for a ride by China in this respect, because we are not using modern technology. If it is good enough not to buy solar panels from Xinjiang, it is damn well good enough not to wear cotton products made from cotton grown by slave labour.

Baroness Anderson of Stoke-on-Trent (Lab): My Lords, I thank my noble friend for the Question, for the work he has done and for raising this on several occasions. Of course we need to use new technology, but I want to be clear that the Government spend £385 billion across the public service every year. My noble friend is absolutely right about being able to assess where all cotton comes from; we will be able to determine where it came from, but not who cut it, so it will get us only so far. We need to make sure that the right training is in place for our buyers and our suppliers to make sure that we have a supply chain that is free from modern-day slavery.

Lord Alton of Liverpool (CB): My Lords, I thank the Minister for the Government's engagement on the all-party amendment dealing with solar panels being imported from Xinjiang. I welcome the amendment that was tabled overnight in lieu and the engagement—especially of her noble friend, the noble Lord, Lord Hunt of Kings Heath—in making that possible.

Is the Minister aware that 800 pages of submissions have already been received by the Joint Committee on Human Rights in its inquiry into modern-day slavery in supply chains? Will she agree to engage with the committee as it comes forward with recommendations? Does she agree that there should be an explicit provision in UK law prohibiting the import of slave-made goods, using the kind of technology that the noble Lord, Lord Rooker, referred to, because there is not such a prohibition in our law now?

Baroness Anderson of Stoke-on-Trent (Lab): I want to put on record my personal thanks for the work that has been done by the noble Lord, Lord Alton. Before I joined the Government, I ran the Index on Censorship and worked very closely with Rahima Mahmut on many of these issues. I am aware of all the work the noble Lord has done. Unsurprisingly, I am also very grateful for the timing of the amendment on solar panels, which was tabled overnight. I thank the noble Lord for all the work he did to make this Question slightly more straightforward for me.

On the current ongoing inquiry, we look forward to engaging directly with the noble Lord and I hope to be able to discuss those matters with him personally. As he will be aware, we have taken huge strides forward in recent years with the Modern Slavery Act and Procurement Act. I look forward to working with him as we take even more strides forward.

Baroness Nicholson of Winterbourne (Con): My Lords, can the Minister assure us that, with the current and growing disruption of supply chains due to tariffs, she and her colleagues will pay extra attention to the output of bad supply chains of modern slavery on our high streets—simple things such nail bars, as well as hairdressing and such things? An enormous amount of modern-day slavery is already visible. Could the Government please give extra attention to that, with the disruption of supply chains and knowing that it may be more difficult to track these things?

Baroness Anderson of Stoke-on-Trent (Lab): The noble Baroness makes an excellent point on quite how volatile current environments are and on ensuring that we do not forget our core value set, within which we operate. I am very pleased that police operations have increased since the Modern Slavery Act was introduced,

[Baroness Anderson of Stoke-on-Trent]
from only 200 police operations in December 2016 to 2,750 in February this year. We are making huge strides, and I assure the noble Baroness that we will not move away from our values to ensure that modern-day slavery is not present on the streets of the UK, as well as further afield.

Lord Wallace of Saltaire (LD): My Lords, in preparing for this Question I checked with the Global Slavery Index, and I was very struck that China is not in the top 10 of global slavery problems; India and a number of Middle Eastern states, as well as North Korea and Eritrea, come higher. But clearly, in terms of global supply chains, China is high, and the clothing industry in other countries, as well as in China, is extremely important. How are we working with other democratic countries to try to intervene at an early stage in these supply chains to stop things filtering into multinational markets?

Baroness Anderson of Stoke-on-Trent (Lab): The noble Lord makes an excellent point on how we do it. It is about making sure that modern-day slavery is part of every conversation that is had when we discuss trade deals. I checked to make sure where my clothes came from before I came here today to make sure I was wearing clothes that came from areas that are not subject to modern slavery. Although I was genuinely worried about China, there were other countries on the safety list that I also needed to check. For the record, my clothes are from Turkey and Indonesia—I am fine.

Baroness Finn (Con): My Lords, this side of the House supported the excellent amendment from the noble Lord, Lord Alton of Liverpool, to the Great British Energy Bill. We welcomed the Government's decision to listen to the noble Lord and to commit to amending the Bill. Does the Minister agree that this sets a direction for Ministers across government to follow?

Baroness Anderson of Stoke-on-Trent (Lab): I absolutely do.

Baroness Boycott (CB): My Lords, I absolutely welcome all the Government's efforts on modern slavery but can I turn their attention to the contents of the clothes that come from the same place? On 1 January next year, France is instituting a law which will stop all garments for children to wear being full of PFAS and other forever chemicals. Since exiting the EU, we have not banned six further chemicals. I know that the Government are looking to make school uniforms cheaper with the Children's Wellbeing and Schools Bill; I beg them to have a look at the contents of the fabric. That is precisely what the EU, and France specifically, are banning young children wearing because it gets into their bodies. It is now extremely well studied and researched.

Baroness Anderson of Stoke-on-Trent (Lab): I thank the noble Baroness. She will be unsurprised that I am not briefed on that, but I will speak to colleagues about the points that she raised and make sure that they engage directly with her.

Lord Sahota (Lab): My Lords—

Lord Watson of Invergowrie (Lab): My Lords—

Captain of the Honourable Corps of Gentlemen-at-Arms and Chief Whip (Lord Kennedy of Southwark) (Lab Co-op): It is the turn of my noble friend Lord Sahota.

Lord Sahota (Lab): My Lords, in 2023 I was a member of the Horticultural Sector Committee, which looked into farming issues, including the plight of seasonal workers. Some witnesses claimed that seasonal workers on farms were being exploited by their employers, such as with non-payment of proper wages, poor-quality accommodation, no proper healthcare and other labour abuses, which those witnesses claimed were tantamount to modern slavery, but they were too afraid to come forward and report the matter to the authorities in case they were deported to their country of origin. Are the Government aware of this problem of modern-day slavery in the farming sector?

Baroness Anderson of Stoke-on-Trent (Lab): I thank my noble friend for his question. I know he is very aware that I am a former trade union officer and therefore would definitely seek to ensure that UK employment law is enforced for all people working in the United Kingdom. That is also why I am grateful that the Employment Rights Bill is currently before your Lordships' House, as it will tighten up any areas where there are issues.

Lord Randall of Uxbridge (Con): My Lords, I declare my interest as the chairman of the Human Trafficking Foundation, which deals with modern slavery. I think the Minister will have heard a real appetite in this House with regard to this matter. It is 10 years since we passed the Modern Slavery Act, and I urge her to think about fresh legislation to deal with supply chains. It is not just China, cotton and solar panels but all over. I think there is a real appetite in this Chamber and the other to bring forward legislation.

Baroness Anderson of Stoke-on-Trent (Lab): The noble Lord tempts me but I am definitely not brave enough, with my Chief Whip sitting on the Front Bench, to suggest giving over government time for anything, never mind extra legislation. However, we need to be aware that the Procurement Act came into force only in February this year, so the Government will continue to explore looking to see how it works and what happens, and will then review what we additionally need.

Housing: New Homes Target

Question

11.17 am

Asked by ***Lord Young of Cookham***

To ask His Majesty's Government whether they will meet their target of building 1.5 million new homes by 2029.

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government (Baroness Taylor of Stevenage) (Lab): My Lords, the Government remain committed to our ambitious target of delivering 1.5 million homes over this Parliament. We have already taken decisive action to increase the supply of new homes, including bold reforms to the planning system and the launch of the new homes accelerator to tackle delayed housing schemes. In our Spring Statement, we announced a £2 billion down payment to deliver 18,000 new social and affordable homes and we are investing £600 million in construction job training that will help deliver those further homes.

Lord Young of Cookham (Con): My Lords, I welcome the measures the Government have just mentioned to increase supply, but is not the real threat now to the Government's ambitious target the lack of effective demand? Housebuilders will not build unless there is a buyer, and with the recent increase in stamp duty and the reduced growth forecasts, there is now uncertainty in the market. What is the role of the Government's promised new mortgage guarantee scheme, due in a few weeks' time, in rebuilding that confidence, and, crucially, will it help first-time buyers with a deposit for their first home?

Baroness Taylor of Stevenage (Lab): I agree with the noble Lord that we have to pay attention to the demand side as well; today's under-30s are less than half as likely to be home owners as those of the same age in 1990, so there are real affordability challenges which we are determined to tackle. In addition to increasing the supply of homes, we have committed to launching a new, permanent comprehensive mortgage guarantee scheme, meaning that first-time buyers will be able to take their crucial first step on the property ladder with only a small deposit. New details of that will be announced in due course. Alongside that, the Economic Secretary to the Treasury has written to the Financial Conduct Authority setting out the Government's support for its proposal to review mortgage rules. The Government have made it clear that they want the FCA's review to be as ambitious and as rapid as possible.

The Lord Speaker (Lord McFall of Alcluith): My Lords, I invite the noble Lord, Lord Campbell-Savours, to participate remotely.

Lord Campbell-Savours (Lab) [V]: My Lords, in Nijmegen in Holland and Hammarby in Sweden, they built housing for sale in special zones on agricultural-priced land, thereby reducing housing costs—an issue I have previously raised in housing debates. Now, with a Labour Government, why cannot we similarly designate land and, to block quick resale profit-taking, introduce measures such as new forms of title, disincentives in taxation and Section 52-type planning occupancy restrictions? Can Ministers at least give new ideas a thought? Solving the housing crisis requires original thinking.

Baroness Taylor of Stevenage (Lab): I thank my noble friend for his question, and he is quite right to say that we must always be open to listen to new and original ideas. We have indeed completely revised the National Planning Policy Framework to kick-start this pro-growth planning system, changing our strategic approach to green belt release and introducing "golden rules" to ensure that releases deliver in the public interest. The Planning and Infrastructure Bill, which is being debated in the Commons and will come to this House in due course, will play a key role in unlocking that growth. We are happy to listen to all ideas as we go through that Bill's process.

Lord Tyrie (Non-Afl): The Government are quite right to concentrate on supply. It has been one of the greatest failures of public policy in the past 25 years that we have not built enough homes. Do the Government really believe, however, that the measures that they have announced are going to go anywhere near to meeting that target and are they now working out further contingency planning to get the houses built while they have this unique opportunity, with a huge majority in the Commons, to push through measures that would otherwise be crippled by nimbyism?

Baroness Taylor of Stevenage (Lab): My Lords, I hope that I have partly covered that in my Answer to the Question from the noble Lord, Lord Young. We are taking decisive steps around the planning system, developing construction skills, the new homes accelerator and, of course, building new towns—the New Towns Taskforce has set about its work effectively and rapidly. We hope that that will start to deliver the 1.5 million homes that we need. We have a sophisticated new digital tool to map what is going on and to detect where there are still issues. We hope that that will help us to deliver the target.

Lord Taylor of Goss Moor (LD): My Lords, I draw attention to my declarations in the register of interests. I think that most of us here have some doubt that the Government will meet their target, although their target is important. The reason for that is that they are having to deal with a legacy of underprovision under successive Governments of land for development. Post-war, there was success in delivering homes because the emphasis was on 15 to 20-year visions of place rather than five-year allocations of land. Will the Government consider returning to the principle that where the land has been made available for long-term place-making it should be open for development, rather than sequentially rationing the land year by year?

Baroness Taylor of Stevenage (Lab): The noble Lord is quite right to say that the post-war building boom, of which my town was very much a part, was critical to delivering the housing that we needed throughout the 1960s and 1970s, and then things slowed down. We have to kick-start that again. The New Towns Taskforce is working on that, and that is part of the answer, but so is our long-term housing strategy, which I have talked about before in this Chamber. It needs to cover all aspects of housing, and we hope that that, alongside the planning changes that we have made, will create a long-term vision for housing, as will the creation of the strategic element to planning which is built into the Planning and Infrastructure Bill.

Baroness Scott of Bybrook (Con): My Lords, but does the Minister agree with the OBR's experts that the Government are set to miss their 1.5 million homes target?

Baroness Taylor of Stevenage (Lab): I thank the noble Baroness. The OBR's economic and fiscal outlook forecast net additions to the UK housing stock to be 1.3 million, but we have to take alongside that the work that we have done since then on skills, the new homes accelerator and government funding for social and affordable housing. The trajectory of all that is very much in the right direction. We know there is more work to do; we are determined to do it; and we are very happy to stick with our ambitious target.

Lord Best (CB): My Lords, I am sure that the Minister would agree that we need to end our dependency on the handful of volume housebuilders, who are never going to produce the quality, let alone the quantity, of homes that we need. Will the Government publish their plans for the new development corporations, not just for new towns but for all major developments, whereby the development corporation acquires the land, has a master plan, parcels it out to SMEs, housing associations and others, and takes back control of place-making?

Baroness Taylor of Stevenage (Lab): I know that the noble Lord is as passionate about development corporations as I am, and I look forward to seeing the outcome of the new towns programme. We have already had an interim report from the task force, and in February it published its update on progress in developing recommendations for a new generation of new towns, outlining the programme's unique benefits, vision and aims, and publishing its emerging principles for what makes a great new town. In the summer, we expect a further, more detailed report from the task force. I look forward to seeing that, because I agree with the noble Lord that in master planning, making sure that infrastructure is in place and developing the homes that we need alongside the growth of the country, there could not be a more important challenge that we face.

Lord Browne of Ladyton (Lab): My Lords—

Baroness Warwick of Undercliffe (Lab): My Lords—

Baroness Eaton (Con): My Lords—

Captain of the Honourable Corps of Gentlemen-at-Arms and Chief Whip (Lord Kennedy of Southwark) (Lab Co-op): We will hear from my noble friend Lord Browne next, please.

Lord Browne of Ladyton (Lab): My Lords, is my noble friend on behalf of the Government able confirm that projects such as east Biggleswade—highlighted within days of the general election by the Deputy Prime Minister as a priority and capable of delivering in the order of 10,000 homes—are being prioritised, and are tools such as local development orders-plus being employed to do this?

Baroness Taylor of Stevenage (Lab): I thank my noble friend. Homes England is working to unlock and accelerate the delivery of around 1,500 homes at Biggleswade Garden Community. Those garden communities are provided with capacity funding, and that has been allocated to the local authority to further progress the opportunities that exist on that site. It is important that funding from the Housing Infrastructure Fund helps unlock the delivery of garden communities such as the one at Biggleswade. We really celebrate those kinds of development, and we are very supportive of such innovative approaches to unlock housing delivery across the country.

Transport Decarbonisation Plan

Question

11.28 am

Asked by ***Baroness Pidgeon***

To ask His Majesty's Government whether they plan to revise the transport decarbonisation plan.

The Minister of State, Department for Energy Security and Net Zero (Lord Hunt of Kings Heath) (Lab): My Lords, the Government are committed to decarbonising transport in support of our national mission to kick-start economic growth and make Britain a clean energy superpower. We will encourage the rollout of electric vehicles and work to reduce emissions from shipping and aviation. The Government will produce a plan later in the year for reducing emissions from all sectors, including transport, in line with our legislated carbon budgets.

Baroness Pidgeon (LD): I thank the Minister for his Answer. Freight is a key area. Will the Government encourage low-carbon investment and give business certainty by urgently bringing forward a clear regulatory road map to decarbonise heavy goods vehicles?

Lord Hunt of Kings Heath (Lab): My Lords, we are looking at the regulatory system around heavy goods vehicles; the noble Baroness will know that HGV decarbonisation remains a challenge, with issues in relation to higher upfront costs and limited charging and refuelling infrastructure. We have a number of initiatives to tackle this, and some improvements are being made. I also very much take her point about the incentivisation of a shift away from HGVs. She will be aware that the Department for Transport operates two freight revenue grant schemes to encourage modal shift from road to rail and water.

Baroness Winterton of Doncaster (Lab): My Lords, I hope that my noble friend the Minister will agree that green hydrogen power has an important part to play in transport decarbonisation. Can he set out, perhaps by writing to me, what support his department and the Department for Transport can give to innovative companies such as Clean Power Hydrogen in Doncaster in developing transport innovation to assist in achieving net zero?

Lord Hunt of Kings Heath (Lab): My Lords, my noble friend is assiduous in her promotion of Doncaster as a place where much innovation takes place in the decarbonisation area. I am very happy to pass that on to my noble friend Lord Hendy. I should say that we think that hydrogen does have a potential role to play in decarbonising heavier applications, such as aviation, shipping and some buses and heavy goods vehicles. I take my noble friend's point and am very happy to arrange the opportunity for this to be discussed further in government.

Lord Grayling (Con): My Lords, the key next step in decarbonising the aviation sector will be the broader development of sustainable aviation fuel. To ensure that we have a SAF industry in this country, the Government are rightly building on the work done by the last Government in taking forward plans for a revenue support mechanism. That will, of course, require legislation, and a SAF Bill was in the King's Speech. Can the Minister give us an idea of when that Bill will come before Parliament?

Lord Hunt of Kings Heath (Lab): My Lords, no, I cannot give a specific answer, but the noble Lord makes a very important point. He will know that international aviation comes within the calculations in relation to carbon budget 6, so we need to take decisive action in this area. We have the SAF mandate, which he has referred to. For 2025, the overall trajectory is set at 2% of total fossil fuel jet supplied; this will increase annually to 10% in 2030 and 22% in 2040. We are building on what has gone before and taking it very seriously.

Lord Teverson (LD): My Lords, can the Minister tell us what the Government are doing to invest further in the national cycle network? Cycling was heavily promoted during the Covid period but seems to have gone backwards since then. It is an important part of decarbonisation. How can we move it forward?

Lord Hunt of Kings Heath (Lab): My Lords, it is such a pleasant surprise to hear some Member of your Lordships' House speak positively about cycling, in place of the usual diatribe that we hear from noble Lords on that subject. I am a little biased in this area, as noble Lords will understand. I know that the Government are talking to UK cycling bodies, and we have ambitious plans on active travel. On 12 February, we announced details of almost £300 million of funding over 2024-25 and 2025-26 for local authorities to provide high-quality and easy, accessible active travel schemes in England, but I very much take and support the point that he raises.

Lord Moylan (Con): My Lords, what conversations has the Minister had with the management of Nissan UK, which has said this week that government energy policies are making motor manufacturing unsustainable and that the most efficient Nissan factory in the world is now under threat of closure?

Lord Hunt of Kings Heath (Lab): My Lords, I have not personally had a conversation with that company, but clearly the Government collectively are in earnest discussions with important motor manufacturers. On the question of energy prices, I say to the noble Lord that I very much regret his party's retreat from net zero. The last thing that we need to do is fixate on fossil fuel. The international market in fossil fuel prices is vulnerable after the Russian invasion of Ukraine, which has caused the problem of high prices. We need to move as quickly as possible to clean power, because that is the way for stable pricing and the assurance that companies need.

Lord Berkeley (Lab): My Lords, one of the ways of reducing the emissions from heavy goods vehicles is to use fewer of them and send the goods by rail. What is my noble friend's Government doing about electrifying some of the rail network, which would enable much more freight to go by electrically hauled locomotives as rail freight and reduce the number of heavy goods vehicles still using diesel?

Lord Hunt of Kings Heath (Lab): My Lords, my noble friend makes an important point. As my noble friend Lord Hendy has referred to the House over the last few months, updated plans are being developed by Network Rail for where and when electrification is required to deliver a fully decarbonised railway system over the next 25 years. I should also say that the Government are supporting the development and deployment of battery technology through innovative trials, because this has application in relation to railways as well.

The Earl of Erroll (CB): My Lords—

Baroness McIntosh of Pickering (Con): My Lords—

Viscount Stansgate (Lab): My Lords—

Captain of the Honourable Corps of Gentlemen-at-Arms and Chief Whip (Lord Kennedy of Southwark) (Lab Co-op): We will hear from the Cross Benches.

The Earl of Erroll (CB): My Lords, I have been told the Department for Transport will not classify hydrogen-powered internal combustion engines, which are the only way of dealing with the heavy transport—large lorries, earth-moving equipment and stuff like that—as being net zero. Europe and America apparently take the opposite approach, as you can easily filter out the NOx, which is the problem. Should not the Department for Transport look at this again, so that we can join the future modern world in terms of heavy earth-moving equipment?

Lord Hunt of Kings Heath (Lab): My Lords, I am very happy to refer the noble Earl's comments to the department. I repeat that, while in the main battery electric remains the dominant zero-emission technology for cars and vans, we think that hydrogen has a role in relation to heavy goods vehicles. I am certainly happy to refer his point to the department.

Baroness McIntosh of Pickering (Con): My Lords, in his original Answer, the noble Lord referred to rolling out electric vehicles. Will he look at the situation in rural areas, where there is a dearth of electric charging points, with a view to mandating them going

[Baroness McIntosh of Pickering]
forward to ensure that there is a bigger take-up of EV vehicles with access to these charging points in rural areas?

Lord Hunt of Kings Heath (Lab): My Lords, in relation to charge points, the reckoning at 1 April 2025 is that there are over 76,500 public charge points in the UK. There has been considerable progress in the last few months and years. The recent National Audit Office report on the state of the charge point rollout found that we are on track to deliver the 300,000 charge points that we anticipate we will need by 2030. In relation to rurality, there was strong growth in rural areas in 2024, where charge point numbers increased by 45%. I know that the noble Baroness thinks that we need to go further, and I take the point. We are making considerable progress now.

Baroness Walmsley (LD): My Lords, does the Minister agree that not only do we need as much clean public transport as possible—for example, buses—but that they need to go to the right places at the right time and with the right frequency? I was recently in a bus station in Perth, where I noted that there was an electric bus going every 15 minutes from there to Glasgow and back, 24 hours a day. In relation to the new towns, which were the subject of the previous Question, is it not just as important that the residents of those new towns have access to clean public transport as to places of employment?

Lord Hunt of Kings Heath (Lab): My Lords, absolutely, the noble Baroness makes an important point. In 2024, more than 50% of new buses registered were zero-emission. Progress is being made. She will know that the Government, in the bus legislation that is going through, are very focused on improving bus services generally, but embracing low-carbon buses is important in that.

Ancient Trees: Protections

Question

11.39 am

Asked by ***Baroness Tyler of Enfield***

To ask His Majesty's Government, following the recent felling of an oak tree in Enfield, what assessment they have made of the adequacy of protections in place to prevent the felling of ancient trees of national significance.

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Baroness Hayman of Ullock) (Lab): My Lords, ancient and veteran trees are recognised as irreplaceable habitats and protected in national planning policies. Local authorities may place tree preservation orders—TPOs—that prevent trees from being felled or significantly modified. We understand that there was no TPO on the Enfield oak tree prior to its felling. One is now in place on what remains of the tree. We are considering the recommendations of a recent report that focused on improving the protection and stewardship of important trees.

Baroness Tyler of Enfield (LD): My Lords, how can a much-loved 500 year-old oak tree at Whitewebbs Park in Enfield, which I know well, be felled at one stroke—as the *Times* newspaper put it—leading to a public outcry, when it comes less than two years after the felling of the Sycamore Gap tree? Does this not show that current legal protections, even for nationally significant trees, are totally inadequate? The Woodland Trust has described them as a "gaping void". What specific steps are the Government taking to ensure that this outrage will never happen again? Does the Minister agree with me that a national list of heritage trees that would have intrinsic protection, akin to ancient monuments and listed buildings, would be a very good thing to introduce?

Baroness Hayman of Ullock (Lab): Clearly, many people were shocked by the felling of this tree, coming on the back of what happened to the tree at Sycamore Gap. To someone who, like the noble Lord opposite, lives in Cumbria, it was really horrifying. It has opened up a nerve in the country about how important it is that our ancient trees are properly protected. At the moment, the Government are looking at the recommendations of a report from the Tree Council and Forest Research regarding measures that are needed to improve protections for ancient, veteran and culturally important trees. We are not in a position to outline what we are actually going to do, because we are in the process of going through those recommendations, but we are aware that there are great concerns.

Lord Blencathra (Con): My Lords, this was an unfortunate incident, but it seems there was no malintent: no one cut down a protected tree to expand a car park or a building. If there is a villain, I suspect it is the usual overreaction to health and safety concerns: someone reported that the tree was a risk and someone in the pub chain decided that they had better deal with it; then the contractor cut off excessive branches, leaving this bare stump. It is a catalogue of genuine mistakes and I note the profuse apology of the chief executive of the pub chain.

However, if the tree was on the Woodland Trust's ancient tree inventory as a nationally significant pedunculate oak, why did Enfield Council not have a tree preservation order on it beforehand and why were the pub owners not informed of its significance? I was going to ask the noble Baroness what steps the Government will now take to strengthen the enforcement of existing provisions for ancient trees of national significance. I and the whole House look forward to getting the report from Defra as soon as possible on new steps to protect trees like this in the future.

Baroness Hayman of Ullock (Lab): The noble Lord makes some good points. The issue here is that Toby Carvery said that the tree needed to be felled because it was already dead and posed health and safety concerns. The matter was then referred to the police by Enfield Council, which was clearly concerned by what had happened, and to the Forestry Commission. The Metropolitan Police closed its inquiry because it said it was a civil matter; because of that, the Forestry Commission is now carrying out the investigation into

exactly what happened and whether the tree was dead or not. It looks like a very heavily pollarded tree at the moment; the question of whether it is dead is for us to consider further.

Baroness McIntosh of Hudnall (Lab): My Lords, like the noble Baroness, Lady Tyler, I know this tree; it is quite near to where I live. As was pointed out by the noble Lord, Lord Blencathra, there appears to have been no criminality or even any serious criminal intent in this case, because there was a failure to understand the significance of this tree. So in what way can those significances be better publicised and made clear to people? Perhaps more importantly, given that trees are sometimes wrongly felled as part of an intention to clear a site—for a development, for example, when the sanctions are often regarded as a cost of doing business—are the sanctions against people who wilfully damage trees that are or should be protected strong enough to act as a deterrent?

Baroness Hayman of Ullock (Lab): My noble friend makes some extremely good points. The new National Planning Policy Framework recognises ancient and veteran trees as irreplaceable habitats and makes it clear that any planning decisions should not result in their deterioration or loss, so it is good that we now have that in the NPPF. As I mentioned earlier, we are considering the report by the Tree Council in order to look at how we can improve protections for such trees, and I am sure that sanctions will be part of what we are considering. Ancient trees—because you cannot just plant another tree and recreate that habitat—need special attention.

Baroness Walmsley (LD): My Lords, as the Minister has just said, ancient trees not only lock up massive amounts of carbon for decades or even centuries but provide an amazing, biodiverse habitat for wildlife. While we encourage planting new trees, it takes a long time for them to lock up anything like the same amount of carbon. So what are the Government doing to encourage landowners to identify massive ancient trees and perhaps apply for tree preservation orders or something of that nature?

Baroness Hayman of Ullock (Lab): Defra has just been mapping trees in this country, so that we have a better understanding of how many trees we have, where they are and what types of trees they are, so we are doing quite a lot of work to understand what trees we have. Also, as I am sure the noble Baroness and other noble Lords are aware, when applying for what was BPS and is now ELMS, the mapping of particularly important large trees on farmland is currently carried out. When we look at the Tree Council report, we need to consider how we can use that information to make sure that the most important trees are protected and that landowners are encouraged to do so.

Lord Kamall (Con): My Lords, I hope the noble Baroness takes this question in the spirit in which it is intended. Given that the tree has now been felled, what is the point of a tree preservation order on the stump? Is it to act as a disincentive to future fellings or to send a strong signal to make more people aware that they should be more careful when felling older trees?

Baroness Hayman of Ullock (Lab): That is a really good question. I do not know the reason why the council has put a TPO on it, but common sense suggests that the tree may not actually be dead. You could say that it has been extremely heavily pollarded, as opposed to chopped down at the base, as was the case with the Sycamore Gap tree. On that basis, it could potentially sprout again. It will not exactly recover quickly to its former glory, but that is potentially the reason that the TPO has been put on it.

Lord Cromwell (CB): My Lords, can the Minister tell the House whether TPOs are easy to find online through digital mapping? That would remove the excuse for cutting down a tree with a TPO; it would also give people in the local community the opportunity to identify trees that perhaps do not have TPOs but they feel should, as part of the local plan.

Baroness Hayman of Ullock (Lab): The noble Lord asks an interesting question, to which I do not actually know the answer. I shall look into it and get back to him.

Earl Russell (LD): My Lords, our ancient trees are an extremely important part of our national psyche and extremely important for our biodiversity. I welcome the Minister's comments that the Government are looking at what more they can do to protect our ancient trees, but can I press her further? When do the Government feel they might bring forward legislation in this area? Would the Planning and Infrastructure Bill be such an opportunity?

Baroness Hayman of Ullock (Lab): The noble Lord made a number of points there, on planning infrastructure, nature, biodiversity and a wider tree strategy. Defra and MHCLG have been talking extensively about environment and planning, and doing a lot of work on that ahead of any legislation in that area. Regarding nature and biodiversity, we are having a number of conversations in Defra on our priority legislation going forward. Clearly, these areas will be part of those discussions.

Birmingham: Waste Collection

Commons Urgent Question

The following Answer to an Urgent Question was given in the House of Commons on Tuesday 22 April.

"Before I start, may I recognise, on his passing, the significant contribution of Pope Francis? Also, as the Minister for Local Government in England, I wish everyone a happy St George's Day for tomorrow.

Members across the House will be aware of the continuing disruption caused by industrial action in Birmingham. The Government have repeatedly called for Unite to call off the strikes and accept the fair deal that is on the table. The commissioners and the council are undertaking the necessary reforms in the context of a challenging financial situation, with the legacy of

equal pay, when women workers were systematically paid less than their male counterparts in similar roles. Though the council must chart that course itself, our actions speak to our determination to ensure the welfare of the citizens of Birmingham.

We have been providing intensive support to the council in its efforts to address the backlog of waste that has been building up on the city's streets, and significant progress has been made in the last fortnight through a concerted effort and with the assistance of other councils, private operators and the endeavour of many hundreds of determined workers, who have worked extremely long hours. The result is that 26,000 tonnes of excess waste have been removed and levels are now approaching normal. More than 100 bin trucks are out every day and regular bin collections have resumed. The council continues to monitor the situation closely to ensure that waste does not build up again.

This is a Government who stand up for working people. The industrial action is in no one's interest because the deal on the table is a good deal. The council has worked hard to offer routes to maintain pay through transferring workers to comparable roles and, in some cases, to upskill those workers in scope. There may of course be details to iron out, but that is why talks are so important. As we have repeatedly made clear, Unite should suspend the strike, accept the deal and bring the dispute to an end. The Government will continue to be on the side of the people of Birmingham and to support the council in creating the sustainable, fair and reliable waste service that its residents deserve".

11.50 am

Lord Jamieson (Con): My Lords, I declare my interest as a Central Bedfordshire councillor. It is quite extraordinary that this issue that is blighting the lives of so many in Birmingham continues. Residents have been suffering with piles of rubbish and legions of rats. Birmingham's own risk assessment highlights the potential health risks. Yet still the Government and the local Labour council have failed to sort out the problem.

We must look not just at this but at the future and ask what is being done to prevent this recurring. With reorganisation under way and councils across England now beginning to merge, there is a very real risk that duplication of roles and inconsistencies of pay for similar work will result in tension, resentment and industrial unrest. That scenario could easily become another Birmingham.

What specific plans are the Government putting in place to ensure that these local government changes do not give rise to further damaging disputes? In light of this, will the Government now commit to retaining the strikes minimum service levels from the 2023 Act rather than enhancing union powers?

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government (Baroness Taylor of Stevenage) (Lab): My Lords, Members across the House will be aware of the continuing disruption caused by this industrial action in Birmingham. The people of Birmingham sit at the heart of our determination to see this strike resolved as quickly as possible. I thank Councillor Cotton for speaking with me last week and for providing me with an up-to-date briefing this morning. The work has already begun on clearing up the backlog of street waste, and the council confirmed yesterday that that backlog has now been cleared. It continues to monitor and keep on top of it, and all households are now getting at least one bin collection a week.

Birmingham faces a specific set of circumstances, and no evidence has been put forward that this issue will spread to other cities. According to the National Audit Office, Birmingham saw a 53% decrease in government-funded spending power between 2010 and 2020. We ought to see some sign of recognition of the party opposite's role in causing the problems that Birmingham has been facing.

The bureaucratic hurdles of the Trade Union Act do not and have not prevented strikes. Our Employment Rights Bill looks to Britain's future. It is a pro-worker, pro-business and pro-growth Bill and will create an industrial relations framework fit for a modern economy.

Lord Stoneham of Droxford (LD): My Lords, in my experience, it is not helpful to comment on the complexities of a dispute from a distance. However, I am sure everybody in this House supports the view that this dispute should be resolved soon in the interests of the residents of Birmingham and the reputation of Birmingham.

I go back to the previous question. Given the large reorganisation of local government that is in prospect, what are the Government doing to anticipate these sorts of disputes emerging as councils merge in the future reforms?

Baroness Taylor of Stevenage (Lab): As I said before, Birmingham faces a specific set of circumstances here. Unite is striking against Birmingham City Council's decision to reform the unfair staffing structures, and we have to think about the 7,000 women employees of Birmingham who were effectively underpaid. That is what the whole situation that Birmingham has faced has been designed to resolve. Many other councils across the country have already dealt with equal pay issues. They go back a long way in Birmingham and are now in the process of being resolved. I pay tribute to Birmingham City Council and the commissioners supporting it for getting on with delivering this pay structure review so that they can reform it for the future. All councils have had to face this challenge. Most have done so, and we will be keeping a careful eye as we go through the reorganisation programme to make sure it does not impact further on councils that are involved in that process.

Lord Spellar (Lab): My Lords, I commend the Minister and her colleagues on the work they have been undertaking to get this dispute resolved, which is causing huge distress to the citizens of Birmingham. Does she share my surprise at the posturing of the Opposition Benches when it was the failure of the previous Conservative-Liberal Democrat management in Birmingham to deal with the equal pay issue that led to case after case at a cost of considerable billions

to the citizens of Birmingham and left the current administration a toxic legacy which they are trying to resolve?

Baroness Taylor of Stevenage (Lab): My noble friend is, of course, quite right to say that the leadership of the council until 2012 left not only the toxic legacy of not sorting out the equal pay issue but £1 billion-worth of debt, which is part of the issue that Birmingham is now having to deal with alongside the cuts to funding it had before. We are under no illusion about the financial issues facing councils, and we are determined to make progress on the inheritance we have been left. As he said, we continue to support the leader and his team in Birmingham, both directly and through the commissioners, to move the council on from those historic issues. Indeed, we have provided an increase in core spending of up to 9.8% for Birmingham for 2025-26. As we go through the spending review, we continue to look at how we might redress the long-standing deficit in funding that councils such as Birmingham have faced.

Lord Hannan of Kingsclere (Con): My Lords, rats are spawned by DEI, are not they? They are the fell and monstrous product of equalities law. There was an utterly perverse ruling that said that although there was absolutely no sex discrimination, it was not allowable to pay people a bonus to do a job that people of either sex were otherwise willing to do. That is why Birmingham went bankrupt, hence the strikes and the rats. If we are serious about growth, do we not need to roll back this tendency for judges to legislate from the bench?

Baroness Taylor of Stevenage (Lab): That was more of a rant than a question, but I will answer it anyway. Workers have the right to make representations, and the council must take all its workforce into account, including the 7,000 women who historically were paid far less than their male counterparts for equivalent roles. Every council has had to do that, and it is right and proper that they do so. It has been an enormous exercise. In my own council it took nearly three years to work through the process, but I was happy to do it. It is absolutely right that people doing equal work deserve equal pay.

Lord Cryer (Lab): My Lords, the Minister touched repeatedly on the original cause of the dispute, which is equal pay. Did she say 7,000 women were assessed as being underpaid? On that basis, what is the cost of the compensation to those employees?

Baroness Taylor of Stevenage (Lab): The costs are included in the issues that Birmingham is facing overall. We are working with the council on options to address those costs. The commissioners in Birmingham have been working very hard to do that. The additional £131 million funding we put into Birmingham this year will help to address some of the deficit it has faced recently. In fact, we included in our funding for Birmingham a new one-off recovery grant of £39.3 million, which shows our commitment to correcting unfairness in the funding system. We also put in place an in-principle agreement to exceptional financial support totalling £1.24 billion across the country. We are helping Birmingham with its financial issues, but they are of long standing. The overall funding formula we have been looking at as we go into the spending review across the country does not deliver funding in a way that delivers the best funding settlement to where the most need is. That is something we will have to address going forward.

Lord Shipley (LD): My Lords, concern has been expressed about this situation arising again following local government reorganisation. When we discussed this matter in the Chamber previously, I suggested that one way of preventing it happening again was to revive the Audit Commission, which has not existed now for just over 10 years. I think it would help, and I am not sure whether Ministers have taken on board seriously the suggestion that an improved audit system is necessary in local government.

Baroness Taylor of Stevenage (Lab): The noble Lord will know, because I have stated this before in this Chamber, how much I agree with him about the problems that not having an effective audit system in place in local government has caused. We need to reinstate a sound audit that the public can rely on to know that their money is being spent locally in a way that is accountable and transparent; that is an important part of the process. At the moment we are at the White Paper stage of bringing forward the English devolution Bill, and when we get the Bill it will contain information about how the audit system is going to be progressed.

"For Women Scotland" Supreme Court Ruling

Statement

The following Statement was made in the House of Commons on Tuesday 22 April.

"With permission, I will now make a Statement to update the House on the Supreme Court judgment in the case of For Women Scotland Ltd v The Scottish Ministers.

This ruling brings welcome clarity and confidence for women and service providers. Single-sex spaces must be protected, and this is personal to me: before I was elected to this place, I ran a women's refuge in the north-east for women and children fleeing domestic violence. I know how important to survivors it is, and always was, to have single-sex spaces based on biology —a place of safety after trauma, time in a sanctuary that allowed them therapeutic support, healing from unimaginable male violence and fear. I remember how hard countless campaigners had to fight over many decades to get any single-sex provision at all, in order to create women's refuges and rape crisis centres. Later, I remember how hard it was to convince commissioners that young homeless women trying to heal from terrifying acts of cruelty should not be left in mixed-sex accommodation. I will continue to fight for that provision to ensure that women's safety, women's privacy and women's dignity are always protected.

This Government will continue as before, working to protect single-sex spaces based on biological sex—now with the added clarity of this ruling—and we will continue our wider work with commitment and compassion to protect all those who need it, right across society. This is a Government who will support the rights of women and trans people, now and always. This is a Government who will support the rights of all people with protected characteristics, now and always. This is a Government who will support the rights of our most vulnerable, now and always. On that, there is no change to announce: dignity and respect for all, now and always.

However, this is a judgment long in the making. It began in 2018 when the Scottish Parliament passed the Gender Representation on Public Boards (Scotland) Act. The definition of a woman in this Act was overturned by the Scottish courts. Scottish Ministers issued revised guidance on the definition of a woman which stated that a woman in that Act bears the same meaning as a woman in the Equality Act 2010—and included trans women with a gender recognition certificate. For Women Scotland challenged that guidance, saying that sex in the Equality Act means biological sex, so that a trans woman with a gender recognition certificate is a man for the purposes of the Act. The case was appealed to the Supreme Court, and last week, the court ruled that sex in the Equality Act means biological sex. This means that a person will be considered as their biological sex for the purposes of the Equality Act, regardless of whether or not they have a gender recognition certificate.

I know that the women who brought this challenge have not always been treated with the respect they deserve. This Government believe in freedom of speech and in the fundamental right to protest, but in no way does that extend to criminal damage. There can be no excuse for defaced statues of feminist icons, no excuse for threats, and no excuse for harassment. Such acts seek to drag down the debate, away from common sense and the sensible view—held by the majority of the British public—that women need single-sex spaces, that those spaces should be protected, and that we can protect those spaces while treating trans people with respect as well. As such, the certainty that this judgment brings is welcome. Now, it is time to move forward.

There is now a need to ensure that this ruling is clear across a range of settings, from healthcare and prisons to sport and single-sex support groups. The Equality and Human Rights Commission, as Britain's equality regulator, is working quickly to issue an updated statutory code of practice to reflect this judgment, and I look forward to reviewing that code of practice in due course.

Alongside these updates, our work to protect single-sex spaces across society continues in earnest, because for far too long, under the Conservative Government, single-sex spaces were anything but—and nowhere is that clearer than in our hospitals. Year after year, the Conservatives pledged to close mixed-sex wards; yet year after year, their use not only persisted but grew massively. Year after year, often in their most vulnerable moments, women were denied the privacy and dignity they deserved. Time after time, Conservative Ministers, including the now leader of the Opposition, came to this House and toured television studios telling the public that they were protecting single-sex spaces in our hospitals. The truth was very different, because as last year's data tells us, the use of mixed-sex wards rose by more than 2,200% in 10 years under the last Tory Government. There is no better example of rhetoric divorced from reality and of a party playing politics with the safety of women, and we will never let them forget it. By contrast, this Government will protect women's wards and NHS England will soon publish guidance on how trans patients should be accommodated in clinical settings. We will end the practice of mixed-sex wards once and for all.

It is not just in our NHS that we will act on behalf of women. In prisons, we will continue to protect women's safety with single-sex accommodation. In women's sport, I have always backed integrity and fairness. Biology matters for competitive sport, and sporting bodies have issued rules to reflect that. In our prisons, in our hospitals, in sport and in a whole host of other spaces, what was true before the ruling remains true after the ruling. This Government protect safe spaces for women under the Equality Act 2010.

For too many years, we have seen the heat dialled up in this debate by the Conservatives. There was no real action to protect women's spaces, while under their watch the use of mixed-sex wards increased, an epidemic of violence against women and girls spread across the country and women's health was neglected. This Labour Government will deliver for women through our plan for change, driving down waiting lists month after month, tackling misogyny throughout society, and once and for all delivering justice for survivors of violence against women and girls.

I know that many trans people will be worried in the wake of the Supreme Court ruling, so I want to provide reassurance here and now that trans people will continue to be protected. We will deliver a full trans-inclusive ban on conversion practices. We will work to equalise all existing strands of hate crime, and we will review adult gender identity services, so that all trans people get the high-quality care they deserve. The laws to protect trans people from discrimination and harassment will remain in place, and trans people will still be protected on the basis of gender reassignment—a protected characteristic written into Labour's Equality Act.

This Government will offer trans people the dignity that too often they were denied by the Conservatives. Too often, trans people were a convenient punchbag and the butt of jokes made in this place by the Conservatives, culminating rather shamefully in the previous Prime Minister standing at this Dispatch Box trying to score cheap laughs from his Back-Benchers at the expense of vulnerable people. By contrast, this Government are clear that trans people deserve safety, opportunity and respect.

This verdict is about clarity and coherence in the eyes of the law, but the Supreme Court judges delivered along with that verdict a vital reminder: this is not about the triumph of one group at the expense of another. It is not about winners or losers, and it is not about us or them. That is the message I want to

reinforce today in this House. Everyone in our society deserves dignity and respect. Those values are not and never will be a zero-sum battle. Dignity and respect for all—those are the values that lift us up and set us free. Those are the values that define and distinguish any modern and compassionate society. Those are the values that this Government will do everything to promote and protect, now and always. I commend this Statement to the House".

12.01 pm

Baroness Stedman-Scott (Con): My Lords, we on these Benches warmly welcome the Supreme Court's ruling and congratulate For Women Scotland and the many others who have campaigned tirelessly on this issue despite suffering abuse and threats at the hands of activists. I know that noble Lords across the House will agree that there is no place for threats and abuse in public discourse. I take the opportunity to thank the lesbian groups who came together as the Lesbian Interveners for the For Women Scotland case. These included the LGB Alliance, the Lesbian Project and Scottish Lesbians.

Many people, including many within the Conservative Party, have acted to protect the rights of women and girls, at great personal cost. In government we rejected Labour's calls to introduce self-identification and ordered police forces to stop recording offences by trans women in female crime statistics.

We welcome the clarity that the Supreme Court judgment has given. This ruling is an important step forward for women and girls. We on the Conservative Benches have always known what a woman is, yet we regret that something as simple as biological sex has become so politicised. The Supreme Court ruling is a powerful victory for the many determined women who stood up for what they believe in, and for those across the UK who recognise the importance of protecting women and girls' privacy and dignity.

However, we must acknowledge that this ruling follows years of struggle. It is only now that the Labour Party has listened. The judgment was a vital affirmation of the rights of women and girls to access single-sex spaces and have those rights protected. Biological sex matters in sports, in our prisons, in our hospitals and in our changing rooms. Unfortunately, women have had to struggle with the NHS, their employers and other organisations, and ultimately through the courts, to protect their privacy and dignity.

We hope that this ruling will safeguard the rights of women and girls and protect their dignity, ensuring fairness and preventing harm, but this ruling is just the beginning. We must now ensure that policy reflects this clarity, strengthening protections for single-sex spaces, safeguarding women's sports and ensuring that our institutions are not clouded by ideology.

We are grateful for the Supreme Court judgment, and we once again thank For Women Scotland for its work in securing this ruling. However, I look to the Minister to provide further explanation of the steps that the Government will take to uphold this ruling. Will she ensure that the Equality and Human Rights Commission is supported by the Government in its enforcement of the code of practice?

The Minister will not be surprised that I have a few questions for her. If she cannot answer them all—although she can have a go—then I ask her to write to us. Will the Government publish relationships, sex and health education guidance that would prevent schools teaching gender ideology as fact? How will they ensure that schools comply with the ruling? Similarly, can the Minister confirm how the Government will ensure that all public services are fully compliant with the ruling?

Will the Minister ensure that the police now update all their policies after this judgment, particularly regarding the accurate reporting of male crimes and statistics and the right of women to be dealt with by female police officers, particularly in the event of a strip search?

Digital verification services enabled by the data Bill run the risk of reintroducing gender self-ID if they do not contain a requirement for accurate sex reporting. Will the Minister ensure that that is acted upon? My last question, the Minister will be pleased to know, is: will she confirm that people will be cared for on the hospital wards that are appropriate to their biological sex?

I hope the Minister will carefully consider the implications of the judgment and that her Government will look to do the right thing in securing the rights and safety of women and girls.

Baroness Burt of Solihull (LD): My Lords, the Statement, which we have not had the privilege of listening to in this House today, said that the ruling was not a zero-sum game. That is a phrase I have been using for quite a long time in this context, and I totally agree, but the practical repercussions of the ruling have been left to others to sort out—for women, trans people, non-binary, intersex and anyone else who may not pass muster through no fault of their own.

We need guidelines, as the noble Baroness has just mentioned, for the management of single-sex spaces and for institutions such as hospitals, the police, operators of gyms and so on. Then there are everyone else's human rights, such as the right to privacy and to safety—if you are a trans woman being forced to use men's toilets, for example—and not to be subjected to degrading treatment. How will the Government organise these guidelines? Can the Minister say what the timescale is? In the meantime, what is the advice to those who are now not allowed to use single-sex facilities? Are they to lose their right to public life, including as advisers to this House?

The Minister of State, Department for Education (Baroness Smith of Malvern) (Lab): My Lords, this ruling brings welcome clarity and confidence for women and service providers. Throughout my life, not just as a Minister, I have campaigned and worked for women's rights and for the need for single-sex spaces, including, given my great age, when it was not the mainstream concern that it has become now. Like many of my sisters on these Benches, some of my earliest political campaigning was for the single-sex spaces necessary in refuges and rape crisis services to protect and support women.

[Baroness Smith of Malvern]

The Government will therefore continue as before, working to protect single-sex spaces based on biological sex, now with the added clarity of this ruling. We will continue our wider work with commitment and compassion to protect all those who need it, right across society.

This is a Government who will support the rights of women and trans people, now and always. We will support the rights of our most vulnerable, now and always, and on that there is no change.

However, this is an important judgment, long in the making. It began in 2018 when Scottish Ministers issued guidance on the definition of a "woman" in the eyes of the Gender Representation on Public Boards (Scotland) Act 2018. That guidance stated that a "woman" in that Act bears the same meaning as in the Equality Act 2010 and included trans women with a gender recognition certificate. For Women Scotland challenged that guidance, saying that "sex" in the Equality Act means biological sex, so that a trans woman with a gender recognition certificate is a man for the purposes of the Act. The case was appealed to the Supreme Court and last week the court ruled that sex in the Equality Act means biological sex. This means that a person will be considered as their biological sex for the purposes of the Equality Act, regardless of whether they have a gender recognition certificate.

As both noble Baronesses have identified, there is now a need to ensure that this ruling is clear across a range of settings, from healthcare and prisons to sport and single-sex support groups. The Equality and Human Rights Commission, as Britain's equality regulator, is working quickly to issue an updated statutory code of practice to reflect this judgment, and we look forward to reviewing that code of practice in due course. It will, of course, be laid in front of Parliament for approval.

On some of the other issues raised by the noble Baroness, Lady Stedman-Scott, on the *Relationships and Sex Education (RSE) and Health Education* and *Gender Questioning Children* guidance that I think she was referring to, that draft was produced just before last July's general election and before the response to the *Cass Review* recommendations. We are considering that carefully—including with stakeholders and in the light of the *Cass Review*—with the interests of children absolutely at the heart, and we will publish that guidance soon.

On the noble Baroness's points about the data Bill, I know that those issues have been discussed at length in this House and in the other place. The data Bill does not change the nature of sex or gender reporting in the way in which she implied.

On hospital wards, given that the last Government presided over a 2,000% increase in mixed-sex wards, the noble Baroness is right that there is a problem with the dignity available to patients in single-sex wards. Given the clarity in this guidance, NHS England is now reviewing the guidance and working quickly to make sure that that is communicated properly to the health service. This Government's investment in the NHS will help practically to ensure that all people can have the dignity and care that they need in the NHS.

Referring to the points raised by the noble Baroness, Lady Burt, I also know and have heard from trans people, their families and friends who are worried in the wake of the Supreme Court ruling, so I want to provide reassurance here and now that trans people will continue to be protected. As a Government, we will deliver a full trans-inclusive ban on conversion practices. We will work to equalise all existing strands of hate crime and review adult gender identity services, so that all trans people get the high-quality care they deserve. The laws to protect trans people from discrimination and harassment will remain in place, and trans people will still be protected on the basis of gender reassignment, which is a protected characteristic written into Labour's Equality Act.

The Supreme Court verdict is about clarity and coherence in the eyes of the law, but along with that verdict the judges delivered a vital reminder. This is not about the triumph of one group at the expense of another. It is not about winners or losers, and it is not about us or them. Everybody in our society deserves dignity and respect. Those are the values that define a modern and compassionate society and the values that this Government will uphold.

Captain of the Honourable Corps of Gentlemen-at-Arms and Chief Whip (Lord Kennedy of Southwark) (Lab Co-op): My Lords, we are now moving on to 20 minutes of Back-Bench questions on the Statement. I remind all noble Lords about language and that the House expects the usual courtesies to be respected. This is Back-Bench questions, not speeches. If our questions are short, succinct and to the point, I hope we will get in at least 16 contributions from Back-Bench Members. To assist noble Lords, the first question will be from the Conservative Benches, and I will then go to the Labour Benches, then to the Liberal Democrat Benches and then to the Cross Benches. At that point, I will see where we go next.

12.15 pm

Baroness Cash (Con): My Lords, I thank the Minister for her statement of acceptance of the Supreme Court's judgment and thank the Supreme Court for its courage. This issue has always been about the safety of women and girls in their single-sex spaces for which women, including the Minister, have fought long and hard for. Many of us have been involved in those campaigns over the years. Of course, compassion for all must be at the heart of it, but a significant level of violence has been displayed towards women and girls in the last few days, including violent statements sent to the noble Baroness, Lady Falkner of Margravine, in her capacity as chair of the EHRC. I invite the Minister now to join with me in condemning all gestures and statements of violence that we have seen against women and girls and to have the government support to stand against this.

Baroness Smith of Malvern (Lab): The violence and abuse received by those women who took forward this action and by others who have taken this position is wholly unacceptable, as is the vandalism of statues that we saw over the weekend. We have already condemned that in the strongest possible terms, and we support action being taken by the Metropolitan Police on that.

This is a debate that has not always been carried out in the spirit of respect, recognising the enormously sensitive and difficult issues, and I hope that from now on we will be able to do that.

Baroness Levitt (Lab): My Lords, once again I declare my interest as the parent of a trans child. As a matter of law, the Supreme Court's decision does not require the exclusion of trans people from all single-sex spaces; rather, it declares that, provided an organisation makes a proportionate decision, then that will not be unlawful. Does my noble friend the Minister agree that these are complicated issues, which involve balancing rights and risks? Does she also agree that what is needed now is calm consideration, on a case-by-case basis, so as to ensure that all our fellow citizens feel safe and are protected?

Baroness Smith of Malvern (Lab): It is clear in the Supreme Court's judgment that, for the purposes of the Equality Act, where single-sex spaces are being provided, they will be provided on the basis of biological sex. That does not, of course, prevent the provision of inclusive services where there is clarity that those services are being provided on that basis.

Baroness Ludford (LD): My Lords, I am glad that all the main party leaders have accepted the Supreme Court judgment, including my own leader on behalf of the Liberal Democrats. I think it would be better if all leaders could express a welcome for the judgment itself, not just for the clarity it brings. I have two questions. How will the Government ensure not only that those single-sex facilities provided are kept single sex but also that service providers do not sidestep the provision of single-sex facilities by defaulting all the time to unisex provision? Secondly, do the Government agree that lessons need to be learned across the political spectrum about the need to safeguard all protected characteristics? If that of women—the majority of the population—can have been eroded in this way, what about all the other protected characteristics, including gender reassignment and sexual orientation, of course? How will all those be safeguarded?

Baroness Smith of Malvern (Lab): On the noble Baroness's final point, as I outlined at the beginning, protecting the most vulnerable people and protecting people on the basis of their protected characteristics remain an important element of the Equality Act and an important element of this Government's programme and ambitions.

On how the clarity that this ruling brings will be communicated to and represented by providers, this is where the work of the Equality and Human Rights Commission—in particular, the updated statutory code of practice—will be enormously important. It will spell out the practical implications to ensure that the meaning and clarity of this judgment are delivered in practice, particularly, as the noble Baroness outlined, in relation to single-sex spaces and their protection. This does provide more clarity now on the provision of those single-sex spaces.

Baroness Bull (CB): My Lords, as we watch Governments around the world roll back on their commitment to the rights of people who choose to live life differently, and to do so freely, safely and with dignity, I very much welcome the comments the Minister has repeated about the rights of everyone in our society to have dignity and respect.

My question is a very specific one about provisions in hospitals. I hear what the Minister says, but there are surely some spaces where there will always be a joint provision, particularly intensive care units, where it does not make sense to provide specific spaces. Could the Minister clarify that there will be nuance in how the ruling is interpreted?

Baroness Smith of Malvern (Lab): The noble Baroness is right that there are technicalities and complications about the way healthcare is provided. There is, however, now clarity through this ruling about where the intention is that spaces should be single sex—as is the case with provisions in wards in hospitals. That should be clear.

The NHS England guidance, supported by colleagues in the Department of Health and Social Care, will want to look in detail at the very sensible point she made about the practicalities of how healthcare is provided. The important point is that people's dignity, at a time when they are probably feeling at their most vulnerable, needs to be protected. There is more clarity that has been provided post this ruling.

Baroness Jenkin of Kennington (Con): My Lords, in December Dr Eleanor Frances reached a significant settlement of over £116,000 with a no-confidentiality clause after constructive dismissal from the Civil Service based on her gender-critical beliefs. As a result, the Civil Service committed to revise its guidelines. In the light of the Supreme Court ruling, can the Minister update the House on how this work is going and how soon the new guidelines might be introduced?

Baroness Smith of Malvern (Lab): Gender-critical beliefs are of course protected under the provisions of the Equality Act. I do not know where that particular guidance or those changes have got to, but I will come back to the noble Baroness with progress on that.

Baroness Hayter of Kentish Town (Lab): My Lords, I thank the Minister for her Statement but advise her not to take any advice from the party opposite. When they were in government, as this House knows, I raised again and again the question of the GMC registering doctors by their preferred gender and not by sex. This makes it very difficult for a woman to give informed consent if she does not know whether the doctor is a woman or not. Similarly, where chaperones are requested by a woman patient, they can be offered someone who is not a biological woman when clearly they want a woman. The old Government did nothing about this, so could the new Government please talk to the NHS to make sure that the sex of the doctor or the chaperone is quite clear, particularly, I am afraid, for women patients?

Baroness Smith of Malvern (Lab): My noble friend is of course right. I think we should be judged on this on the basis of our action to protect women and girls, our action to protect the most vulnerable in our society

[Baroness Smith of Malvern]
and our action to ensure that trans rights are upheld, rather than our rhetoric. That will be the way that we will want to go forward.

My noble friend raised the very important point, as I suggested earlier, about the need for dignity and clarity for people receiving healthcare. That is the reason the NHS will now look carefully at the implications of this ruling and will update its guidance where necessary to ensure that that protection and that dignity are safeguarded.

Baroness Kramer (LD): My Lords, I am sure that everyone in this House wants trans girls and trans women to feel welcome here, so what changes will happen to toilet facilities in the Lords? I have only been able to find one sex-neutral toilet. It is a single stall and it is inconveniently placed. Will neutral facilities, open to all, of every sex, be made available and located in places convenient for Members, staff and visitors?

Baroness Smith of Malvern (Lab): The facilities of the House of Lords are not something for which I have responsibility. I am sure, like all other providers of services, the House will be considering carefully both this ruling and the requirement to ensure that people are able to access services that respect their dignity.

Lord Cromwell (CB): My Lords, I have a very technical legal question. Some of the commentary I have heard on the ruling suggests that, if an organisation decides to use biological sex as a basis, it may do so, but not that it must do so. Is that correct?

Baroness Smith of Malvern (Lab): My understanding of the ruling is that, where single-sex spaces are provided, they should be provided on the basis of biological sex. It is not, of course, the case that every service needs to be provided on the basis of single sex, but, where they are provided on that basis, it should be done on the basis of biological sex.

Lord Kennedy of Southwark (Lab Co-op): My Lords, we will hear from the noble Lord, Lord Cashman, next and then the noble Baroness, Lady Fox.

Lord Cashman (Non-Afl): Thank you. My Lords, currently, trans people in this country live in fear; they live in fear of their safety and their futures. Indeed, some friends are now looking at seeking asylum in countries where they will not fear for their safety but will receive a welcome.

Therefore, due to the blatant misrepresentations that have occurred and continue, I ask the Minister whether the Government will enforce the principles contained in the Equality Act. Will they now bring forward their manifesto commitment to implement the Law Commission's recommendations of December 2021, in particular that

"across the various hate crime laws (including aggravated offences and stirring up offences) all protected characteristics should be treated equally"?

Baroness Smith of Malvern (Lab): I very much hope that trans people will still believe that this is a country where they are welcome and where their rights and dignity are upheld; that is certainly the position in law. My noble friend raises an important point around hate crime. We are working with the Home Office to equalise the approach taken to hate crime to ensure that all of it, including that against trans people, is manifested as an aggravated offence in the way in which he is asking.

Baroness Fox of Buckley (Non-Afl): My Lords, this is not party political: Front-Benchers on all sides shunned across Benches. We were shamed, shunned and shushed for simply asserting women as adult human females. But can the Minister clarify and reassure that not one trans person's rights have been removed by the Supreme Court? Does she agree that the problem is that, as legislators, we misled trans people and institutions about the law by encouraging the myths of gender ideology or gender identity being the same as biological sex? Will she ensure that the Civil Service is now properly informed so that we, as lawmakers, no longer peddle mistruths—and, in fact, misinformation—as we have been for some time?

Baroness Smith of Malvern (Lab): I am sure that the Civil Service, we as lawmakers and all public bodies will look carefully at this ruling and the statutory code of practice that will be brought forward by the Equality and Human Rights Commission. I add that, the last time I was asked, I referred to a woman as an adult female from this Dispatch Box—that was before the ruling.

Baroness Thornton (Lab): My Lords, if noble Lords read the whole document, they will see that the judge recognised the sensitivity of his judgment. My noble friend the Minister has also recognised the need for compassion, respect and dignity, so I ask her whether the Government can ensure that the EHRC, in producing guidance, will give the trans communities their right to be consulted in the creation of the new guidance and information shared with the public. Can the Government ensure that the EHRC will look at this very carefully before it is announced?

Baroness Smith of Malvern (Lab): One of the important things about the EHRC's production of the statutory code of practice, and other forms of guidance, is that it consults as widely as possible, as my noble friend outlined. That is one of the ways that everybody will be able to be confident about their rights and the rights for trans people that remain in the law now.

Lord Moynihan (Con): My Lords, this welcome decision has long-overdue implications for competition in sport, both nationally and internationally. Will the Minister agree that national governing bodies of sport, particularly for football and cricket, along with organisers of events such as the London Marathon events, should now revise their rules? Will she agree that Sport England should publish its advice and oversee implementation of that advice as soon as possible—certainly before the Summer Recess?

Baroness Smith of Malvern (Lab): The integrity and fairness of sport are obviously crucial. The Equality Act actually always allowed sporting bodies, for example, to exclude trans people from gender-affected sporting competitions if necessary to secure fair competition or for the safety of their competitors. I am sure that sporting bodies will now look carefully at this ruling as they consider how to maintain that integrity and fairness.

Lord Paddick (Non-Afl): My Lords, a Government Minister said this week that everyone should use toilets according to their sex recorded at birth. I think the Minister has said similar things this morning, in terms of single-sex spaces and biological sex. With trans men, some of whom look more of a man than I do, being told to use women's facilities, how does this make women safer or less fearful, when a predatory male could simply claim to be a trans man?

Baroness Smith of Malvern (Lab): It was the Supreme Court that was clear that single-sex spaces, including toilets, should be offered on the basis of biological sex, and Ministers were reflecting that ruling. This is a difficult issue, and I am sure that it will be considered by the EHRC during the production of its code of practice. Increasingly, in very many public places we see unisex toilets, which are available to everybody.

Baroness Hoey (Non-Afl): My Lords, can the Minister give an absolute commitment that the Supreme Court judgment will apply to Northern Ireland in full, like the rest of the United Kingdom, despite Northern Ireland being left under EU equality laws?

Baroness Smith of Malvern (Lab): I will come back to the noble Baroness about that. There are elements of this ruling and the scope of the Equality Act that we need to look at carefully, but I will come back to her.

Lord Sentamu (CB): My Lords, I was in your Lordships' House when the Equality Act was debated for a number of days. Lord Lester of Herne Hill and I were sparring partners, but we were very clear then that, as the Supreme Court has said, when you talk about a woman you mean this. That is very clear in the debates in this House. Now that the ruling has been clarified, there is a question that people wanted to ask, and the judges have said that this not a winning position for one group or another. How will the Government ensure that anybody who wants to comment reads that judgment clearly so that they know where it is going, and that trans people's rights have not been taken away but remain? What will the Government do to help trans people who now feel as if they have become second-class citizens?

Baroness Smith of Malvern (Lab): I hope I provided some reassurance in my opening comments. The noble and right reverend Lord is right that this does not remove legal protections for trans people.

Lord Parkinson of Whitley Bay (Con): My Lords, Section 2 of the Gender Recognition Act requires somebody applying for a gender recognition certificate to have lived in the acquired gender for at least the preceding two years. In the light of this judgment, how is somebody to fulfil that statutory requirement if they are not permitted to use common public facilities that are designed for people of their acquired gender? If possessing a certificate no longer entitles them to use them, what does the Minister say are the material advantages of obtaining a gender recognition certificate at all?

Baroness Smith of Malvern (Lab): My Lords, many of the elements of obtaining a gender recognition certificate remain in place, with the exception that is now applied by this ruling to the definition of "women" in the Equality Act. We do not believe that this undermines the rights or processes involved in the Gender Recognition Act.

Renters' Rights Bill

Committee (2nd Day)

Relevant document: 14th Report from the Delegated Powers Committee. Scottish Legislative Consent granted, Welsh Legislative Consent sought.

12.36 pm

Lord in Waiting/Government Whip (Lord Wilson of Sedgefield) (Lab): My Lords, before we start the debate on the first group, I remind the Committee of the protocol around declaring interests, following a number of questions. As I mentioned earlier this week, noble Lords should declare any relevant interests at each stage of proceedings on a Bill. That means that, in Committee, relevant interests should be declared during the first group on which a noble Lord speaks. If a noble Lord declared an interest during the previous day of Committee then that is sufficient, but if this is their first contribution then any relevant interest should be declared specifically but briefly.

Clause 3: Sections 1 and 2: effect of superior leases

Amendment 16

Moved by ***Lord Jackson of Peterborough***

16: Clause 3, page 3, line 6, leave out from "tenancy" to end of line 8

Member's explanatory statement

This amendment seeks to probe the government's rationale for introducing retroactive legislation.

Lord Jackson of Peterborough (Con): My Lords, I am grateful for that clarification from the Government Whip. On that basis I declare again that, as in the register of Members' financial interests, I receive a rental income from my one property, which was my matrimonial home.

I will speak to Amendments 16, 17 and 18. My intention is to highlight an important principle that this legislation seems to violate. The amendments in this group are underpinned by the Bill's retroactivity. I seek to probe the Government's use of retroactive provisions, and I urge them to reaffirm from the Dispatch Box their commitment to prospective lawmaking.

[Lord Jackson of Peterborough]

Retrospective legislation is generally defined as legislation which

"takes away or impairs any vested right acquired under existing laws, or creates a new obligation, or imposes a new duty or attaches a new disability in respect to transactions or considerations already passed".

The Oxford Dictionary of Law defines retroactive legislation as:

"Legislation that operates on matters taking place before its enactment, e.g. by penalizing conduct that was lawful when it occurred. There is a presumption that statutes are not intended to have retroactive effect unless they merely change legal procedure".

Stroud's Judicial Dictionary of Words and Phrases—a tome that I am sure we are all familiar with—defines it in Latin as:

"Nova constitutio futuris formam imponere debet, non praeteritis".

That is, unless there be clear words to the contrary, statutes do not apply to a past but to a future state or circumstance.

The general approach to retrospective legislation was summarised by the noble Lord, Lord Kerr, in the Supreme Court case of Walker v Innospec Ltd and others in 2017, where he said:

"The general rule, applicable in most modern legal systems, is that legislative changes apply prospectively. Under English law, for example, unless a contrary intention appears, an enactment is presumed not to be intended to have retrospective effect. The logic behind this principle is explained in *Bennion on Statutory Interpretation*, 6th ed (2013), Comment on Code section 97: 'If we do something today, we feel that the law applying to it should be the law in force today, not tomorrow's backward adjustment of it'".

Retrospective legislation may also be challenged under Article 6 of the European Convention on Human Rights, because such legislation will only be compliant with convention rights where there are

"compelling grounds of the general interest"—

that comment was made in the case of Zielinski, Gonzalez and others v France 1998—or where such legislation seeks to remedy existing defective legislation.

The principle of non-retroactivity is a fundamental concept within the civil law system that ensures the stability and predictability of legal relations. It refers to the restriction placed on the application of new legislation to actions or events that have occurred prior to the law's enactment. Essentially, this principle serves as a safeguard for individuals, protecting their existing rights and expectations from being unexpectedly altered by future legislative changes. Non-retroactivity is rooted in several key rationales. It reflects the belief that individuals should be able to rely on the legal framework in place at the time they act. If laws were to apply retrospectively, it could lead to confusion and insecurity, undermining the rule of law and fairness.

That is the basis on which I move my Amendment 16 and speak to my Amendments 17 and 18. In many jurisdictions, this principle is codified within civil codes or specific statutes. For instance, the French civil code explicitly states that a law cannot have retroactive effects unless otherwise specified. Similarly, the German Basic Law incorporates this principle, which serves as a safeguard against potential abuses of legal reforms by ensuring that new laws do not adversely affect established rights and obligations. Internationally, treaties and conventions also reflect the doctrine of non-retroactivity. The European Convention on Human Rights articulates the necessity of legal certainty and protection of rights, endorsing the notion that individuals must be aware of the legal consequences of their actions at a given point in time. The UN's International Covenant on Civil and Political Rights further emphasises that no one shall be subjected to retroactive penal laws, further demonstrating the widespread acceptance of this principle.

I accept that there are some notable exceptions to the English legal system setting its face against retroactivity. One such case, perhaps the most notable, is of course the War Crimes Act 1991. If legislation is aimed at, for instance, protecting public safety or welfare, such as in scenarios where a retroactive law serves to enhance public health standards or address urgent safety concerns, the legal system may justify its application to prior situation. Courts often assess the implications of such laws on individual rights, weighing the benefits to society as a whole against potential infringements on personal freedoms. Another example in this context is the landmark case of the European Court of Human Rights ruling in Hirst v the United Kingdom about prisoner voting rights, where the court emphasised that legislative changes should not detrimentally affect individuals who were previously adjudicated under earlier laws. In this instance, the court reinforced the significance of respecting established legal positions, thereby underscoring the essence of non-retroactivity.

12.45 pm

Retroactivity is damaging because it violates the principle of fairness and undermines legal certainty. If laws can change after a contract is formed, nobody can rely on what the law says today. It sends a message that the laws that form the basis of an agreement today could be retrospectively changed tomorrow. This Bill erodes trust in the legal system. It creates unclear implications for decision-making and disrupts property and contract rights. Should not this be challenged? That is the basis of my amendment. Regardless of the Bill's specific contents or intentions, its retroactive nature raises significant legal concerns and marks a clear departure from the well-established way in which law is enacted in this country.

Let me remind the House, if I may, of some relevant precedents from Acts that this Bill directly seeks to amend. When this House passed the Tenant Fees Act 2019, the legislation applied only to new or renewed tenancies from 1 June 2019. For all existing tenancies, the rules did not apply until 1 January 2020—a full 12-month transitional period. The much-debated Housing Act 1988 went even further in demonstrating the principle of prospective lawmaking. At the top of Schedule 1 it included a clear and explicit statement that the provisions would not apply retroactively. The words affixed to the Act are clear that legal certainty must be upheld and contractual agreements must be respected. Even the predecessor to this Bill adopted a model of prospective lawmaking by setting out a two-tier approach to implementation. The Renters' Rights Bill stands in stark contrast. It contains no transitional period; all existing assured shorthold tenancies, even those still mid-term, would be immediately converted upon commencement.

I urge the Government to reconsider this approach and to reaffirm the long-standing commitment to prospective lawmaking by providing clear commencement dates and reasonable transition periods for all new obligations, to protect both tenants and landlords from the risk of abrupt and unfair change. The approach will give landlords, tenants and letting agents time to adjust their practices. I urge the Government to stop, think and assess the damage that they could cause. With that, I beg to move.

Lord Marlesford (Con): My Lords, my noble friend raises a very important point. The Bill has merit. It also endangers the overall objective of increasing the supply of housing for the people of this country. It is very important that the transitional costs of introducing the Bill, if it becomes an Act, are minimised. The point that my noble friend perhaps did not emphasise sufficiently is that if there is a retrospective element to the Act, particularly if it is a rather obscure and unclear retrospective element, that will result in more confusion and, most importantly, more need for judicial decision. We should bear in mind throughout Committee that the judicial system in this country is under huge stress, the Chancellor is being asked for more money for really crucial cases, and it must be an objective of the Government, as we consider the Bill, to make sure that, in whatever form the Bill eventually comes out, it will require a minimum of judicial intervention.

Lord Carter of Haslemere (CB): My Lords, I support what the noble Lords have said there. The principle against retrospection is long-lasting and fundamental to our constitution and our legal system, and it is enshrined, as has been said, in the European Convention on Human Rights.

There is an ECHR memorandum on the Bill in which the assessment is made that it strikes a proportionate balance between rights of property on one hand and the rights of tenants on the other. I would like to know from the Minister whether that proportionality assessment has properly taken into account the significance and the implications of the retrospection that has been drawn attention to here. What actually are the implications of that retrospection? What does it affect? If those words are kept in the Bill, what rights do they actually affect which are imposed in a new way by the Bill?

Baroness Thornhill (LD): Not wishing to lower the tone of erudition in the Committee, I would say, "latine non studi". In plain English, what I would like to say is that the kernel of the noble Lord's concerns is about certainty and clarity over arrangements. We have all had letters from different people saying, "I don't know whether this means I now have to change". So I genuinely think that there is an issue around clarity and understanding and, to that end, I really look forward to the Minister's response, because what we all need is a clear and flexible framework for tenancies that everyone understands. She spoke in some of her answers about making it simpler, but it seems that, historically, we have inherited quite an amazing array of differences, and it is perhaps no wonder that some people are struggling. So I think that the transition, and transitional arrangements, is something we should look at.

Lord Empey (UUP): My Lords, I again note my interest in the register as the owner of a single rented property. The Minister has asserted, as Ministers are required to do, that, in her view,

"the provisions of the Renters' Rights Bill are compatible with the Convention rights".

I am just wondering, because it does tend to be a bit of a routine that those of us who have ever done this sign these things: can she tell the Committee whether there was a very specific examination of the circumstances in the Bill?

I must also say that the tour de force by the noble Lord, Lord Jackson, was impressive. We all felt that his Latin was very good—we will give him marks for that, I think—and he raises a very significant point. It is not unique to have retrospective legislation, but it is certainly frowned upon, bearing in mind the number of people who could be directly affected—their financial welfare, their own welfare, their concerns and the worries that can be generated by having something done, in effect, long after they had agreed and thought they had a deal. I am sure that President Trump will be listening to this debate, because he might be learning lessons; we might be teaching him things to do.

Can the Minister assure the Committee that when she signed that, or gave her views on the convention rights, that it was actually properly assessed, and legal advice was provided, rather than it simply being a piece of routine that departments do when they bring legislation to Parliament? Having listened to the contribution of the noble Lord, Lord Jackson, I think there could very well be people who will feel aggrieved if something happens subsequent to an agreement that they entered into freely and, all of a sudden, things have changed. I think we do need an explanation.

Lord Cromwell (CB): Can I just add that I was disappointed that we did not have any phraseology in ancient Greek? We will have to put up with that for today, I suppose. I echo my noble friend Lord Carter's point: I think it would be really helpful, whatever one thinks of the rights and wrongs of retrospective legislation, that a proper list is set out as to which rights are going to be affected. I think everybody outside this Chamber is going to need that, in practice, in the rental sector. It would be very helpful if something could be published that literally specifies which bits are going to be affected retrospectively and how.

Baroness Scott of Bybrook (Con): My Lords, I start by thanking my noble friend Lord Jackson of Peterborough for bringing Amendments 16 to 18 to the Committee today. The question of the retroactivity of the Bill is not just a question of how it will be applied, it is a question as to whether it is fair at all. It is easy for Governments armed with executive powers to apply the law retrospectively, but it should be the duty of every Minister to ask: is this the right way? Is it the fair way?

I invite noble Lords to imagine that they signed a tenancy agreement under a clear set of rules in January 2025; they followed all the rules; then, in June 2025, Parliament passes a law saying that their tenancy is now invalid. Well, many will have to imagine no longer,

[Baroness Scott of Bybrook]
because once the Bill gets Royal Assent, tenants and landlords may find that their agreements are no longer valid.

The predecessor of the Bill adopted a model of prospective lawmaking by setting out a two-pronged approach to implementation. It would have assured that substantial changes were introduced at a suitable pace, one that brought the sector along with it, giving it time to understand the new requirements and adapt accordingly. In their haste to publish the Bill, the Government appear willing to abandon the principle of prospective lawmaking, placing an immediate and heavy burden on landlords. The Committee will be well aware that 45% of landlords own just a single property. These are not professional landlords with teams behind them. They lack the infrastructure to absorb complex regulatory change. They are not poring over the details of legislation, nor do they have time to follow days of Committee proceedings. How do the Government expect these individuals to implement such sweeping reforms all at once and without a serious and structured implementation period?

At this Dispatch Box on Tuesday, I quoted some statistics from Paragon. In the same survey, it noted that 39% of landlords had not even heard of the Bill. Will the Minister please explain how the Government will communicate these changes? The department must begin explaining in clear and simple terms what is coming down the track. Landlords need to know that change is coming. Regardless of the Bill's specific contents or intentions, its retroactive nature will pose challenges. It will not only bring an abrupt end to agreements freely entered into by two consenting adults, it will unleash a wave of challenges upon landlords through its immediate implementation.

I turn to the litany of amendments put down by the Government. We welcome the right to sublet and want to ensure people do not lose that right, but we want it to be implemented with clarity. On these Benches, we would prefer those specific tenancy types which underlie the right to sublet—such as fixed-term assured tenancies or assured shorthold tenancies—to remain. We set out our clear case yesterday and we will continue to stand up for a sector that delivers choice and variety and provides the homes we need. Will the Minister explain the Government's adjustments to the context of Clause 3? It is clear that they intend to restructure the legislation, so on these Benches we wish to ensure that the effects of superior leases are appropriately addressed within the updated framework. Can the Minister set out how the Government will ensure that tenants in sublet arrangements are not left in legal limbo?

1 pm

As we repeatedly noted on day 1 of Committee, this legislation is technical and detailed. Where we believe we can help to amend for accuracy and keep the core text of the Bill simpler and more focused, we think we should. These consequential amendments serve as clear evidence of the Bill's complexity, which we must all be honest about and acknowledge and not shy away from. In this light, I trust the Minister will welcome any amendments brought forward with the purpose of testing and probing the Government's rationale for pursuing a particular course of action.

Ensuring the effective continuation of sublets is essential. Above all, when a tenant is not using all, or even part, of their space, subletting enables a more efficient use of underoccupied homes. This is particularly important in areas facing acute housing shortages. Subletting is also a vital tool in our efforts to address the severe supply constraints currently affecting the sector. Such arrangements often provide access to more affordable rents, support tenants' incomes and give them flexibility to manage changes in their personal circumstances.

I hope to work constructively with the Government to ensure that we get this right, and I look forward to the Minister setting out the full details in due course.

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government (Baroness Taylor of Stevenage) (Lab): My Lords, I thank the noble Lord, Lord Jackson, for his amendments relating to transitional provisions and retroactive legislation, and for his lesson in Latin. In the year I took my second language, I was hoping to do Latin, but they changed it to Russian, so I never got to do it. I am very grateful for the lesson this morning. I will return to his points in a moment.

I will cover a couple of other points before I explain the government amendments. First, in relation to the comments made by the noble Baroness, Lady Scott, if landlords are not aware of the legislation, it has certainly not prevented them from coming forward with their representations—we have had hundreds of them. We have also had frequent contact with representative bodies such as the National Residential Landlords Association, but that does not mean that the Government do not understand the need for effective communication of the legislation. We will continue to work on a programme for that.

In relation to the comments made by the noble Lord, Lord Empey, one thing that frustrated and annoyed me when I was a council leader was when the standard equalities clause was put at the end of a committee report, as if it was just a tick-box exercise and everybody assumed it covered all the bases. I used to insist that the statement of equalities was relevant to the paper to which it was appended. I feel the same about signing off the rights clauses in this Bill, so I take it seriously. However, he makes a very good point, and we must always be clear that what we are signing off does its intended job.

I thank all noble Lords who have contributed to the debate: the noble Lords, Lord Marlesford, Lord Carter and Lord Cromwell, the noble Baroness, Lady Thornhill, as well as the other noble Lords whom I have mentioned.

On the government amendment removing Clause 3, I think this is the first time I have had to remove a government clause from a government Bill, but that shows that we are listening and thinking about making this a better Bill as we go along. Our amendments remove Clause 3, which makes transitional provision for terms in existing superior leases, and replace it with government Amendment 296. Government Amendment 296 inserts Part 2 of Schedule 6 to make transitional arrangements which ensure that pre-existing legal instruments will continue to operate and that

parties to such instruments will not be found in breach of their terms following the implementation of our tenancy reforms. The risk arises because such instruments may make express reference to certain tenancies—such as assured shorthold tenancies, to which the noble Lord, Lord Jackson, referred—which will become obsolete as a result of the Bill. Mortgages, for example, sometimes require letting only on assured shorthold tenancies, which would be impossible for a landlord to comply with after commencement. In the case of mortgages, insurance contracts and Section 106 planning obligations, landlords will be able to continue to let their properties without being found in breach of their terms where they were able to do so before the reforms. Provision is made so that parties will not be prevented from making changes or modifications to their agreements of their own volition.

In relation to existing leases, the amendment will ensure that intermediate landlords will not be found in breach of their head lease terms should they return a property to the superior landlord which is subject to a post-reform assured periodic tenancy—I realise this has a level of complexity that can be baffling. That could be the case, for example, if a subtenancy is converted from a fixed-term to a periodic tenancy on commencement of the Bill and the head lease is for a fixed term that expires shortly thereafter.

Government Amendments 184, 276, 277, 290 and 297 to 301 make technical, consequential amendments associated with government Amendment 296. Notably, government Amendments 297 and 299 enable changes to be made to Part 2 of Schedule 6. These will ensure that transitional or saving provision can be made to address all possible issues which may arise from pre-existing instruments and that are yet to be identified. Again, this ensures a seamless transition to the new legal framework in what is, admittedly, a very complex legal context.

I will make a few general comments on the amendments tabled by the noble Lord, Lord Jackson. Subsuming Clause 3 into new Part 2 of Schedule 6 is intended to ensure that leaseholders who are permitted or required to sublet on a fixed-term assured tenancy, or an assured shorthold tenancy, under the terms of a superior lease are not put in breach of a superior lease following the changes to the assured tenancy regime made by the Bill. It necessarily has a retrospective effect on parties to such superior leases which were entered into before the Bill's provision came into force.

The explanatory statement appended to the noble Lord's amendment explains that the intention is to probe why this clause operates retrospectively. It is not entirely clear from the drafting what the amendment wants to achieve; the intention appears to be to enable an assured tenancy to be granted pursuant to the term in a superior lease in the same circumstances and on the same terms as would have been possible before the changes made by the Bill. It is possible that the intention is even to go as far as allowing a fixed-term tenancy or an AST to be granted. If so, the amendment would very likely not achieve that.

The policy intent behind Clause 3 is important: to protect landlords with superior leases from being unable to sublet in future, or even being placed in breach of their superior leases, as a result of the reforms. It is important enough to merit interfering in existing contracts. The Government recognise that any legislation with retrospective effect needs to be carefully considered. In the case of this Bill, we will apply the new tenancy system to all private tenancies at the same time, including those entered into before commencement. This will prevent a lengthy system of two-tier tenancy, ensuring that tenants can enjoy better rights at the same time and that Section 21 is not available in relation to private tenancies. Landlords will continue to have access to strengthened grounds for possession to end tenancies when they need to.

I turn specifically to Amendments 16, 17 and 18. As I have just set out, Clause 3 has been subsumed into new Part 2 of Schedule 6. However, the intended outcome behind Clause 3 will still be delivered, so I will address the substance behind the amendments tabled by the noble Lord, Lord Jackson, as this will still be relevant even if the clause structure and numbering are somewhat altered.

The purpose of Clause 3 is to enable landlords with superior leases to continue to sublet after the reforms have come into force. Existing superior leases may require landlords who sublet to do so on an assured shorthold or a tenancy with a fixed term. These are types of tenancy that this Bill will abolish, so landlords will not be able to comply with such requirements in future.

Clause 3 therefore ensures that the intermediate landlord will not be in breach of the terms of their superior lease and can continue to sublet under the new system by issuing new-style assured tenancies. This is critical to ensuring that landlords with existing superior leases are not unduly impacted by the reforms and left in breach, and must therefore apply retrospectively to existing leases in order to operate as intended. Indeed, this preserves the effect of existing agreements and ensures that the reforms do not interfere in previously agreed arrangements—the opposite of what the noble Lord, Lord Jackson, was suggesting. Without these provisions, some landlords would be left in breach of their own superior lease, and the future supply of private rented properties could be severely affected.

I do not think that these amendments will improve how Clause 3 will operate in the proposed new structure, and therefore I respectfully ask the noble Lord, Lord Jackson, to withdraw the amendment.

Lord Jackson of Peterborough (Con): I thank the Minister for those comments. I, too, remember when we sparred on regional television many years ago. We did it in English—not Latin, unfortunately, or even in Russian.

On a serious point, I hear from the Minister that she is cognisant of the need for a balance between the rights and obligations, and duties and responsibilities, of tenants and landlords. I was struck by the comments of my noble friend Lord Marlesford about litigation and the capacity of the courts to deal with some of these issues which may arise from aspects of retroactivity in this legislation. The noble Lord, Lord Cromwell, also made a very good point, which the Minister will hopefully take on board, that we need a proper schedule

[Lord Jackson of Peterborough]
ahead of time where the Government outline where these changes will be made, in order for representative organisations, such as the NRLA and others, to communicate that. I also hope the Government take the opportunity to consult properly with small landlords and other representative bodies.

Naturally, because of the wide-ranging nature of these changes, we will no doubt have to return to this issue from the Front Bench and across the House on Report, but with the spirit of co-operation and the helpful response from the Minister, I am happy to withdraw my amendment.

Amendment 16 withdrawn.

Amendments 17 and 18 not moved.

Amendment 19

Moved by ***Lord Young of Cookham***

19: Clause 3, page 4, line 4, at end insert—

"(7A) Any regulations made under subsection (7) must make specific provision for shared ownership leases."

Member's explanatory statement

This amendment probes what effect the Secretary of State considers clauses 1 and 2 will have on shared ownership leaseholders who currently rent out their apartments under licences.

Lord Young of Cookham (Con): My Lords, these probing amendments draw attention to the problems already facing many shared owners following the cladding scandal but also problems for them with the provisions in the Bill as it stands. I note that the Government's impact assessment makes no mention of shared owners who have become accidental landlords.

This form of tenure, shared ownership, occupies the space between owner occupation on the one hand and tenancy on the other, as a shared owner owns part of the property and rents the other bit from a social landlord. Shared owners are individuals who are unable to buy a property on the open market and use a government-backed affordable housing scheme to buy a share of a property, increasing that share as their circumstances improve. So, by definition, they are not well off. The Joseph Rowntree Foundation analysis in 2020 indicated that around 20% of shared owners are in poverty—double the rate for outright or mortgaged home owners—suggesting a demographic that is vulnerable to shocks such as those following the cladding scandal.

To complicate matters, shared owners can simultaneously be both a tenant and a landlord. In its 2025 survey, the Shared Owners' Network found that 22% of its members are now subletting, with 90% doing so because of the cladding scandal. They have to sublet to move on with their lives, because their properties are not sellable. The Government do not collect data on the number of shared owners who sublet, but the Government recently amended the Homes England *Capital Funding Guide* to facilitate subletting for shared owners who are trapped—so I expect that the numbers are substantial and are to increase.

Conventional leaseholders have the right to let their property, but shared owners do not. Subletting is seen as an exceptional measure, subject to social landlord and lender approval, with commercial gain from subletting prohibited. Social landlords' approval remains inconsistent on the ground.

The Bill abolishes fixed-term tenancy and moves all tenants on to periodic tenancies, but shared ownership tenants who sublet cannot give a periodic tenancy. Any permission they get from their social landlord is time-limited and can be withdrawn. Withdrawal often happens when a compliant EWS form becomes available for the building and the social landlord argues that this makes the flat sellable. However, major lenders have agreed only to consider lending on these properties, and often other issues, such as a very high service charge and high insurance, impact mortgageability and the property is not in fact sellable. Where a licence to sublet is not renewed, shared owners are required to evict their tenants, even if they are not able to sell their property.

So how will they cope with the Bill, which, on enactment, converts all tenancies into periodic tenancies? How will any existing agreements interact with the provisions in the Bill that give tenants the right to stay in a property for a minimum of 12 months, when, as I have just explained, consent can be withdrawn by the social landlord before that period has expired?

1.15 pm

Amendment 19 allows the Secretary of State to disapply the automatic conversion of existing tenancies to periodic tenancies for shared owners. Such a mechanism would allow shared owners to continue to sublet, and we need an undertaking or an amendment to the Bill that this will be in place for the particularly vulnerable cohort of accidental landlords.

Next, under the Bill, tenants will have a right to stay for at least 12 months. Should an existing tenant of a shared owner decide to give notice and leave the property, shared owners will need reassurance that they can relet the property for at least 12 months, as this will be the new minimum length of time that tenants can stay in a property. Government guidance is silent on whether social landlords should enable this, so, again, we need an assurance from the Minister that this will happen.

Again, the rights of a private landlord under the Bill to charge a market rent may not apply to a shared owner, and Amendment 107 deals with that. Shared owners are not allowed to make a profit from subletting. Homes England and the Greater London Authority affordable homes programme capital funding guides provide guidance on the rent that a shared owner can charge, and that rent is usually fixed by the social landlord. This guidance has historically only allowed partial cost recovery, covering rent service charge and mortgage costs, as well as some other landlord costs, but the guidance is silent on some other landlord costs, such as unplanned bills and tax on rental income.

Unfortunately, many social landlords seem to have interpreted this guidance very restrictively, leaving shared owners who sublet unable to cover their costs, including, for example, increases in service charges for unplanned works. This means that, for the vast majority of shared

owners, subletting has been and remains a loss-making operation. Meanwhile, shared owners know that their neighbours in the same block who are private leaseholders were able to move on with their lives, either by selling their flat or letting their flat at a market rate if they needed to.

I give two brief examples of the problems faced by shared owners. James wrote to me with the following details:

"I am subletting my property because I have been unable to sell it, despite it being on the open market for two years. Initially, the sale was prevented by the lack of a valid EWS1 certificate for the building. After receiving the certificate, the situation worsened as the service charges—uncapped, unfair, and opaque—rose sharply, rendering the flat unattractive to prospective buyers. Most recently, the EWS1 has been deemed invalid due to suspected fraud or errors in the fire risk assessment. I have never made a commercial gain from subletting my property; in fact, I have incurred significant financial losses. Each month, the property has been sublet at a loss ranging from £400 to £800, leading to an estimated total loss of £18,000 to £20,000 over the past four years".

Stephanie wrote to me as follows:

"I had to remortgage in 2023 and my service charge has been increasing above inflation for 4 years. Now my combined mortgage, shared ownership rent and service charge costs are £2,350 a month for the flat, which is let at £1,800 a month … Unfortunately, even before tax my costs are now way above the local market rate for rent. This flat was supposed to be an 'affordable home' but it turned out to be the worst financial mistake I have ever made. It is now a noose around my neck and a constant worry as I realise it could bankrupt me and make us homeless".

I note that if, in desperation, either Stephanie or James had to sell at the best price they could get, if that is less than the RICS valuation, they would have to cover the loss on the social landlord's share of the property.

A further problem for shared owners is contained in ground 1A for possession—namely, the intention to sell. Most shared owners who have sublet will need to use this to sell, if they can find a buyer. Unfortunately, the four-month notice to be given to the tenant prescribed in the Bill presents those in shared ownership with a risk. Selling a shared ownership property is difficult, not least because of the restricted pool of potential buyers, the requirement for the social landlord to have first refusal and the additional RICS valuation costs. Shared ownership properties impacted by the building safety crisis often have high service charges and high insurance costs, making them an unattractive proposition.

It is simply impossible to know with any certainty that a sale will progress to completion. Shared owners would ideally seek to regain possession only when a sale is certain to take place; otherwise, they will lose the rent. A sale is certain only when contracts are exchanged, but no buyer will then wait four months before completion, not least because their mortgage offer would expire. Issuing a notice ahead of exchange will always carry a significant risk for the shared owner, so Clause 4 needs an exemption for shared owners.

This risk is significantly aggravated by the proposed subsequent 12-month ban on reletting in the Bill. If a sale falls through, through no fault of the shared owner, they cannot relet the flat for another 12 months. That would put their property at risk of repossession due to their inability to pay for an empty property, with arrears building up. Again, shared owners need to be exempted from this provision, and Amendment 143 addresses the issue of what happens when a sale falls through.

Shared owners are likely to face all these problems until 2035, the date that the National Audit Office estimates that unsafe cladding on buildings over 11 metres will be remedied. We should not unintentionally make their precarious position as accidental landlords more difficult than it already is; we should give them the flexibility to navigate what is clearly a complex and incredibly challenging situation. They should not be forced into financial hardship as a result of being accidental landlords.

I know that the Minister is sympathetic to the plight of shared owners, so I hope she will agree to a meeting before Report to address the issues I have raised. I beg to move.

Lord Cromwell (CB): My Lords, I will speak very briefly because, as always, the noble Lord, Lord Young of Cookham, has set out his case so coherently and in such detail that I need raise just a couple of points. Before I do, I declare an interest: I do not let out any residential property, but I have a couple of family members who let out one each.

I support all four of the amendments in this group, because there is considerable uncertainty about how the Bill will affect shared owners who become the so-called accidental landlords that have been referred to. They often sublet as a survival strategy, to deal with exceptionally difficult financial circumstances, which the noble Lord set out. Where co-owners try but, as is common, fail to sell, the proposed 12-month letting period ban—the lack of a letting period—risks punishing the very people who simply do not have the financial resilience to cope with a 12-month void in their ability to sublet. This applies acutely to the poorer and more vulnerable end of the market, so I trust that it will be of particular interest to this Government.

Baroness Thornhill (LD): My Lords, I too support the amendments in the name of the noble Lord, Lord Young of Cookham.

If many of the amendments to this Bill are designed to make us look at unintended consequences for certain groups of people, these amendments concern one group of people who wholeheartedly deserve and need us to look at how the Bill will impact their situation as shared owners who cannot sell their flats and are subletting due to a variety of legitimate reasons. The specific conditions of their model of part ownership were so cogently outlined by the noble Lord, Lord Young, that, noble Lords will be pleased to know, I will not even attempt to repeat them. That has led to their campaign to plead with us—"plead" is almost not a strong enough word—to look at ways to ameliorate the devastating situation in which they find themselves.

The key element of concern is the stranglehold that the registered providers have on the property—no doubt deemed to be a good thing in normal times, but this situation is far from normal. Due to that stranglehold and the restrictive rules that shared owners must abide by, for the majority of shared owners

[Baroness Thornhill]
subletting is a loss-making operation by design. I am not given to hyperbole, but I cannot think of anything worse than being in the situation that they are trapped in.

The term "accidental landlord" was a new one to me, but when I heard first hand from the shared ownership owners, I felt their pain—it is a really messy issue. Let us not forget that, if you have gone into shared ownership in the first place, it is highly likely that your finances are going to be stretched anyway—no high salary, no inheritance, and no bank of mum and dad—or you would have bought outright. As has already been said, the 2025 survey of the Shared Owners' Network found that 90% of subletters were created because of the building safety crisis.

Another shocking statistic was that, in November 2024, the National Audit Office stated that the Government will not reach their 2023 target for the remediation of high-rise buildings with dangerous cladding. This building safety crisis is set to continue for over a decade or more, so it is not a big stretch to say that the problem of accidental landlords will increase. That is why I too was disappointed that this was not picked up by the impact assessment—perhaps the Minister can explain why.

The issue is certainly complex, and I am absolutely certain that the Minister is fully knowledgeable about it and sympathetic to it. The amendments tabled by the noble Lord, Lord Young, are trying to find out whether there is a way forward through this Bill to help this group of people. Alternatively, perhaps the Minister will take it upon herself to follow this up by other means.

I will end with a few words from one of the many emails from the aforementioned Stephanie, but I will pick up on a slightly different point. She says that

"we are not bad people … we're trying to cope with an impossible situation … we don't need to be punished for failing to sell the unsellable flats that are already ruining us".

Between the noble Lord, Lord Young, and Stephanie, they say it all—and they have our full support.

Lord Jamieson (Con): My Lords, I support the amendments proposed by my noble friend Lord Young of Cookham, who made a powerful case and highlighted the unique circumstances of shared ownership owners. These amendments address the specific and pressing concerns faced by shared ownership leaseholders under this Bill, and we believe that they would help ensure that this group is treated with fairness and clarity.

Shared ownership has proved to be a valuable tenure, enabling many individuals and families to take their first step on the housing ladder. However, as has been highlighted, there are circumstances where shared ownership owners find themselves trapped, and we do not want them to be disadvantaged by this Bill and face unforeseen consequences. They are subletting not out of a desire but out of necessity

To avoid repetition, I will speak to the amendments together in a way that highlights their collective aim of protecting shared ownership leaseholders, who often have limited means. Clearly, they speak to the potential unintended consequences of the Bill and the repercussions of fire safety.

Amendments 19 and 20 focus on the impact that Clauses 1 and 2 will have on shared ownership leaseholders, particularly those who rent out their properties under licences. The amendments seek to provide clarity on how these leaseholders will be affected by the proposed regulations, ensuring that their unique circumstances are properly considered. In particular, Amendment 20, which defines "shared ownership lease" by reference to Section 13 of the Landlord and Tenant Act 1985, would be an important step towards eliminating any ambiguity in the application of the legislation to this group.

Amendment 107 addresses a significant practical issue: many shared ownership leaseholders face restrictions in their lease agreements that prevent them profiting from subletting. In some cases, they are not even permitted to increase rent during a subletting arrangement, regardless of market conditions. This amendment seeks to ensure that leaseholders in these circumstances are not unfairly burdened by rules that were never designed with their situation in mind.

1.30 pm

By recognising the financial constraints that come with shared ownership models, the amendment would introduce essential flexibility and fairness into the Bill. Without it, we risk leaving leaseholders trapped between regulatory obligations and lease terms that they have no powers to renegotiate—and, as highlighted so ably by my noble friend Lord Young, facing potential bankruptcy.

Finally, Amendment 143 addresses the very real risk of failed property sales—a common scenario for shared ownership leaseholders. Under the current Bill, a leaseholder who gives notice under ground 1 or ground 1A, and then sees their sale fall through, could be left with an empty property and no legal recourse. This amendment proposes a narrow but vital exemption from those provisions to protect leaseholders from being penalised simply because a sale did not proceed. It would introduce a degree of compassion and common sense into the Bill that would prevent further instability for a group already navigating the complexities of hybrid tenure.

In conclusion, we are grateful for the opportunity to address these important issues, for the constructive comments across the House and for the support of the noble Lord, Lord Cromwell, and the noble Baroness, Lady Thornhill, on this matter. The amendments proposed by my noble friend Lord Young of Cookham are a vital step toward ensuring that shared ownership leaseholders are treated fairly and that their specific needs are met within the Bill.

Baroness Taylor of Stevenage (Lab): My Lords, I thank the noble Lord, Lord Young of Cookham, for his amendments relating to shared ownership licensing and for his usual clarity and coherence in the way that he proposed them. I also thank the noble Lords, Lord Cromwell and Lord Jamieson, and the noble Baroness, Lady Thornhill, for their contributions to this discussion.

Amendment 19 would require any regulations made under the power in Clause 3 to include provision for shared ownership leases. As noble Lords are aware from our previous debate, the current Clause 3 will be

subsumed within part 2 of Schedule 6, but that will still deliver the same effect. I will therefore respond to Amendments 19 and 20 with reference to the fact that these measures will sit elsewhere in the Bill.

As I set out in the discussion on the previous group, the new part 2 of Schedule 6 will ensure that landlords with superior leases can continue to sublet in the future system if they currently have permission to do so. Superior leases or agreements may currently require subletting to be on an assured shorthold or an assured tenancy with a fixed term. Part 2 of Schedule 6 will ensure that, where a sublease transitions into a new periodic assured tenancy, the intermediate landlord will not be in breach of the terms of their superior lease and can continue to sublet under the new system. This will include sectors such as shared ownership and leasehold, where these kinds of restrictions in superior leases are commonplace.

The Government do not believe that Amendment 19 is necessary. It would lead to additional and otherwise unnecessary drafting in any regulations made under this power. The power already requires the Government to specify what sectors the regulations will apply to.

Amendment 20 defines shared ownership for the purposes of Amendment 19. The Government believe this is unnecessary for the same reasons that I just set out for Amendment 19.

Amendment 107 would exempt landlords who are shared owners from Clauses 7 and 8. The effect of these clauses is to prevent unscrupulous landlords using rent increases as a backdoor means of eviction, while ensuring that rents can be increased to reflect market rates, as we have debated previously. Of course, the Government, and I personally, have every sympathy with shared owners who have been affected by building safety issues—such as Stephanie and James, to whom the noble Lord, Lord Young, gave testament—and who, through no fault of their own, are unable to sell their homes. We know that subletting their homes, whether it is accidental or not, is an important way in which shared owners can mitigate the effects of building safety issues.

To respond briefly to the point made by the noble Baroness, Lady Thornhill, my honourable friend Alex Norris is making good progress with the remediation action plan. Both he and the Deputy Prime Minister are determined that the targets set in that plan are achieved, and we are moving that forward. I can assure noble Lords that it is a top priority for the department.

The Government have made it clear that such shared owners should be able to charge up to full market rent when subletting their homes. The Homes England and Greater London Authority capital funding guides have been updated to make this explicit. I believe that the noble Lord, Lord Young, referred to that point. Adherence to this guidance is a condition of receiving grant funding through the affordable homes programme. Moreover, the Government have made clear their expectation that this guidance should apply to all shared owners, regardless of how their home has been delivered, and the department is working with the sector to ensure that this is implemented across the board. As the noble Lord requested, I am very happy to meet before Report to discuss this matter further.

It is therefore unnecessary to exempt these landlords from the important protections that Clauses 7 and 8 provide. These clauses will still allow these landlords to increase the rent in line with market rates, and their subtenants will be protected from egregious rent increases and enjoy the same protections as other assured tenants.

Amendment 143 would exempt landlords who are shared owners from new Sections 16E and 16F of the Housing Act 1988, as inserted by Clause 15. These sections will prevent landlords reletting or remarketing a property if they have used the selling or moving-in grounds for 12 months after the date the relevant notice was served. These sections also set out other prohibited landlord behaviours, such as trying to create fixed-term tenancies. Although we appreciate that landlords' circumstances may change, new Sections 16E and 16F contain critical protections for tenants. The 12-month restriction will stop unscrupulous landlords using grounds 1 and 1A to evict a tenant with the intention of immediately reletting. It will be unprofitable to evict a tenant simply to increase the rent and it will stop landlords using these grounds as a backdoor Section 21.

We believe that all tenants must benefit from these protections. It would not be right or fair to compromise tenants' security of tenure simply because of who their landlord is and the circumstances those landlords might find themselves in when selling a property. That said, I am happy to meet again with the noble Lord and anyone else who is interested in this topic before Report, but for now, I ask the noble Lord, Lord Young, to withdraw his amendment.

Lord Young of Cookham (Con): My Lords, I am grateful to all those who took part in the debate: the noble Lord, Lord Cromwell, the noble Baroness, Lady Thornhill, my noble friend Lord Jamieson, and, of course, the Minister, who gave the sympathetic reply that we would all expect.

As I understand it, periodic tenancies will continue to be allowed after the Bill because there is an exemption in another part of the Bill which enables these tenancies, which are not assured tenancies, to continue. Therefore, a shared owner who is subletting will continue to be able to let on fixed-term tenancies or tenancies subject to notice from the social landlord without granting a periodic tenancy.

Where I was disappointed by the Minister's reply was on the issues I raised about the four-month notice and the 12-month ban on subsequent letting. It simply is not possible for a shared owner, who we have all agreed is somebody on a limited income, to give four months' notice when an offer is accepted before contracts are exchanged because these sales are particularly vulnerable for all the reasons that I have explained. A shared owner who does not want to have additional financial liabilities would therefore give notice to a tenant only once contracts have been exchanged. Otherwise, they are even more at financial risk. As I understand it, the Minister is inflexible on the exemption I am seeking for the four months' notice for shared owners.

Likewise, I think the Minister was also, at this stage, resistant to an exemption to the 12-month ban on subsequent letting. A shared owner whose sale falls

[Lord Young of Cookham]
through, through no fault of the shared owner, is banned—unless we get an amendment—from reletting that property for the next 12 months. How on earth are they going to survive? They have no income and they continue to have all the outgoings.

I am grateful for the Minister's offer of a meeting, and those are two issues that I will certainly want to pursue. Even if we get all these amendments, shared owners will still be running at a loss, but the long-term solution is either for them to resell the property back to the social landlord, which would solve the problem, or to get ahead with remediation of all these blocks so they can sell these properties on the open market. The first is unlikely and the second will take time, so that brings me back to the point that, in the meantime, we really must take all the pressure off shared owners where we can. I have already indicated two issues on which I will wish to press the Government to think again at the meeting, which I readily accept. In the meantime, I beg leave to withdraw the amendment.

Amendment 19 withdrawn.

Amendment 20 not moved.

Clause 3 disagreed.

Clause 4: Changes to grounds for possession

Amendment 21

Moved by ***Baroness Taylor of Stevenage***

21: Clause 4, page 5, leave out lines 6 and 7 and insert "a tenancy to which the Agricultural Holdings Act 1986 applies ("the agricultural tenancy"),"

Member's explanatory statement

This brings the wording in this provision into line with the definitions used in the Agricultural Holdings Act 1986.

Baroness Taylor of Stevenage (Lab): My Lords, these government amendments are broadly small and technical in nature. I will briefly refer to each in turn.

Government Amendments 21 to 23, 36, 39 and 180 will ensure that provisions regarding suitable alternative accommodation mechanisms for secure and agricultural tenancies continue to work in light of our reforms and ensure continued tenant security and consistency of language.

Government Amendments 25 and 179 will also ensure that Sections 553 and 554 of the Housing Act 1985 can continue to function effectively. These sections deal with tenancies relating to the repurchase of defective properties by local authorities.

Government Amendments 186 and 187 provide that the repairs obligations in Section 11 of the Landlord and Tenant Act 1985 will not apply to most existing PRS tenancies that have a fixed term of seven years or more. This will ensure that for those existing leases, the repairing obligations will continue to be governed by the terms of the tenancy agreement, thus maintaining the status quo for both parties.

Government Amendment 255 corrects a drafting error in paragraph 36 of Schedule 4 to the Bill.

Government Amendment 256 is a minor and technical amendment that removes paragraph 41 of Schedule 4 to the Bill. Paragraph 41 makes the consequential amendment to provisions in the Deregulation Act 2015, preventing retaliatory Section 21 evictions. These are not required, as these provisions will be repealed as a result of the abolition of Section 21.

Government Amendments 292 and 295 are technical amendments that address the period after which possession notices would remain valid after the commencement of the Bill. The Bill makes specific provision to ensure a smooth transition and avoid unnecessary cliff edges. This includes maintaining the validity of notices served prior to implementation. These minor and technical amendments address the period after which possession notices will remain valid after the commencement of the Renters' Rights Act. Depending on when notice was served, landlords will have up to three months from the commencement date to initiate possession proceedings. These amendments clarify and define the intended meaning of "initiating possession proceedings", by clarifying that proceedings are started when the court issues a claim form at the request of a claimant. This change better preserves the intention of the Government, and it ensures that the full maximum period of three months is available to relevant landlords to initiate proceedings on valid notices that were issued prior to the commencement of the Act.

Finally, government Amendment 183 ensures that charities do not incur additional financial and administrative burdens by being required to obtain a designated adviser report for every assured tenancy they grant. Currently, before a charity lets a property on a lease of more than seven years, it is required to obtain a designated adviser report. These can cost around £2,000. Under the new tenancy regime, the length of the tenancy will not be known when it is granted. The Charities Act 2011 could be interpreted so that the charity would need to obtain a report for every property let on an assured tenancy. This could substantially increase administrative burdens and financial costs for some charities.

The amendment seeks to change the Charities Act 2011, so that charities are not required to obtain a designated adviser report prior to the granting of any assured tenancy. Charities will still be required to obtain advice and consider whether the terms of the lease are the best that can reasonably be obtained for the charity. This amendment will provide legal clarity and certainty for charities, their trustees and the Charity Commission, while ensuring that charities do not incur additional financial and administrative burdens because of the tenancy reforms we are introducing.

I hope that noble Lords will feel able to support these amendments. I beg to move.

1.45 pm

Baroness Scott of Bybrook (Con): My Lords, I thank the Minister for bringing these amendments before the House and for clearly setting out the minor and technical corrections to the legislation. Ensuring legal consistency is crucial, and aligning the wording with the Agricultural Holdings Act 1986 will help maintain uniformity across legislation.

As we will discover in coming days, the agricultural aspects of the Bill are both detailed and complex, containing numerous references to specialised terminology. Any technical amendments that help harmonise such language are most welcome on these Benches.

I trust the Minister will continue to approach these proceedings with a collaborative and constructive mindset. These amendments demonstrate that the legislation, as drafted, is not beyond improvement, and we welcome the Government's recognition of that fact. It is our hope that suggestions from your Lordships' House are given due consideration and are not dismissed too readily from the Dispatch Box.

We trust that the Minister will also view forthcoming amendments in the spirit intended: to test and to probe the Government's rationale in pursuing particular policy choices, particularly when it comes to the inclusion or the omission of specific clauses and definitions in the Bill. We are grateful for the opportunity to raise these important issues and we welcome continued constructive dialogue on how we can best improve the technical framework of the legislation.

On that note, I wish to ask further questions of the Government on government Amendment 183. From our understanding, this amends the Charities Act, as the Minister said, to ensure that the disposition of leases which are assured tenancies will be subject to that Act. However, as she said, the requirement to obtain a written report from an independent property adviser could be costly. The costs of these reports vary, and they can impose a significant burden on whoever is footing the bill for them. So I would be grateful if the Minister could just clarify in writing that no charities will be required to obtain this particular report and, if there are some that will continue to need it, can she set out the conditions on which those reports from an independent adviser will be required?

If trustees do not comply with the law, they may be personally liable if this report is required and they do not do it; therefore, it is really important that we get absolute clarity on who, if anybody, will be required to do that. I reiterate the importance of keeping the core text of the Bill simple and, where possible, as focused as we can.

Baroness Taylor of Stevenage (Lab): Just to respond briefly to the noble Baroness, I understand that the change to the Charities Act 2011 means that charities would not be required to obtain the designated adviser report prior to granting. They would be required to obtain advice and consider whether the terms of the lease are the best that can be reasonably obtained by the charity; that would be the requirement for trustees. But I will respond in writing to the noble Baroness just to confirm that that is the case.

Amendment 21 agreed.

Amendments 22 and 23

Moved by ***Baroness Taylor of Stevenage***

22: Clause 4, page 5, line 10, at end insert—

"(ba) the assured tenancy was granted immediately after the agricultural tenancy came to an end, and"

Member's explanatory statement

This means that only an assured tenancy granted by the former agricultural landlord immediately after the end of a tenancy of a smallholding to which the Agricultural Holdings Act 1986 applies will be subject to the restricted grounds of possession.

23: Clause 4, page 5, line 22, at end insert—

"(5ZB) The court may not make an order for possession of a dwelling-house let on an assured tenancy on any of Grounds 1 to 5H or Ground 6A where, on the basis of the proposed let of the dwelling-house on that tenancy, the dwelling-house was deemed to be suitable alternative accommodation under paragraph 1(c) of Part 4 of Schedule 2 to the Housing Act 1985 for the purposes of section 84(2)(b) and (c) of that Act."

Member's explanatory statement

This restricts the grounds of possession that will be available in relation to a tenancy when the proposed tenancy was deemed to be suitable alternative accommodation for the purposes of enabling an order of possession to be made of premises let under a secure tenancy.

Amendments 22 and 23 agreed.

House resumed. Committee to begin again not before 3.19 pm.

Journalists and Media Workers: Safety and Security

Question for Short Debate

1.51 pm

Asked by ***Baroness Mobarik***

To ask His Majesty's Government what steps they are taking, as a member of the Media Freedom Coalition, to ensure the safety and security of journalists and media workers worldwide.

Baroness Mobarik (Con): My Lords, I am extremely grateful for the opportunity to raise the important and pressing issue of the safety and security of journalists and media workers worldwide. Of course, the UK is a member of the Media Freedom Coalition and has a sincere commitment in this regard, but around the world there are more and more examples which illustrate that we are collectively falling short.

We live in a world where anyone can potentially be a target for those whose political views may differ. Politicians can be sanctioned by hostile actors, and many colleagues in this House and the other place would testify to that. Charities are de-banked, businesspeople are falsely maligned and individuals are intimidated and silenced the world over by autocratic regimes, and even by so-called democratic allies, often with little between them in the way of tactics. That is the chilling reality of today's world. So one can imagine the strength of character and courage required to be a journalist or media person in a conflict zone, striving to discover the real facts of the situation on the ground.

Brave men and women risking their lives for the truth should be both honoured and protected, for freedom of the press is not merely a democratic ideal but a cornerstone of democracy. It is a guardian of accountability, a check on power and often the only voice for communities in conflict and crisis that might

[Baroness Mobarik]
otherwise go unheard. Yet, around the world, that voice is increasingly under threat. The 2024 World Press Freedom Index paints a stark picture. Journalists are being silenced at an alarming rate: they are harassed, intimidated, detained and even killed simply for doing their job.

The United Kingdom, a founding member of the Media Freedom Coalition, has both a moral duty and a strategic interest in defending global press freedom. We must not only continue to champion media freedom globally, but redouble our efforts, especially as autocratic regimes and armed actors increasingly view the press as an enemy rather than a custodian. Here, I offer just a few of the many examples shared with me by Internews Europe, an international NGO I am happy to support.

In Afghanistan, since the fall of Kabul, there has been an escalating wave of repression. Dozens of journalists have been arrested, tortured or forced into hiding by the Taliban. In 2021 alone, Internews evacuated and helped to resettle 62 journalists and media workers facing extreme risk. In Sudan, since civil war erupted in 2023, Sudanese journalists have faced harassment, detention and exile. Yet they offer the most vital of lifelines, for in times of conflict, access to accurate, timely information can mean the difference between life and death by helping people avoid danger or find safe passage.

In Myanmar, local journalists have been eternally enterprising, committed and resilient in their efforts to bring information to the people of Myanmar. Yet 35 were imprisoned in 2024, according to the Committee to Protect Journalists. With international media banned and internet shutdowns frequent, these individuals continue to do brave, risky and vital work, such as reporting on the recent earthquake.

The UK can make a meaningful impact in four key areas. First and foremost, there is diplomatic pressure, where we have some influence. The global media freedom initiative, launched with Canada, is commendable, but diplomacy must be matched with consequences. When Governments jail journalists or shut down media outlets, they must know that it comes at a price. Targeted sanctions and co-ordinated international condemnation must be tools we use more frequently. Will the Minister tell the House what specific diplomatic actions the UK has taken in the past 12 months against Governments known to be suppressing the media?

Secondly, there is giving direct aid where needed. Noble Lords will be aware that legal intimidation, dubbed "lawfare", is now one of the most pervasive threats to media freedom. Journalists are being buried under lawsuits intended to drain their resources and silence their investigations. These strategic lawsuits against public participation—SLAPPs—affect all of society, but especially journalists. Anti-SLAPPs campaigners want a change in the legislation to stop such actions. A change in the law received backing from the previous Government but failed to make it through Parliament before the election last July.

Online harassment, especially against women journalists, is another growing front. Will the Minister explain what the Government are doing to expand support for legal defence, cyber protection and emergency relocation through the Global Media Defence Fund and what plans there are for revisiting the legislation that would have been introduced had there not been an election?

Thirdly, there must be a long-term investment in healthy information ecosystems because access to high-quality information for all citizens underpins our own and international development success. For organisations such as the BBC World Service, adequate, long-term, sustainable funding at the forthcoming spending review is critical to enable it to continue its crucial work.

Fourthly is the issue of accountability. More than 80% of journalist murders go unpunished. It is a statistic that should shake us to our core, but it seems these days to be merely a footnote. I repeat: 80% of journalist murders go unpunished. This impunity emboldens perpetrators and corrodes international norms. It must end. We must strengthen international mechanisms for investigating and prosecuting these crimes and ensure that those who seek to silence the press through violence are brought to justice. In accordance with the recommendations from the Netherlands feasibility study, we should support the creation of an international investigative standing body to combat impunity for crimes against journalists.

We cannot afford to be passive. Reporters Without Borders found that more than half of the journalists murdered in 2024 were targeted in conflict zones. Additionally, 550 journalists are currently imprisoned globally, a 7% increase from 2023. This trend is a clear and chilling signal of escalating repression. In Gaza, the Israel-Hamas war is also a war on journalists. According to the Guardian Media Group, since October 2023, at least 170 to 232 journalists and media workers have been killed in Gaza, the vast majority of them Palestinian. More than 380 have been wounded and at least 84 have been arrested in an unprecedented attack on journalists' ability to do their job.

Now, 18 months on from the start of the war, almost all international journalists remain blocked from independently reporting on the conflict from inside Gaza, leaving local reporters as the only source of on-the-ground information. As has been said before, when journalists are silenced, so too is the voice of the people. A free and independent press is not only a fundamental human right but a necessary condition for peace, stability and prosperity. In a world increasingly defined by crisis and conflict, can the Minister assure me that His Majesty's Government will rise to meet this moment by investing in the safety and resilience of journalists who risk everything to keep truth alive?

I look forward to hearing from the Minister and to working with colleagues in this House to ensure that our commitment to the safety and security of journalists remains unwavering.

2.01 pm

Lord Browne of Ladyton (Lab): My Lords, in the interests of brevity, I will restrict myself to asking my noble friend the Minister whether we plan to take action on four specific recommendations made by the Media Freedom Coalition's high-level panel.

In 2019, it published four reports, each of which concluded with a specific recommendation. Other member states have begun to act on these, but the UK, despite its status as a founding member of the coalition, has

not. First, it recommended the establishment of an emergency visa for journalists at risk. Secondly, it called for the creation of an independent investigative task force that can be deployed contemporaneously with the commission of the crimes to help tackle impunity for them. Thirdly, it advocated the use of targeted sanctions to provide accountability for such crimes and the ability to utilise sanctions in cases of arbitrary detention of journalists. Lastly, it suggested the enactment of a legal duty on states to provide consular assistance to journalists when arbitrarily detained abroad.

I know that some progress has been made on the latter, with the Government pledging to introduce a legal right to consular assistance for those affected by human rights violations, but real challenges remain. When will this be implemented and how can it better protect journalists who are arbitrarily detained abroad, such as British citizens Jimmy Lai, detained in Hong Kong, and Alaa Abd El-Fattah, detained in Egypt? Can my noble friend the Minister tell your Lordships' House whether consideration is being given to following the example of other MFC members in adopting the high-level panel's recommendations?

We know that the opposite of free speech is not silence but an uninterrupted monologue, and that the work of journalists in oppressive states is vital in protecting freedom and exposing governmental oppression.

2.03 pm

Baroness Bonham-Carter of Yarnbury (LD): My Lords, we need assurance that this Government understand the vital role that journalists play in bearing witness, and the crisis that is enveloping journalism across the world. Journalists are increasingly being harassed, imprisoned and killed with impunity. As the noble Baroness, Lady Mobarik, mentioned, in Gaza and the West Bank alone over 175 journalists have been killed since the start of the conflict—a conflict where they are prohibited unless accompanied by designated officials.

Will the Minister join me in congratulating the Marie Colvin Journalists' Network on its work supporting female journalists in the Middle East? I declare an interest as being on its advisory board. It was established in memory of my brave friend who was murdered in Homs by the Assad regime. She was inspirational in her belief in the power of journalism to bring about change. There is also the MFC, an advocate for press freedom and journalists under threat. Why will the Government not support the call from the International Federation of Journalists and the NUJ for a UN convention for the protection of journalists?

I have just returned from the US, where the effect of Trump is chilling. The Associated Press has been excluded from attending press briefings because it insists on calling the Gulf of Mexico the Gulf of Mexico. CBS News has been sued for the way it edited its own interview with Kamala Harris. Voice of America has been gutted, which makes support for our BBC World Service only more important—a beacon of non-partisan factual reporting which reaches a global audience of 320 million. Some 80% of the World Service budget is currently classed as ODA; can the Minister confirm that this funding will be protected?

When our Arabic radio service was withdrawn from Lebanon because of lack of funds, the frequency was taken over by Russia. Does the Minister not believe in sustainable investment in the World Service and that ultimately it should be financed through general taxation via the FCO, rather than by the licence fee?

2.05 pm

Lord Alton of Liverpool (CB): My Lords, Article 19 of the Universal Declaration of Human Rights guarantees the right to freedom of opinion and expression, including the freedom to hold opinions without interference, and to seek, receive and impart information and ideas through any media, regardless of frontiers.

In exercising Article 19, too many journalists face harassment, prosecution, asset freezing, disinformation, kidnapping and even death—UNESCO suggest that, in 2024, at least 68 journalists were killed—all at a time when media outlets are being closed through hostility or funding cuts. Does the Minister agree that, when crimes against journalists are left unpunished, the lack of accountability and impunity merely emboldens the perpetrators?

Some of these crimes involve transnational repression, the subject of a current inquiry by the Joint Committee on Human Rights. We have received 1,244 pages of written submissions and oral testimonies, including evidence of systematic targeting of BBC staff and their families in countries such as Russia and Iran. Over 300 BBC World Service journalists, around 15%, now operate in exile.

We heard from Jimmy Lai's lawyers about his imprisonment in Hong Kong: jailed by the Chinese Communist Party for the crime of journalism and for promoting free media. We heard of the shocking attempted murder in London of an Iranian journalist, left bleeding on the pavement outside his studio as three assailants headed for Heathrow and out of the country.

The JCHR has been told, "There has been a serious escalation of harassment and security threats directed at journalists reporting on Iran from abroad", including credible death and kidnap threats. The committee will this week publish some of this evidence. Will the Minister urgently look at the evidence, engage with the JCHR, respond to the BBC's call for "better co-ordination across government departments" in providing support for journalists and their families, and tell us how we intend to use international fora to make more effectively the case for Article 19 and to challenge impunity?

2.07 pm

Lord Garnier (Con): My Lords, I begin by thanking my noble friend for initiating this debate and by referring to my interest as a member of the media law Bar.

In the brief time available, I will mention only one subject: Jimmy Lai. He is a journalist and newspaper owner. He is 77 and a British citizen. He is a prisoner of conscience who has been unjustly imprisoned in Hong Kong for over four years. His 12-month trial for national security offences and sedition is now adjourned until 14 August. For the rest of the hot Hong Kong summer, he will be incarcerated in a small, hot cell. He is on trial because he is a journalist and a pro-democracy activist. This is an affront to the rule of law, and to his

[Lord Garnier]
and our internationally recognised human rights. It shows up the authorities in Hong Kong and China as weak, afraid and foolish.

I urge the Minister and the Government as a whole not to forget Jimmy Lai. I urge noble Lords in every part of this House not to forget Jimmy Lai. When at least one democratically elected western leader is appeasing a murderous thug—the very type of person he and we should be confronting—this House, Parliament, Government, country and democracy must stand up for Jimmy Lai and let China know that he is not forgotten.

2.09 pm

Baroness Bennett of Manor Castle (GP): My Lords, I thank the noble Baroness, Lady Mobarik, for securing this debate and for an introduction that did not fall into outdated 20th century tropes about the idea of us over here with media freedom and them over there without it. The V-Dem—Varieties of Democracy—Institute's report, *Defiance in the Face of Autocratization*, concludes that democracy around the world has receded to the level it was at in 1985 and that censorship and the intimidation of the media is a key factor in that. Brazil and Poland are two of the countries it sees crossing over from democracy to autocracy. As the noble Baroness, Lady Bonham-Carter, set out, we are seeing lots of cases of media suppression in the United States but also a huge suppression of academics who are often the commentators and analysts in the media, crucial voices that are now being silenced by the Trump presidency.

The focus has to be truly on journalistic freedom as a good in itself, not on using it as a stick with which to beat the people we want to beat while quietly ignoring what our friends are doing. I will focus particularly on the many journalists and activists who have campaigned on environmental issues around the world, noting the British journalist Dom Phillips who was murdered in the Amazon while investigating illegal fishing, logging and drug trafficking in protected indigenous reserves.

A lot of this repression is about not just states, but the actions of corporate actors. Will the Minister say what we are going to do to strengthen UK law to exclude from our supply chain actors that are involved in the repression of free speech and the murdering of journalists and the activists who supply them with information associated, in particular, with extractive industries that damage the rights and lives of indigenous people?

2.11 pm

Baroness Coussins (CB): My Lords, I know the Minister is already well aware of the recent escalation in the Iranian authorities' harassment and intimidation of BBC Persian journalists and their family members in Iran. The aim is to intimidate the journalists into stopping their work for the BBC World Service and to silence independent reporting on events in Iran. Reports to the BBC's security team and to counter-terrorism police have not produced any relief or decline in the levels of intimidation. The targeting includes criminal convictions in absentia, freezing of assets, threats of kidnap and death and a disturbing increase of family members in Iran being questioned, harassed and having their passports confiscated.

London-based journalists cannot travel to see their families in Iran, obviously, so travel the other way is essential. However, there are significant problems with patchy advice from the Home Office and long delays in securing responses and the necessary documentation. The BBC has established good engagement on this with the FCDO, for which I am grateful to the Minister and his predecessor the noble Lord, Lord Ahmad, but what is urgently needed now, on which I seek explicit and urgent assurances from the Minister, is a whole-government approach to supporting the Persian Service journalists and holding Iran to account both internationally and in the UK. What would help immediately would be some effective leverage from the FCDO on the Home Office to get it to support and speed up its processing of visa applications for family members wishing to travel to the UK to visit Persian Service journalists based here. Will he agree to take this up with his Home Office colleagues urgently?

2.13 pm

Lord Ahmad of Wimbledon (Con): My Lords, I begin by extending my mubarak to my noble friend Lady Mobarik for convening this debate. I declare my interest as a non-executive director of Asia Media Group.

In 2019, the then Foreign Secretary, Jeremy Hunt, and I launched the Media Freedom Coalition at the UN, together with our then media envoy Amal Clooney and Abdalla Hamdok, whom I know the noble Lord, Lord Purvis, knows all too well. How things have changed in Sudan since then. At that time, there were 22 members of the Media Freedom Coalition. When we left government there were 51 members.

I have three specific questions for the Minister in that regard. I associate myself totally with the call from the noble Lord, Lord Browne, on the recommendations. On the active use of human rights sanctions mentioned by my noble friend Lady Mobarik, I know the Minister cannot answer specifically whether they are actively being considered but they are a key pillar of human rights and sanctions are there for the Government to use.

How many countries have joined the Media Freedom Coalition since last year? In my experience, breadth of membership is important to seeing collective action.

How much funding is being allocated to UNESCO, the UN body administrating support for journalists, from the UK and collectively? I would appreciate an update specifically on that. UNESCO's role was about directly supporting journalists. How many journalists were supported with their legal fees in 2024 and in advocacy and representation to other Governments?

Notwithstanding the challenges faced on the ODA budget, I hope that the focus and the prioritisation that I know the Minister is personally committed to will continue on this key human rights priority.

2.15 pm

Lord Oates (LD): My Lords, in my teenage years I grew up literally on Fleet Street, where my father was rector of the journalists' church, St Bride's, in the days

when newspapers still clustered around the street. I learned a lot during that time about the courage of journalists in bringing us news from around the world and in holding the powerful to account. At the journalists' altar in St Bride's, those who have given their lives reporting the news continue to be remembered every day.

Today, journalists are under greater threat around the world than ever. In Sudan, at least seven have been killed since the war broke out, and many have been detained. In Gaza, as the noble Baroness, Lady Mobarik, and others have told us, more than 176 journalists and media workers have been killed.

In Zimbabwe, a country close to my heart, media freedom has been under siege for decades now. Journalists are regularly intimidated, detained and, on occasion, murdered. Printing presses have been blown up and public dissent silenced. As we speak, the journalist Blessed Mhlanga has been detained for 59 days and denied his constitutional right to bail. His crime is having the temerity to conduct an interview with a former war veteran who opposes President Mnangagwa's desire to extend his term in office and has highlighted the criminal corruption of the regime and the President's family.

I note that the President's wife is due to speak at a summit in London in June. I hope that Members of our Parliament who are choosing to take part will challenge Zimbabwe's First Lady on the continued detention of Blessed Mhlanga and the overall brutality of the regime she represents, and I hope the Government will continue to make clear that there will be no resumption of normal relations with Zimbabwe while the ZANU-PF regime continues to detain journalists, deny media freedom and defy democratic norms. As the noble Baroness, Lady Mobarik, said in her excellent speech, there must be consequences for such actions.

2.17 pm

Baroness Sugg (Con): My Lords, as a founding member of the Media Freedom Coalition, the United Kingdom has a clear role to play in defending journalists and safeguarding the freedom of the press around the globe. As we heard in my noble friend Lady Mobarik's powerful introduction and from all noble Lords, threats to media workers continue, from censorship to physical violence, detention and killings, often with impunity.

Our commitment must be both principled and practical, and the UK should take action in three areas. First, we must continue to use our diplomatic influence to hold those who suppress media freedom to account. We must stand firm against regimes that target journalists through speaking out publicly, co-ordinated sanctions or international legal mechanisms. Secondly, we must help to lead global efforts to strengthen legal protections for journalists, working with international partners to promote laws that defend press freedom, supporting independent judiciaries and challenging the misuse of legislation such as defamation or national security laws that are too often weaponised against the press. Finally, we must lead by example at home by ensuring transparency, upholding the independence of the press and protecting journalists from threats or undue interference. The UK can model the values that we advocate for globally. After all, credibility abroad begins with integrity at home.

Media freedom is not just a democratic ideal; it protects against corruption. It gives voice to the vulnerable and helps to build peace. If we fail to protect those who report the truth, we are at risk of weakening democracy. The UK must not only speak up but step up for the safety of journalists, the strength of global media and the future of free expression.

I thank my noble friend Lady Mobarik for tabling this debate, and I look forward to the Minister's response.

2.19 pm

Lord Black of Brentwood (Con): My Lords, I declare my interest as deputy chairman of Telegraph Media Group and patron of the Rory Peck Trust, a charity which does exceptional work in helping freelance journalists in difficulty in hostile environments. Last year it supported more than 500 of them from 30 countries with everything from safety training to emergency medical equipment.

This subject is more important than ever as the world is increasingly unsafe for journalists and photographers. As the United States—for generations the advocate of last resort for media freedom—withdraws from its historic mission to defend free speech, new champions here in Europe are needed.

There are three immediate priorities. First, it is time to put in place an emergency visa scheme for journalists. Most reporters do not want to leave their home countries, but some have no choice but to do so to flee death or imprisonment. In such extreme cases, the window to safely exit their home is often very narrow—sometimes a matter of hours. We should join Canada, Germany, Spain and many others in putting in place safe mechanisms to help those in the greatest danger to find refuge, continue their important work and return home when it is safe. The numbers are small—perhaps 100 a year—but the signal it sends that the UK is a safe haven for those risking their lives to bring us the news is huge. Will the Minister please look at this issue?

Secondly, we must understand that here in the UK the level of intimidation of journalists, even for those on local newspapers, is intense and growing. I was told recently of a young, female journalist working for a National World local title who was subject to an abhorrent spate of email abuse and threats, in which she was told she would be sexually assaulted and killed. Fake pornographic images depicting her were circulated to her email contacts. Such examples are now tragically commonplace. Online safety laws must be implemented with rigour, not weakened in a futile act of obeisance to President Trump.

Finally, one of the most important things we can do to protect journalists in the UK is to bring in a comprehensive anti-SLAPP law. SLAPPs are used to bully and intimidate journalists seeking to uncover the truth and expose the corrupt. They are a totally unacceptable infringement on free speech deployed to coerce reporters. If we truly value journalistic safety and investigative journalism they must go.

2.21 pm

Lord Purvis of Tweed (LD): My Lords, we all thank the noble Baroness, Lady Mobarik, for allowing us to have this short but very powerful debate in the House. I pay tribute to the noble Lord, Lord Ahmad, for his work in the previous Government.

Restricting, demeaning and defunding the free press and media is a well-understood approach of autocrats and is on the increase, as we have heard. Free media are often the first victim of war, as we also heard, and journalists have too many times been personal victims and paid with their lives in order to spread truth, as my noble friend Lord Oates said in his powerful contribution. The refusal of Israel to allow free media to operate in Gaza, the refusals in Sudan, and the persecution of the press by Russia across the Ukraine conflict prove that if we believe in the rule of law, transparency and democracy, we must do more.

As my noble friend Lady Bonham-Carter said, we used to have a partner in the United States for this, but we can no longer rely on that to be the case. Therefore, it is necessary for our Government to step up, but with even a cursory glance at DevTracker online we see that UK global partnership for free media is being cut, not increased. Therefore, the alarming news that there could even be reductions in funding for the Westminster Foundation for Democracy and concerns over future funding for the World Service mean that we need to plan more. We need to do more and we need to do it ourselves.

Some 25 years ago, the charity BBC Media Action was founded because the BBC saw a need to defend democracy, and to protect human rights, freedom of speech and media freedom, because they are the very core of national security. The need is even greater now 25 years on and it is up to the Government to increase, not to cut. It is a major strategic error to cut all those areas of development partnership when so much is at stake.

2.23 pm

Lord Callanan (Con): My Lords, journalists and media workers play a fundamental role, not only in our political systems but in safeguarding our democracies. Reporters hold Governments and powerful people to account. They work to ensure that, no matter what someone's position is, any wrongdoing, abuse or misdemeanour is brought to light. The greatest enemy of autocracy is the free press.

As my noble friend Lord Ahmad reminded us, in 2019 the UK co-created the Media Freedom Coalition. Through this mechanism, we can raise violations of media freedom across the world, and the UK, alongside the MFC, has issued several statements condemning attacks on media freedom in countries including Myanmar, China and Russia. Of course we cannot directly control the laws passed in other countries, but standing alongside our allies in support of journalistic freedom sends a strong message to world leaders who would rather see this freedom repressed. Isolating those countries that do not respect a free media marks them out in stark contrast to those which do. It is important the Government continue this collaborative work with global partners as a means of holding those countries and leaders to account. Given this, I ask the Minister to outline the steps the Government are taking alongside global allies to try to influence countries in which media freedom and the security of journalists are under threat.

I have mentioned countries such as China and Myanmar. My noble and learned friend Lord Garnier was right to remind us once again to maintain the pressure on behalf of Jimmy Lai. However, these attacks on the press can often occur closer to home. Noble Lords will remember only last month the arrest and deportation of the BBC journalist Mark Lowen, who had been covering protests in Turkey. This was described by Emma Sinclair-Webb, the Turkey director of Human Rights Watch, as sending

"a message to the rest of the international media that 'we will not tolerate you covering stories we don't want the world to see'".

The deportation of Mr Lowen came alongside the detention of other journalists in Turkey, including those from the French news agency and several Turkish reporters. These actions have a chilling effect and are designed not only to remove reporters but to prevent them coming in the first place. When countries and leaders act in this way, the role of the media in holding them to account becomes even more important.

2.26 pm

The Parliamentary Under-Secretary of State, Foreign, Commonwealth and Development Office (Lord Collins of Highbury) (Lab): My Lords, I thank the noble Baroness, Lady Mobarik, for her excellent introduction to this debate and for securing it. I also thank all noble Lords for their contributions. I will try to respond to all the points and questions raised.

As the Prime Minister said, this Government are clear:

"Journalism is the lifeblood of democracy. Journalists are guardians of democratic values".

Across the world, media freedom is in decline. Newsrooms all over the world are closing and fewer people have access to trusted public interest media. But journalists are still fearlessly holding the powerful to account. Take, for example, the conflict in Gaza, as the noble Baroness highlighted, which has become the deadliest conflict for journalists and media workers ever recorded. In Ukraine and Sudan, reporters are also taking significant risks to uncover the truth.

The Government have consistently advocated for the protection of journalists, along with other civilians, yet the number of threats journalists face today, from disinformation campaigns to the toxic online environment, especially for women, highlights the urgent need to protect our media. I am grateful to the noble Baroness, Lady Bonham-Carter, for raising the Marie Colvin Journalists' Network. It plays an excellent role in highlighting that risk.

I also thank the noble and learned Lord, Lord Garnier, for again highlighting the case of Jimmy Lai. It is really important that we emphasise his case. The Prime Minister, the Chancellor, Minister West and the Foreign Secretary have all raised his case at the highest levels with their Chinese counterparts and we will continue to do so. We are monitoring his trial. Diplomats from our consulate-general in Hong Kong attend the court proceedings on a regular basis and we will continue to press for consular access.

This is why the Government are championing the protection and promotion of media freedom internationally; it is an important part of our values. As noble Lords have said, the UK co-founded the Media Freedom Coalition with Canada in 2019. To answer the noble Lord, Lord Ahmad, 51 countries are now members, and I am determined to ensure that number increases. We are in constant dialogue with allies about this. I am proud to build on the work of the noble Lord, Lord Ahmad, and of the previous Government in establishing the coalition. I attended its fifth anniversary event at the UNGA last September.

To answer the noble Baroness, Lady Mobarik, we are absolutely committed to using all diplomatic tools. The Government have supported six Media Freedom Coalition statements on individual cases, including those of José Zamora in Guatemala and Stand News in Hong Kong, as well as statements on specific countries, such as Georgia and Burkina Faso, and on issues such as journalists in conflict.

The High-level Panel of Legal Experts on Media Freedom, ably chaired by my noble friend Lady Kennedy, provides expert legal advice to coalition member states on legislative reforms. My noble friend asked specific questions about its reports, and we certainly welcome its contribution to the coalition. Its reports have covered sanctions, consular safe refuge and investigations. On sanctions, we are more than happy to follow up separately on individual reports. On the reports on investigations into attacks on journalists, we share the concern and value the work that went into this report and the evidence it provides—to answer the other question—on impunity for crimes against journalists. We will pursue this as a matter of urgency.

The UK is actively working through existing OSCE and UN mechanisms to call for greater media freedom. We support the Council of Europe's Journalists Matter campaign, and for the past five years we have funded, as noble Lord, Lord Ahmad, raised, UNESCO's global media defence fund, which works to bolster journalists. We will continue to consider how best we can do that. As noble Lords pointed out, we have been reviewing how to strengthen support to British nationals overseas through our consular service, including support for journalists and the right to consular assistance.

On safe places and visas, the Home Office has advised that the Home Secretary's existing discretion to grant leave—for example, in exceptional humanitarian circumstances—is sufficient to cover the point that the noble Lord, Lord Black, raised.

On Afghanistan, at the UNGA coalition event, I and Minister Mélanie Joly presented the Canada-UK Media Freedom Award to Lotfullah Najafizada, who accepted the award on behalf of independent journalists in Afghanistan. It was amazing to hear the contribution from them and the work that they continue to do: their courageous reporting on human rights and women's rights under the Taliban regime. We will continue to highlight that.

At a time when media freedom is under threat across the world, I am pleased that the BBC World Service provides impartial, accurate news to global audiences of 320 million. Its language services reach audiences living in authoritarian and conflict-affected states, where accurate information is restricted. In October, we launched a new global media development programme with BBC Media Action in Sierra Leone, Zambia, Ethiopia, Indonesia, Bangladesh and Peru. Again, to answer the noble Baroness, Lady Bonham-Carter, it is our Government's policy to ensure a long-term sustainable funding future for the World Service, and we have committed to do this through the charter review. The media action programme also supports and strengthens local media in the countries I mentioned.

More broadly, we are committed to promoting and protecting human rights and the rule of law. It is important that we see media freedom through that prism—they are all interconnected. We will and do work with our allies to encourage all states to uphold their international human rights obligations and hold those who violate or abuse human rights to account.

As the noble Baroness, Lady Sugg, said, we do not just champion media freedom abroad; we advocate for media safety at home, too. The UK convenes the National Committee for the Safety of Journalists, which is responsible for the delivery of the national action plan for the safety of journalists. This year, we will work with members to draw up the next iteration of the plan. I hope I can reassure the noble Baroness, Lady Mobarik, that tackling abusive legal threats against journalists will also be a key domestic focus this year.

As the noble Lord, Lord Black, raised, we have seen how journalists and others are targeted through legal action in UK courts for their role in exposing economic crime, including corruption. We understand the need for legislation, but we cannot legislate in haste. We have to understand and be clear about the balance between access to justice and free speech, but we are committed to reviewing it.

I hope that today's debate is only the start of our consideration of this important issue. I again reassure the noble Lord, Lord Ahmad, that this Government are committed to continuing the work that he started, which I am incredibly proud about, and that we will do so at all levels of our multilateral and bilateral relationships. I understand the points that the noble Lord, Lord Purvis, raised—I will not go through our spending plans point by point—but I reassure noble Lords that this Government are committed to ensuring that we use all tools available to us to defend media freedom, which includes all our diplomatic efforts.

To conclude, we are continuing to support and protect media freedom, both domestically and internationally, through the Media Freedom Coalition, which we are committed to building and extending, and other initiatives. We are taking big strides towards a safer and more transparent environment for all journalists, ensuring that independent media can thrive and hold power to account.

Baroness Coussins (CB): Before the noble Lord sits down, can he comment on the question I asked about his willingness to speak to Home Office colleagues about being quicker off the mark in processing visa applications for the relatives of BBC Persian journalists? They need to come here to visit their family because the journalists, who are based in London, clearly cannot go there.

Lord Collins of Highbury (Lab): I understand the noble Baroness's point and I will undertake to do that.

British Steel

Statement

The following Statement was made in the House of Commons on Tuesday 22 April.

"With permission, Madam Deputy Speaker, I wish to make a Statement on the steps the Government have taken since the Steel Industry (Special Measures) Act 2025 came into force.

The Government took the decision to recall Parliament on, 12 April, so that we could take swift, significant action on British Steel. As honourable Members will be aware, that was the first time Parliament had sat on a Saturday in over 40 years. Our attendance in this place was testament to the urgency and importance of the issue at hand, which was the need to prevent the immediate closure of the blast furnaces at Scunthorpe. The action we took on 12 April and the measures we have taken since matter greatly for this country, and are of enormous importance to thousands of steel-workers and their families. I am very pleased to inform the House that this afternoon, British Steel has cancelled the redundancy consultations started by Jingye. I know that many British Steel employees will breathe a sigh of relief at that news.

It is regrettable that when this Government took office, we inherited a steel sector in crisis, and an iconic British company facing an existential threat. Since day one, we have worked tirelessly with British Steel and the trade unions to find a resolution, because blast furnace closures at Scunthorpe are an outcome that this Government were simply not willing to allow. I want to stress that this kind of state intervention is not something that we intend to replicate in other situations, or for other industries. We recognised that unprecedented action was warranted in a truly unprecedented situation.

As honourable Members will know, the legislation we introduced, which was passed that weekend, gave us the power to direct British Steel's board and workforce, ensure they got paid, and order the raw materials to keep the blast furnaces running. It also permits the Government to do those things themselves, if the circumstances demand it. We have wasted no time in enacting those powers and taking the urgent action required to keep the blast furnaces lit at Scunthorpe. We have secured the raw materials needed to keep the blast furnaces operating, and we continue to work at pace to secure a steady pipeline of materials. Officials were on site to help British Steel within hours of the Steel Industry (Special Measures) Act 2025 becoming law, and we are already seeing the real-world impact of our decisive intervention.

I am delighted to say that British Steel has also confirmed today that it can keep operating both of the UK's last remaining blast furnaces. By contrast, Jingye's plan was to shut one of them down earlier this month. It will come as no surprise to honourable Members to hear that the company's workforce, their families, suppliers and communities have expressed deep gratitude for the action we have taken, which has preserved steel-making at Scunthorpe and safeguarded thousands of skilled steel jobs.

Now that the immediate emergency has passed, it is right that honourable Members also ask questions about what is next. We have been clear that in order to secure the long-term future of British Steel, which has not been properly invested in for years, we will need a modernisation programme, ideally with a private sector partner. Furthermore, we will need to look beyond any individual company, and ensure a secure and thriving future for the whole steel sector. That is why we are continuing our work to publish the steel strategy this spring.

All options are on the table as we begin to address the company's long-term sustainable future. My officials met Jingye on 16 April. It was a respectful conversation, and that dialogue will continue as we find a way forward in the national interest that safeguards steel-making and protects jobs. With that in mind, I also want to say thank you—thank you to those who sent us messages to say we did the right thing to save British Steel, thank you to everyone who offered practical support and, most importantly, thank you to the workers and managers at British Steel who have heard our call to produce the steel that we need to deliver our plan for change, to keep the Scunthorpe site and everyone working at it safe, and to do so in a way that reduces the scale of financial losses. They have shown remarkable resilience and dedication at a supremely difficult time, and have served the plant, their community and the nation. They have promised us that there are better days ahead for British Steel, and we agree. We are giving them the chance they need to write the next chapter of British Steel's history.

We have assured this House time and again that steel has a bright future under this Government, and I restate that today. Steel is fundamental to Britain's industrial strength and to our identity as a global power, and we will never hesitate to protect it. We have committed to update both Houses as policy develops and a longer-term strategy is formulated. I reaffirm that written updates will be forthcoming regularly. So let there be no doubt: this week is not the end. It is not the end of the work, and it is not the end of the negotiations, but, thanks to the actions we have taken, it is also not the end of British Steel. I commend this Statement to the House".

2.37 pm

Lord Hunt of Wirral (Con): My Lords, I welcome this opportunity to return to the subject of Scunthorpe and British Steel. I start by saying once again, as I said on the last occasion, that our thoughts today must be with the steel-workers, their families, the suppliers and the communities whose future hangs in the balance in what is a very difficult and challenging situation.

We welcome the news that British Steel's redundancy plans have been halted. This will be a relief to the workers and their families who have endured months of uncertainty because, when one looks at the background to this whole situation, one sees that the Government have just not had any plan at all for British Steel. As was said when we met on Saturday 12 April, during the Recess, this situation should never have been allowed

to reach this point. The closure of the Stellantis plant in Luton—as long ago as 29 November last year—was a stark warning, yet still the Government failed to act in time. So, although today's Statement brings some short-term reassurance, it is by no means a resolution. This is only the beginning. I say to the Minister that we now need urgent clarity. We need to understand how the Government plan to secure the future of the British steel industry.

That includes a clear strategy to boost domestic steel production, a credible plan to attract and sustain private sector investment, and an assurance that the broad powers that the Government have taken will genuinely be temporary. Although we are told that these powers will not be held

"for a minute more than is necessary",—[*Official Report*, Commons, 12/4/25; col. 843.]

the Government's recent approach with delegated powers and Henry VIII clauses is precisely why this House called for a sunset clause. Parliament was just not given sufficient time to scrutinise the Bill properly, and the Government should have taken that opportunity to come back to Parliament with improved proposals that had not been rushed through. Sadly, that proposal was rejected. We now have a commitment that the Secretary of State will provide updates every four weeks, and we are going to have a debate in this House, in September or October, on the future of British steel. This is very much what the noble Lord, Lord Fox, and many of us called for on the last occasion, but the House really now needs to hear a commitment from the Minister that this will be a substantive debate. On the last occasion, the Minister said:

"I can confirm that my noble friend the Chief Whip will facilitate a fuller debate on the Floor of the House on the operation of what will then be the Act".—[*Official Report*, 12/4/25; col. 534.]

I do not know whether the Minister has had an opportunity of talking to her colleague, but we really would like some further detail, because this House must be given the opportunity to scrutinise and influence the direction of policy in a substantive debate. Can we please have that assurance?

We must of course also address the cost to the taxpayer. Have the Government provided any form of estimated assessment of the public cost so far? Looking ahead, where will the ongoing costs land, especially if the government intervention continues or escalates? On that point, the Business Secretary has now said repeatedly that nationalisation is likely. Can the Minister confirm that any move towards nationalisation will not be rushed through at the last minute via emergency legislation? If it is indeed the Government's intention to nationalise, they should make that clear today and bring forward legislation without delay. This House must be given the opportunity properly to debate and scrutinise such a significant move. What happened during the Recess is not acceptable and should not be repeated, because it was an appalling way for Ministers to treat Parliament. The Government should act in a timely way to prevent unnecessary uncertainty and strain on our steel sector workers and their families.

Then to the matter of the Government's long-promised steel strategy: we are told that this will be laid before us very soon. Can the Minister give us an idea of what it will contain? Specifically, will the Government consider, or reconsider, opening coking coal mines in the UK? On the last occasion we debated this, the noble Lord, Lord Young of Norwood Green, asked the Minister:

"Will the Government reconsider the decision not to support the Cumbrian mine, which can produce high quality coking coal?".—[*Official Report*, 12/4/25; col. 517.]

There was no indication of an answer to her noble friend's question in that debate, and we would love to hear an answer from the Minister today. I realise that there is a sulphur problem, but it is long standing and can be overcome. Can we please reconsider opening coking coal mines in the UK? It is patently absurd to reject domestic coking coal on environmental grounds, only to import it from thousands of miles away at a greater environmental and financial cost.

Secondly, the Government have committed £2.5 billion in investment in steel. Will the Minister clarify for what this funding is intended? Is it going to cover running costs? If not, who will? Are we expecting the taxpayer to carry that burden as well?

Finally, I have a broader question. Will the Government now reconsider elements of their environmental policy and regulatory framework that have at times actively harmed UK industry? Of course we must stay committed to our environmental obligations, but surely that must be balanced with industrial viability, energy, security and economic growth. Can the Minister confirm whether such a review is under active consideration?

The British steel industry is a strategic national asset. It surely deserves better than piecemeal interventions and opaque announcements. I ask again: can we please be provided with the clarity, detail and honesty that this House, the other place and the thousands of workers and communities relying on us rightly demand now?

Lord Fox (LD): My Lords, when we debated the fate of British Steel on 12 April, the sense of urgency from the Government was palpable. As subsequent events played out, that sense of urgency was fully justified. Unlike the noble Lord, Lord Hunt, I would say it was timely legislation that Parliament moved effectively to deliver. That is why the contents of this Statement—as far as it goes—which sets out how both blast furnaces have been secured and the redundancy process has been ended, are good news. Everyone involved should be congratulated on pulling together and working so effectively to do that.

However, the haste of the legislation and the need for quick action leave a lot of open questions. I will ask a few more nitty-gritty questions. First, what about Port Talbot? I cannot help thinking the Welsh will be looking eastward and wondering where they fit into this programme. Have the Government had discussions with Tata Steel? How do the Government see the whole picture of steel in the United Kingdom, and how will they set that picture out to your Lordships?

Secondly, what is Jingye's current status, in respect of British Steel but also the other steel-related businesses that it holds in the UK? Given the fractious nature of the past 10 days, how are the Government relating tousb the Chinese business that it still owns the site? What is the point of contact? Is it operational or departmental? Is it governmental, or is there no contact at all between Jingye and the people now running the

[Lord Fox]
plant? Can the Minister confirm whether there have been government-to-government discussions about this between the UK and the People's Republic of China?

Thirdly, following some discussion during the take-note debate last week, I wrote to the noble Baroness, Lady Jones, and the noble and learned Lord, Lord Hermer, who was present on the Front Bench at the time, asking them to clarify the basis of international law that the Government are using, at WTO, EU and domestic legislative levels, to justify subsidising the operational functions of a business that they do not own? Perhaps the Minister could alert her officials to the existence of that letter and chivvy along the response.

In the Statement, in answer to the rhetorical question "What next?", the Secretary of State said that

"All options are on the table".

It would help your Lordships' House if the Minister could explain what is meant by "all options". More than this, I suggest that, to properly decide what should happen, the Government should have a very clear-eyed sense of their industrial strategy. We should not delude ourselves: the UK steel industry has been in a tough place for a very long time, and Saturday 12 April did not change that. For UK steel to flourish, it needs to be within an industrial strategy and within a defence industrial strategy. We are waiting for these, and the need for these anchoring strategies is ever more present. So, I ask the Minister: when will the industrial strategy be published?

The noble Lord, Lord Hunt, raised the Stellantis closure, which was announced on 29 November. This was surprising, because I would ask him: who was in government at the time that announcement was made? However, he said that steel is fundamental to Britain's industrial strength, and we agree with that.

Lord Hunt of Wirral (Con): The noble Lord has got the dates wrong.

Lord Fox (LD): In that case, I withdraw the point.

To make the statement true, the industrial strategy should explain how it is going to build the steel industry, what steels are needed and what processes can deliver them. I have an outstanding question on the different sorts of steels that can be delivered by blast furnace and electric arc furnace; that question still has not been answered. It is my contention that many of the specialist steels we require, particularly for our defence industry, cannot be produced via current electric arc technology. I would like an answer to that question. It should explain how the demand for UK-made steels will be stimulated and grown, and it should devise an ownership structure that actually fits in with that strategy. At the moment, we are looking at ownership before we look at what we want the industry to do. I suggest that we should be looking at this the other way around.

Finally, unless the Government deal with the high cost of energy—which they did inherit from the Conservative Government—it is hard to see how any of this works. So, can the Minister at least acknowledge the problems faced by the whole manufacturing sector by disproportionately high energy costs, and can the Minister suggest how the Government are going to address that absolutely key issue?

The Minister of State, Department for Business and Trade and Treasury (Baroness Gustafsson) (Lab): I thank the noble Lord, Lord Fox, for his question, and for acknowledging the pace of action to which many of us in this House responded. It really was a significant event, from a number of people, and I also extend my thanks in that regard.

Steel is vital to the UK, and this Government were elected with a clear mandate to rebuild the steel industry after a decade of neglect, and to support steel-workers, their families and their communities for generations to come. We have committed £2.5 billion to doing so in addition to £500 million for Port Talbot.

Resolving the years of uncertainty surrounding the future of the Scunthorpe steelworks has been a priority since our first days in office. We have worked tirelessly with Jingye and the trade unions to find a resolution for British Steel which protects jobs and ensures ongoing steel production. This included making a generous conditional offer of financial support and offering to pay for all of the company's raw materials—offers which Jingye, British Steel's owners, did not accept.

On 12 April, the Government took the decision to recall Parliament so that we could take urgent action on British Steel. As noble Lords will be aware, this was the first time that this House has sat on a Saturday in over 40 years. Attendance in this place was testament to the significance of the issue at hand, which was to stop the immediate closure of the blast furnaces at Scunthorpe.

The noble Lord, Lord Hunt, asked about the specific steps that we have taken since the Steel Industry (Special Measures) Act was passed on 12 April. As noble Lords are aware, the legislation gives government the power to direct British's Steel's board and workforce, to ensure they get paid and to order the raw materials to keep the blast furnaces running. It also permits the Government to do these things themselves if the circumstances demand it.

We have wasted no time in enacting these powers and taking the urgent action required to keep the furnaces lit at Scunthorpe. Officials were on site to help British Steel within hours of the Steel Industry (Special Measures) Act becoming law, and we are already seeing the real-world impact of our decisive intervention. As a result, we have secured the raw materials needed to keep blast furnaces operating for the coming weeks, and we continue to work at pace to secure a steady pipeline of materials. I am delighted to say that British Steel confirmed on Tuesday that it can keep operating both of the UK's last remaining blast furnaces, in contrast with the plans of the owners, Jingye, to shut one of them down earlier this month. These actions matter greatly for this country and are of enormous importance to thousands of steel-workers and their families. I am very pleased that British Steel also confirmed on Tuesday that it has cancelled the redundancy consultations started by Jingye.

Now that the immediate emergency at Scunthorpe has been resolved, it is right that noble Lords ask questions about what is next. Officials met with Jingye on 16 April. It was a respectful conversation, and that dialogue will continue as we find a way forward, in the national interests, that safeguards steel-making and

protects jobs. However, as the Minister for Industry stated on Tuesday in the other place, British Steel has suffered years of underinvestment. To secure its long-term future, we will need a modernisation programme, ideally with a private sector partner. Furthermore, we will need to look beyond any individual company and ensure a secure and thriving future for the whole steel sector, which is why we are continuing our work to publish the steel strategy this spring.

I understand the points about the financial implications of our intervention in British Steel. In the interests of transparency, the Department for Business and Trade accounts for 2025-26 will of course reflect the financial support that the department has given to British Steel. It is also important to recognise that allowing British Steel to collapse was not a no-cost or low-cost option; it would have had far-reaching economic consequences, including the loss of thousands of jobs in an economically vulnerable area. The Government's intervention to prolong blast furnace operations at Scunthorpe was a necessary investment in the future of our economy and national security.

While the situation at British Steel has developed rapidly, we have also been working tirelessly to address the long-term sustainability and competitiveness of our steel sector. Our robust industrial strategy will be complemented by our steel strategy, due to be published in the spring, which will address the complex issues facing the industry, many of which the noble Lord, Lord Fox, acknowledged, including ageing infrastructure, high energy costs and intense global competition.

We have assured this House that steel remains a priority under this Government. Steel is fundamental to Britain's industrial strength, and British Steel has a central role to play. As we move forward, we will keep both Houses informed with regular written updates as policy develops and our longer-term strategy takes shape. I will speak to the Chief Whip about making a commitment that it will be debated here.

To conclude, I reiterate the words of the Minister for Industry that

"steel has a bright future under this Government".

This week is not the end: it is not the end of the work or the negotiations and, thanks to the actions we have taken, it is also not the end of British Steel.

2.58 pm

Viscount Hailsham (Con): My Lords, given that high energy costs and the increased national insurance contributions on employers are threatening the viability of British manufacturing industries, most especially steel-making, what do the Government propose to do about these additional costs?

Baroness Gustafsson (Lab): Energy costs are high in the UK—I see that and regularly hear conversations about that, not just in this sector but in many industries manufacturing across the UK. The Government are already taking particular action on the UK's high industrial energy costs, which are the highest in Europe and four times those in the United States and which have doubled in recent years.

The British industry supercharger package will bring electricity costs down significantly once fully implemented from April 2025, ensuring that energy-intensive industries such as steel are shielded from future policy costs that would have a significant impact on their electricity costs. To be clear, things such as the net-zero transition are not causing this challenge; the challenge is securing the clean energy that we need to end our reliance on the overseas oil and gas market. Indeed, UK Steel, the trade body for the steel industry, has said that it is

"the UK's reliance on natural gas power generation"

that leaves us with higher prices than our international allies; it is not too much clean energy but too little.

Viscount Hailsham (Con): What about employers' contributions?

Baroness Gustafsson (Lab): We will write on that matter.

The Lord Bishop of Lincoln: My Lords, following interventions from Lincolnshire MPs in the other House when the Statement was received, the Minister spoke specifically about the possibilities of further research into the use of hydrogen in relation to blast furnaces. Can the Minister comment on that? At what scale will research be undertaken to enable that to be part of the steel strategy in terms of powering blast furnaces in particular?

Baroness Gustafsson (Lab): A significant part of the ongoing steel strategy will be thinking about how the provisioning of energy will be created for the long term as a reliable and sustainable source. That will form part of the long-term steel strategy plan that will be coming out. That will include provisions about how or whether it will appropriate to use hydrogen as part of that consideration.

Lord Bellingham (Con): My Lords, will the Minister find time today to look at the comments by one of the UK's foremost energy experts, Simon French of Panmure Liberum, who recently pointed out that when the UK imports oil, gas and coking coal rather than relying on domestic sources the resulting carbon emissions are a staggering four times as high? Therefore, will she commit now to ensuring that the Government look very urgently at opening up coking mines in this country and, indeed, oil and gas fields in the North Sea?

Baroness Gustafsson (Lab): There is an immediate and a long-term challenge here. The immediate-term one is working to make sure that British Steel has the raw materials that it needs to be able to keep those blast furnaces running. The UK does not have any operational coke ovens, so we are unable to change domestically mined coal into the coke that is required for blast furnaces. This means we are required to import it. There have been questions about whether we can be thinking about a Cumbria development to be able to source some of that, and it has been explored, but the current assessment is that coal from the Whitehaven mine, for example, has too high a sulphur content for British Steel's needs.

The Earl of Effingham (Con): The Minister has talked about transparency and updates, so may I please ask her—and I do not expect her to have this to hand now—for more detailed information? There are many

[The Earl of Effingham]
noble Lords who would greatly appreciate seeing a very simple spreadsheet showing us the inputs and why it is apparently costing £700,000 per day to run this operation. Can she commit to providing us with the numbers so we can see where the costs are coming from, why and whether we can have a viable ongoing concern that might even break even?

Baroness Gustafsson (Lab): Creating an ongoing, viable concern is absolutely the aspiration for the sector, not necessarily with regard to British Steel specifically, but the much broader sector. As I said earlier, we have the immediate-term question of how we make sure that the day-to-day operation of British Steel is ongoing and running. That second longer-term piece is how we make it a financially sustainable industry and one that is able to wash its own face economically. To that part, that is where that steel strategy is really core. With regard to the specifics of what we are spending in the here and now, that is absolutely information that will be made available within part of the department's accounts when they are published.

Baroness Bennett of Manor Castle (GP): My Lords, the annual volume of steel scrap exported from the UK was 7.22 million tonnes in 2023, 8.24 million tonnes in 2022 and 7.4 million tonnes in 2021. That figure is not going down: it is bobbling around, which is a product of both the supply of scrap steel from within the UK and what is happening in markets to which it is being exported, particularly the Indian subcontinent. My question is about the Government's long-term vision. That amount of steel would ensure that if we were to recycle that ourselves under the best possible environmental conditions, we would obviously be creating jobs and opportunities to secure a supply of steel for the just transition that we need. Is the Government's long-term vision a circular economy in steel so we are not exporting scrap steel?

Baroness Gustafsson (Lab): I can confirm that thinking about how we create that circular economy within the steel industry and how we think about scrap steel will absolutely be a key aspect of the steel strategy.

Baroness Hazarika (Lab): My Lords, could the Minister give us any indication of how much of the steel that we hope will still be produced in Scunthorpe will be used for the defence equipment that we may have to produce in this country now because of our changing defence situation and for the house building we are planning to do?

Baroness Gustafsson (Lab): With regards to the specifics of Scunthorpe, I am not yet in a position to be able to confirm how much that would be used domestically. Currently only 40% of the UK's demand is provided domestically, so there is a significant domestic market that we could be looking to serve here.

Baroness Neville-Rolfe (Con): My Lords, steel is a strategic national asset, which is, of course, why our Front Benches worked together on that long Saturday 12 April in a very enlightening debate, which was also informed by the background of US tariffs. Are the Government worried about the future of other strategic national assets, perhaps as a result of sky-high electricity price or inappropriate Chinese involvement? Cement might be one area, but I am sure the noble Baroness will be able to tell us what the Government are looking at in this area, whether there are causes of concern and how they are dealing with them.

Baroness Gustafsson (Lab): The noble Baroness is right. Today's world feels like it is changing from a Monday to a Tuesday. We must not forget that in all of this, we should have that north star—what are those assets that we have within the UK and those industries that we see encouraging all our future growth, and how can we support them? The purpose of the Government's industrial strategy is to illuminate exactly that: how do we identify those key sectors and what are the facets that we need to intervene in to be able to support the growth? A key aspect of that is energy costs, which is why things such as the supercharger scheme is so important. They need to be targeted at those sectors that we see as really essential to the UK.

Lord Fox (LD): My Lords, I ask the Minister to reaffirm that the steel strategy is not mutually exclusive of the net-zero strategy but central to it going forward. There is an unfortunate tendency to think you can have one and not the other. Can the Minister confirm that the aim is to deliver one through the other?

Baroness Gustafsson (Lab): I confirm exactly that: energy is going to be such an important growth driver across all our sectors, and a key one that we are talking about today is the steel strategy. For us to grow a sustainable and powerful industry within the UK, we need a sustainable and powerful source of energy that is generated here and that we can rely on. That is why the two go hand in hand.

Viscount Hailsham (Con): I press the Minister further on the impact of the increase in employers' national insurance contributions. What is the Government's assessment of the impact of those increases on steelmaking?

Baroness Gustafsson (Lab): I would be more than happy to follow up specifically in that regard.

Lord Bellingham (Con): My Lords, can I just push the Minister on the last part of my question? She answered my point about coking coal production in the UK, but not oil and gas fields in the North Sea. Is it now the Government's intention to pursue vigorously the production in those fields in the North Sea, including Rosebank?

Baroness Gustafsson (Lab): I am more than happy to follow up specifically on that matter with you separately.

Baroness Bennett of Manor Castle (GP): My Lords, the Minister spoke about seeking new private sector involvement in Scunthorpe and the steelworks. We have seen so much private sector involvement in sectors such as the water industry, with essentially the privatisation

of profits and cash and the socialisation of debts and costs. Can the noble Baroness assure me that that will not happen here?

Baroness Gustafsson (Lab): I think we have been clear about the best way forward: we would like this to be a commercially run business, with private investment and government acting in support. But we will do whatever it takes to give the UK the best chance to safeguard the future of steel-making. That is why we would talk about the most likely outcome, as the Secretary of State has mentioned, being that of nationalisation.

Lord Hunt of Wirral (Con): If there are no further Back-Benchers, may I just ask a question of the Minister again, very briefly? We are impressed with her enthusiasm. Indeed, if I may say so, there is a spring in her step. She referred several times to the steel strategy being published in the spring. Well, I detect that summer—although we may not believe it—is just round the corner. So, when will that steel strategy be shared with this House?

Baroness Gustafsson (Lab): I thank the noble Lord very much and I am proud that I have a spring in my step. I am just back from a bank holiday weekend which I spent in a garden, and indeed it felt very spring-like. But until I take those covers from my ferns, it is not yet summer.

3.11 pm

Sitting suspended.

Renters' Rights Bill

Committee (2nd Day) (Continued)

3.20 pm

Amendment 24

Moved by ***Baroness Warwick of Undercliffe***

24: Clause 4, page 5, line 22, at end insert—

"(5ZB) The court may not make an order for possession of a dwelling-house on Ground 6B (whether or not an order is also sought on any other ground) where the landlord has not complied with section 11A of this Act."

Member's explanatory statement

This amendment would make possession under ground 6B contingent on compensation being paid, rather than compensation being dependent on court proceedings.

Baroness Warwick of Undercliffe (Lab): My Lords, I declare an interest as chair of the Property Ombudsman, TPO, for the private rented sector. I have two amendments in this group, Amendments 24 and 30. Both relate to repossession under ground 6B. Their intention is to make possession on that ground contingent on compensation being paid, rather than being dependent on court proceedings. I am grateful for the very helpful briefing on this matter to the National Renters Alliance and specifically to Safer Renting, a renter advocacy service operated by the social action charity Cambridge House.

Ground 6B provides landlords with a route to vacant possession, evicting the renter in the process, to give the landlord the possibility of avoiding a range of sanctions that could be imposed or taken by a local authority when breaches have occurred. As I understand it, the purpose is to protect renters from poor landlord practice—for example, poor housing conditions—while enabling landlords to comply with enforcement action. However, it gives the non-compliant landlord grounds for possession of the property in cases where renter wrongdoing may not have occurred, yet resulting in potential homelessness for the renter. An amendment was made to the Bill in another place to give the court the option of ordering the landlord to pay to the tenant such sum as appears sufficient as compensation for damage or loss sustained by that tenant as a result of the order for possession.

This is a welcome addition to the Bill. The intention of that amendment is to compensate the renter appropriately for the damages of possession. However, Safer Renting, whose staff are experts in supporting renters to access redress, believes that the mechanism for doing so via a court order has significant complications. Under the current proposal, any compensation ordered by the court may not be paid to the renter before their eviction. If compensation is not paid before the eviction, renters may be left to foot the bill for any relocation or legal expenses out of their own pockets.

This is wholly inappropriate and leaves the renter in an extremely perilous position. It is surely contrary to natural justice. Ground 6B would mean that the renter is evicted from their home, forced into finding alternative accommodation—potentially at a higher rate—or faces homelessness. The renter is burdened by the highly stressful situation of having to find a new private tenancy. The renter is likely to be forced to pay for a new deposit in the intermediary period before the possession and the compensation payment, which they may not be able to afford. The renter's housing move-on is at the mercy of the court system for their compensation—a court system with extreme backlogs and under extreme pressure. This is likely to cause a prolonged period of uncertainty and stress. The renter must find legal representation, potentially at prohibitively high costs, and is expected to take on the additional burden of pursuing an unscrupulous landlord for unpaid compensation. By making the possession contingent on compensation paid up front, the renter does not suffer these consequences and is fairly compensated for any stress and burden experienced.

There are further considerations if a renter is evicted. Renters in priority need must be placed in temporary accommodation and rehoused by the council, at substantial cost to the individual local authority and the public purse. This is further complicated by the prospect that a mandatory ground for eviction could financially disincentivise councils from pursuing the necessary enforcement action against the non-compliant landlord, contradicting the local authorities' enforcement strategy as the costs of rehousing are passed on to the local authority. This is during a period in which local authorities are spending £2.3 billion on temporary accommodation housing more than 120,000 households, and many councils are in severe financial trouble.

[Baroness Warwick of Undercliffe]

In addition, with deposits now averaging around £1,218, the cost of a new deposit is potentially a major prohibitor to finding new accommodation quickly. Should the landlord fail to return the renter's deposit on their vacating the property, the renter would be expected to find an additional cash sum likely to be over £1,000. This is highly prohibitive for most renters and leaves them either in potentially dire financial straits or unable to afford access to a new home.

A recent survey by the property company Reposit showed that, of 1,000 renters surveyed, nearly half—48%—had to borrow money to afford a deposit. By ensuring that compensation for possession is paid prior to the possession order, renters will be able to move properties more seamlessly and not face potentially prohibitive financial burdens or barriers.

As the Bill is currently presented, for the renter to access compensation they must rely on the landlord, who has already broken the law, to comply with the court order to pay compensation. There is no guarantee that any compensation ordered by the court will be paid to the renter. In this event, the renter must take the landlord to court. The courts, as I have said, are currently under record backlogs, with most recent data suggesting that the wait time for a small claims hearing is 54 weeks—more than a year. This is an egregious length of time to wait to receive the necessary and appropriate compensation for a vacant possession through a landlord's non-compliance.

Legal representation is also a major financial barrier that may prevent renters from attempting to claim compensation. Vacant possessions are typically ordered on poor-quality housing where the rent is lower; therefore, the income of the renter is also likely to be lower. It is logical to assume that the majority of renters who receive a possession order will not have the funds to support a legal claim against the landlord for the compensation that they are due. This would be a significant injustice; I hope it can be prevented.

Although some renters would be able to access legal aid funding, the majority and an increasing proportion would not. Legal aid cuts have resulted in 34% fewer legal aid funded possessions proceedings since the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012—according to analysis from Safer Renting.

Furthermore, compensation is not always paid by criminal landlords, even following a court order, as Safer Renting has witnessed in a high number of cases. Safer Renting's data reveals that, in instances where award for a rent repayment order has been given against a landlord, with the proper status and assets, only 40% of landlords have complied with the order to pay the renter. When the order has been made against an intermediary landlord, compliance with the order drops even further to just 5%. This is contrary to natural justice and the intentions of Parliament in bringing forward the Bill.

I hope my noble friend the Minister will consider how, without compensation paid prior to the possession of the home, renters—particularly those on low or no income—will find the necessary funds to pay for a deposit on a new home while they await a court order. What estimate do the Government make of the additional costs that local authorities in England will incur in cases where priority-need renters are evicted from their homes and placed into temporary accommodation? Will legal aid be made available to renters to enforce compensation orders made by the court under the existing provision for representation in relation to possession proceedings? If so, what is the Government's calculation of how much extra this will cost? Finally, can the Minister say whether there is an appropriate timeframe for a renter to receive compensation following their eviction?

I hope I have shown that my amendments would deliver a fairer and more just outcome for the renter, where the landlord has acted unscrupulously or without compliance. I beg to move.

3.30 pm

Baroness Grender (LD): My Lords, we welcome the Government's commitment to rebalancing the relationship between landlords and tenants, and the abolition of Section 21, but we must ensure that the protections afforded to tenants are as robust as possible if the Bill is truly to deliver for the people who find themselves on the front line of this housing crisis. The Bill introduces new mandatory eviction grounds. Although we understand that the intention is to provide clear routes for landlords to regain property, making grounds mandatory removes the courts' vital ability to act as a backstop and consider the individual circumstances of the tenant. It is important to test this issue in Committee, which is why we tabled Amendment 31.

Although most repossessions will be able to proceed without a hitch under the new Act, ensuring that exceptional cases have a discretionary element is critical—a discretionary element that the Labour Front Bench argued for with some vigour in the previous Parliament. Indeed, the Renters' Reform Coalition argue that the lack of discretion is one of the most significant shortcomings in the Bill. The Renters' Reform Coalition comprises some of the leading charities that work tirelessly on the issues of tenancy, homelessness and housing, including Shelter, which I used to work for. I thank the coalition for its work on this amendment and its support on this issue.

It is not difficult to imagine situations where compelling reasons for refusing immediate possession should exist. For instance, a tenant or a member of their family may have a serious terminal illness such as cancer, with a very limited life expectancy, a severe disability, or caring responsibilities for a disabled person, meaning they will necessarily need a longer period to find the most suitable accommodation. In the previous Parliament, the shadow Housing Minister, Matthew Pennycook, provided us with a useful hypothetical example, in which a terminally ill cancer patient could be evicted and at risk of homelessness because the landlord wishes to sell—a landlord, in this hypothetical scenario, with a portfolio of, say, eight houses and no compelling need to sell. In that scenario, he argued, a judge should have discretion.

Mandatory grounds, such as grounds 2ZB and 2ZC, which cover possession when a superior lease ends, prevent the court taking these profoundly human factors into account. Making all grounds discretionary would offer a vital layer of protection. It would allow

the courts the potential to act as a backstop, consider all factors and potentially propose alternative courses of action to avoid a damaging eviction.

Obviously, some will argue that this cannot be done on the grounds of backlogs in the courts. Reforms in Scotland, where grounds for possession were made discretionary in October 2022, have shown little evidence of significantly worsening court backlogs. Indeed, if backlogs in courts, or in any institution right now, were applied to every piece of legislation that comes before us as a rationale for not proceeding or making a decision, we would be very hampered indeed as a legislative body.

We all know that the reality and likelihood of tenants taking up this course of action, just like the First-tier Tribunal, will be minimal, but the existence of the discretionary approach would ensure that an all-important safety net is in place for the worst possible cases. This amendment would remove "must" and insert "may" in the relevant heading of part 1 of Schedule 1, and omit the heading of part 2. This would provide the courts with the flexibility needed to consider the specific context of each case. I understand that the Housing Minister, Matthew Pennycook, in the House of Commons has countered that this is "a step too far" and would remove "certainty" for landlords, but we disagree—or rather, we agree with his original arguments, which are no different from mine today.

Should the Government remain resistant to making all grounds fully discretionary, can we please explore, between now and Report, robust mechanisms to prevent evictions that would cause severe hardship? As a fallback position, we advocate strongly for the introduction of a mandatory hardship test that courts must apply when considering possession orders under any mandatory grounds. This test would require the court to explicitly weigh the potential severity of the hardship caused to the tenant, considering factors such as health, disability, how many children there are, access to alternative accommodation and the impact on the ability to maintain employment or education, against the landlord's stated reason for seeking possession. This hardship test would ensure that the most vulnerable tenants are not rendered homeless or forced into the inadequate temporary accommodation that we have heard described by the noble Baroness, Lady Warwick, simply because a mandatory ground is technically met without consideration of the dire circumstances in which the tenant finds themselves. It would provide a necessary safety net, ensuring that, while good landlords could regain their property for legitimate reasons, the system does not blindly facilitate deeply unfair and harmful evictions.

We must listen to the voices of those who live with the constant fear of losing their home. We owe it to future generations to get this bit right. This amendment would strengthen the Bill to ensure that security, fairness and compassion are at its heart by making grounds discretionary—or, at the very least, by introducing a mandatory hardship test.

Baroness Jones of Moulsecoomb (GP): My Lords, my Amendments 35 and 71 both aim to help people who rent. I declare an interest as someone who rents a two-bedroom flat.

I have tabled Amendment 35 because I am worried that the Government's good policy will actually end up penalising the very people that it is aiming to help. I hope the Minister will go away from here thinking, "The Green Party had quite a good idea on that, and how nice it is to have them on our side for once".

The Government are doing the right thing for the climate and for people in putting in higher energy efficiency standards—that is a given—and doing the right thing for landlords with grants to help them meet those standards. However, the only people who do not get a guaranteed better life are the poor tenants who have to put up with the work, dust, noise and inconvenience of the energy improvements being done, with the possibility that their rent will be going up as their energy costs go down. Amendment 35 is an attempt to give tenants a guarantee that they will also get some direct benefit from the drive for net zero with two years of lower energy bills, without that saving being cancelled out by a landlord focusing on profiting from a government grant. I think this is a sensible amendment and I hope it will find favour with the Minister.

Amendment 71 aims to shift the debate firmly on to the needs of the tenant and to discourage landlords from constantly changing their minds about letting out their properties. It builds on the Government's welcome attempt to get rid of no-fault evictions by adding a new clause to the eviction process that gives the tenant a one-month financial head start. With all the costs involved with moving—the deposit and moving costs—it can be a long, drawn-out process, and, for many tenants who are self-employed or on zero-hours contracts, time is literally money and moving is a time-consuming business.

I hope that passing this legislation will create a new era of stability for those in the private rental market. A whole generation of young people has had to suffer from an overheated rental market, which was firmly loaded in favour of investors and those with the money to buy properties. This legislation does not actually solve that problem, because only the Government building hundreds of thousands of social homes could probably do that, but I welcome the start the Bill is making and I hope the Minister will consider the needs of tenants even more in this way.

Lord Cromwell (CB): My Lords, I rather like the look of Amendments 26 and 27 from the noble Baroness, Lady Thornhill, and look forward to hearing her describe them. They also relate to my Amendment 142, which I will now speak to.

The Bill restricts a landlord to four instances where they can recover their property and require a tenant to leave. One of these is if the landlord is selling the property. The purpose of this amendment is to ensure that, where a landlord seeks to sell a property under the new ground 1A but fails to do so, the property is made available again on the rental market without unnecessary delay.

The Bill requires that the property is on the market for sale for at least 12 months before, if no sale is forthcoming, it can be re-let. Market statistics show that typically about 20% of rental properties taken off the rental market do not sell and come back to the

[Lord Cromwell]
rental market. Savills puts the figure higher, at 33%. According to Hamptons, on average properties come back as available to rent after about 90 days, or three months. Where properties do sell, Zoopla figures indicate that the period between first marketing and completion is typically six months. This amendment responds to these facts and reduces to six months the period when the property is required to be unavailable to rent.

I move from the market facts to the Government's approach. I am very grateful to the Minister for the opportunity that we had to discuss this and the understanding I obtained of the Government's thinking. I understand that the Government's concern is that landlords seeking to increase the rent might claim the property is on the market as a means to obtain vacant possession, apparently expecting much higher rent thereafter. They would leave it standing empty for, say, six months with no rental income, and then re-let it not just at a higher rent but at one that would both recover the rent lost in that six-month period and obtain a higher ongoing rent. The assertion is that making the required period 12 months would make such assumed motivation and behaviour unworkable economically.

I have struggled without success to find a period as long as 12 months credible for this purpose. So I ask the Minister: if the current rent on a property is for some reason set below the market rate, would it not be possible for the landlord simply to seek an increase to the market level in the normal way, rather than going through the convoluted processes and expense involved in removing the tenant, putting the property on the market and then re-letting it? If the rent is close to the market rate, it is surely unrealistic to expect that a landlord would be able to leave the property empty for six months, with ongoing costs but full loss of income, and then rent it out again at an uncompetitive rate, well above the market rate, in order, as the Government's thinking seems to be, to recover six months of losses and then settle at what would be, I repeat, by definition, an uncompetitively high rent. I just do not see how that would have a chance of working.

To give a quick numerical example, a landlord receiving £2,500 a month in rent who puts the property on the market and receives no rent for just six months would, after leaving aside any other costs incurred in departing the tenant and marketing the property, lose at least £15,000 of rental income. To recover this over the subsequent six months and raise a base rental amount to, say, £3,000 per month compared with the £2,500, which for our evil, rapacious landlord is a pretty modest increase of £500, would mean seeking to rent out the property at £5,500 a month—a 220% rent increase over just a six-month period. If Mr Rapacious wanted to recover his losses faster, say in one quarter—three months—the rent would have to go up to £8,000 a month, a 320% increase in rent over just six months.

I must therefore say to the Minister that just six months off the market is easily more than enough to make evicting a tenant simply to achieve a rent increase a highly implausible strategy. Requiring it to be off the market for a full 12 months is not only unnecessary but a distorted intervention that simply reduces the availability of rental accommodation.

Finally, I draw to noble Lords' attention the two provisions included in the amendment. First, the property would have to have been demonstrably available to purchase on the open market at a fair market price with no suitable offers received and, importantly, the tenant and the courts could require evidence of these points and would be able to decide whether the landlord had made genuine attempts to sell. Amendments 26 and 27, which are coming up shortly, I believe, are also very helpful in this area.

3.45 pm

Secondly, the landlord wanting to re-let would have to offer the property back to the previous tenant on the same terms and at the same rent. I accept that a tenant might likely have found an alternative or temporary accommodation in the meantime, but this requirement is nevertheless a further disincentive for any landlords to seek to play the system. It would also make largely impossible the rent escalation tactics the Government are anxious about.

In conclusion, I understand and sympathise with the Government's wish to prevent abuse of the ability of a landlord to ask a tenant to leave. However, not only does the data suggest that 12 months is unnecessarily long for these properties to be held as unavailable for tenants to rent, but the market economics indicate that a landlord would simply find their property unrentable at the well above market rates necessary to achieve the possible abuse the Government are anxious about. If a property is really being rented out below market rates, the landlord would be within their rights simply to seek a rent increase.

Requiring properties to stand empty for 12 months is a punitive and unnecessary intervention in both the residential sales and rental markets. It also incurs a number of other risks, including crime, and will further contract the supply of properties in what is already a very undersupplied sector. Making the period six months would easily achieve the Government's objective, as I hope I have demonstrated, and be less distortive and destructive of the residential lettings and sales markets. I look forward to the Minister's response.

Lord Carter of Haslemere (CB): My Lords, I declare my interest as a landlord of a residential property. I will speak to Amendments 60 and 61 in this group. I am grateful to the National Residential Landlords Association for very helpful discussions. These amendments would benefit both tenants and landlords.

The first amendment would keep the threshold for mandatory repossession by landlords at two months of rent arrears, rather than increasing it to three months, as proposed in the Bill. The second would continue to permit rent arrears arising from non-payment of universal credit to be taken into account as a ground for repossession.

One might think that my motivation behind these amendments is purely to support landlords but, as I said at Second Reading, I am keen to support tenants as much as landlords in improving the current system, since they are two sides of the same coin, and one cannot exist without the other. This is a golden thread running through this entire Bill.

As the noble Baroness, Lady Scott, said on the first day of Committee, there must be "balance" in the Bill. Any weighting of the scales in favour of one—while it might be well motivated—risks being counterproductive and detrimental to both. This is amply demonstrated by the Bill proposing to increase the threshold for rent arrears to three months before enforcement action can be taken.

Tenants in arrears will struggle to recover financially, making it harder for them to access housing in the future. The arrears are likely to mount up well beyond the three-month threshold. For example, if one adds on the one-month notice period, plus the average seven months for a court to process a Section 8 possession application, the tenant could end up having to leave the property with nearly 12 months' arrears. Is that really a good outcome for tenants?

In addition, responsible landlords will become more risk averse, prioritising tenants who can clearly prove their ability to sustain a tenancy in the long term. This will be particularly damaging for vulnerable tenants, including those in receipt of local housing allowance, especially as support for housing costs has been frozen from April this year. Moreover, allowing rent arrears to climb to three months before enforcement action can be taken risks intimidating good landlords into leaving the sector.

A landlord is not a charity, and some depend entirely on the rent to pay mortgages or for their daily living costs. If good landlords are intimidated into selling up because it is too difficult to enforce rent arrears, tenants will very often have nowhere to live. According to Savills, up to 1 million more homes for private rent will be needed by 2031 to meet growing demand. We must keep good landlords in the sector to avoid making tenants homeless. Again, these are two sides of the same coin, and one cannot exist without the other.

My first amendment would keep the threshold for enforcement action at two months' rent arrears. I accept that, if we are going to keep the existing threshold, landlords should be required to do more to help their tenants. For example, there could be a duty on landlords, at the first sign of arrears, to seek meaningful engagement with the tenant to prevent further debt, and to show in any subsequent possession proceedings that they had done that, or at least tried to do that. During the Covid-19 pandemic, the National Residential Landlords Association produced some very highly regarded golden rules showing how this and other types of landlord-tenant engagement could work; for example, by the landlord pointing the tenant to a relevant advisory service, such as Citizens Advice and/or the debt charity StepChange. Such measures would improve the status quo while avoiding the damaging effects of moving to a three-month arrears threshold.

I turn to my second amendment. It makes no sense whatever to disregard for enforcement purposes rent arrears arising from the fact that the tenant has not received an award of universal credit under Part 1 of the Welfare Reform Act 2012. This is for two reasons. First, it is unjustifiable to penalise landlords for non-payment of universal credit to the tenant. Why should the landlord suffer if the non-payment of universal credit is the fault of the tenant, or if the universal credit system has broken down in some way?

Secondly, unlike in the social sector, private landlords are not allowed to know, under GDPR rules, whether a tenant is in receipt of universal credit. As such, they have no idea whether rent arrears are due to a non-payment of universal credit, especially if a tenant has multiple sources of income. Disregarding non-payment of universal credit is therefore wholly unworkable since, if the landlord does not know whether rent arrears are due to non-payment of universal credit, the Bill has the effect that they may try to take enforcement action that proves to be pointless, which is surely the last thing that this new system needs.

The upshot is that landlords will be more cautious about taking on tenants on universal credit, contrary to the commendable ethos of the Bill as a whole. I ask the Minister to consider these amendments very carefully and to bear in mind the need for balance and my suggested mitigations so as to keep the status quo, having regard to the need for real evenness of handling on both sides of the landlord/tenant coin.

Lord Hacking (Lab): My Lords, I rise to support Amendment 60 of the noble Lord, Lord Carter of Haslemere, and will speak to my Amendments 165 and 166. But, before I do, I have two apologies to give to the House. The first apology relates to my failure to speak at Second Reading, although I did speak at the Second Reading of the last Government's Renters (Reform) Bill. The reason I was unable to speak at Second Reading is that I was, unfortunately, in and out of St Thomas' Hospital, which looked after me very well, but I was unable to come to the House at the time of the Second Reading of the Bill.

My second apology is for my absence on Tuesday of this week, the first day of Committee on the Bill. My wife had booked a short Easter holiday on the Isle of Wight, not expecting the House to be sitting immediately after Easter Monday. Rightly or wrongly, I took the favour of the family rather than the first day of Committee. I think my noble friend the Minister has forgiven me for this—at least I hope she has. Happily, however, my noble friend Lady Warwick of Undercliffe, who sits behind me, agreed to be in the House for the first Committee day and to move any of my amendments should they be called. Even more happily, none was.

I should declare interests which are recorded in the register. My wife and I are the landlords of five sets of tenants in one-bedroom flats in the house next door to our own. While we as landlords and our tenants will be subject to the new provisions contained in this Bill, there is nothing contentious relating to our five tenants—or to ourselves—that I will be raising during the passage of this Bill.

Amendment 60, tabled by the noble Lord, Lord Carter of Haslemere, which I support, has been grouped among a variety of amendments relating to orders for possession. Most of them have little contact one with the other, but they are all grouped together in this same list. That certainly applies to my Amendments 165 and 166.

[Lord Hacking]

I shall say a general word before I go on to the specific argument concerning these amendments. This Bill is, most rightly, directed to redress the balance between the landlord and the tenant in the private rented sector. This is very right, because since the Housing Act 1988, the balance has swung far too far towards the landlords—particularly rogue landlords—which has caused great distress to many innocent tenants. However, we must be sure now that we are getting the right balance between landlords and tenants. Yes, there are rogue landlords, but there are also rogue tenants.

Originally, in Schedule 1 to the Housing Act 1988, notices for possession for arrears of rent would not become effective until the rent was overdue for 13 weeks, relating to weekly or fortnightly rentals, or three months, relating to monthly rentals. This was altered in some subsequent legislation, and this Bill now seeks to go back to the provisions of the 1988 Act. What is the reason for this? I would be grateful if my noble friend the Minister could address it. What is the evidence that shorter periods of eight weeks and two months had been causing any problems?

We need to look at the practical side. The maximum deposit that a landlord is now permitted to collect is calculated against five weeks of rent. The effect is that the landlord is covered for the first failure of paying rent but is not covered during the subsequent two months of non-paid rent. More than that, it will take up to two more months before the landlord is able to get a hearing in the county court for possession and unpaid rent. This means that the landlord will be without rent for at least four months. Even if the landlord succeeds in getting an order for possession and an order for the unpaid rent, the chances are that he will never get back the unpaid rent. The question that I put to the House, and indeed to my noble friend the Minister, is whether this is fair and balanced.

I turn to Amendments 165 and 166, which are directed to the time in which the landlord is not permitted to put the property on the market when he has gained possession on the grounds of family need or other need specified in ground 1 or 1A of the Housing Act 1988. I adopt all that the noble Lord, Lord Cromwell, said in his argument that this period under which the landlord is not permitted to put the property on the market—a period of 12 months—is quite excessive and quite wrong. I need not repeat the noble Lord's arguments.

The Minister was very kind to see many of us in meetings before Committee. I had the privilege of a meeting with her, at which she explained that there is an abuse by some rogue landlords in using the instrument to remove a tenant from the property, let us say, for members of his family or other persons as specified in ground 1A of the 1988 Act. She described the 12 months as a deterrent against this abuse—a means, so my noble friend said, for the rogue landlord to raise the rent. What about the genuine situation of a landlord getting possession of the accommodation, say on family grounds, to accommodate grandparents, and then one of the grandparents has a severe stroke which prevents both of them taking up the accommodation? Why should the landlord then be left with the property when he was genuinely seeking to accommodate members of his own family for 12 months? The question is: is it fair or right that the landlord is prevented for a whole year from letting out his property? That is a matter that I again address to my noble friend the Minister.

4 pm

Lord Carrington (CB): My Lords, I declare my direct interest in the private rented sector, with cottage lettings in Buckinghamshire and Lincolnshire, together with farming and agricultural lettings. I am also a member of the National Farmers' Union and the Country Land and Business Association, which have a direct interest in Amendment 63, on which I shall speak and for which I am grateful for the support of the noble Earl, Lord Leicester, and the noble Lord, Lord Roborough, who sadly is not able to be here today.

Before I turn to Amendment 63, I am also very pleased to be able to support Amendment 60 in the names of my noble friend Lord Carter of Haslemere and the noble Lord, Lord Hacking. I certainly will not repeat everything that has been said, but I shall make just one further point: it is relevant to note that Paragon, a bank that specialises in the private rented sector, commissioned a survey of landlords on the proposals in the Bill and the result was that 71% of landlords put the extended time, from two months to three months, as their top concern.

On Amendment 63, the Bill does not contain provisions to allow the repossession of a residential property if there is to be a change of usage. For example, if a landlord wanted to use the land for office space or commercial or retail usage, the amendment would allow them to seek possession of a dwelling house where it was intended that the use of that property, or the land on which it was situated, would be changed to non-residential and there was permission from the relevant authorities to do so. There are a number of Bills, reviews and reports in motion which cover farm diversification, which the Government are keen to encourage in the light of falling profitability in farming as subsidies are withdrawn or concentrated on environmental activities and concerns. Farmers are therefore looking carefully at their assets to see whether they can be put to more profitable usage. Obviously, this can involve the farmstead house and buildings rather than just stand-alone farm buildings. The Planning and Infrastructure Bill is relevant in this context, together with the Rural England Prosperity Fund, which specifically targets facilities and building conversions that help rural businesses to diversify.

In addition, we have the land use framework and a farming road map to look forward to, and it has also been announced that the noble Baroness, Lady Batters, will chair a report on profitability in farming and this will include diversification. This amendment assists in enabling this diversification, if the necessary planning permission has been granted. I am thoroughly aware that the Minister is keen not to reduce the housing stock. However, although it is possible that the proposed diversification will affect only agricultural buildings, there may be a more comprehensive development involving a farmhouse or other residential building, particularly if they are closely located to the diversification site.

I therefore hope that the Minister will include this amendment as a sensible ground for possession, one which would assist in the development of the rural economy.

Lord Pannick (CB): My Lords, I support my noble friend Lord Cromwell's Amendment 142. I declare an interest in that my wife owns rental properties. I agree with what the noble Lord says about the mischief of Clause 15. It is very easy to imagine circumstances in which the owner of a property decides, in good faith, to sell it and the tenant therefore has to leave. The landlord then places the property for sale on the market but finds that, for whatever reason, after four or six months they cannot sell it. Clause 15 would prevent the landlord for 12 months from again leasing out the property. It would do so however well-intentioned the conduct of the owner of the property and however reasonable the new tenancy agreement, and even if the new lease is to the same tenant as the old one, on the same terms, including as to rent.

I entirely understand the Government's wish to prevent landlords from abusing their rights, but the breadth of this restriction is, to my mind, plainly disproportionate to the feared mischief. This is not only unfair on the landlord; it will inevitably have an adverse effect on the housing stock available for rental purposes.

I appreciate that Ministers have stated that this Bill is compatible with the European Convention on Human Rights, but it seems to me very doubtful indeed that this clause complies with Article 1 of the first protocol to the convention, on the right to property. The European Court of Human Rights and our domestic courts have explained that the right to property requires a fair balance between the interests of property owners and those of the community in general. I cannot see how a blanket provision which penalises a landlord by preventing them from renting out their property, for a period of 12 months, however bona fide their conduct or however fair the terms of the lease, could possibly be said to respect a fair balance.

The mischief which the Government seek to prevent requires a more tailored response. I hope the Minister will be able to say, in response to the concerns that have been expressed by my noble friend Lord Cromwell and myself, that she will be prepared to meet with us to discuss ways of making this clause more proportionate by recognising an exception for landlords who have acted in good faith and responsibly.

Lord de Clifford (CB): My Lords, Amendment 64 in my name is in regard to the family. I thank the noble Baronesses, Lady Bowles of Berkhamsted and Lady Neville-Rolfe, for their support for this amendment. The Bill allows a landlord to take possession of a property for a family reason. This is a small extension to the number of reasons for which a landlord could take possession of a property. That reason is that a property is to be used by a carer for a family member who requires full-time care.

The amendment clearly sets out that the property needs to be in close proximity to the landlord's family home and be used by the carer. The reason for the close proximity is so that the carer can attend not only on a daily basis but, more importantly, be available to attend in emergencies, quickly and efficiently. These can be on a regular occurrence in some cases. The types of properties that I have in mind are: annexes on homes; a flat in a block of flats where the landlord's primary residence is located; properties in less urban areas, such as rural villages, hamlets and remote farms; and small property clusters where properties are in short supply.

I appreciate that tenants would be forced to leave a property, but this amendment does not seem to shorten the four months' notice period. The Bill allows some landlords the opportunity to gain possession for an employee or a worker for agricultural purposes under ground 5A in Schedule 1. I have assumed that the reason why this exemption has been included is that agricultural workers need a property close to their place of work due to the nature of the work, and at all times of day. The need of a carer is similar to that of the agricultural worker: they need to be close to the patient and could be on call and work unsociable hours.

Most landlords' and tenants' relations are generally good, and most likely, the landlord would make the tenant aware that the tenancy could be terminated if a property needs to be for a carer. To leave a property is an unsettling upheaval for a tenant and their family, but they would be given four months' notice. If there is good communication between parties, everybody lives in the knowledge that this could be a possible outcome and plan accordingly.

Financially, if you own an appropriate property, this is the most practical way a landlord or their family can provide the most cost-effective accommodation for a long-term carer, and when the family is facing a high demand on its finances. Only a limited number of landlords will use this possession right, but if needed, it would be welcomed by the family, as it would give flexibility in times of sadness and when time requires the need for it.

I thank the Minister for her engagement on the Bill and for our short discussion on the amendment. I note the Minister's suggestions that alternatives could be found to house a carer, but my response is that to find a property in the correct location and which is suitable for a carer would be extremely difficult in this current high-demand rental marketplace.

The second suggestion was that the tenant has the right to a secure home. The other side of that debate would be: would it not be a reasonable case that the landlord has a right to gain possession of their own assets for the benefit of their well-being or a family member's own caring needs?

Properties are owned for many purposes: in some cases, for financial reasons, like investments, and to provide regular income or pension funds. It may be available to rent during a job relocation or as a future residence in a desired location. All these landlords who own such properties could gain possession under the Bill when needed. However, if the property owner who may wish to use a property for a legitimate family reason, to care for a family member, cannot gain access to the property at the time of need, then this amendment seeks to rectify this.

[Lord de Clifford]

In summing up the group beginning Amendment 10 in Tuesday's Committee, the Minister said that those amendments did not meet

"the bar to overrule the general principle that private renters should have secure homes".—[*Official Report*, 22/4/25; col. 615.]

I believe that a long-term carer of somebody crosses that bar to enable possession for a family.

Baroness Bowles of Berkhamsted (LD): My Lords, unfortunately, I was unable to speak at Second Reading, but I saw that the noble Lord, Lord de Clifford, raised an issue that I wanted to raise, concerning the matter of carers, and I have been pleased to co-operate with him to produce Amendment 64. First, I declare my interests as a private landlord for over 25 years, both in a personal capacity, with lettings in Hertfordshire and Buckinghamshire, and also as an experienced—though unpaid—trustee-type director for lettings in Buckinghamshire.

Being a landlord started accidentally: when I rented a property, I intended to sell to a friend in need. Then, like many self-employed people without an employment-linked pension, I saw its value as pension provision instead of selling it and that it kept the asset available, if needed, for business-loan security. I have had conversations about the extra risks and costs, should we sell and what it means for rents. I have, as the Minister said we should on Tuesday, examined our business models. Even without exposure to mortgages, the effect is that rents will rise and will track market rates sooner rather than risk larger, less frequent adjustments that are more likely to attract challenge, which, of course, would exert an inflationary feedback loop on rents. In a nutshell, it has made it riskier to be a benign landlord.

4.15 pm

Against the downside for landlords of not having guaranteed periodic possession of their property, the Bill provides more grounds for repossession. That is the bargain—the balance—but it has to be workable. The courts, or any alternative mechanism that might be invented, must be procedurally fast and sufficiently streamlined. It would be both unsound and unreasonable if the balance, through costs or hurdles for regaining the possession of property, were, in general, further loaded against small private landlords. That is not to say that I am against extended notice or vacating periods for tenants, especially for special circumstances, but in the instance of private landlords owning a single or a few properties, there must be possession rights—not just possibilities—for their property and the ability to realise the best value of the asset to provide for family health, financial or care provision. However, as I have also mentioned, it is a self-employed and small-business asset security issue of not insignificant economic consequence.

It has certainly been in my business model—as the Minister likes to call it—to consider whether the property was suitable for ageing parents or family returning from overseas and, through rent or sale, to finance retirement and eventual residential care. Measured against those lifetime considerations, a missing criterion stands out: where a landlord or member of their family needs the property for a carer. I have a personal interest to declare here as a member of my wider family purchased the flat above theirs in a converted house with a downstairs flat and an upstairs flat specifically so that when their disabling condition deteriorates to the point of needing a full-time, on-call carer, it would be possible to situate the carer in that adjacent flat. Since investigating the issue, I have been made aware of others in similar positions. Not all properties are large enough or adaptable for a live-in carer, and not everyone—either the carer or someone who is cared for—wants that, either for privacy reasons or because they have family.

I hope that the Minister can see the good reasons and good sense in Amendment 64, or something similar, and recognise that it does not disturb the general tenant-landlord balance of the Bill. It would be perfectly possible to provide evidence of the need for a carer. Various other amendments in this group also have value without disturbing that balance; in particular, I note the amendment tabled by the noble Lord, Lord Cromwell, and his comments on human rights, with which I concur.

Baroness Neville-Rolfe (Con): My Lords, I rise to support Amendment 64, in the names of the noble Lord, Lord de Clifford, and the noble Baroness, Lady Bowles, to which I have added my name. They have both spoken with immense good sense and from knowledgeable positions. I am sorry that I was not present at Second Reading, but I believe that it is essential that the Bill allows a landlord to seek possession of a property where it is needed to house a carer or carers for the landlord or his or her family.

I will illustrate the problem with a case study of my own, and in so doing declare an interest. My husband and I own a house close to our own in a small Wiltshire village which we bought for use by a carer as and when we reach that stage. We usually let it out, in the meantime, to local people, and it appears in my register of interests, to which I refer the House. With the demise of shorthold tenancies, we face the prospect of not being able to get it back once let again. Moreover, even as and when we do offer it to a carer, if the appointment does not work out, we lose the property.

We have discussed in other debates the importance of carers, the problem of supply of beds in old people's homes and support for the elderly. This is a particular problem in rural areas like ours, making it all the more important to encourage independent provision. I urge the Government to think again on this and return on Report with a suitable amendment.

I am glad that the Government more generally are increasingly realising the bad effect of too much regulation on growth and competitiveness, which is well documented now in academic literature. Coming to this Bill, and indeed this group, cold from my common-sense ex-business perspective, I felt a chill down my spine. Most landlords, in my experience, are reasonable, but there are several well-intentioned amendments before us today seeking to tighten regulation and add further detail and impractical conditions. These could have a profoundly perverse effect and put more pressure on the overworked courts. For example, the amendment

on discretion would certainly increase their workload, and, in practice, these would further reduce the supply of rented property.

We heard this week at Questions that this had collapsed as a result of this Bill. An overheated market, in the words of the noble Baroness, Lady Jones of Moulsecoomb, is thus being fired up further. This is what we need to work on together to reverse and keep good landlords in the sector, as the noble Lord, Lord Carter of Haslemere, explained, saying that Savills thinks landlords will need 1 million more rented homes by 2031. That does not now look possible. I just hope that the Government will think again, resist burdensome additions and consider some sensible lightening of the burden of the kind that I and my fellow Peers propose in this amendment. Other examples would those given by the noble Lord, Lord Carter, in Amendment 60 and the noble Lord, Lord Cromwell, in Amendment 142.

The Earl of Leicester (Con): My Lords, I refer to my declaration of interests with respect to this Bill, including a large portfolio of residential property in north Norfolk, 93% of which is let out to local people, key workers and direct agricultural workers, with only seven holiday lets and seven lets to family members.

This schedule is on grounds for possession, and some excellent amendments have been put forward, to which I urge the Government to give serious consideration. However, as a generality when talking about grounds for possession, as a landlord, I do not want to lose tenants. I hate voids. As an example, I have 47 tenants who have been my tenants for between 21 and 40 years, and 45 who have been my tenants for between 11 and 20 years. These are people I know. They are my friends, they are in the community, they are contributing to the community and they, of course, live in it. Many noble Lords have spoken about the importance of not losing good landlords, and this Bill, as it is currently written, is very much in danger of creating that reality.

I turn now to Amendment 63 in the name of the noble Lord, Lord Carrington, to which I have added my name. It is essential that we allow a property owner to manage his or her property for change of use to commercial, whether that be retail, office or industry.

Let us assume a farmyard with a cottage that has a sitting tenant. The landowner gets planning permission for a block of offices or retail. Those offices and retail are going to produce a huge kick to the economy, jobs for the builders and groundworkers, and then, once they are occupied, jobs for the people working in them. So it would not be right that a single person or a family living in a cottage could stymie that development. The reality is that a landlord who is sensible—which most landlords are—would have open communication with their tenant, explain what is going to happen and try to offer them a different property. If a tenant refuses to move, that will have a real effect on the economy. This Government—who talk about growth—really need to understand that, by not accepting this amendment, they will very much be stymieing growth.

I will give another example, again I am afraid from my own playbook. It is an example of planning permission—albeit for residential, which does not necessarily refer to this amendment, and on green belt land. We are building 23 houses at the moment. Eight are for private sale, four are for affordable rent, two are for shared ownership with Broadland Housing Association, four are for intermediate rent with Homes for Wells, which is not really a housing association, and five will be retained by us for private rent. If this Bill goes through as it is proposed by the Government, why would I bother? It is really important that the Government listen to all these sensible amendments being proposed and I really hope the Minister will do so.

Lord Northbrook (Con): My Lords, I firstly declare an interest as a private landlord of residential properties in Hampshire.

I support Amendment 60, to keep the rent arrears landlord legal action limit to two months rather than four. As the noble Lord, Lord Carter of Haslemere, said, landlords are not charities, and the noble Lord, Lord Hacking, agreed with this. I also support Amendment 63 in the name of the noble Lord, Lord Carrington, which also seems very sensible.

Local authorities are already reluctant to sanction a change of use from residential to commercial, so they exercise careful control over this. As the noble Earl, Lord Leicester, said, money from permission to convert residential properties to commercial can be used to pay for and improve properties, and something that has not been mentioned much so far is the EPC problem that a lot of these cottages have, and the extra money that needs to be found to pay for this.

Baroness Thornhill (LD): My Lords, I would like to thank all the parties in the renters' coalition for their work on many aspects of the Bill, particularly this one. They have very patiently answered my every query as I have attempted to familiarise myself with all the grounds for possessions and the implications of that.

Before I move to the detail of my Amendments 26 and 27, I would like to offer support for Amendments 24 and 30 from the noble Baroness, Lady Warwick. If one recalls—because she was right at the beginning of the debate—this was about ground 6B, when the house is required back for works to be done to it. Given that the landlord is not obliged to provide alternative accommodation while the works are done, we believe it might justify consideration of compensation, mainly because—this is interesting—6B is already being described on property websites as a "loophole". Ground 6B currently lacks clear definitions and proper oversight, so it runs the risk of being misused, disputed or even ignored. Any moves to reduce court use, given our concerns in this regard, are also to be clearly welcomed.

Amendments 26 and 27 pertain to the two no-fault grounds for eviction: namely, ground 1, moving in a family member, and ground 1A, selling the property. First, the increase in notice periods from two to four months for eviction on these grounds is most welcome, giving tenants more time to find a new home. Amendment 71 from the noble Baroness, Lady Jones, strengthens this further by the discussion of compensation, as she outlined, and we feel that this complements our amendments.

4.30 pm

On the amendment from the noble Lord, Lord Cromwell, it is really irritating that he is always so reasoned and reasonable—and even mildly persuasive.

[Baroness Thornhill]
But I am instinctively against it. I am reminded of something that a very reputable estate agent once said to me: "Dorothy, every property is saleable; it all depends on the price". So please do not tell me that somebody could not put their house up for several months at a much higher price than might be expected in order to try to meet that. But, because the amendment was mildly persuasive, I will be very interested to listen to what the noble Baroness has to say on that matter.

Turning to the amendments, the whole point of these two amendments, which work together—one on pre-eviction evidence and one on post-eviction evidence—is that there is a genuine feeling that these are the two areas, or the one ground, if you look at it that way, where there is clearly some potential for abuse. These are both open to abuse unless the evidential threshold is high, clear, up front and in the Bill to act as a deterrent.

I am aware from the debate in the other place that the Government believe that the courts are best placed to interpret the available evidence, rather than writing this into the legislation. However, the guide to the Bill also suggests the kind of evidence that landlords might provide. So, my one question to the Minister is: why can this not be provided in the Bill?

With these proposed amendments we are seeking commitment from the Government on exactly the sort of evidence that would be acceptable. It is the department's opportunity to set the height of the evidential bar. The hope is that this will then act as a deterrent to the very small number of unscrupulous landlords but should not in any way deter a legitimate sale or a legitimate move of a family member into the house. I am well aware that the proposed amendments are highly unlikely to make their way into the Bill—curly down face—but my aim is to try to secure from the Minister what sorts of evidence they might consider acceptable.

Amendment 27 refers to pre-eviction evidence. Ground 1 is deemed to be vulnerable to being used in much the same way as Section 21, unless there is a high evidential threshold. Without this, any of the issues connected to Section 21 will persist. For example, landlords should not be able to use ground 1 as a pretence to evict a tenant who has complained about the need for repairs in the knowledge that they are unlikely to face sanctions for having lied: "Of course I am going to move somebody in; of course I will do whatever". If landlords still feel they are able to undertake retaliatory evictions, any ambition to provide security of tenure for these private renters will have failed. However, if the landlord or the family member is required to provide a statement of truth to the court, as in this amendment, this will act as a significant disincentive to lying to the court as it would expose the landlord or family member to litigation.

With regard to ground 1A, requiring landlords using this ground to sell, if they need to provide evidence that they have taken initial steps to begin to sell the property, with evidence of a record of engagement from a reputable agent, again, this will be a useful disincentive to abuse. Scottish law already requires the landlord to provide evidence of the intention to sell, and, interestingly, despite a higher threshold than in this Bill for using this eviction ground in Scotland, recent research from Indigo House indicated that in a significant minority of cases—around one in five—the feeling was that this ground might have been misused, because it was found that these properties were still registered on the landlord registration base after the sales ground had been used. It is clear that a higher bar is needed and this is why we feel that both pre-eviction and post-eviction use of the sales ground will be required to provide firm proof that the ground has been used as intended and to prevent abuse.

Amendment 26 would require a landlord to submit verified evidence of the progress towards the occupation or sale of a property obtained under these grounds no less than 16 weeks after the date of the order, and to verify this by a statement of truth. That statement of truth would need to be provided to court, the tenant and the local housing authority. This should have several positive effects. Disincentivising abuse is clearly the most important. There needs to be a clear and high evidentiary threshold for using both grounds to prevent abuse—I am aware that I am beginning to sound like a broken record. The landlord, knowing that they have to provide that statement of truth post eviction notice, will be less likely to fraudulently evict a tenant in the first place; and, if a landlord lies to the court, they will be open to litigation and may be liable to pay damages to the tenant under Section 12 of the Housing Act 1988. The good, honest landlord will be able to do this relatively easily, and it will assist enforcement. The landlord's statement of truth being served on the tenant and the housing authority will significantly improve the ability of both the tenant and the local housing authority to pursue justice where a landlord has clearly abused the grounds.

To conclude, we believe that asking landlords for robust evidence to evict a tenant should not prove onerous if landlords are planning to use the eviction ground as intended. Evictions can cause significant disruption and hardship for tenants, so there should be a high threshold for evidence to ensure that evictions are served only where there are legitimate grounds. A high evidentiary threshold provides a deterrent for misuse, giving some protection for renters, even if, in reality, it is highly unlikely that they will reverse the eviction in the courts. It is about incentivising landlords to do the right thing, which most of them will do, but deterring the small minority of unscrupulous ones. Perhaps the Minister could give at least some consideration to the legitimate concerns behind these amendments.

Lord Cromwell (CB): Perhaps I may be allowed another very brief speech, since I was commented on earlier. I am always grateful for any compliments I receive, no matter how backhanded, about my persuasiveness, so I thank the noble Baroness for those. I will just comment that the idea that you would put your house, flat or property on at a silly price is immediately contested by my amendment and beefed up by her amendment as having to produce evidence to that fact, so I do not think that really holds water. I encourage her to be convinced: not, as she suggested, to give in to her instincts, but to look at the economics, the logic and the maths, which simply demonstrate that six months is more than adequate, and 12 months is excessive.

Baroness Thornhill (LD): The noble Lord is, as I said, very persuasive.

Baroness Scott of Bybrook (Con): My Lords, the amendments in this group represent yet another instance where the rights of renters intersect with those of landlords. This group of amendments is indicative of the broader Bill and, rather than increasing the availability of homes, we believe it risks reducing the supply of rental properties. This could drive up costs for renters at a time when the cost of renting has already risen significantly. It is, of course, important to make sure that the legal framework which governs this relationship protects those who are renting, but we cannot forget the landlords. They should also have their rights upheld. Landlords should have their rights over their properties respected and retain the ability to recover possession of their homes when they need to.

I start by speaking to Amendments 24 and 30, tabled by the noble Baroness, Lady Warwick of Undercliffe. They assume that the landlord is in some way liable to pay compensation for exercising rights, which surely are theirs by virtue of the fact that they actually own the property. Determining when in specific cases compensation is required is surely the responsibility of a court. To assume that compensation is always required tips the balance against the landlords and would likely discourage many responsible, principled landlords from entering the market and meeting the high demand for rented properties that we see across the country.

In the same vein, Amendments 26 and 27, tabled by the noble Baroness, Lady Thornhill, would place an administrative burden on landlords, which would have a dampening effect on the housing market. Houses are important personal assets. Piling on layers of regulation will further suffocate the market and limit the agency of landlords to use the assets that they own.

Conversely, we believe that Amendments 60 and 61, tabled by the noble Lord, Lord Carter of Haslemere, strike an appropriate balance, recognising that landlords need to be protected from bad actors, who could have a devastating financial effect on them. Landlords should not be punished for supplying rental properties to the market. Maintaining the existing possession grounds for rent arrears would mean that they can operate in the market with confidence that they will not be left out of pocket.

Amendments 63 and 64, tabled by the noble Lords, Lord Carrington and Lord de Clifford, further speak to the fact that landlords should retain the right to make use of their own property as they see fit. It is neither the role nor the place of government to dictate to home owners how their personal property should be used.

Amendment 71, tabled by the noble Baroness, Lady Jones of Moulsecoomb, seeks to conflate the rights of the landlords with their responsibilities. The landlord, by owning the property, has the right to make decisions about how that property is used. The tenant, in renting from that landlord, is expected to respect the rights of the landlord as the property owner. This relationship does not in any way suggest that the landlord should be liable to forgo income while still providing the service. This measure would clearly disadvantage landlords in their legal relationship with their tenant and would depress the market, which is already undersaturated.

Finally, I welcome that Amendments 142, 165 and 166, tabled by the noble Lords, Lord Cromwell and Lord Hacking, strike the appropriate balance between the rights of the renters and the rights of the landlord. We need to remember that we are talking about a market, which requires flexibility and adaptability so that it works for consumers and providers. Allowing landlords to make these decisions without being hamstrung by long-term obligations means that they can act in the mutual interest. A flourishing market benefits renters as much as landlords. This balance is imperative to achieve a flourishing market. I urge the Government further to consider, between now and Report, this crucial balance between landlords and tenants, most importantly to protect the tenants in this sector.

The Parliamentary Under-Secretary of State, Ministry of Housing, Communities and Local Government (Baroness Taylor of Stevenage) (Lab): My Lords, I thank my noble friends Lady Warwick and Lord Hacking, the noble Baronesses, Lady Thornhill, Lady Grender, Lady Jones, Lady Bowles, Lady Neville-Rolfe and Lady Scott, the noble Lords, Lord Carter, Lord Carrington, Lord de Clifford, Lord Cromwell, Lord Northbrook and Lord Pannick, and the noble Earl, Lord Leicester, for their amendments and comments during this debate. It was great to hear from the noble Earl about the long-term tenancies that he has, of 21 to 45 years. I made the point at Second Reading and on Tuesday about the symbiotic relationship that can and should exist between landlords and tenants. Our aim is to foster that relationship and the balance that makes it work properly as we go through the process of this Bill.

Amendment 24 and Amendment 30 seek to make possession under ground 6B contingent on compensation being first paid by the landlord to the tenant. Amendment 24 specifically prevents a court making an order for possession unless compensation has been paid; Amendment 30 sets out that landlords must pay compensation at a level set by the Secretary of State in regulation before they can take possession. Ground 6B allows a landlord to evict tenants where they are subject to enforcement action and eviction is the only way that they can comply. It is intended to prevent landlords ending up in the legal limbo of having broken the law but having no route to comply with it.

4.45 pm

While I understand the intent behind these amendments—that tenants should always be compensated when they are evicted due to a landlord breaking the rules—I believe that the Bill already takes the right approach on this issue. A court is best placed to decide, on a case-by-case basis whether compensation should be paid, as is currently provided in the Bill. There can be circumstances where a landlord is subject to enforcement action due to actions of the tenants, for example, cases of overcrowding. As such, it would not be appropriate to dictate that compensation must be paid in all circumstances before possession can be

[Baroness Taylor of Stevenage]
granted, nor for those circumstances and the level to be set in regulations that would be unable to account for the nuances of each case.

My noble friend Lady Warwick made a point about legal aid, on which I will comment. Civil legal aid is available for possession claims brought by a landlord or a mortgage lender, subject to financial means and merits tests. For those at risk of possession proceedings, loss of their home or illegal eviction, free non-means tested legal advice is available through the Housing Loss Prevention Advice Service. Through HLPAS, tenants can receive advice on housing, welfare, benefits and debt as soon as they receive written notice that their landlord is seeking possession of their home.

The Ministry of Justice has also recently consulted on increasing fees for housing and immigration legal aid work, which would inject an additional £20 million a year once fully implemented. This uplift would help to make sure that vulnerable people forced into housing legal battles and at risk of losing their home have access to legal advice. The MoJ is currently considering the consultation responses.

The court will determine on a case-by-case basis a reasonable amount of compensation to cover the loss and damage caused by an eviction. We expect the court to set out a timeframe—my noble friend Lady Warwick referred to this—in the order. That will determine the time that the landlord has to pay. If the compensation was not paid, the tenant could seek enforcement of the relevant debt in the county court system. The landlord could also be found to be in contempt of court, which carries extremely serious consequences, as we all know.

I turn to Amendment 26 and add my thanks to those of the noble Baroness, Lady Thornhill, to the Renters' Reform Coalition, which has done a huge amount of work on this Bill, for which I am grateful. While I appreciate the sentiment behind the noble Baroness's amendment, which seeks to prevent abuse of the moving and selling grounds for possession, I do not think that this is the right approach. This amendment seeks to do two things. The first is to require landlords to submit further evidence demonstrating compliance with ground 1 or 1A, when possession has been granted, within 16 weeks. The second is to set what evidence the landlord would need to submit to the court, that evidence being the property's occupancy status, the progress of any sale and a statement of truth signed by the landlord.

Current provisions in the Bill mean that landlords will already be required to present evidence that the ground is met before being granted possession. For ground 1, which relates to moving in, the landlord would need to provide evidence verified by a statement of truth signed by either the landlord or the family member if they intend to move into the property. For ground 1A, the landlord would need to provide evidence verified by a statement of truth signed by the landlord. The evidence must include a letter from a solicitor or estate agent confirming engagement in relation to the sale of the property.

To require a landlord to provide additional evidence afterwards would create a greater and unnecessary burden on both landlords and courts. Additionally, the amendment does not detail what would happen if a landlord did not comply with providing the additional evidence. In the current form of the Bill, landlords will be unable to market or relet a property for 12 months after using the moving or selling grounds. This constraint was designed to be easy for tenants to identify when seeking rent repayment orders or for local authorities wishing to prosecute abuse of the ground, which carries a fine of £40,000. This also ensures that tenants who leave during the notice period, as we believe many do, are protected, not just those where possession is sought via the courts.

The amendment also seeks to set evidential requirements for judges. Judges are best placed to exercise discretion and make these decisions without fixed evidential requirements. I am further concerned that the proposal for landlords to be required to submit evidence demonstrating compliance after the possession order has been granted would unduly burden the courts.

Amendment 27 proposes to prescribe the evidence that must be presented to a court when a landlord seeks possession using grounds 1 or 1A for a judge to be able to award possession. First, this amendment seeks to curtail the discretion that judges will have to respond to evidence provided on each case. Judges may therefore be less likely to consider wider evidence, which could inadvertently lower the threshold for ordering possession.

As I have said, judges are best placed to determine whether a ground is met based on the evidence provided on a case-by-case basis, and we should not seek to restrict judicial discretion. Although we will not stipulate what evidence a landlord must submit to the court, we will issue guidance to landlords about navigating the possession process, including the types of evidence a court might consider, prior to commencement.

Secondly, I turn to the matter of requiring the landlord, or the family member, if moving in to provide evidence verified by a statement of truth. It is the landlord who will be held accountable for abiding by the rules of the possession grounds set out in the Bill. Furthermore, a statement of truth must be signed on the possession claim form. The form makes clear that making a false statement could lead to prosecution for contempt of court. Tenants can, under Section 12 of the Housing Act 1988, also seek compensation if it becomes clear that a landlord misled the court when possession was awarded. In our view, adding further requirements would create additional hoops for a landlord to jump through without offering any greater guarantee that evidence provided was truthful.

Misusing the grounds is unacceptable. To prevent abuse, landlords could be given a fine of up to £40,000 if they knowingly or recklessly misuse the grounds or if they market or re-let their properties within 12 months of using the moving and selling grounds. Tenants can challenge evictions in court if they believe the landlord is misusing the grounds. If this happens, the landlord will need to demonstrate that their intention to sell or move in is genuine.

Amendment 31 seeks to make all Section 8 grounds for possession discretionary. I appreciate that the noble Baroness's amendment is intended as a probing

amendment and acknowledge her expertise in this area. I, too, thank Shelter for its work on the Bill and for meeting me. I had a very good meeting with Shelter quite recently on the Bill.

This amendment would mean that for all applications for possession made to the courts landlords will have to demonstrate that the ground has been met and that it is reasonable for a possession order to be made. A judge would have to be satisfied that the ground is proven and decide whether it is reasonable to make a possession order considering all the circumstances. This would significantly increase uncertainty for landlords about whether possession would be granted, including in the circumstances where we have said the grounds should be mandatory. This would also be very likely to increase the workload of the courts beyond what is reasonable.

We want landlords to have robust grounds for possession where there is good reason to take their property back. It is right that landlords have more certainty in some circumstances, for example, where a tenant owes more than three months' rent or a serious criminal offence has been committed. Having more certainty of outcome with mandatory grounds for possession will give landlords greater confidence in the market. Without this certainty, we have to be realistic that many landlords will simply not wish to stay in the private rented sector. We must get the balance right between giving tenants more security and ensuring that the sector remains viable for landlords to remain in. We have had a lot of discussion about that already.

Amendment 35 seeks to prevent landlords using ground 1A to evict their tenant when they wish to sell their property if they have used a government grant scheme to carry out energy efficiency improvements in the previous two years. I understand the genuine reasons for the amendment and of course welcome the support of the Green Part. However unusual that might be, it is always welcome. I am the MHCLG Minister with responsibility for net zero, so I take all this very seriously. We have sought to ensure that grounds for possession are fair to both landlords and tenants, with tenants having greater security in their homes and landlords being able to take possession when necessary.

I am not of the view that this amendment represents the right approach. Landlords are already prevented from selling their property during the first year of a new tenancy and it would not be right to restrict that ability further. Government grant schemes targeted at improving the energy efficiency of housing stock will still have had their intended effect, even if the landlord sells the property due to a change in circumstances once they have carried out the works.

Amendment 60 seeks to reduce the mandatory rent arrears threshold in possession ground 8 from three months' rent to two months' rent. We are increasing the mandatory arrears threshold to give greater protection to tenants who temporarily fall into rent arrears. This is to allow more time for a tenant to repay their arrears and remain in their home when facing one-off financial shocks, such as losing their employment. We can all agree that it is better for tenants and landlords to sustain tenancies where they can.

Three months' rent arrears was the threshold for mandatory eviction that was set when the assured tenancy system was introduced by the Housing Act 1988, before being reduced in the 1990s. We consider that that original threshold was the right balance. It is also worth noting that landlords will still have access to discretionary rent arrears grounds for amounts below three months' arrears, such as when there is frequent delay or late payment of rent.

The noble Lord, Lord Carter, referred to mediation processes to refer tenants to financial support services. We continue to consider how to facilitate pre-court negotiations between landlords and tenants. Court action should always be a last resort, so we want to see what more we can do to help to provide mediation between landlords and tenants before we get to a court case.

Amendment 61 would remove a key protection for vulnerable tenants, which ensures that arrears accrued due to waits for universal credit do not count towards the mandatory eviction threshold in ground 8. If this amendment was accepted, in future a tenant who was waiting to receive a payment of universal credit to which they were entitled would be open to mandatory eviction. That cannot be the right position for us to take.

It is important that tenancies that are otherwise financially sustainable should continue, with tenants protected from one-off financial shocks. For example, it is feasible that a tenant who lost their job and had to apply for universal credit could breach the arrears threshold while waiting for their first payment. Evicting that tenant and potentially making them homeless would not help the situation, whereas giving them chances to resolve the arrears would ensure that the tenancy could continue, benefiting both them and the landlord and ensuring that the landlord was able to claim the arrears once the payments were made.

Amendment 63 seeks to create a new ground for possession to enable landlords to convert a residential property to non-residential use. I thank the noble Lord, Lord Carrington, for a helpful meeting yesterday. While I understand the intent behind this approach, I do not believe that it is the right one. The proposed new ground just does not strike the right balance. With so many pressures on housing supply, it would not be right to encourage residential lets to be converted to other uses. Where landlords wish to convert their property to a non-residential use, it is right that they should do this as tenants move out, rather than by evicting a tenant through no fault of their own. I am grateful to the noble Lord, Lord Carrington, for raising the issue of farm diversification with me yesterday and for pointing out that farmers also turn their land into residential land, as the noble Earl, Lord Leicester, also mentioned. I thank the noble Earl for his contribution towards dealing with the housing need that we are facing.

Amendment 64 aims to create a new ground for possession to support those families who need a carer. It would allow a landlord to seek possession of a property to accommodate a carer for the landlord, landlord's spouse or other member of the landlord's family. The ground is qualified by a requirement for

[Baroness Taylor of Stevenage]
the property to be in close proximity to the person requiring care, in order to facilitate emergency callouts when that person is a family member. While I understand the motivation behind the amendment, as clearly set out by the noble Baronesses, Lady Bowles and Lady Neville-Rolfe, and the noble Lord, Lord de Clifford, a core principle of the Bill is to increase the security of tenure that tenants enjoy. Throughout the Bill, we have created a ground for possession only when the circumstances are compelling. In our view, the amendment does not meet that high bar. We think that very few landlords will both require a carer who needs accommodation and happen to have a property of the right size and type available near their own home. Given the likely limited use of this ground and the risk of abuse, we do not think that it is justified. Where care is required, I also highlight that, should a landlord wish to accommodate a close family member who is acting as a carer to the landlord or their family, possession ground 1 may be available.

5 pm

Amendment 71 seeks to require landlords to forgo the last month's rent and any other charges due if they have served notice to evict a tenant in order to move into or sell a property. While I understand that the aims of the noble Baroness, Lady Jones, are to compensate the tenant for being evicted through no fault of their own, I do not believe this to be the right approach. We have put much thought into the design of the grounds for possession and believe that it is key for the market that landlords have the flexibility to move into or sell their property when this is necessary. We have designed these grounds with safeguards to prevent abuse. However, it would not be right to go further and require a landlord to effectively pay the tenant compensation. A landlord who needs to sell or move into a property may be in financial difficulty themselves and requiring them to forgo the last month's rent from the tenant would be an undue burden.

Amendment 142 seeks to create a new exception to the letting and marketing prohibitions. This exception would allow reletting a property after six months, instead of 12 months, if possession is gained using ground 1A, subject to conditions. It is proposed that this reduced restricted period should be permitted, as long as the landlord can evidence that they have tried to sell the property at a fair market rate and have not received a suitable purchase offer. The landlord must also offer the property back to the original tenant at the same price. The noble Lord's concerns seem to relate to rent increases and, of course, all landlords can increase rent by the Section 13 notice once a year.

The noble Lord, Lord Pannick, raised the issue of the ECHR. The Government have set out their ECHR analysis in their published ECHR memorandum. The tenancy reform measures in this Bill engage A1P1 rights of landlords. They constitute a control of use of the landlord's property and are justified in their pursuit of the important aim of improving the security of tenants. The restrictive period is an important element for preventing misuse by landlords of the possession grounds.

The current 12-month restriction on reletting is being introduced to prevent abuse of these possession grounds. This length of time will make it unprofitable for a landlord to evict a tenant with the intention of reletting the property to another tenant at a higher rent. The restriction has the practical effect of the landlord forgoing rent for that period and removes the financial incentive to misuse the grounds. I believe that this amendment from the noble Lord would undermine an essential protection. In addition, the amendment would be extremely impractical. It seems unlikely that a tenant would accept the offer, having already experienced the upheaval and costs of moving home once evicted. The tenant will also be mindful that the landlord may try again to resell the property before long.

Amendment 165 seeks to reduce the letting and marketing restriction when the moving and selling possession grounds have been used. As will have become clear by now, the Government will have zero tolerance for any attempts by unscrupulous landlords to evade the new tenancy system. That is why the 12-month restricted period is so important. We will give local councils the power to issue fines to deter unscrupulous landlords from exploiting these grounds as a backdoor means of eviction. I accept that good landlords' circumstances may change, but it is vital that the decision to evict a tenant is done when there is a clear reason. If a sale falls through, most landlords will continue their attempts to sell the property rather than fall back on another tenancy—they may even reduce the price, as the noble Baroness, Lady Thornhill, said. The original tenant is after all losing a home and that decision cannot be made without good reason or on the basis of a fair-weather decision to sell or test the market. As with other similar amendments, I believe that shortening this time would undermine our efforts to protect tenants.

Similar to Amendment 165, Amendment 166 seeks to reduce the letting and marketing restriction when the moving and selling possession grounds have been used from 12 months to six. Specifically, this amendment focuses on when a claim form has been used to evict without notice—for example, if the court has waived the requirement for notice to be served on the tenant. As I have set out, the 12-month restricted period is a key measure to prevent abuse of the moving and selling grounds. Any reduction in this period would seriously undermine this protection and could reduce security of tenure for tenants.

We have put much thought into the design of the grounds for possession. For the reasons I have outlined, we are not convinced that these amendments are the right approach and I respectfully ask that they not be pressed.

Baroness Bowles of Berkhamsted (LD): With regard to the amendment concerning carers, the main reason for rejecting it seems to be that it would not be widely required; that it would only be a small minority who might find themselves in that situation. But is not the majority of this Bill based on the actions of a small minority of landlords? Therefore, we should look at both sides of the minorities argument.

The Minister said that the ground could be exploited. If such an amendment were to come forward in a fuller form on Report, it could clearly lay out the evidence that it would be necessary for the court to see—just the same as for a sale or any other purpose. For the purposes of a probing amendment, of course, that is not there.

I would ask to have another meeting with the Minister—I know that the noble Lord, Lord de Clifford, has had one, but perhaps those of us who are interested could have another. I do not see that there is any substance in saying that because it is a minority it does not apply; the whole Bill is about minority behaviour. Therefore, it is very relevant that any minority should be considered.

Baroness Taylor of Stevenage (Lab): I thank the noble Baroness for those further comments. I am of course always happy to have a further meeting with her and the noble Lord, Lord de Clifford, on this subject. A core principle of the Bill is to increase the security of tenure that tenants enjoy. We want to keep our focus on that, but I understand the point the noble Baroness is making and the reason for putting forward the amendment. I think the words I used were that there was likely to be very limited use of this ground and a risk of abuse and that, where a family member would act as carer, there is another possession ground that can be used, but, of course, I am happy to meet and discuss it with her before Report.

Lord Cromwell (CB): It is always helpful to remember that we judge a democracy on how it treats its minorities.

The Minister referred to my appearing to be interested in rent. I was interested in discussing the issue in the shape of rent because that was the reason I was given for a 12-month barrier to reselling the house: that the rapacious landlord would seek to make profit from doing so. I hope that the example I have given and the explanation and logic I provided demonstrated fairly compellingly that 12 months is simply excessive. I am sorry that I have not convinced the Minister of that. Perhaps we can have a further discussion, because I think the evidence will demonstrate that six months is more than adequate to put off a landlord from taking the risk of having no income for six months, and possibly costs in addition, and then trying to recover that over time.

Baroness Taylor of Stevenage (Lab): I thank the noble Lord, Lord Cromwell, for his further clarification. I considered that we had a very useful meeting earlier on this and I have thought about it very carefully. I think the current 12-month restriction on re-letting is the right one to prevent abuse of those possession grounds, but of course I am happy to meet him and discuss it further.

Baroness Bowles of Berkhamsted (LD): Can I also ask whether the Minister can provide any advice or evidence that she has been given concerning the issue of the European Convention on Human Rights and the right of access to property, as spoken about by the noble Lord, Lord Pannick?

Baroness Taylor of Stevenage (Lab): The analysis on the ECHR is published in the ECHR memorandum. That information is set out in that document.

Baroness Bowles of Berkhamsted (LD): What about the legal advice?

Baroness Taylor of Stevenage (Lab): The advice I have is that it is in the ECHR memorandum, so I refer the noble Baroness to that. If she wants further advice once she has looked at it, I am happy to take that back to the department.

Lord Carter of Haslemere (CB): The ECHR memorandum does not address the scenario outlined by the noble Lords, Lord Cromwell and Lord Pannick. It simply does not refer to that. That scenario looks at how this provision will affect bona fide, good landlords. Yes, there are possibly some rapacious landlords out there, but the vast majority are not. They might need to sell their property, and to have to wait a year to be able to do that is simply disproportionate.

Baroness Taylor of Stevenage (Lab): I am happy to get further written advice for the noble Lords.

Lord Cromwell (CB): I do not wish to detain the Minister with yet another question, but I will perhaps ask a little cheeky one. She referred a number of times to useful meetings with tenant representative bodies, which I have also had quite a number of meetings with. Can she tell us how many meetings she has had with landlord representative bodies?

Baroness Taylor of Stevenage (Lab): I have had meetings with landlord representative bodies, but I cannot tell the noble Lord the number off the top of my head. I will write to him with that.

Lord Carter of Haslemere (CB): I promise this will be my final point. Is the Minister monitoring carefully—I think in the past she said she was—how many landlords are leaving the sector? To state the blindingly obvious, many more people can afford to rent than can afford to buy. If large numbers of landlords are leaving the sector—and it would be really helpful to have some figures on that—where are those people going to live: with mum and dad, or on the streets?

Baroness Taylor of Stevenage (Lab): I do not know whether the noble Lord was present on Tuesday, but we had an extensive discussion about the impact of the Bill. I set out the Government's assessment that it will not have an unreasonable impact on letting, and that the department will carefully monitor the Bill's impact going forward.

Baroness Neville-Rolfe (Con): Before the Minister sits down, would it be possible, before Report, for her to look at the latest situation? On Tuesday, we had an exchange on the negative impact, which woke me up to all this. I think the last thing that either side of the House wants is fewer houses to let; I think the opposite is our general objective.

Lord Hacking (Lab): Happily, my noble friend has already sat down, so I need not use that phraseology. She will remember that all my amendments discussed today related to the 12-month provision. Will she agree to my also coming to any further discussions she has on the 12-month issue?

Baroness Taylor of Stevenage (Lab): All noble Lords, including my noble friends, will of course be welcome to any meetings that are held.

Baroness Warwick of Undercliffe (Lab): My Lords, I will not attempt to critique the Minister's response to other amendments or indeed to summarise comments on them. They were all about repossessions, but they were so very different that it would be impossible to do that. I admire the Minister, and indeed the Opposition Front Bench, for trying to pull them all together into one discussion. I will not critique them, but I will look very carefully at what the Minister has said. I particularly thank the noble Baroness, Lady Thornhill, for her support for my amendments.

I know the Minister sought to reassure me that the Bill was capable of covering the concerns that I had expressed. She commented that the courts were best placed to decide on compensation—of course I appreciate that—and that the courts would set out a timeframe for compensation, which I very much welcome and understand. But I am still very conscious of the concerns of the Renters Alliance and its various constituent organisations about the impact of these repossessions, particularly on the most vulnerable, when they are evicted at no fault of their own and are in financial difficulties and under a lot of stress as a result.

I hope the Minister will agree to see how this very real problem could be resolved. I am reluctant to ask her for another meeting when so many others have already been agreed to, but I would appreciate it very much if we could sit down and discuss this, because I feel I would need personally to be reassured that there are parts of the Bill that would satisfy the concerns that I have expressed. I beg leave to withdraw my amendment.

Amendment 24 withdrawn.

Amendment 25

Moved by ***Baroness Taylor of Stevenage***

25: Clause 4, page 5, line 26, at end insert—

"(5AA) The court may not make an order for possession of a dwelling-house let on an assured tenancy granted in accordance with section 554(3)(c) (before its repeal) or (ca) of the Housing Act 1985 on any of Grounds 1 to 5H or Ground 6A."

Member's explanatory statement

This restricts the grounds that are available where premises are let on an assured tenancy which is granted to the former owner-occupier of a defective dwelling under section 554 of the Housing Act 1985.

Amendment 25 agreed.

Amendments 26 to 28 not moved.

Amendment 29

Moved by ***Lord Carrington***

29: Clause 4, page 7, line 2, after "2ZA" insert "or Ground 2ZZA"

Member's explanatory statement

This amendment, along with other amendments related to new Ground 2ZZA in the name of Lord Carrington, seeks to ensure that where the intermediate landlord is given less than 3 months' notice to quit, the duration of any notice they are required to give to their tenant is limited to 2 months.

Lord Carrington (CB): My Lords, I have already declared my interests earlier in the debate today. In speaking to this group of amendments, I thank the Minister for discussing them with me yesterday in great detail. I also forgot to thank her for the discussion that we had on the previous amendment.

The amendments that I have tabled are designed to ensure that an intermediate landlord who is, under the terms of his tenancy, obliged under a notice to quit to release his tenancy in less than three months, can give notice to his own subtenant limited to two months rather than the Bill's four months, so that he is not in contravention of the head tenancy. It is proposed that ground 2ZA is amended to reduce the notice period to two months to avoid situations where an Agricultural Holdings Act tenant is forced into breaching the terms of their agreement through no fault of their own.

5.15 pm

The policy principle behind ground 2ZA, granting possession due to the termination of a superior agricultural tenancy, is thereby made workable. Currently, where a superior landlord has served notice on an intermediate landlord, the proposed notice period that the intermediate landlord is required to give their tenant is far too short and may exceed the notice period that the intermediate landlord has himself been given.

Under the Agricultural Holdings Act 1986, to which this ground would apply, where a tenancy agreement allows, a superior landlord can serve notice to quit on a tenant requiring vacant possession within three months. If the AHA tenant—the intermediate landlord—is required to give their tenant four months' notice, they will be unable to deliver up the AHA tenancy with vacant possession, thus putting them in breach of their tenancy agreement. The AHA tenant will be required to quit the holding at the end of their three-month notice period. Further complications may arise where the tenant does not vacate after four months, as the original breach of not delivering up the holding with vacant possession will become exacerbated—I hope that noble Lords are all following me.

The discrepancy in notice periods seriously undermines the policy intention behind the creation of this new ground, which is to avoid an intermediate landlord breaching the terms of their tenancy. If the tenant farmer is given three months' notice, then the notice period required for their own tenant must be no longer than two months.

My apologies to noble Lords for this somewhat complicated explanation, but this is a fairly technical issue that can be resolved by this small amendment on the timing of a notice. There are no points of principle involved, as far as I am concerned.

The Minister, at our meeting yesterday, for which I am deeply grateful, said that the amendment was not necessary as the superior landlord would in any event still be able to obtain possession after four months, come what may. Unfortunately, in many developments, which is what this is all about, there is a real need to regain the whole site with vacant possession on a timely basis. Allowing the assured tenant to remain in the holding after the intermediate landlord has left would slow down the process of regaining vacant possession of the site and might delay or adversely affect the planned development. I beg to move.

Lord Jamieson (Con): My Lords, I was expecting a slightly longer debate this time, as we have been proceeding slightly more slowly than the other day. I thank the noble Lord, Lord Carrington, for bringing this debate on notice periods for intermediate landlords. Intermediate landlords make the rental market more flexible and accessible, precisely the kind of benefits we should be seeking to expand, yet the Bill now risks removing them. These landlords play a vital role in our housing system. They unlock additional housing options by turning single lets into shared accommodation. They offer more affordable arrangements and provide the flexibility that is so essential in urban and rural areas closely tied to the job market. It is therefore vital that any legislation we pass recognises their contribution and protects the value they bring to the sector. In the previous debate, many noble Lords talked about the red-hot market and the lack of housing. I genuinely worry about the risk of reducing the amount of housing.

On that note, I turn specifically to the amendments before us in this group and thank the noble Lord, Lord Carrington, for giving us such an erudite summation of a rather technical area, which I could not and do not wish to replicate, and therefore I shall move on swiftly. These amendments will certainly assist the Committee in considering how best to address this issue. Protecting small-scale renters should be the priority for us all. I hope to work constructively across the Committee to ensure that we get this right. From housing associations to charities and small local businesses providing accommodation, intermediate landlords are vital to the supply on which a secure, reasonably priced and decent rental sector depends.

Amendments 37 and 38 apply explicitly to the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1985. These tenancies by their nature can be very long indeed, even multigenerational. The tenanted property can include farmhouses and cottages, which could be occupied either by agricultural employees or open market tenants, depending on the terms of the superior tenancy. While in some cases they may have fixed termination dates, in other cases these tenancies could be brought to an end unexpectedly with a short timescale. It is right that these intermediate landlords should have the power to terminate subsidiary tenancies in a shorter timeframe in order to deliver the property back to the superior landlord in compliance with the superior tenancy agreement. Otherwise, the risk is that they may choose not to let such properties. There are many such tenancies already in place that will not and could not have anticipated this Renters' Rights Bill. Intermediate tenants could well be put in a position of being in breach of their own tenancies, with negative financial implications.

Baroness Taylor of Stevenage (Lab): My Lords, I thank the noble Lord, Lord Carrington, for the amendments and for the meeting we had yesterday, and I thank the noble Lord, Lord Jamieson, for his comments on this set of amendments. Amendment 28 works together with Amendments 29, 37 and 38 to insert a new ground for possession, numbered 2ZZA. This proposed ground for possession is well intentioned but, in the Government's view, unnecessary. It seeks to replicate ground 2ZA with a notice period of two months rather than four in the limited circumstances where agricultural landlords have been given short notice to vacate of three months or less by their superior landlord. Ground 2ZA already covers these circumstances and allows superior landlords and courts to treat a notice given under ground 2ZA as valid even after the intermediate landlord is no longer legally involved once their lease has ended, thus providing the affected tenant with the same protection.

Amendment 28 specifically seeks to ensure that the proposed ground has two months' notice. This goes against the general principle of the Bill that tenants should generally be given four months' notice to uproot their lives in circumstances where they have not committed any wrongdoing. We do not believe that a tenant's security of tenure should be undermined due to the actions of a superior landlord and encourage communication between all parties, where a superior landlord's notice to the intermediate landlord is shorter. By creating ground 2ZZA with a shorter notice period for circumstances where the intermediate agricultural landlord has themself been given short notice by their superior landlord, the noble Lord, Lord Carrington, is seeking to ensure that the superior landlord is not left managing the subtenancy.

Amendment 29 adds ground 2ZZA to the list, in subsection 4(3)(f) of the Bill, in which a notice given by an intermediate landlord can be treated as a notice given by a superior landlord once the intermediate tenancy has ended. As superior landlords will already be able to evict tenants under a notice given by an intermediate landlord, we do not think the noble Lord's proposed ground 2ZZA is required.

Amendment 37 is an amendment specifically to ground 2ZA, disapplying it in the circumstances in which the noble Lord wishes ground 2ZZA to apply. Further to what I have already said, this highlights the redundancy of the proposed ground 2ZZA. Clearly, ground 2ZA would apply already, to the point that it needs to be disapplied to make proposed ground 2ZZA work. I am sorry—I hope everyone is following this.

Amendment 38 inserts the proposed ground into Schedule 1 to the Bill. For all the reasons I have already highlighted, in our view the amendment is not required. As such, I ask the noble Lord to withdraw the amendment.

Lord Carrington (CB): I thank the Minister for her extremely clear description of this amendment and why it might not work. I also thank the noble Lord,

[Lord Carrington]
Lord Jamieson, very much for his own contribution. Everyone is probably now completely befuddled by the whole thing. I will not take up any more of your Lordships' time, and I certainly will withdraw the amendment. However, we will be looking further at the legal implications of this.

Amendment 29 withdrawn.

Amendment 30 not moved.

Clause 4, as amended, agreed.

Schedule 1: Changes to grounds for possession

Amendment 31 not moved.

Amendment 32

Moved by ***Baroness Scott of Bybrook***

32: Schedule 1, page 167, line 17, after "landlord's" insert "or the landlord's spouse's, or civil partner's, or co-habitee's"

Member's explanatory statement

This amendment, and others in the name of Baroness Scott of Bybrook, seeks to apply the same definition of family member which is used in Clause 21 of the Act in Schedule 1 to ensure the internal consistency of this Act.

Baroness Scott of Bybrook (Con): My Lords, I will move my Amendment 32 and speak to Amendments 33 and 34 in this group. All three of these amendments are underpinned by the same principle, that of consistency. When anybody involved in a tenancy speaks about "family members", there should be clarity on what that means, but the Bill is not consistent in its definition of a family. This inconsistency will make it much harder to achieve clarity for those who will have to work with this legislation in the real world. I will briefly outline the two definitions of the family that are currently in the text of the Bill.

In Clause 21, which relates to renter guarantors, the Government have defined family members in a broader way, including nieces, nephews, aunts, uncles, partners, children and cousins within the definition. In Schedule 1, which we are debating today, the definition is much narrower, limiting the definition of family members in that part of the Bill to parents, grandparents, siblings, children and grandchildren. We have tabled these amendments to highlight this inconsistency, which will create an imbalance between the definitions of the family of a tenant and that of a landlord. While inconsistency applies to nieces, nephews, aunts, uncles, partners, children and cousins, I will use the example of cousins to illustrate my point.

Surely whether a person is a landlord or a tenant, all families should be treated equally before the law. It cannot be right that a tenant's cousin who is a rent guarantor is defined as a family member, but a landlord's cousin is not defined as a family member for the purposes of ground 1. Can the Minister please explain why she believes it is acceptable for a cousin of a tenant who is their rent guarantor to be treated as a family member, but the cousin of a landlord is not treated as a family member for the purposes of ground 1, under this legislation? Does she agree that this is an inconsistent way of defining family members?

We are also interested in the perverse outcome that would result in a circumstance where a cousin of a person acts as a rent guarantor but also has another cousin who is a landlord. Under Clause 21, they would be the tenant's family member; under Schedule 1, they would not be the landlord's family member. In the real world, they are family members in both cases. It is unacceptable that an individual in this position would be treated in one way in respect of their relationship with their cousin who is a tenant and in a different way in respect of their relationship with their cousin who is a landlord.

Additionally, I am not certain whether cousins of tenants and cousins of landlords are different classes of people. If we are to treat cousins as a class of people for the purposes of the Bill, it seems that the Bill will affect private interests of cousins of landlords in a different way to the interests of cousins of tenants. We feel that this is unacceptable, and it should be resolved.

5.30 pm

Of course, there are two ways to achieve consistency across the two parts of the Bill. As I have said previously, although we may disagree on much of the content of the Bill, we support the Government's desire to strengthen tenants' rights, so we do not feel that it would be appropriate to achieve consistency by narrowing the definition of the tenant's family in Clause 21. I think the Minister would agree with us on that. If we agree on that point, the only option that remains is to achieve consistency by using the same definition of the family in Clause 21 and in Schedule 1.

Amendments 32, 33 and 34 would achieve equality and consistency. I recommend them to the Government, and I hope the Minister will take these arguments on board and see the merits of the case we are putting forward. I look forward to hearing from her and hope she will be able to accept these today—and if not today, then perhaps before Report. I beg to move.

Baroness Grender (LD): My Lords, I will speak very briefly from these Benches to say that there is some nervousness on our part with regard to these amendments and the potential for loopholes to be created. If the discussion is that this is a meeting of equals between tenants and landlords, then I am not sure that this is entirely the case from all the experience and data that we have so far. Let me stress that one of the reasons why we are very excited about the data section, which we will come to later in the Bill, is that we have quite a strong belief that there is limited knowledge about who is out there and who is a landlord right now. All we know about are the responsible ones who register themselves and provide information.

A tenant by very definition is not an equal to someone who owns a property. There may be exceptions to that case, such as tenants who are in high-end properties, but on the whole the tenants we are talking

about within the Bill are the ones who struggle on a weekly basis to pay their rent. Therefore, it is not a meeting of equals.

Baroness Taylor of Stevenage (Lab): My Lords, I thank the noble Baroness, Lady Scott, for her amendments. Amendments 32, 33 and 34 seek to expand the definition of a family member for the purposes of possession ground 1. This mandatory possession ground is available if the landlord or their close family member wishes to move into the property. These amendments widen the ground to allow a landlord to claim possession from an existing tenant to move in relatives of their spouse, partner or co-habitee, along with nieces, nephews, aunts, uncles or cousins.

In choosing which of the landlord's family members can move in under ground 1, we have reflected the diversity of modern families while drawing a line short of where some might wish. But we are of the view that to expand the ground any further would diminish tenant protections too far. It would open tenants up to evictions from a wide range of people—potentially very significant numbers indeed where families are large—while providing more opportunity for ill-intentioned landlords to abuse the system.

The noble Baroness, Lady Scott, asked why "family member" is used in Clause 21 while close family member is used in the moving-in ground. The moving-in ground is designed for very specific circumstances where a landlord's family member is in need of accommodation, so it is right that this definition is narrower, as tenants risk losing their home. New Section 16N of the Housing Act 1988, "Guarantor not liable for rent payable after the tenant's death", as inserted by Clause 21, is specifically targeted to stop those grieving being held liable after a tenancy should have been ended, and it is right that this is a broader protection. The use of guarantors is wide ranging and, as such, a wider definition is needed to encompass all relevant persons. However, that is not the case when a tenant is facing eviction from a property.

For these reasons, I ask the noble Baroness to withdraw her amendment.

Baroness Scott of Bybrook (Con): My Lords, I thank the Minister. These amendments may appear complicated in their drafting, but they have one simple objective which is to deliver a consistent definition of the family across the Bill. While I am very disappointed that the Government do not feel able to accept the amendment today, I hope that the Minister is willing to discuss a way to resolve this inconsistency in future meetings as we make progress on the Bill.

The law should be as simple as possible and, crucially, consistent, so that those who have to deal with the legislation in the real world can do so without unnecessary confusion. It is clear that two different definitions of the family will create confusion. A consistent definition would prevent that confusion. While I reserve the right to bring this back on Report, I beg leave to withdraw the amendment.

Amendment 32 withdrawn.

Amendments 33 to 35 not moved.

Amendment 36

Moved by ***Baroness Taylor of Stevenage***

36: Schedule 1, page 170, line 18, leave out from "under" to "or" in line 20 and insert "a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 which is a tenancy to which that Act applies"

Member's explanatory statement

This brings this provision into line with the definitions used in the Agricultural Holdings Act 1986.

Amendment 36 agreed.

Amendments 37 and 38 not moved.

Amendment 39

Moved by ***Baroness Taylor of Stevenage***

39: Schedule 1, page 171, line 10, leave out from "under" to "or" in line 12 and insert "a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act 1986 which is a tenancy to which that Act applies"

Member's explanatory statement

This brings this provision into line with the definitions used in the Agricultural Holdings Act 1986.

Amendment 39 agreed.

Amendments 40 to 46 not moved.

Amendment 47

Moved by ***Baroness Taylor of Stevenage***

47: Schedule 1, page 173, line 14, at end insert—

"In a case where, because of paragraph 8(7) of Schedule 1 to the 1988 Act, a tenancy becomes an assured tenancy, the condition in paragraph (c) of the first paragraph of this ground is met if the written statement referred to there is given within the period of 28 days beginning with the date on which the tenancy becomes an assured tenancy."

Member's explanatory statement

This is consequential on the amendment to clause 34 in my name.

Amendment 47 agreed.

Amendment 48

Moved by ***Lord Carrington***

48: Schedule 1, page 173, line 30, leave out "a person" and insert "an agricultural worker"

Member's explanatory statement

This amendment, along with other amendments related to new grounds for possession for occupation in the name of Lord Carrington, seeks to enable the landlord to gain possession of the dwelling-house to house their agricultural worker regardless of the worker's employment status (i.e. employee, worker, self-employed person or contractor).

Lord Carrington (CB): My Lords, I already declared my interests earlier in the debate.

I will speak to Amendments 48, 49, 51, 52, 54, 55, 56, 57 and 58. Some of these amendments have been kindly supported by the noble Earl, Lord Leicester, and the noble Lords, Lord Colgrain and Lord Roborough. The objective of Amendment 48 is to broaden the definition of "agricultural worker", regardless of the worker's employment status to cover not only a direct employee but a self-employed person or contractor, as this reflects modern farming employment practices.

[Lord Carrington]

In my meeting with the Minister, to whom I am most grateful for her attention, I learned that she was worried that this could open up an exemption for a wider group of workers, but I hope that I have reassured her that this specifically covers only agricultural workers. Her suggestion that the same could be achieved by allowing self-employed workers to occupy a property under licence would not be appropriate for longer-term workers, which this amendment seeks to address.

We believe that a ground for possession should be available where there is a need to house a non-employed agricultural worker; for example, a self-employed party to a share-farming arrangement on the farm or a self-employed shepherd or cowman. It is quite common in the agriculture industry for workers to be self-employed, but, given the nature of their work, especially if it is with livestock, they need to live on the site.

Currently, ground 5A provides a means of getting possession where the dwelling is required to house someone who will be employed by them as an agricultural worker. However, it does not cover the situation where the worker is self-employed. Similarly, ground 5C does not adequately provide for possession where a self-employed worker has been provided with a dwelling, but the work contract has ended. It applies only when the tenant has been employed directly by the landlord. We would like to see extensions to grounds 5A and 5C to cover situations where the worker/tenant is self-employed as well as employed. I hope that the Minister will be able to accept this amendment, which purely reflects current employment practices in the farming industry and is certainly not designed to cover non-agricultural workers.

I turn now to Amendments 50 and 53 in this group. By way of background, in the rural private rented sector the average length of a tenancy is around seven years, so there is little churn in view of the long-term nature of accommodation in rural areas. Combined with the shortage of rural affordable housing, which I hope will be addressed in the Planning and Infrastructure Bill, the availability of housing to support rural growth, particularly that driven by the increasing need for farm diversification due to lack of profitability in farming, is a clear and continuing problem. This diversification is being encouraged by the Government through schemes such as the Rural England Prosperity Fund. However, this diversification will be held back if it involves the necessity to house an employee on site and there is no availability of housing.

Rural landlords in the private rented sector have traditionally been the employer of their tenants. Historically, they have primarily housed agricultural workers, but with mechanisation, fewer mixed farms and employment costs, these cottages have been rented to others. At the same time, legislation governing the private rented sector has evolved to give extra statutory protection to agricultural workers. However, as farms have modernised and have been encouraged to diversify, many farmers and landlords have businesses which employ staff to operate in non-farming sectors but still need to be housed by the landlord for the better performance of their duties. The system of assured shorthold tenancies has allowed farmers and landowners to recover cottages at the end of the fixed term and thereby house the employee for the new enterprise.

In a situation of assured tenancies, this option will not exist, so the prudent owner may well take the view that he cannot risk an assured tenancy and therefore keep the house unoccupied. This could affect supply in an already-stretched private rented sector. While it remains very important that rural landlords are able to house incoming agricultural workers—new ground 5A—it is increasingly important that they are able to gain possession from a non-employee PRS tenant in order to house an employee of their diversified business.

This amendment would allow possession where the property is required for housing a person who, for the better performance of their duties, is required to be, or is by custom, housed by their employer. In order to conform with an assured tenancy, this circumstance could be made a prior notice ground in an assured tenancy if a fixed-term tenancy is not allowed. The possibility of registering such properties would allow an incoming tenant to be aware that such properties can be let only on fixed terms. Examples of such employees include security personnel, housekeepers, catering staff, wardens and groundsmen.

I urge the Minister to favourably consider this amendment, in light of the real needs of the rural economy, where housing is in very short supply and the need for rural diversification from farming is paramount. The Bill is currently geared toward the urban PRS and does not take sufficient account of the different challenges in the rural sector. I beg to move.

The Earl of Leicester (Con): My Lords, I support the noble Lord, Lord Carrington, on Amendments 48, 49 and 51 and, subsequently, 50 and 53. On the first ones, the noble Lord is absolutely right that, in the 21st century, the terms of employment in agriculture have moved on: they are not based on the old direct employee relationship. There are increasing numbers of self-employed people—the noble Lord mentioned stockmen and stockwomen, and many stockmen will be self-employed and work for two or three farmers, with two or three herds. Obviously, it puts you at an advantage if you can provide them with a house.

5.45 pm

On contractors, there is much talk about new entrants to farming and giving people tenancies, but the reality is that most new entrants come via setting up their own contracting business—which obviously could include working for the farmer.

I was pleased to hear the noble Lord mention share farming—it is very popular in America and Australia and is now increasingly beginning to show its face here in Britain. It is really important in areas of high rent. If you are a farmer in, let us say, the Thames Valley, home counties or A1 corridor, where rents are high, and if you employ a new agricultural worker from out of the area, it is really important that you are able to give them accommodation. So these amendments should be agreed.

I wholeheartedly agree with Amendments 50 and 53, concerning better performance of duties. The noble Lord mentioned people working in a household where security or caretaking is important, but there are also

nature wardens on national nature reserves, where people need to be close to their area of work because they are wardening an important habitat.

I will leave it there. These are very sensible amendments and I would be very surprised and disappointed if the Minister did not take them on.

Baroness Grender (LD): My Lords, we thank the noble Lord, Lord Carrington, and the noble Earl, Lord Leicester, for raising a critical issue that is at crisis point: namely, housing in rural communities. We on these Benches understand the need to support those in the agricultural community, who are on unique tenancy arrangements for a variety of historical reasons. These tenancies often involve longer durations, intergenerational involvement and a closer relationship between the land and the livelihood than is typical elsewhere in the rental sector, as the noble Lord, Lord Carrington, described. As such, it is vital that any legislative change reflects the particular realities of agricultural life and does not introduce any unintended uncertainty or disruption.

Crucially, it is important to ensure that there is greater clarity for both landlords and tenants operating under agricultural tenancies. In a sector where long-term planning and security of tenure are essential, both parties require clear and consistent rules to navigate their rights and responsibilities with confidence. That said, we on these Benches are somewhat hesitant about the proposed amendments in this group to introduce a new repossession ground for these tenancies. We believe it is possible that there may be more effective ways to provide reassurance to those living under such arrangements. On that basis, I look forward to hearing the Minister's response.

Lord Berkeley of Knighton (CB): My Lords, as someone who farms, albeit not on the same scale as the noble Lords who have spoken thus far, or indeed anywhere near it, I am very sensitive to the requirement for security of tenants. On the other hand, I know that—

Captain of the King's Bodyguard of the Yeomen of the Guard and Deputy Chief Whip (Baroness Wheeler) (Lab): Excuse me, can the noble Lord confirm that he was here at the start of the debate?

Lord Berkeley of Knighton (CB): I was here earlier.

Baroness Wheeler (Lab): But, as the noble Lord was not here from the start of the debate, I am afraid he cannot speak.

Baroness Scott of Bybrook (Con): My Lords, I thank the noble Lord, Lord Carrington, for bringing a debate on possession grounds. This is an important issue, as it ensures that a landlord—who is often also the employer—can regain possession of a property when it is needed to house a new employee.

I will address Amendments 48, 49, 51 and 52, tabled by the noble Lord, Lord Carrington. These amendments raise an important and complex issue concerning agricultural tenancies, particularly in the light of the proposed reforms to tenancy law, including the abolition of fixed terms and the removal of Section 21 no-fault evictions.

At present, agricultural landlords can avoid creating an agricultural assured occupancy—an AAO—by serving notice before the tenancy begins, thereby establishing it as an assured shorthold tenancy, or AST. This provides access to Section 21, which allows landlords to regain possession without the need to demonstrate fault. It is a mechanism widely relied on in the agricultural sector, where housing is often tied to employment or operational needs. With the removal of Section 21, this option will no longer be available. As a result, there will be a significant shift in the way in which agricultural landlords recover their properties. We must ensure that alternative grounds for possession are workable and fair, and can lead to the recovery of a property.

I do not suggest that there are easy answers here. However, I believe that this area requires careful scrutiny and targeted solutions. I believe the noble Lord's amendments offer a useful starting point for this discussion and he has rightly brought this to the attention of the House. I urge the Government to consider these issues closely and to engage further with agricultural landlords to ensure that they have the means to house new farmers under their employment.

Finally, I will talk to the remaining amendments in this group: Amendments 50, 53, 54, 55, 56, 57, 58 and 63. We must recognise the value of maintaining the availability of essential employment-linked housing and consider how best to safeguard it in practice. This of course must have thoughtful consideration, as the implications of any decision made affect not only the landlord and the employer but the broader rental market. I hope the Government will give serious consideration to the amendments from the noble Lord, Lord Carrington, as part of a broader and much-needed discussion on how landlords can fairly regain possession of a property when a tenancy is tied to employment that has come to an end. I have milked many cows in my life, and even at Easter I was lambing ewes, so I know a lot about this.

Many roles with occupational housing are time-sensitive and hands-on. A new employee may require immediate access to the same accommodation as the previous employee in order to perform their duties. Herdsmen and herdswomen are often up at 3.30 in the morning to begin milking and shepherds may be lambing right through the night into the dawn, and for their own welfare as a family they need to be on site to fulfil that role. Animal welfare on farms also requires staff to immediately be available at all times, whether it is for calving, lambing, farrowing or just for sick animals, so accommodation on site is absolutely critical. The same applies to those managing diversification of agricultural properties and businesses, managing holiday accommodation or providing security for storage facilities on the farm, for example.

Failure to ensure timely access to such housing can have significant operational impacts. It can delay essential work and place considerable strain on the profit-making enterprises already operating within tight margins.

[Baroness Scott of Bybrook]
This debate is therefore not only about the protection of property rights; it is fundamental to supporting those agricultural businesses, the people employed in them and the welfare of the stock on those farms, which rely so heavily on occupational housing as a practical necessity.

Baroness Taylor of Stevenage (Lab): My Lords, I thank the noble Lord, Lord Carrington, for these amendments relating to agricultural tenancies, and thank him, the noble Earl, Lord Leicester, and the noble Baroness, Lady Scott, for their obvious farming expertise as they have taken us through the rationale for the amendments. I thank the noble Baroness, Lady Grender, for her comments about the long relationships that are often prevalent in rural tenancies. It is important to make the point that one of the aims of the Bill is to facilitate those longer tenancy relationships.

I will make a few general comments, particularly that we appreciate that the agricultural sector has distinct requirements, and it is often vital for workers to live on-site to carry out their duties, as the noble Baroness, Lady Scott, very ably described to us. That is why we have included ground 5A. However, this must be balanced with the needs of the wider rural community. This ground balances both. It allows agricultural workers to be housed while protecting other tenants who may work in critical local jobs.

Widening the ground—for example, to include contractors—could, we believe, open the ground to abuse and decrease rural security of tenure. For example, a landlord could contract someone to do a nominal amount of agricultural work for their business and, on that basis, use the expanded ground to evict a tenant in respect of whom no other grounds were available.

The noble Earl, Lord Leicester, talked about the self-employed and contractors. We recognise that it is sometimes necessary for landlords to move tenants on where accommodation is intended for a particular purpose, and understand that employee accommodation plays a critical role for many employers, so we are strengthening the possession ground by making it mandatory. It would not be right to broaden the ground too much, and thereby reduce the security of tenure for more tenancies, as this would be contradictory to the purpose of the Bill.

There are other arrangements that a landlord can use to help their contractors with accommodation when they are working away from their home, such as paying expenses for the contractor to make their own arrangements, using licences to occupy, or paying for them to be hosted in an Airbnb. As people working away from their home are often working on short-term projects—for example, in the construction industry—tenancy agreements are unlikely to be the right solution in these circumstances.

Taken together, Amendments 48 to 53 would expand the types of agricultural worker that other rural tenants can be evicted in order to house. Amendment 48 replaces the word "person" in the ground with the term "agricultural worker". As I have discussed, we do not support the overall intent of these amendments, which would reduce security of tenure for all rural tenants with a landlord engaged in agriculture.

Amendment 49 removes the requirement for the incoming tenant to be employed by the landlord, replacing it with a broader definition of "working for a business operated" by the landlord. Amendment 50 specifically mentions service occupants, who are defined later. Amendment 51 changes the wording of the ground from "employee" to the broader "agricultural worker". Amendment 52 adds a definition of "agricultural worker" for the purposes of the ground which is far broader than an employee. Amendment 53 defines "service occupier" for the purpose of the ground.

The current drafting of ground 5A allows for tenants to be evicted only in order to house employees. Together, these amendments expand this group to include service occupants, contractors and self-employed persons. This definition is far too broad and would endanger security of tenure for existing rural tenants. It would give a landlord running an agricultural business a much freer hand to evict anyone living in their property by, for example, creating a contract with another person to do a nominal amount of work for them. It is just not the right balance. Rural tenants do not deserve less security than others, and the amendments proposed would open up tenants renting from a landlord involved in agriculture to being evicted in a much wider range of circumstances. For this reason, I ask for Amendment 48 to be withdrawn.

6 pm

Amendments 54, 55, 56, 57 and 58 propose to expand possession ground 5C. Taken together, they would allow landlords of tenant workers, contractors and the self-employed to seek possession of a tenant's home in the circumstances described within the ground that are currently available only in respect of employees. While we recognise that employee accommodation plays a critical role for many employers and have strengthened the possession ground by making it mandatory, we do not believe that it would be right to include other forms of work arrangements. This could leave the ground open to abuse by potentially enabling back-door Section 21-style evictions. Other types of arrangements may be available for those circumstances, such as licences to occupy. The circumstances where a landlord provides accommodation for tenants on, for example, short-term contracts are likely to be limited.

To turn to each amendment individually, Amendment 55 would allow a landlord to seek possession from a worker tenant who is not an employee when the work has ended. As previously mentioned, we do not want to broaden the ground and reduce security of tenure for more tenants. Amendment 56 would enable a landlord to seek possession of a property that had been provided to a tenant worker for an early stage of work which has been fulfilled. This is broader than the current drafting of ground 5C, which allows only employees to be evicted in this situation. While we appreciate that some employers want to help their employees to relocate or work in a different area for a period, we do not think that this ground should be expanded to include other types of workers. Workers on contracts such as those proposed to be covered by the amendment are less likely to require accommodation for a longer period.

Employees are much more likely to have a long-term relationship for which housing will be required. Therefore, it is not necessary to widen the ground.

Amendment 57 would allow a landlord to seek possession of a property provided to any tenant worker for an early stage of work which has ended to let the property to any other current or future workers, including those who are self-employed. This ground is intended for a narrow purpose—to allow employer landlords to gain possession of their property when the purpose of the accommodation has been fulfilled to enable them to let it to another employee and not to other types of workers.

Amendment 58 would expand the definition of "the employer" within ground 5C. This new definition would include a person with whom a contract for work was entered into—rather than an employer in the strict sense who enters into an employment contract with an employee. This would allow a landlord who had contracted the services of a worker tenant to use ground 5C to seek possession of the property. We want as many tenants as possible to enjoy security of tenure in their homes. Broadening this ground in this way could mean that many more tenants would lose access to this security. As previously stated, other arrangements exist that may be suitable in these circumstances, such as licences to occupy.

Therefore, I ask the noble Lord to withdraw Amendment 48 and not move his other amendments.

Baroness Scott of Bybrook (Con): Can the Minister explain how this scenario will work? It happens quite a lot, particularly on dairy farms, in my experience. Let us say that an employee milking as a herdsman, living in the one herdsman's property on the farm, leaves at quite short notice. The day after that employee goes, the cows still have to be milked. The only way to get somebody in quickly to milk them is on contract—that is an easy way of doing it. How will you get that person living close enough to be able to look after the welfare of that herd of cows and milk them twice or three times a day when you do not have any property because you cannot get rid of the employee who has left?

Baroness Taylor of Stevenage (Lab): Presumably there would be a time lag anyway because of the notice period that is required. Whatever arrangements are made in those circumstances would need to be used in the circumstances that the noble Baroness describes.

Lord Carrington (CB): I just add that there may not be a notice period if there has been an accident.

I thank all the noble Lords who have contributed to the debate, particularly the noble Earl, Lord Leicester, and the noble Baronesses, Lady Scott and Lady Grender. I look forward to hearing what the noble Lord, Lord Berkeley, has to say before Report.

There are two themes to these amendments. The first is the change in farming employment practices, and these amendments are designed to cater for that. The second theme is farm diversification, which this Government are keen, quite rightly, to encourage. As we all know, diversification ought to lead to growth and growth ought to lead to more housing, as there will be more wealth. I think the Government should, if possible, broaden the way that they look at these two amendments.

The Minister mentioned that the proposals that have been put forward are open to abuse. I say only that the abuse would be by a very small number of people, whom one could probably deal with in a different way. Airbnb and licensing are solutions for certain types of contractors or employees who are brought in for a limited period, but are certainly not suitable for the longer term. It is not in any landowner's interests to get rid of a tenant who is paying a decent rent in order to put in an employee who is not paying a rent, unless he really has to, so I do not think that abuse is really an issue.

However, I see that we need to look at the definitions very carefully and I am happy to sit down again to try to come up with some definitions of who should qualify for this. That said, I beg leave to withdraw the amendment.

Amendment 48 withdrawn.

Amendments 49 to 58 not moved.

Amendment 59

Moved by ***Baroness Taylor of Stevenage***

59: Schedule 1, page 174, line 29, at end insert—

"(2A) After the second paragraph of the new Ground 5C insert—

"This ground also applies to the letting of a dwelling-house to a tenant in consequence of the tenant's service in the office of constable, but with the following modifications.

"Employment" means service in the office of constable.

In the first paragraph of this ground, in paragraph (d), "the employer" means any of the following persons—

(a) the chief officer of a police force;

(b) a policing body;

(c) in relation to a constable's service under the direction and control of a person who is not a constable (the "senior person")—

(i) the senior person, or

(ii) a person or body with the function of maintaining or securing the maintenance of the body of which the senior person is a member.

The first paragraph of this ground has effect as if the following were substituted for the second paragraph (b)—

"(b) the tenancy was granted for a particular purpose relating to the tenant's service as a constable and—

(i) that purpose has been fulfilled, or

(ii) the tenancy is no longer required for that purpose."

In those modifications—

(a) "service in the office of a constable" includes a constable's service under the direction and control of a person who is not a constable;

(b) "chief officer of a police force" means—

(i) a chief officer of police (which has the same meaning as in the Police Act 1996 — see section 101(1) of that Act),

(ii) the chief constable of the Ministry of Defence Police,

(iii) the chief constable of the British Transport Police,

(iv) the chief constable of the Civil Nuclear Constabulary,

(v) the chief constable of the Police Service of Scotland, or

(vi) the chief constable of the Police Service of Northern Ireland;

(c) "policing body" means—

(i) a local policing body (which has the same meaning as in the Police Act 1996 — see section 101(1) of that Act),

(ii) the Secretary of State in relation to the Ministry of Defence Police,

(iii) the British Transport Police Authority,

(iv) the Civil Nuclear Police Authority,

(v) the Scottish Police Authority, or

(vi) the Northern Ireland Policing Board.""

Member's explanatory statement

Police officers are not employees but office holders (the office of constable). This amendment expands Ground 5C so that it applies to constables as well as to employees.

Amendment 59 agreed.

Amendments 60 to 64 not moved.

Amendment 65

Moved by ***Lord Carrington***

65: Schedule 1, page 187, line 4, at end insert—

"New ground for possession for property which is needed to house a protected tenant

24A After Ground 8 insert—

"Ground 8A

The landlord seeking possession requires the dwelling-house for the purpose of housing a person who either—

(a) was employed by the landlord, or in the case of joint landlords seeking possession, by at least one of those landlords, and whom the landlord has an ongoing statutory duty to house after the job has ended as provided by the Rent (Agriculture) Act 1976 or this Act, or

(b) is the former employee's successor under the Rent (Agriculture) Act 1976 or this Act.""

Member's explanatory statement

This new ground for possession allows possession of a property where it is needed for the landlord/s to provide Suitable Alternative Accommodation under the Rent (Agriculture) Act 1976 or this Act to a protected former employee (or their successor) whom the landlord has a lifetime duty to house.

Lord Carrington (CB): My Lords, I repeat that I declared my interests earlier in the debate, so I will not bore your Lordships with them again. I am now talking about Amendment 65, on which I am pleased to have the support of the noble Earl, Lord Leicester, and the noble Lord, Lord Roborough. Once again, it is a fairly technical matter, so I will try not to send everyone to sleep.

I thank the Minister for her engagement on this issue. I have taken on board her concerns, which relate principally, as we have heard throughout these debates, to making sure that the rights of assured tenants are not affected.

Many former or current agricultural employees have protected tenancies under the Rent (Agriculture) Act 1976 or they have lifetime security of tenure as assured agricultural occupants under the Housing Act 1988. While landlords have the statutory duty to house these protected tenants for their lifetime, and for at least one succession to a spouse or other family member, they have the right under the above statutes to offer such tenants suitable alternative accommodation—SAA.

Often, the tenants of these houses occupy housing required for a new agricultural worker or a property that is no longer suitable for them due to age or infirmity. In its current form, the Renters' Rights Bill does not address the fact that a property may be occupied by a protected tenant. To offer that property to a new agricultural employee or rehouse an aged retiree to ensure that their housing needs are appropriately met, another property is required to offer as suitable alternative accommodation to that protected tenant. There is currently no ground in the Bill to allow possession of a PRS property in order to rehouse a tenant whom the landlord has a statutory lifetime duty to house. This amendment will enable landlords of rural properties to manage their properties when rehousing protected tenants.

The amendment is vital because of the longer-term nature of accommodation in rural areas. The average tenancy, as I said in a previous debate, last for 7.5 years and it is often not possible to rely on a natural churn of tenancies in order to offer the suitable alternative accommodation when it is needed. A nearby vacant rental property is often unavailable. Accordingly, our amendment deals only with the issue of suitable alternative accommodation under the terms of the Rent (Agriculture) Act 1976 rather than the Rent Act 1977, covering non-agricultural workers. It aims to ensure that the existing right can be honoured: in other words, that properties will be provided for protected tenants when required.

The amendment enables landlords to provide such accommodation when it is needed. This is particularly important when it comes to former agricultural workers who have lifetime security of tenure under the Rent (Agriculture) Act 1976. It should be noted that it is very common that such workers are moved on retirement to an alternative property owned by the employer, as the particular property they have occupied as part of their job is key to the nature of their work: for example, the dairyman's house and things like that.

This amendment is in some ways similar to Amendment 62, from the right reverend Prelate the Bishop of Manchester and the noble Earl, Lord Leicester, which seeks to facilitate the housing of retired clergy. In both cases, the properties required are usually used for employees, but they will be let on the open market for times when they are not required by employees or former employees. Employers need to know that they will be able to regain possession as and when needed, or else they will not let them out. However, the big

difference between this amendment and Amendment 62 is that, in the case of Amendment 65, the landlord has a statutory duty to house the employee under existing legislation.

The Bill already acknowledges in new ground 5A the fact that it is critical to certain jobs that an employer can house an incoming agricultural worker. The point of this amendment is to ensure that, when an incoming agricultural worker comes into a property, that property can be made available to the outgoing retired agricultural worker whom the landlord has a statutory duty to House, even after the job has ended.

This amendment is a key part of the mechanism for making way for an incoming agricultural worker, so that a different property can be freed up for the retired outgoing worker. In short, it is like the incoming agricultural worker ground but it is, in effect, an incoming retired agricultural worker whom the landlord has the duty to House. This circumstance could be made a prior notice in an assured tenancy if a fixed tenancy is not allowed. That would mean that PRS tenants would be on notice from the outset that this is the type of house that a landlord usually uses to house employees—incoming or retired—and they may give notice in the future on this ground.

Finally, as I am sure the Minister will point out, there is the possibility, under Section 27 of the Rent (Agriculture) Act 1976, of applying to the local authority to have retired agricultural workers housed. This is only in very limited circumstances where the following conditions are fulfilled: the house is occupied by a qualifying worker, protected by the Housing Act 1988 or the Rent (Agriculture) Act 1976; it is required for an incoming agricultural worker; the employer cannot by any reasonable means provide alternative accommodation; and the authority ought to provide it in the interests of agricultural efficiency.

6.15 pm

I have been encouraged by the Minister to look to the local authority or other landlords, but, in reality, local housing authorities, even if the above conditions were met, rarely have available social housing to offer retired farm workers. This option is so unrealistic that the body—the agricultural dwelling house advisory committee—that used to be convened to assess agricultural efficiency and so on in these cases, was disbanded in 2013. The committee has not been replaced.

Even if there is housing available from the local authority, landlords, where they have been the employer, may feel responsible for their long-term protected tenants and do not want to relinquish housing responsibility to the local authority. Other local landlords—many of whom, according to a CLA survey, are currently considering exiting the PRS sector—may have no, or only unsuitable, properties to offer. So this new ground for possession is needed to ensure that the farming economy can operate efficiently, and that duties of landowners under the Rent (Agriculture) Act 1976 can be fulfilled.

I hope the Minister will acknowledge this issue and agree to the solution proposed in the amendment. I beg to move.

The Earl of Leicester (Con): My Lords, I support the noble Lord, Lord Carrington, on Amendment 65. I take this opportunity to apologise that, sadly, I was not able to attend the first day of Committee on Tuesday, when, had I been able to, I would have supported the right reverend Prelate the Bishop of Manchester in his Amendment 62, which, as the noble Lord, Lord Carrington, noted, is reasonably similar to this.

I shall embellish what the noble Lord has said clearly with two examples. One example is a house that has been lived in by a protected tenant family but, 30 or 40 years on—that is the reality of protected tenancies—the house might need serious refurbishment, which after 35 years may cost north of £100,000 to comply with EPC or MEES, and will take nine or more months to complete; and the need to find a house to put said old and retired couple in more suitable accommodation while retaining their protected tenancy status. That accommodation might be an almshouse or a bungalow.

The second example is a protected tenant family that may have been a large family, with three or four children back in the day, occupying a four-bedroom house. The children have married or moved away. The father is deceased and the widow is knocking around in a large four-bedroom house that is expensive to heat and manage; perhaps it has a dangerous old staircase, with a bathroom downstairs and the bedrooms upstairs. One has to think about this, because that is denying a large house to a young, growing family who may themselves be in a two-bedroom flat or house. A simple solution—which, again, would come through negotiation, but I am sure would be welcomed by a widow—would be a house swap, with the widow retaining her protected tenancy. That would mean evicting the small, growing family, but offering them the opportunity to move into a larger house.

There are quite a few examples in the rural tenanted sector—and, I suspect, in the urban sector—where families have stayed in houses for many years, but then the family, having grown for 20-odd years, starts reducing in size but they remain in a big house. So it is important that protected tenants can be housed in smaller houses and that the tenants of those smaller houses are moved out, to allow the churn of housing as families grow and then reduce in size.

Lord Berkeley of Knighton (CB): My Lords, I apologise to the Committee for speaking prematurely. I speak as someone—I should declare this interest—who has a small farm, as I said earlier, which is very small in comparison with those of some of the noble Lords who have spoken. However, I have seen at first hand some of the problems that have been described. In particular, I remember one old lady who carried on in a house where she simply was not able to manage the property and its upkeep. What I think the noble Lord, Lord Carrington, and the noble Lord opposite are suggesting would help to avoid very painful, costly legal cases where people have to try and get somebody out, which causes enormous bad feeling and cost.

I am in favour of this amendment and would have been in favour of previous ones because I think in farming at the moment the difficulties that landlords face are so immense—I will not go through them all

[Lord Berkeley of Knighton]
now—that the ability to keep a farm going, which is the interests of tenants and future tenants, is prejudiced if they cannot get back suitable accommodation. I completely understand the desire, which I am sure the Government have, to offer security to tenants. In fact, that is an extremely important part of the fabric of our society, but we have moved on in some ways and what has happened in farming and what I have observed around me in mid-Wales is that there is a need to be able to get back certain properties to bring in younger people to farm.

I broadly support these amendments and suggest to the Government, with great respect, that if there is any way that they can move to accommodate them, I would very much support them.

Lord Jamieson (Con): I am grateful to the noble Lord, Lord Carrington, for moving this amendment and again he has given an excellent technical explanation of the need for it. I shall not try and repeat it, in the certain knowledge that I would not give as good an explanation. It recognises the enduring statutory duties placed on certain landlords to house former employees. I also thank the noble Earl, Lord Leicester, and the noble Lord, Lord Berkeley of Knighton, who have further explained and emphasised the issues and why this amendment is necessary.

Many of these tenants are retired agricultural workers who have given years, sometimes decades, of service and who now occupy homes with lifetime security of tenure. As such, landlords—often small family-run farming businesses—continue to shoulder a statutory duty to provide housing, even after the employment relationship has finished. This is not merely a moral obligation; it is a legal one that increasingly runs into practical difficulty.

The housing needs of retired employees can evolve over time. A once necessary dwelling may no longer be suitable, as has been mentioned, due to age, health, or changes in family circumstances and numbers. At the same time, that same property may now be needed to house a current employee whose work is essential to the functioning of the farm. Yet under the current drafting of the renters reform Bill, landlords cannot regain possession of that alternative accommodation in order to fulfil their continuing statutory duty. Amendment 65 corrects that oversight. It provides for a narrow, targeted new ground for possession applicable only when the landlord is required to rehouse a protected tenant or their successor, and only when suitable alternative accommodation is required for that purpose.

This is not about weakening tenant protections or finding a loophole—far from it. This is about balance, ensuring that landlords who remain bound by statutory obligations are able to meet them in practice. Without this amendment we risk trapping landlords in a legal Catch-22, where they are legally required to provide suitable housing but legally prevented from doing so. Importantly, they will be able to provide accommodation to retired employees who may have given many years of service and who deserve secure accommodation in their retirement, without the risk of breaking the law or leaving accommodation empty in expectation of its use later.

This amendment does not open a back door to wider evictions; it simply ensures the fair and functional operation of existing, long-established housing duties. It is balanced, proportionate and essential to upholding the very laws that protect these tenants.

Baroness Taylor of Stevenage (Lab): My Lords, once again I thank the noble Lord, Lord Carrington, for his amendment which would create a new ground for possession, and thank the noble Earl, Lord Leicester, and the noble Lords, Lord Berkeley of Knighton and Lord Jamieson, for their contributions to this debate. This ground would enable a landlord to seek possession of a tenanted property in order to re-let the property to a person to whom they have a lifetime duty under the Rent (Agriculture) Act 1976 or the Housing Act 1988.

I thank the noble Lord, Lord Carrington, for his collaborative engagement on this matter and for helping me through his reasoning for the amendment, both in our meeting and his clear explanation in this Chamber. However, our position towards this amendment remains the same. It would go against the general principle of increasing security of tenure for assured tenants that is consistent throughout the Bill.

We do not agree that there is a compelling reason that this particular group of agricultural tenants need to be housed in specific dwellings at the expense of existing assured tenants. Where a landlord has a statutory duty to house an agricultural tenant or their successor, in many cases landlords will be able to move tenants as and when suitable properties become available. Landlords can also use the existing discretionary suitable alternative accommodation ground 9, which the noble Lord, Lord Carrington, mentioned, to move an assured tenant to another property if needed.

The noble Earl, Lord Leicester, referred to the issue of underoccupation, which all landlords face. I certainly faced it as a social landlord when I was a council leader; it is not unique to farming. The idea that mandatory eviction is the answer to this, rather than incentivising people to move on from underoccupied properties, would be a completely new area of legislation to be considered and would be out of scope of this Bill.

The new ground would mean that an existing assured tenant could be evicted through no fault of their own, simply moving the problem around and creating insecurity for tenants. As the noble Lord, Lord Carrington, said, this is similar to the issue we discussed on Tuesday in relation to retired clergy. I understand the distinction that the noble Lord made in relation to the statutory duty, but it is not for a specific property. The issue of just moving the problem around is the same. As such, I ask the noble Lord to withdraw his amendment.

Lord Carrington (CB): I thank everyone who has contributed, particularly the noble Earl, Lord Leicester, my noble friend Lord Berkeley of Knighton and the noble Lord, Lord Jamieson.

I think we must agree to disagree on this. The Minister, quite rightly, is trying to uphold the essence of the Bill, which is security of tenure for assured tenants, and does not appear to be able to consider the fact that some properties should have a sticker on them saying "prior notice could be given for the occupation

of this property". I think that would be a sensible solution because there are two big things that this Bill does not take account of—no doubt among others.

First, the rural economy is very different from the urban economy. We do not have the housing that is available in the urban economy, and we are going through a revolution in terms of farming. Secondly, and I keep emphasising this, the farmer or landowner has a statutory duty. That was put firmly in an Act passed, I believe, under a Labour Government: the Rent (Agriculture) Act 1976. I urge the Government to consider this again, but in the meantime, I withdraw the amendment.

Amendment 65 withdrawn.

Schedule 1, as amended, agreed.

Clause 5: Possession for anti-social behaviour: relevant factors

Amendments 66 and 67 not moved.

Clause 5 agreed.

6.30 pm

Clause 6: Form of notice of proceedings for possession

Amendment 68

Moved by ***Baroness Scott of Bybrook***

68: Clause 6, page 8, line 21, leave out "may" and insert "must"

Member's explanatory statement

This amendment seeks to understand in what circumstances the Government feels it would be appropriate for the Secretary of State not to publish the form or ensure the form is the up-to-date version.

Baroness Scott of Bybrook (Con): My Lords, I will be brief. Amendment 68 seeks to make a modest but sensible change to Clause 6 by replacing "may" with "must". The intention here is clear: to ensure that the Secretary of State is under a duty—not merely a discretion—to publish the prescribed form for a notice of possession and to ensure that it is kept up to date. We simply do not understand why the Government believe that discretion is necessary in this case. If a form is to be relied on by landlords and tenants alike, and ultimately by the courts, it must be accessible and current. Anything less introduces the risk of confusion, inconsistency or even procedural unfairness.

Can the Government kindly explain the rationale behind retaining this discretion? In what circumstances does the Secretary of State envisage not publishing the form or not ensuring that the version in use is the most recent? This is a matter of basic clarity and procedural transparency, and I hope the Minister can provide some reassurance on this point.

Baroness Grender (LD): My Lords, I find myself in a strange position: having argued earlier on discretionary powers to change "must" to "may", I now find myself in support of changing a "may" to a "must". I agree with the noble Baroness, Lady Scott, that making this open, available and transparent would be a good thing. I look forward to hearing the Minister's response.

Lord Empey (UUP): My Lords, I would have thought that common sense alone would have encouraged the Government to accept the amendment on the grounds that, surely, it is one way of avoiding potential legal arguments where people will get into a dispute over the actual process and will argue that form A should have been in one form and form B in another. Surely, it is relatively straightforward to ensure consistency, clarity and certainty. Having a position where forms are not published does not seem to make any sense, and I would appreciate it if the Minister could explain to the Committee why it would be in the Secretary of State's interest even to have the burden of that responsibility, never mind the difficulties that tenants and others might have. Surely anything that could create certainty and remove grounds for illegal dispute would be in the interests of the Minister and the Government.

Baroness Taylor of Stevenage (Lab): My Lords, I hope that I can explain this very quickly and simply. I thank the noble Baroness, Lady Scott, for her amendment regarding the form of notice for proceedings. Clause 6 allows the Secretary of State to publish the prescribed form to be used when landlords serve notice of intention to begin possession proceedings. The form will continue to be published on GOV.UK. Amendment 68 by the noble Baroness, Lady Scott, would not affect whether the Government are required to prescribe that form. This requirement is already laid out in Section 8(3) of the Housing Act 1988 and is not repealed by any measure in the Renters' Rights Bill.

Clause 6 provides that regulations may allow the Secretary of State to publish and update the required form without the need for any updates to be made by way of statutory instrument, as is currently the case. It is crucial that the information that landlords are required to provide reflects current law. This clause will allow regulations to be made so that we can update the forms at speed and respond to changing circumstances. As the notice of possession proceedings remains a prescribed form under Section 8(3) of the Housing Act 1988, the requirement for the Government to prescribe the form persists; however, Clause 6 provides a simpler mechanism in which the form can be updated—it is the mechanism that changes.

I therefore ask the noble Baroness to withdraw the amendment.

Baroness Scott of Bybrook (Con): My Lords, I thank the Minister for that explanation. I am afraid that I am still confused, and what I would like to do is to read her explanation in *Hansard* and reserve the right to bring this back if we do not think that it is clear. It did not quite make sense to me, but I am sure that it might if I read it in the next couple of days. With that in mind, I beg leave to withdraw my amendment.

Amendment 68 withdrawn.

Clause 6 agreed.

House resumed.

House adjourned at 6.36 pm.