

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fourth Delegated Legislation Committee

DRAFT CORONAVIRUS ACT 2020 (EARLY EXPIRY)
(NO.2) REGULATIONS 2021

Tuesday 30 November 2021

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The Committee consisted of the following Members:

Chair: †STEWART HOSIE

† Bailey, Shaun (*West Bromwich West*) (Con)

† Britcliffe, Sara (*Hyndburn*) (Con)

Champion, Sarah (*Rotherham*) (Lab)

Davies, Geraint (*Swansea West*) (Lab/Co-op)

† Davies, Dr James (*Vale of Chwyd*) (Con)

Day, Martyn (*Linlithgow and East Falkirk*) (SNP)

† Double, Steve (*St Austell and Newquay*) (Con)

† Furniss, Gill (*Sheffield, Brightside and Hillsborough*) (Lab)

† Heald, Sir Oliver (*North East Hertfordshire*) (Con)

† Holden, Mr Richard (*North West Durham*) (Con)

† Logan, Mark (*Bolton North East*) (Con)

McDonnell, John (*Hayes and Harlington*) (Lab)

† Norris, Alex (*Nottingham North*) (Lab/Co-op)

Russell-Moyle, Lloyd (*Brighton, Kemptown*) (Lab/Co-op)

† Simmonds, David (*Ruislip, Northwood and Pinner*) (Con)

† Throup, Maggie (*Parliamentary Under-Secretary of State for Health and Social Care*)

† Webb, Suzanne (*Stourbridge*) (Con)

Huw Yardley, Emily Unell, *Committee Clerks*

† **attended the Committee**

Fourth Delegated Legislation Committee

Tuesday 30 November 2021

[STEWART HOSIE *in the Chair*]

Draft Coronavirus Act 2020 (Early Expiry) (No. 2) Regulations 2021

9.25 am

The Parliamentary Under-Secretary of State for Health and Social Care (Maggie Throup): I beg to move,

That the Committee has considered the draft Coronavirus Act 2020 (Early Expiry) (No. 2) Regulations.

This pandemic has touched every corner of our society and presented huge challenges to us all. The Coronavirus Act 2020 has been crucial to the Government's approach to maintaining public services, including the NHS, and providing financial support to individual and businesses at this time of need. The Act has enabled the temporary registration of nurses, healthcare professionals and social workers to bolster the workforce. It has reduced administrative tasks that front-line staff have to perform during this time of pressure. It has also allowed the Government to provide an extraordinary level of support to people and businesses impacted by covid-19. That support includes the coronavirus job retention scheme, which supported 11.7 million jobs, and the self-employment income support scheme, which supported almost 3 million self-employed individuals.

As the course of the pandemic continues to change, it is right that we continue to assess the legislative powers that are in place. The Government are committed to ensuring that emergency powers are in place only for as long as they are needed. The most recent six-month review of the Coronavirus Act 2020 in September identified seven provisions, and parts of an eighth, that could be expired. The regulations that we are debating today will expire those provisions. That includes expiring powers under schedule 21 relating to potentially infectious persons, and powers under schedule 22 to issue directions relating to events, gatherings and premises.

Sufficient resilience has been built up within the system to expire power under section 23 to vary time limits in relation to urgent warrants under the Investigatory Powers Act 2016 and, following an amendment to the Magistrates' Courts Rules earlier this year, and upon expiry of schedule 21, powers under section 56 for live links in magistrates court appeals are also to be expired. We are also expiring powers under section 37 and parts of the provisions under section 38 relating to education, training and childcare. We will retain only those provisions that may be needed to ensure that we have relevant protections for individuals and the sector.

We are also expiring sections 77 and 78, which relate to time-limited powers and so are no longer needed, and a further provision on behalf of Northern Ireland. That means that Parliament will have been able to expire half of the original 40 temporary, non-devolved powers in the Coronavirus Act, ahead of schedule.

The 2020 Act continues to be a critical part of our country's response to the pandemic. I acknowledge the concerns that have been expressed about how some of

the powers in the Act have been used, but the Government have sought to use them appropriately and proportionately, with arrangements in place to ensure accountability, including to Parliament. We are grateful to members of both Houses and to the Joint Committee on Statutory Instruments for their helpful comments.

Following the third six-month review of the 2020 Act, the House confirmed that it was content for the temporary provisions to continue to support the Government's ongoing response to the pandemic. The remaining provisions in the Act will help to support the NHS, individuals and businesses throughout the months ahead.

The pandemic is not yet over, and we know that there are challenges ahead, which is why we set out the steps we are taking in our autumn and winter plan. The virus has presented the greatest public health threat to the United Kingdom in recent history. I am sure that all hon. Members will join me in extending immense thanks to everyone who has made sacrifices and worked so gallantly in the fight against the virus, including our health and social care workers, all those who have volunteered in their communities, and those who have supported the vaccination programme and continue to do so.

9.29 am

Alex Norris (Nottingham North) (Lab/Co-op): It is a pleasure to start this parliamentary day just as I finished yesterday's with you in the Chair, Mr Hosie. It is characteristic of this pandemic that we are discussing removing restrictions on the day that we will later discuss imposing other restrictions, but I am afraid that is how things move with it.

The Coronavirus Act 2020 was significant legislation. I am sure, like me, all colleagues received emails when we passed the legislation, and when we renewed it, from constituents who thought it overbearing and excessive and that it should not be renewed. I never agreed with that analysis. As the Minister said, the legislation contains important provisions relating to professional registration and people's finances—those provisions remain crucial. However, I do not believe any right hon. or hon. Member missed the point that it was unprecedented legislation. When we were all standing for election three months prior to its introduction, I do not think any of us expected to be passing anything like it. However, extraordinary circumstances have called for extraordinary action. I always ask constituents to look beyond the endurance of the Act as an individual entity and down into the provisions, and to consider what powers have been expired. Post its renewal, the terms of the legislation are very different and much more modest in comparison with the law passed 18 months ago. If powers are not needed or are not being used, it is right that they should not lie on the statute book.

The Opposition will not divide the Committee on today's regulations, and I hope that people across the country will welcome that some powers have been removed from the scope of the 2020 Act. Those powers include section 56 powers that relate to magistrates courts, schedule 16 and section 37 powers relating to the temporary closure of educational institutions and childcare premises. Those latter powers have not been used, and it is right that they should be turned off. Similarly, section 78 powers relating to local authority meetings are out of date and it is right that they are removed from the statute book. One of the concerns raised with me by

constituents—unfounded in my opinion—relates to the powers to detain potentially infectious people. I do not believe there is any evidence that the state has used that power as a tool to be overbearing towards its subjects, nevertheless, given that that power has not been used greatly—only 10 times, and not since last October—it is right that it be expired. I hope that gives comfort to those who have concerns about the 2020 Act, and demonstrates that it is not being used in an overbearing manner.

The only provision I query is the element relating to the end of working tax credit. I and my Opposition colleagues have said that the Government have a blindspot to the financial pressures felt by people in the country. Turning off the universal credit uplift was a dreadful idea and has pushed families to the brink—our local food banks will vouch for that. The provision will cost the poorest £1,000, and I note that there is no impact assessment attached to the regulations. I keen to know from the Minister how many families will be affected by the change.

The explanatory notes probably get to the root of the Government's misunderstanding. They note that the Act was about supporting individuals' incomes during an unprecedented time, but the reality is that the pandemic has not shown that we need to provide temporary extra income to individuals but rather that in many cases personal income is far, far too low. That is even more apparent when set against the rising cost of living. Turning off certain support does not remove the fact that individuals will then return to living as they did before the pandemic—struggling to make ends meet and living with attendant health problems and injuries. I hope that the Minister will offer a reflection on that.

Given what we will debate later today, what consideration has the Minister given to whether powers will need to be turned back on at some point, or new powers sought? What is the Government's current thinking on that?

9.34 am

Maggie Throup: I thank the hon. Member for Nottingham North for his constructive contribution to the debate. He is right that the majority of the measures that have been expired had not been used, or used very rarely. The Coronavirus Act 2020, however, continues to be a critical part of our country's response to the pandemic. It has enabled the Government to provide help and support to people, businesses and our healthcare and public services.

As the hon. Gentleman rightly said, the Act is underpinned by regular and careful reviews and parliamentary scrutiny. We are confident that the Act has been fundamental to facilitating a fast and effective response to the pandemic. During the most recent review, the Government assessed the remaining provisions to identify those suitable for expiry, while remaining mindful of the challenges that we may face over the winter and, as we have found out, the potential emergence of new variants of concern.

The powers outlined in the regulations for expiry are deemed as being no longer needed and each has a clear rationale for inclusion. The hon. Gentleman asked whether we may need to introduce further powers. The 2020 Act is enabling legislation and the majority of the other measures required were brought in under the terms of

the Public Health (Control of Disease) Act 1984. I feel that we have got it right in terms of the enabling ability of the 2020 Act.

The hon. Gentleman referred to the expiry of section 77 that allowed for the uprating of working tax credits for 2020-21. Throughout the crisis, the Government have sought to protect people's jobs and livelihoods while also supporting businesses and public services across the UK. To that end, the Government announced a package worth a total of £352 billion in 2020-21 and 2021-22 to provide that support. The Government were always clear that the £20 increase was a temporary measure to support households most affected by the economic shock of covid-19.

During the recent Budget, my right hon. Friend the Chancellor announced that since restrictions had been lifted, economic growth had exceeded expectations and the labour market was recovering strongly. In the light of that, the Government are focusing on supporting people to move into and progress in work. The Government's comprehensive plan for jobs is helping people move back into employment, so that they can earn a regular wage, progress and increase their financial resilience.

Workers leaving the furlough scheme and unemployed people over the age of 50 will be helped back into work as part of the expansion of the Government's plan for jobs, worth more than £500 million. Those on the lowest wages will also be helped to progress in their careers and existing schemes targeting young people will be extended into next year. That assistance is part of the new package of support that could help hundreds of thousands of people into work.

The Government are committed to keeping powers in force only where they are judged to be absolutely necessary and part of the Government's response to the virus. As the hon. Gentleman said, a number of provisions have never been used since coming into force, and to maintain them on the statute book would be disproportionate considering the progress that we have made. Given the minimal use of the powers and the alternative measures available, the Government deemed it appropriate for the powers under schedule 21 relating to the detention of potentially infectious persons to be expired. Those powers have not been used since October last year, and nor have they been relied on to tackle some of our toughest challenges.

We have strengthened our defences against the virus even further, and therefore it is the right time for the powers listed in the regulations to be expired. The Government retain only those powers that are critical to our response to and recovery from the pandemic. The powers to be maintained include those that allow the temporary registration of healthcare professionals, which will help to support the NHS as we head into winter.

The Government urge everyone to be sensible and responsible and to continue to follow safe behaviours and measures now in place. People should get the covid-19 vaccine and the flu jab where eligible. That will help to protect the progress that we have made and protect the NHS in the months ahead. I commend the regulations to the Committee.

Question put and agreed.

9. 38 am

Committee rose.

