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Monday  
22 June 2020

PARLIAMENTARY DEBATES  
(HANSARD)

# HOUSE OF LORDS

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<b>Abbreviation</b>	<b>Party/Group</b>
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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§ *Members of the Government listed under more than one department*

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# THE PARLIAMENTARY DEBATES

(HANSARD)

IN THE FIRST SESSION OF THE FIFTY-EIGHTH PARLIAMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
COMMENCING ON THE SEVENTEENTH DAY OF DECEMBER IN THE  
SIXTY-EIGHTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

FIFTH SERIES

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## House of Lords

*Monday 22 June 2020*

*The House met in a Hybrid Sitting.*

*2.30 pm*

*Prayers—read by the Lord Bishop of Newcastle.*

### Arrangement of Business

*Announcement*

*2.36 pm*

**The Lord Speaker (Lord Fowler):** My Lords, the Hybrid Sitting of the House will now begin. A limited number of Members are here in the Chamber, respecting social distancing. Other Members will participate remotely, but all Members will be treated equally, wherever they are. For Members participating remotely, microphones will unmute shortly before they are to speak. Please accept any on-screen prompt to unmute. Microphones will be muted after each speech. I ask noble Lords to be patient if there are any short delays as we switch between physical and remote participants.

Oral Questions will now commence. I ask that those asking supplementary questions please keep them short and confined to two points and that, equally, Ministers' answers are also brief.

### Emissions: Housing

*Question*

*2.37 pm*

*Asked by Lord Teverson*

To ask Her Majesty's Government whether they plan to publish (1) a route map, and (2) a plan of action, to insulate the United Kingdom's existing housing stock in order to meet the net-zero emissions target by 2050, and if so, when.

**The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con) [V]:** Yes, the Government plan to publish a heat and buildings strategy in due course, which will set out the immediate action that we will take to reduce emissions from buildings, including the deployment of energy-efficiency measures and low-carbon heating as part of the ambitious programme of work required to enable the mass transition to low-carbon heat and set us on a path to meeting our net-zero 2050 emissions target.

**Lord Teverson (LD):** My Lords, I thank the Minister for his reply. Can he be more precise on "in due course"? This is an important part of building back better and is absolutely essential to our net-zero target for 2050.

**Lord Callanan [V]:** I note the noble Lord's impatience but cannot go much further, beyond saying that we aim to get the strategy out this year.

**Lord Young of Cookham (Con) [V]:** My Lords, in its report on energy efficiency last year, the BEIS Select Committee recommended that the winter fuel payment, which costs around £3 billion per year, be refocused and the savings invested in energy-efficiency programmes for fuel-poor households. Before the pandemic, the last Government rejected this, but can the Minister encourage the DWP and the Treasury to have another look at this proposal, which would help to achieve our zero-carbon commitment, tackle fuel poverty and promote a green recovery?

**Lord Callanan [V]:** As always, my noble friend asks a very good and pertinent question, but we continue to believe that the winter fuel payment gives reassurance, particularly to poorer pensioners, that they can keep warm during the colder months, so we will continue to pay £200 for households with somebody who has reached state pension age and who is under the age of 80, or £300 for households with somebody aged 80 or over.

**Baroness Boycott (CB) [V]:** Retrofit is a resource-intensive job creator, and therefore a good way to come out of the pandemic in a sustainable way, so what commitment have the Government made to retrofit publicly owned or publicly funded buildings, including all our schools and educational facilities?

**Lord Callanan [V]:** We have a number of schemes which public buildings and others can take advantage of. The noble Baroness raises a very good point. We will continue to insulate and upgrade as many of these buildings as possible.

**Lord Maxton (Lab) [V]:** My Lords, can the Minister make it quite clear that there is no such thing as UK housing? In Scotland, housing has been a devolved matter ever since I was first an MP, 41 years ago. Under previous Administrations it was a matter for the Secretary of State for Scotland, and now it is for the Scottish Parliament. Therefore, on the important issue raised by the noble Lord, Lord Teverson, can the Minister confirm that he has had meetings with his opposite numbers in the devolved Governments of Scotland, Wales and Northern Ireland?

**Lord Callanan [V]:** I am happy to agree with the noble Lord that fuel poverty is devolved. I have not personally had meetings with members of the Scottish Government or the Welsh Government, but I am always happy to do so.

**Lord Oates (LD) [V]:** Does the Minister agree that in addition to insulating the existing housing stock, we must replace the boilers in these homes if we are to meet our net-zero target? Is he aware that as of today this means replacing over 2,000 boilers every day, 365 days a year every year until 2050—and we have not even started yet? What will the Government do about that?

**Lord Callanan [V]:** We do not necessarily need to replace every boiler. There are a number of alternative courses of action. One would be to investigate the use of hydrogen as an alternative. Already we have pilot programmes that will enable boilers to be quickly and easily upgraded to work on hydrogen.

**Baroness Jones of Moulsecoomb (GP) [V]:** It is obviously important to upgrade existing stock, but some local authorities have set up carbon offsetting schemes which allow carbon-intensive building developments to go ahead with building inadequate housing for the future. Will the Government close this loophole?

**Lord Callanan [V]:** I am happy to have further discussions with the noble Baroness to see exactly what that loophole is, but we remain committed to working with local authorities to take this agenda forward.

**Lord Bourne of Aberystwyth (Con) [V]:** My Lords, given the likely increase in unemployment, the need to reboot nationally and internationally post the pandemic,

and our chance to give a global lead at COP 26 in Glasgow, will my noble friend use his best endeavours to ensure that our Government follow up on this positive idea put forward by the noble Lord, Lord Teverson?

**Lord Callanan [V]:** My noble friend is entirely right. As the holders of the incoming presidency of COP 26, the Government will continue to press for much greater ambition around the world to reduce emissions, build resilience, co-operate and support each and every country.

**Baroness Meacher (CB) [V]:** My Lords, in response to the Minister's reply to the noble Lord, Lord Teverson, and his encouraging reference to hydrogen, does he agree that the UK Government urgently need a UK-wide hydrogen strategy which includes sustainable domestic heating, transport and energy-intensive industry? Germany is about to confirm such a strategy, and many other countries are doing the same. Will the Government respond positively to the hydrogen industry's campaign to have this important strategy? Companies are willing to invest £1.5 billion in it if the Government are behind them. Will he talk to key people about their plans?

**Lord Callanan [V]:** Of course. I am always willing to have meetings with stakeholders and others about this important area. As I said in response to a previous question, we continue to investigate with other people—for instance, boiler manufacturers—how hydrogen can contribute to our climate goals in the future. It is an important point to make.

**Lord Stevenson of Balmacara (Lab) [V]:** I shall follow up the question asked by the noble Baroness, Lady Boycott. Given the low cost of creating a job retrofitting loft and wall insulation in our housing stock, can the Minister confirm that this green new deal approach will feature in the Government's forthcoming economic recovery plan?

**Lord Callanan [V]:** I can confirm that we will do that. The noble Lord makes a very good point. We noted with interest the analysis in the Smart Growth America report that a job in home insulation could be created for £59,000, which is less than for comparative jobs, such as road maintenance. The most recent release by the Office for National Statistics shows that in 2018 energy-efficiency products supported the largest number of full-time jobs—about 114,000—of any sector in the low-carbon and renewable energy economy.

**Lord Palmer of Childs Hill (LD) [V]:** My Lords, my noble friend Lord Teverson called for a plan of action and asked what the plan of action is. What we have heard from the Minister is an ambition. Will he say what action the Government are going to take? For instance, will there be technical advice on older houses? Will there be different advice for those in older buildings and for buildings with cavity walls? Will there be help with double glazing? I have heard nothing about action; I have heard only about ambition.

**Lord Callanan [V]:** We are taking action in a number of areas. We are spending something like £640 million a year under the ECO scheme to support fuel-poor and vulnerable households in precisely the sort of work that the noble Lord mentioned. We want to go further, and that is why we need the strategy to which I referred.

**The Earl of Shrewsbury (Con) [V]:** My Lords, in the case of grade 2 and grade 1 listed buildings, will planning authorities be advised to relax their rules to enable insulation work to be carried out?

**Lord Callanan [V]:** The noble Earl makes a very good point. We are committed to working with the planning authorities to help us in our aspiration for green growth and in bringing as many homes as possible to reach EPC band C strategy by 2035. As we develop those policies, we will need to consider the interaction with planning restrictions where that is appropriate.

**The Lord Speaker (Lord Fowler):** My Lords, all supplementary questions have been asked, and we now move to the next Question.

## Seaside Resorts

### Question

2.46 pm

Asked by **Lord McNally**

To ask Her Majesty's Government what measures they are taking to ensure that seaside resorts can respond to any increased demand for holidays in the United Kingdom.

**The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con):** My Lords, the Government are taking a number of measures to make sure that our seaside resorts can open safely at the earliest possible opportunity. We meet regularly with the industry to hear views on how tourism businesses, including those in seaside destinations, can best prepare to welcome holidaymakers when it is safe to do so. My department has set up a cultural renewal task force with a specific visitor economy working group to develop Covid-secure guidance to help tourism businesses, including those on the coast, reopen. We are working very closely with the sector on this. When it is ready, we look forward to welcoming people back to our fantastic seaside resorts.

**Lord McNally (LD) [V]:** My Lords, the seaside towns cannot wait, because time moves on. We are about to move into the busiest three months of a seaside town's economic year. From the much-trailed statements that are to come out tomorrow, we need immediately clear guidance for seaside towns on how best they can reopen their attractions, particularly hospitality and iconic indoor attractions, perhaps taking best practice from abroad. I welcome the statement about the committee. By the end of this tourist season, it must put in place long-term help for seaside towns, as recommended by the committee on seaside towns chaired by the noble Lord, Lord Bassam, on which I served.

**Baroness Barran:** The noble Lord is absolutely right that tourism is a critical part of the economy for a number of seaside towns. We are looking at all options for how we can reopen safely as quickly as possible. We have set an ambitious target of 4 July to do just that.

**The Lord Bishop of Newcastle:** My Lords, my diocese boasts some of the UK's most beautiful coastline, and I welcome the Minister's reassurances on the significance of tourism and the measures to be taken to aid it. However, many of the coastal communities in the north-east, in common with coastal towns elsewhere, are among the 10% most-deprived areas in England. What action do the Government propose to ensure that the present crisis will not make the inequality with non-coastal areas even greater?

**Baroness Barran:** The right reverend Prelate is right. I was lucky enough to visit some of the coastline in her diocese before Covid, and it is absolutely stunning. The Government have been committed since 2012 to supporting coastal communities and have spent £229 million through the Coastal Communities Fund. She will be aware of the focus that this Government put in their manifesto on levelling up some of the communities that are perceived as left behind, covering all sorts of job creation, infrastructure and, importantly, tourism.

**Lord Lucas (Con) [V]:** My Lords, Covid-19 has been a huge blow to Eastbourne and surrounding south coast resorts—the area where I live. Responding to the renaissance of demand will require substantial, imaginative and fast investment. Will my noble friend tell our local authorities that they should bring forward their proposals now, and will she support them by providing them with a single point of contact rather than making them—their very overworked selves—fight round the myriad government departments?

**Baroness Barran:** My noble friend makes an important point. I am not sure that it is our style to tell local authorities what they should do, because each local authority will face a slightly different set of issues. However, we are looking at a series of regulatory easements that would potentially extend the holiday season and therefore address some of the critical pressures that seaside resorts and other tourist destinations are facing.

**Lord Cameron of Dillington (CB) [V]:** My Lords, UK rural and seaside tourism is not a good business at the best of times, with often only part-time work in the summer from which you hope to save enough to survive the winter. People in Cornwall are now talking about three consecutive winters, owing to the freeze on income during this summer. So when do the Government hope that their coastal or tourism task force, which she mentioned, will report? This situation is getting very serious.

**Baroness Barran:** We are expecting the visitor economy task force, as we have named it, to report very shortly. There is real complexity in the tourism industry, given its breadth, and the task force will aim to address all the different aspects on which the sector needs clarity.

**Lord Reid of Cardowan (Lab) [V]:** My Lords, in April VisitBritain's impact assessment forecast a £15 billion loss in spend from incoming tourism and a £22 billion loss in spend from domestic tourism to our seaside resorts as a result of Covid. These are horrendous figures, which must impact the long-term prospects of our coastal resorts. So what long-term aid are the Government offering them?

**Baroness Barran:** The noble Lord is right that the impact of the drop that we have seen in the number of tourists is extraordinary. He will be aware that at the end of last year the Government announced a tourism sector deal. As part of that, there will be a number of tourism action zones. Sadly, Covid-19 has delayed those plans somewhat, but we are still absolutely committed to our tourist industry.

**Baroness Doocoy (LD) [V]:** My Lords, during the lockdown will the Government allow councils to give waivers from both licensing and planning limitations on the use of outside space? This would allow the hospitality sector to have tables outside their premises and allow more businesses to reopen while maintaining social distancing.

**Baroness Barran:** I think that I mentioned earlier that we are looking at a range of regulatory easements to facilitate the delivery of different services and extend the season.

**Baroness Fookes (Con) [V]:** I live in the seaside resort of Hastings and St Leonards—a borough that relies quite heavily on an influx of students coming to language schools. Unfortunately, language schools are not eligible for the Retail, Hospitality and Leisure Grant fund. Do the Government have any other ways of helping them before they all disappear? Perhaps help could be made available through the Coastal Communities Fund, mentioned by my noble friend.

**Baroness Barran:** I will check on the specifics of language schools, but I assume that they are eligible for some of the wider cross-economy measures that the Chancellor announced, including, in particular, the Coronavirus Job Retention Scheme. However, if there are additional points, I will be happy to write to my noble friend.

**Baroness Bull (CB) [V]:** My Lords, University of Southampton research shows that the five towns at the greatest economic risk from the pandemic across the entire UK are coastal: Mablethorpe, Skegness, Clacton-on-Sea, Bridlington and Kinnel Bay. Seaside towns saw workers laid off in April at a faster rate than anywhere else in Britain, and seasonal employment practices mean that many local people fall between government support schemes. Does the Minister agree that, although measures to bolster domestic tourism this summer are important, they need to be part of a broader package of support for coastal towns to diversify their economies and build long-term resilience?

**Baroness Barran:** The noble Baroness is right, and that is why the Government are trying to tackle this problem from different perspectives. We were already aiming to work in just those communities ahead of Covid, whether through our ambitious transport and infrastructure plans, our levelling-up plans, our tourism sector deal or the wider work within that deal that will focus on improving job opportunities in those communities.

**Lord Bassam of Brighton (Lab) [V]:** My Lords, the Lords Select Committee on the future of seaside towns, which I had the privilege of chairing, recommended government intervention on transport, education, skills training, digital inclusion, housing and the creation of new town deals. Will the Government now consider expanding the scope of the town deals to cover more left-behind seaside communities, and will they seek to use an expanded programme as part of the national recovery plan, given that Covid has, as we have heard, hit these communities hardest?

**Baroness Barran:** The Government are certainly looking at how we can maximise the impact of the tourism sector deal. I am not clear at the moment whether that will be through expanding the number of tourism action zones or making sure that some of the skills and other training that will be offered through the deal are spread more broadly across the country. However, this is definitely something that we are focusing on.

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

## Independent Inquiry into Child Sexual Abuse *Question*

2.57 pm

*Asked by Lord Campbell-Savours*

To ask Her Majesty's Government what has been the total cost, including the associated costs, to date of the Independent Inquiry into Child Sexual Abuse.

**The Minister of State, Home Office (Baroness Williams of Trafford) (Con):** My Lords, the Government set up the independent inquiry to shine a light on the institutional failings of the past, to give a voice to victims and to learn lessons for the future. The inquiry is operationally independent and responsible for the management of its own budget. Since it was established in 2015, it has made significant progress. The cost of the inquiry to the end of March 2020 was just over £137 million.

**Lord Campbell-Savours (Lab) [V]:** Are we not now witnessing in the IICSA inquiry a macabre, quasi-criminal trial of the dead? As the Minister has said, it has already cost over £130 million at a time when the country is spiralling into debt, and its chairman is costing nearly a quarter of a million pounds a year. In

the Janner case the accusers are there for the compensation, while the lawyers milk the system. Is not the simple truth that a well-motivated inquiry doing excellent work has now nearly run its course, with little further to add to the sum of human knowledge on institutional child abuse? Its job is done.

**Baroness Williams of Trafford:** My Lords, in answer to the noble Lord's first question as to whether we have embarked upon a macabre criminal trial of the dead, I think that the House would agree that the inquiry is there to learn the lessons of the past so that no more children have to go through what historically some of those children had to. I agree with him that at some point the inquiry will come to an end. It expects its public hearings to conclude by the end of 2020.

**Lord Morris of Aberavon (Lab) [V]:** My Lords, as a former law officer, I am most anxious to discover the facts of any wrongdoing so that any action can be considered and lessons learned, as we have heard. But has any terminal date been firmly put to this inquiry—a date that cannot be moved—and is there a ceiling on costs, which have shot through the roof?

**Baroness Williams of Trafford:** The noble and learned Lord is right to say that, at some point, this inquiry will end. I have recently been to see the inquiry chair to understand the progress of the inquiry. As I said to the noble Lord, Lord Campbell-Savours, the public hearings are due to conclude by the end of 2020. From there on, the Government will consider the final report and respond in due course.

**Lord Thomas of Gresford (LD) [V]:** My Lords, the Crime Survey for England and Wales 2019 calculated that 7.5% of adults between the ages of 18 and 74 have been subject to sexual abuse before the age of 16. That amounts to 3.1 million people. Applying that statistic to this House would suggest that upward of 50 of your Lordships might have been victims. Does the Minister not agree that the scale and cost of IICSA is entirely proportionate?

**Baroness Williams of Trafford:** I most certainly would agree with the noble Lord. If we do not learn from the institutional failings of the past, how will we ever address such statistics in the future? I thank him for that point. It was deference to authority in many ways that allowed these things to go on in the past; we need to learn from that.

**Lord Cormack (Con) [V]:** My Lords, I associate myself with much of what the noble Lord, Lord Campbell-Savours, said. But how can we justify this expenditure while continuing to refuse to have a proper inquiry into the activities of Wiltshire Police, which maligned and traduced the reputation of a very notable former Prime Minister?

**Baroness Williams of Trafford:** My Lords, there is every justification for looking into some of the institutional failings of the past, which damaged the lives of those

children affected. Let us not forget, there have been 4,024 convictions since 2016 for historic allegations of child sexual abuse.

**Baroness Butler-Sloss (CB) [V]:** My Lords, I declare an interest: I was briefly the first chairman of this inquiry, I wrote a report for the diocese of Chichester and gave written evidence to the inquiry. My view is that the inquiry is doing a good job, but what progress has been made on the review of the criminal injuries compensation scheme, which was a recommendation of the interim report?

**Baroness Williams of Trafford:** My Lords, I will have to give the noble and learned Baroness an update on that as I do not, in all honesty, know where it is up to. I agree with her that the inquiry is doing a good job. It is good that the public hearings are due to conclude at the end of this year.

**Lord Rosser (Lab) [V]:** My Lords, the inquiry into child sexual abuse published a report into online-facilitated abuse, which found that law enforcement agencies were struggling to keep up and tech companies seemed unaware of the full scale of the problem on their platforms. Dreadfully, this issue has now become even more prevalent during the lockdown. Why have the Government still not published the interim code of practice on tackling child abuse content, which they promised in February pending legislation? What immediate action, as called for in the independent inquiry report, are the Government taking now to deal with the increasing scourge of this online abuse?

**Baroness Williams of Trafford:** My Lords, the Home Secretary speaks every day to operational partners—the NCA, the police and the NPCC. It is not just that we are aware of the dangers of children being at home with their computers and not at school; significant effort has been undertaken to mitigate some of the potential for harm to children over this period. As for production of the report, that will come in due course.

**Baroness Walmsley (LD) [V]:** My Lords, on 10 September 2018, the noble Lord, Lord Agnew, promised, in response to my question about an extra seminar on mandatory reporting, that

“the Government are committed to ensuring that legislation can adequately deal with this”—[*Official Report*, 10/9/18; col. 2093.] issue, and would scope it fully “during the current Parliament”. Has that scoping taken place and, if so, what was the result?

**Baroness Williams of Trafford:** I cannot answer on behalf of my noble friend Lord Agnew but I will certainly get him to respond to the noble Baroness.

**Lord Lexden (Con):** When the Government come to make their promised response to the inquiry's report on Westminster, published in February, will they ask why it failed to interview Mr Tom Watson about his appalling slurs on innocent people? Will they also ask why the section in that report on Westminster, which dealt with allegations about a paedophile ring said to

[LORD LEXDEN]

have been based in Dolphin Square in the mid-1990s—allegations in which I happened to be implicated—failed to mention that the allegations were shown to be a pack of lies and the magazine in which they appeared was closed down? How can we trust fully an inquiry that fails to show proper balance in carrying out its responsibilities?

**Baroness Williams of Trafford:** My noble friend is absolutely right that the Westminster strand did not find evidence of a paedophile ring, but it did find deference by the police, prosecutors and political parties towards public figures. It found differences in treatment accorded to well-connected people, as opposed to those without networks and influence, and a failure by almost every institution to put the needs of children first. They are shocking findings; they should give us all pause for thought.

**Lord Morrow (DUP) [V]:** Can the Minister confirm that the Independent Inquiry into Child Sexual Abuse will include children who have been trafficked? Will the findings extrapolate these figures where possible?

**Baroness Williams of Trafford:** The noble Lord mentioned something that is very much a concern at this point in time and has been in recent years as well. It is not for me, or indeed the Government, to tell IICSA what it must look into. In the main, it has been looking into institutional failures and problems in institutional settings. But I am sure that it will look into the appropriate issues at the right time.

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

## Covid-19: Supply Chains *Question*

3.09 pm

*Asked by Lord Harries of Pentregarth*

To ask Her Majesty's Government what steps they are taking to encourage companies to protect those in their supply chains from the effects of Covid-19.

**Baroness Bloomfield of Hinton Waldrist (Con):** The Government are working around the clock to protect our people and businesses. BEIS is engaging with UK industry and suppliers to ensure that we support all our sectors during and after the Covid-19 crisis. The Government have put in place an unprecedented package of support. Internationally, the UK is responding bilaterally to support companies and supply chains through financial and advisory support.

**Lord Harries of Pentregarth (CB) [V]:** I thank the Minister for her reply. As she will know, migrant workers making garments and other goods for the western market are a particularly vulnerable group. Most have lost their jobs, many have not been paid for

months and millions have been on the road, walking without any money in their pockets to their home villages. Will the Government ensure that, if they offer financial assistance to companies, those companies fulfil all their legal obligations to the workers in their supply chains and, if at all possible, go beyond that to support this most vulnerable group of people?

**Baroness Bloomfield of Hinton Waldrist:** The noble and right reverend Lord is correct that garment workers from countries such as Bangladesh, Cambodia, Pakistan, India and Myanmar have had major difficulties since UK retailers cancelled their orders. Following a joint Department for International Trade and DfID ministerial meeting with CEOs from the UK garment industry, we are setting up a multi-stakeholder working group for government, retailers and NGOs. In Bangladesh, for example, DfID has been able to support about 1,000 factories and their workers through its "Better Jobs in Bangladesh" programme, enabling them to return safely to work when their factories reopen.

**Lord Judd (Lab) [V]:** Do the Government not understand that there are already many people, not least in Bangladesh, who are left totally destitute as a result of coronavirus-related policies pursued by the companies which they were supplying? What action are the Government taking to introduce mandatory human rights due diligence in establishing a corporate duty to respect human rights and require companies to identify and prevent abuses in their supply chains?

**Baroness Bloomfield of Hinton Waldrist:** The noble Lord will be aware that the United Kingdom was, in 2013, the first country to produce a national action plan to respond to the guiding principles on the international treaty on human rights. The UK is responding strongly and bilaterally to support companies and supply chains abroad through financial and advisory support. For example, CDC, the UK's bilateral development finance institution, is maintaining investments to protect a strongly countercyclical response at this time so as to help companies access finance and protect supply chains and jobs overseas.

**Baroness Neville-Rolfe (Con) [V]:** But, on another tack, many were struck by how enterprise and private investment helped to secure a speedy recovery in New Orleans after Hurricane Katrina. What steps are the Government planning to remove existing barriers to private enterprise and to encourage new private investment in response to the coronavirus crisis, in the supply chain and elsewhere?

**Baroness Bloomfield of Hinton Waldrist:** As always, my noble friend displays her credentials as a champion for business. This is a Government who consistently aim to create a strong environment for enterprise, but business needs three things: it needs the markets, and in that regard the Government continually announce measures that will increase confidence in the economy as we move forward through the pandemic; it needs finance—the British Business Bank, a centre of excellence for SME finance, administers the new Future Fund

announced in May, which is securing match funding for the private sector to new businesses; and it needs increased productivity through increasing use of technology, as advocated by the Mayhew report, of which my noble friend will be aware, and championed by B4 Business, a charity financially supported by government funds. Only by working on all three fronts can we create the environment in which new small businesses will thrive.

**Baroness Burt of Solihull (LD) [V]:** The best way that tier 1 companies can help protect UK supply chains from the effects of Covid is by paying on time. The FSB reports that the problem of late payment is as bad as ever, if not worse. Will the Government now publish their long-awaited consultation on the Prompt Payment Code? Will they make signing up mandatory and enforceable for all companies with 250 or more staff?

**Baroness Bloomfield of Hinton Waldrist:** The Government are completely focused on fulfilling our manifesto commitment to clamp down on irresponsible payment practices and support small businesses, which are impacted the most. We have a whole range of measures to tackle late payment, including the role of the Small Business Commissioner and the payment practices reporting duty. Minister Scully—the Minister for Small Business—has recently written to the top 18 accounting firms, asking them not only to pay their smaller suppliers promptly but to pass that message on to their large clients. I accept that publishing reform proposals is taking longer than originally hoped. Part of this reflects the need to focus our attention on the urgent response to the Covid-19 pandemic. I am sure that noble Lords on all sides of the House will understand this, but as soon as we can we will address this issue at pace.

**Baroness Blackwood of North Oxford (Con) [V]:** My Lords, medical supply chains are only as strong as their weakest link, which is why shortages were common well before Covid or Brexit. However, Covid has caused a systemic shock, which is far from over. It is time to take a far more strategic approach to assuring the resilience of medical supply chains. Following the financial crisis, stress tests were applied to the banking system. Does the Minister agree that it is time to design similar stress tests for UK medical supply, and will she work with colleagues at DHSC to take this forward?

**Baroness Bloomfield of Hinton Waldrist:** My noble friend asks an interesting question, as even in normal times there have been unforeseen hold-ups in the supply chain, often made worse when the headquarters are overseas and the UK company often cannot have the same visibility of its supply chain in order to alert us to unforeseen hold-ups. The idea of stress testing the supply chains within target industries is an excellent one, and I shall certainly take it back to BEIS, which could perhaps work with DHSC to evaluate measures to mitigate such risks.

**Baroness Lane-Fox of Soho (CB) [V]:** Amazon increasingly seems to be part of our critical national infrastructure. US legislators have been asking tough

questions about the number of Covid cases in its warehouses and among its delivery workers. What conversations have the Government had with this vital online service, which is serving our nation at the moment?

**Baroness Bloomfield of Hinton Waldrist:** The Government have been engaging with a wide range of stakeholders about safety in the workplace during this crisis. This includes Amazon, with which we have had many conversations, and I know that the DHSC is grateful to it for its support. In answer to the noble Baroness, I cannot talk in specific terms about what those conversations have held. However, our approach has been split not by specific business types but by the type of working environment. We think that the risk of Covid-19 can be best addressed through personal hygiene and social distancing, and not necessarily through the use of PPE, except of course in clinical settings.

**Lord Stevenson of Balmacara (Lab) [V]:** My Lords, following up the question from the noble Baroness, Lady Burt, the Minister will be aware that EU directive 2014/24 on public procurement enables a public authority to pay a subcontractor for work completed in cases of insolvency, instead of the main contractor. This would help cash flow considerably in the supply chain, particularly for small construction companies. Will the Government consider it?

**Baroness Bloomfield of Hinton Waldrist:** I am grateful to the noble Lord for his question and for giving me advance sight of it, since I do not think that I would have heard of that measure had he not done so. The Government have announced unprecedented support for businesses and workers. These measures include an uncapped package to help firms keep people in employment, deferred tax payments, business rate holidays, small business grants and commercial property mortgage holidays. In any situation where a main contractor becomes insolvent, the immediate focus will be on continuity of service, including by the incumbent contractor or its supply chain. Contracting authorities would first look to the terms of their contracts; they may have step-in rights, direct agreements or collateral agreements which allow them to engage directly with the supply chain behind the insolvent contractor. There are also provisions in UK procurement law—specifically, Regulation 72 of the Public Contracts Regulations 2015—to allow replacement of an insolvent contractor.

**Baroness Northover (LD) [V]:** My Lords, with the downgrading of DfID, how do the Government now plan to enhance the rights of the many vulnerable women and girls working in supply chains, or the Dalits of both sexes in south Asia?

**Baroness Bloomfield of Hinton Waldrist:** I do not accept the premise of the noble Baroness's question; I do not believe that the role of DfID has been downgraded. As she knows, this Government have been foremost in stopping modern slavery outrages around the world, and we will continue to do that within the context of a combined department.

**The Lord Speaker (Lord Fowler):** My Lords, the time allowed for this Question has elapsed. That also concludes the Hybrid Proceedings on Oral Questions for today. I thank all noble Lords for their contributions.

3.19 pm

*Sitting suspended.*

### Arrangement of Business *Announcement*

3.30 pm

**The Deputy Speaker (Lord Bates) (Con):** My Lords, proceedings will now commence. Some Members are here in the Chamber, others participating virtually, but all Members will be treated equally. For Members participating remotely, microphones will unmute shortly before they are to speak—please accept any on-screen prompt to unmute. Microphones will be muted after each speech. If the capacity of the Chamber is exceeded, I will immediately adjourn the House. I ask noble Lords to be patient if there are any short delays between physical and remote participants. The usual rules and courtesies in debate apply. Please ensure that questions and answers are short.

### Covid-19: Test and Trace App *Private Notice Question*

3.31 pm

*Asked by Lord Clement-Jones*

To ask Her Majesty's Government, in the light of the announcement made on 18 June regarding the switch in technology for the NHSX Covid-19 Test and Trace app, what is their assessment of (1) the operational impact, (2) the financial impact, and what lessons have been learned.

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, we remain optimistic that high-tech can help our fight against this horrible disease, but we have learned that consumers want a personal touch rather than a text exchange, that tools that assist outbreak management are our immediate priority and that the challenges of proximity detection have confounded many Governments around the world. That is why we are working with the best companies to build the best app that meets the needs of the British people.

**Lord Clement-Jones (LD) [V]:** My Lords, I hope that the Minister understands the anger at the Government's and NHSX's sheer incompetence and lack of humility in what was rightly called a fiasco by the *Daily Mail* last Friday, and that their go-it-alone approach and attempt to shift the blame on to tech companies simply will not wash. Is it not time that the Government just accepted that we cannot develop our own app and went straight to adopt the available interface, or API, behind the off-the-shelf, decentralised app now in widespread use? Such apps have been

introduced in Germany, Italy, Switzerland and Denmark, where they appear to be working well, and are close to release in Holland, Ireland, Latvia and Estonia. They would help travellers avoid quarantine this summer, and many of us were urging this on the Government back in April?

**Lord Bethell:** I want to say a profound thanks to those at NHSX, NHS Digital and others who have worked so hard on the NHS app. They have made phenomenal progress and their hard work is hugely appreciated. I also want to say a profound thanks to those at Apple who are working with us to design an app that suits the British public. Both teams have faced enormous challenges and I look forward to their working together to overcome them.

**Lord Browne of Ladyton (Lab) [V]:** My Lords, getting back to the fundamentals, why did NHSX decide to make a new contact tracing app and not collaborate with other countries which had successfully produced such apps? What is the specific business case or use case if the app continues to require a different design from those implemented already?

**Lord Bethell:** My Lords, from the beginning we have worked closely with other countries, including in Asia, Europe and America. We have worked closely with companies including Apple and started our dialogue with it the moment it launched its app. There are a number of challenges. A most profound one is our need to use technology to tackle local outbreaks. Without local information on where new cases have originated, it is difficult for the Government to achieve that task. We look forward to working with Apple to try to define a use case around that.

**Baroness Morgan of Cotes (Con) [V]:** Has this experience prompted broader reflection in government about the influence of big tech companies in so many spheres of our lives? Has it prompted a need and desire for proper regulation of those companies now to be brought to bear?

**Lord Bethell:** My Lords, it has been my experience that working with some of the biggest companies in the world in pharmaceuticals, in diagnostics and in tech has brought to the fore the paramount importance of partnership with big industry. We have benefited enormously from such partnerships and I thank some of the major companies that we have worked with. However, it is undoubtedly the case that government has its own agenda and it is important that we work to champion the needs of the British public, which is where our biggest interests lie.

**Lord Scriven (LD) [V]:** All avenues to reduce the transmission of coronavirus have to be seriously explored, so what was to be gained by NHSX and the UK Government refusing over a period of months positively to engage with those involved in the COVID Symptom Study app?

**Lord Bethell:** My Lords, I completely endorse the noble Lord's point. We have followed the principle of working in parallel in all cases possible. However, I should explain that pressure is incredibly intense, and one cannot focus on everything all the time. I understand the point that he makes, but I suggest that, at some points, one has to focus on one part at a time. That is what we have sometimes needed to do, but we have remained in contact with all players at all times.

**Lord Patel (CB) [V]:** My Lords, I have one question in two parts. First, in the event of a substantial increase in the number of new infections, what plans do the Government have to manage such an increase, and will they publish them? Secondly, what plans do they have to use antibody screening of the population?

**Lord Bethell:** My Lords, our plans for the winter are in development and I look forward to their publication. The noble Lord is entirely right to prioritise antibody screening. We have invested considerably in antibody testing from a number of suppliers, including Roche and Abbott. As he knows very well, the science remains ambiguous, but we are optimistic. That is why we are putting our best minds to understand it better, and we are world-leading in that respect.

**Baroness Wheeler (Lab) [V]:** My Lords, the PNQ refers to the lessons learned. One key one—[*Inaudible*—]—launch of a system that was not ready and serious IT—

**The Deputy Speaker (Lord Bates) (Con):** Order. We are having some technical difficulties hearing the noble Baroness's question, so we will go to the next question, from the noble Lord, Lord Duncan of Springbank, and come back to her if there is time.

**Lord Duncan of Springbank (Con) [V]:** My Lords, I have listened to my noble friend and feel that confidence in the Government has been shaken by this approach. I have one question: how do we anticipate this approach now being rolled out across the four nations of the United Kingdom and how will they interface, one with another?

**Lord Bethell:** My Lords, in all aspects of our battle against Covid, we have sought a four-nations approach. We hope to work together for one solution. I am aware that other nations are looking at their own options, but it is our hope that, in time, they will all come together for one solution.

**Baroness Finlay of Llandaff (CB) [V]:** What were the governance processes behind the decision to abandon rather than complete the last stages of development of the NHSX app and where are they published, given that the NHSX app had MHRA and security clearance and was days away from being finalised?

**Lord Bethell:** My Lords, the decision to change strategy was taken ultimately on operational grounds. The regulatory environment was not necessarily relevant

for that. We cannot avoid the fact that there have been technical issues with both the Apple and the NHS apps. We are still some way from resolving those issues, but we hope to overcome them, in partnership with Apple, and the House will be updated when we do.

**Lord Hunt of Kings Heath (Lab) [V]:** My Lords, the SAGE minutes of 1 May indicate that 80% of contacts should be isolated within 48 hours of the original case becoming ill. The SAGE meeting on 19 May included the summary point that a test, trace and isolate system would be necessary, though not sufficient on its own, to allow changes to distancing measures without pushing R above 1. Given the failure of the Government's app, and their intention to reduce the two-metre social distancing rule, has SAGE now changed its mind?

**Lord Bethell:** My Lords, the Government have the two-metre rule under review, but no decision has been made on it. Enormous progress has been made on reducing the turnaround times of tests. A large proportion of them now take place within 24 hours and we remain focused on this important index.

**Lord Strasburger (LD) [V]:** My Lords, make no mistake: this fiasco will have fatal consequences. Which Ministers will have the decency to stop trying to dodge the blame and to apologise and resign?

**Lord Bethell:** My Lords, I do not think anyone needs to apologise for their efforts. I have already paid tribute to the teams at NHSX and NHS Digital for the incredibly hard work they have put in. I cannot disguise how complex and challenging are the issues we face in this area. Some of the best Governments in the world are wrestling with them and they have not been overcome in many territories. I am extremely proud of our achievements to date and look forward to more in the future.

**Lord Mann (Non-Aff) [V]:** What about the pensioners? Half of Germans say they are not going to use the new app and the German system is underpinned by local health boards ringing up people to trace and test. Why are we not doing the same thing at the local level?

**Lord Bethell:** The noble Lord, Lord Mann, is entirely right. One of our learnings—and a point made by many noble Lords—is that, ultimately, the most effective response is the local one. We are at a moment in the epidemic when local outbreaks are what we fear most. The way to handle those is through local contact and tracing. That is currently done by a large tracing team, putting in telephone calls which prove extremely effective. The uptake of the isolation protocol has been extremely high.

**Lord Truscott (Ind Lab) [V]:** Can the Minister tell the House how much this technical fiasco has cost taxpayers? If the Minister does not have the answer to hand, could he please put it in writing to noble Lords and place a copy in the Library?

**Lord Bethell:** The cost to date has been £11.8 million.

**Baroness Rawlings (Con) [V]** My Lords, I declare my interest as a former chairman of King's College London. Will the Government endorse KCL's COVID Symptom Study app, now used by 3.5 million people, as soon as possible? Meanwhile, I repeat the simple interim measure of encouraging everyone to keep a daily diary of people met and places visited, to help tracing should they be infected.

**Lord Bethell:** I pay tribute to the KCL symptom tracker app. I have been a subscriber since the early days of its launch. The data it provides has been extremely useful to the Government and is used regularly. I also pay tribute to my noble friend, who has spoken before about the need for diaries. The work on diary keeping in South Korea and New Zealand has proved important.

**Baroness Wheeler [V]:** My Lords, the PNQ refers to lessons learned. A key one from the sorry story of the NHS app is that the Government should have involved local councils in the trace and contact system from the outset and used the decentralised local PHE expertise and knowledge of infection control already in place. Instead, we had a chaotic government launch of a system that was not ready, with serious IT problems experienced by many of the 25,000 new staff recruited by the NHS to carry out manual contact tracing, as well as training problems and many staff literally not having anything to do. Current figures show that they are doing just 11% of the total work while the vast majority of manual contact is being completed by trained PHE officials. Can the Minister reassure the House that the Government will make sure that councils have the necessary powers they are calling for to be able to fully respond to local outbreak hotspots, and ensure that PHE directors and local infection officials have the funding and support they need?

**Lord Bethell:** The noble Baroness is entirely right that local councils are pivotal to our response to Covid-19. I pay tribute to Tom Riordan, CEO of Leeds City Council, for the important work he is doing to stitch together the alliance of councils which is working closely with the joint biosecurity centre to organise that response. However, I do not agree with the noble Baroness on the role of the tracing teams—it has been incredibly important. There has not been the capacity in the decentralised PHE teams to provide the response necessary to this national epidemic. A central team was necessary and is proving to be effective. We have put PHE expertise at the heart of that programme.

**The Deputy Speaker:** My Lords there are no more supplementary questions.

3.46 pm

*Sitting suspended.*

## Arrangement of Business *Announcement*

4 pm

**The Deputy Speaker (Lord Bates) (Con):** My Lords, some Members are here in the Chamber, others participating virtually, but all Members are treated equally. For Members participating remotely, microphones will unmute shortly before they speak—please accept any on-screen prompt to unmute. Microphones will be muted after each speech. If the capacity of the Chamber is exceeded, I will adjourn the House immediately. I ask noble Lords to be patient if there are any short delays between physical and remote participants. The usual rules and courtesies of debate apply. Please ensure that questions and answers are short.

## Coronavirus

### *Commons Urgent Question*

*The following Answer to an Urgent Question was given on Wednesday 17 June in the House of Commons.*

“I am grateful for the chance to update the House on the urgent matter of coronavirus.

Yesterday's treatment breakthrough shows that British science is among the best in the world. As a nation, we can be incredibly proud of our scientists. The UK is home to the best clinical trials, the most advanced immunology research, and the most promising vaccine development work of any country. We have backed the science from the start, and I am sure the whole House welcomes the life-saving breakthrough that was announced yesterday. Today, I will briefly update the House on all three aspects of that national scientific effort.

First, on clinical trials, our recovery programme, which looks at the effects of existing treatments in real-world hospital settings, is the largest of its kind. As of yesterday, 11,547 NHS patients had been recruited to the programme, which is operating across 176 sites in all four nations. In Oxford University's dexamethasone trial, over 2,000 NHS Covid patients were given a course of the drug—a commonly used steroid—over 10 days. For patients who were ill enough to require oxygen, the risk of dying fell by a fifth, and for the most seriously ill patients on mechanical ventilators, the risk of dying fell by over a third.

This is an important moment in the fight against this virus, and the first time that anyone in the world has clinically proven that a drug can improve the survival chances for the most seriously ill coronavirus patients. In February we began the trial, supported by £25 million of government funding, and in March we began recruiting patients, and started the process of building a stockpile in case the trial was successful. As of today, we have 240,000 doses in stock, and on order. That means that treatment is immediately available, and already in use on the NHS. I am incredibly proud that this discovery has happened right here in Britain, through a collaboration between the Government, the NHS, and some of our top scientists. It is not by any means a cure, but it is the best news we have had.

Throughout this crisis, our actions have been guided by the science, and that is what good science looks like: randomised control trials; rigorous and painstaking

research; moving at pace, yet getting it right. The result is that we now have objective proof—not anecdotes, but proof—that this drug saves lives, and that knowledge will benefit many thousands of people all around the world.

Seven other drugs are currently being trialled as part of the recovery process, and a further nine drugs are in live clinical trials as part of the ACCORD programme, which is looking at early-stage treatments. We look forward to seeing the results of those trials. I thank everyone involved in that process, and put on the record my thanks to our deputy chief medical officer, Professor Jonathan Van-Tam, who led the work in government, as well as to NHS clinicians, the scientific teams, and the participants in the trial who took the drug before they knew that it worked.

Our immunology research, again, is world leading. Last month I announced a new antibody testing programme to help us understand the immunological response to the disease, and whether someone acquires resistance to coronavirus once they have had it and recovered. I am part of that programme, and as of yesterday, 592,204 people have had an NHS antibody test. The nature of immunity research means that it takes time, and we must wait to see whether someone with antibodies gets reinfected. However, with every test, we improve our picture of where the virus has been, and we grow the evidence to discover whether people who have had the disease and have antibodies are at lower risk of getting or transmitting the virus again.

Crucially, that work will help to inform how we deploy a vaccine, and it is moving at pace. Earlier this week Imperial College began its first phase of human clinical trials, and 300 participants will receive doses of the vaccine. Should they develop a promising response, Imperial will move to a large phase-3 trial later this year. Yesterday, AstraZeneca signed a deal for the manufacture of the Oxford vaccine, AZD-1222, which is the world's most advanced vaccine under development. Its progress, while never certain, is promising.

None of that happened by accident. It happened because the British Government, scientists and the NHS put in place a large-scale, programmatic, comprehensive, well-funded, systematic, rigorous, science-led system of research and innovation. We have been working on it since the moment we first heard of coronavirus. There is more to do in this national effort, but that is how we will win the battle. We will leave no stone unturned as we search for the tools to hunt down, control and ultimately defeat this dreadful disease.”

4 pm

**Baroness Thornton (Lab) [V]:** To follow on from the question asked in the previous debate by the noble Baroness, Lady Rawlings, in the last week the Secretary of State, when explaining the failure of the NHSX app, said that the Government are committed to trying and supporting any innovation that might work in this pandemic. That attitude is to be applauded, as long as it is not linked to exaggerated promises—and of course it means that some things will not work. It is therefore puzzling that the Government refuse to partner and adapt the Covid Symptom Study app, which might

close the gap on the two-thirds of infections not currently being identified and fit into the existing human contact tracing effort. Some 3.5 million of us take 30 seconds a day to report our health; with government support, that could easily and quickly be 10,000,000. The founders from King's College and ZOE have written to the Prime Minister today. In the spirit of trying everything to find a solution, will the Minister encourage a positive response to that initiative?

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, I pay tribute again to those at KCL who developed the symptom-tracking app. The information from it has been enormously helpful over the last few months. In many ways we have benefited from the app's independence as a source of important front-line intelligence. I am aware of the letter written to the Prime Minister, and I hope very much that we will be able to work more closely together. The information on asymptomatic references is very important. However, I stress that the ONS study suggests that, unfortunately, many people who declare the symptoms of coronavirus are mis-self-diagnosing, and we have to bear that factor in mind.

**Baroness Brinton (LD) [V]:** Following last week's Urgent Question, the Secretary of State responded to questions about new outbreaks in local areas and local authorities not being given access to all the necessary data. He said:

“We have provided more data to them, and we will continue to do more.”—[*Official Report*, Commons, 17/6/20; col. 810.]

I am still hearing from local authorities that the data sent to local areas is still incomplete, which means that vital urgent local tracing teams are trying to do their job with one hand tied behind their back. This includes the outbreak at the meat-processing factory in Kirklees. When will local authorities and directors of public health get the data they need?

**Lord Bethell:** The noble Baroness, Lady Brinton, is right that the creation of a seamless network between the centre and local authorities is challenging. A huge amount of work has gone into refining the accuracy and speed of the exchange of data, and the joint biosecurity centre is investing a huge amount of effort in getting this right. The responses to Kirklees, Leicester and Cardiff show the progress that has been made, but also some of the shortcomings. We are fully aware of the challenge and difficulty of getting this right; we are very much focused on it and it is our top priority.

**Lord McColl of Dulwich (Con) [V]:** As obesity makes one more likely to suffer with Covid-19, and as more than half of people in the UK are obese, will the Government launch an all-out campaign this summer to reduce obesity by persuading people to put fewer calories into their mouth before the next pandemic arrives to kill even more people? Exercise is good for general health but will reduce weight only in grams, whereas eating puts on weight in kilos.

**Lord Bethell:** My noble friend makes a tough but serious set of points. It is undoubtedly true that this country has been hit hard by Covid because of the

[LORD BETHELL]

prevalence of obesity, and it is a truth long explained by Public Health England that there is a direct correlation between calorie intake and weight—there is no getting away from that. The Government are looking at how to address this issue, public health remains a massive priority for us and, when the time is right, we will look at ways of using marketing to communicate the message on this.

**Lord Bilimoria (CB) [V]:** My Lords, it is very good news that the trials of dexamethasone have gone successfully and that other trials are progressing well; I hope that the vaccine trials will also yield success. However, can the Minister confirm reports that more than a third of care home patients have not yet been tested? When will all care home patients and staff be tested fully and regularly? Secondly, with the good news coming from the Prime Minister—we hope—of the economy opening up from 4 July, will widespread testing be available for businesses on top of the two-metre social distancing being reduced to one metre?

**Lord Bethell:** My Lords, the progress on testing in social care is dramatic. The rollout of testing to all care homes is complete, and tests have been offered to all those who are symptomatic. The focus is very much on staff who travel between more than one home, and asymptomatic testing. As for the economy, all those who show symptoms can have a test, but we are talking to business about how businesses can also contribute to their own testing regimes, and we look forward to developing those plans.

**Lord Harris of Haringey (Lab) [V]:** My Lords, knowing who has and who has not had the virus is clearly essential in knowing who should be isolating themselves. The Minister has failed to answer my questions on what proportion of the self-testing kits are being returned, and on the estimated number of false negatives as a result of people not swabbing themselves properly or because of inherent weaknesses in the test itself. However, at the moment, NHS staff are being given antibody tests and many who have palpably had the virus and been exposed to it are showing as negative. What is the department's working estimate of what proportion of false negatives there will be in those antibody tests?

**Lord Bethell:** My Lords, the noble Lord makes an important point. How it is that some people have palpably had the virus, as he rightly says, but do not show a positive antibody test, is a mystery that we do not fully understand. It seems that the tighter—more minimal—the amount of antibody left in the bloodstream, the less likely it is to register in the test. We are undertaking a massive antibody testing programme through the health service to understand this phenomenon more closely, and we look forward to publishing those results as a priority.

**Lord Pickles (Con) [V]:** My Lords, successfully passing a test does not predict the future. We know that 20% of people who have contracted the virus did so in hospital.

So those in certain professions come into daily contact and will require periodic, regular tests. What plans do the Government have to ensure that those in the professions at greatest risk receive a regular test?

**Lord Bethell:** My noble friend Lord Pickles is entirely right to say that people in some professions are clearly at higher risk. Bus drivers, taxi drivers and hospital porters are three such professions, and I pay tribute to those who put themselves in harm's way in order to serve the public. The Prime Minister announced, I think two weeks ago, a special programme to introduce regular, asymptomatic testing to protect people in those professions, and we are working very closely with their representatives to roll out the necessary schemes at pace.

**The Earl of Clancarty (CB) [V]:** My Lords, in view of the large number of cases that have been confirmed at a meat processing plant in Anglesey and the likely reduction in social distance, will the Government seriously consider extending the mandatory wearing of face masks for people in enclosed spaces, including workplaces, for staff and customers in shops, and certainly for staff in restaurants and pubs?

**Lord Bethell:** My Lords, the introduction of face masks is something that has been recommended by the Government, but the mandatory wearing of them is not. We are looking at the various recommendations from SAGE to inform the proposals that might come after the lifting of social distancing, but our focus remains on hygiene, social distancing and isolation. Those are the three most effective measures and we remain committed to them for the moment.

**The Deputy Speaker (Lord Bates) (Con):** My Lords, the time allowed for the Urgent Question has now elapsed.

4.12 pm

*Sitting suspended.*

## Fisheries Bill [HL]

### Report

4.15 pm

**The Deputy Speaker (Lord Bates) (Con):** My Lords, a limited number of Members are here in the Chamber, respecting social distancing, and if the capacity of the Chamber is exceeded, I will immediately adjourn the House. Other Members will participate remotely, but all Members will be treated equally, wherever they are. For Members participating remotely, microphones will unmute shortly before they are to speak—please accept any on-screen prompt to unmute. Microphones will be muted after each speech. I ask noble Lords to be patient if there are any short delays between physical and remote participants. I should remind the House that our normal courtesies in debate still very much apply in this new hybrid way of working.”

I shall begin by setting out how the proceedings will work. A participants list for today's proceedings has been published and is in my brief, which Members should have received. I also have lists of Members who have put their names to amendments or who have expressed an interest in speaking on each group. I will call Members to speak in the order in which they are listed. Members' microphones will be muted by the broadcasters, except when I call a Member to speak. Interventions during speeches or "before the noble Lord sits down" are not permitted, and uncalled speakers will not be heard. Other than the mover of an amendment or the Minister, Members may speak only once on each group. Short questions of elucidation after the Minister's response are permitted but discouraged; a Member wishing to ask such a question, including Members in the Chamber, must email the clerk in advance.

The groupings are binding and it will not be possible to de-group an amendment for separate debate. A Member intending to press an amendment already debated to a Division should give notice in the course of the debate. Leave should be given to withdraw amendments. When putting the Question, I will collect voices in the Chamber only. If a Member taking part remotely intends to trigger a Division, they should make this clear when speaking on the group. We will now begin.

#### *Amendment 1*

*Moved by Lord Teverson*

**1:** Before Clause 1, insert the following new Clause—  
"Fisheries principles

- (1) Fish present within the UK Exclusive Economic Zone shall be a common resource owned by the United Kingdom on behalf of its citizens.
- (2) Quotas or other rights to harvest fish whether allocated to vessels, public bodies, or individuals natural or corporate shall remain the property of the United Kingdom.
- (3) No vessel, public body, or individual natural or corporate shall have a permanent claim over quota or other fishing rights granted to them by a public authority."

Member's explanatory statement

This amendment makes clear that UK fish stocks are the property of the nation and not private organisations.

**Lord Teverson (LD):** My Lords, we very much come back to something that is completely fundamental to the concept of this Bill and in terms of fisheries in the United Kingdom: who has ownership of these stocks. It is absolutely fundamental that they are owned by the nation. I am very aware that in Committee the noble Lord, Lord Lansley, challenged me, quite rightly, to say what is the "nation", given that we have devolved nations and what can be described as the nation state. So I have made the amendment far clearer than it was, to make sure that there are none of those differences of interpretation.

This comes back to the fundamental principle that fish stocks do not belong to an individual, a public authority, a business or a vessel. They are the common property of the nation. That is very important because, although it might seem obvious, and again I was challenged in Committee on why we need this

amendment at all, the fact is that when the Government—I am very much on the Government's side in this amendment—were challenged by the UK fish producers' organisations about a restructuring of the quota, on that occasion the Government lost and the UK producer organisations won.

I am giving the Government the opportunity here to right that wrong. They rightly thought it was in the Secretary of State's power to make it clear that this is a common resource owned by the nation. Sure, it can be allocated for quota or effort control—all those sorts of things can be done, and the Bill delineates how they should be done—but that ownership remains there.

It seems that if one thing comes out of Brexit on fisheries, it is—exactly as the Government themselves say—that we will be an independent coastal state. But if you asked the population and voters of this country who those fish stocks that we now have control over belong to, they would not say the industry, which is 40% owned by foreign companies, but the British people—and they would be right. That is why this amendment is here and is important. I beg to move.

**Lord Randall of Uxbridge (Con) [V]:** My Lords, I have a great deal of sympathy with the concept of the amendment from the noble Lord, Lord Teverson. It is right that we discuss this. However, the more I look at it, the more complicated I feel even this new version will be. It will be very important to hear what my noble friend the Minister says on this. Of course, we feel that it is the nation—I take the point that four nations comprise the United Kingdom and, knowing that some of them are a little more territorial than others at the moment, they might start claiming the fish stocks as they move across—and that the concept is absolutely right, but I am waiting to see what my noble friend says on this before I make up my mind on whether or not to support this amendment.

**Lord Hain (Lab) [V]:** My Lords, I speaking to Amendment 1, I will speak also to Amendments 4 to 6. What concerns me about all these is that if the UK and the EU fail to reach a deal by the end of the year, they will be bound by international law; namely, the United Nations Convention on the Law of the Sea—UNCLOS—which requires co-operation and efforts to agree rules on access to waters, as well as setting catch limits and standards on conservation and management of marine resources.

In the bizarre world of Brexit, the fishing sector—which represents a fraction of 1% of the UK economy—may be the issue that determines whether the current trade negotiations with the EU succeed or fail. Escape from the common fisheries policy was touted by the Brexiters during the campaign as a great prize to be won, but this sector is heavily dependent on easy access to EU markets, whereas British consumers prefer to eat fish imported from Europe.

I suggest that the future of UK fishing should be determined not by this vacuous Bill or by Amendments 1, 4, 5 and 6, but by a sensible and detailed negotiation with the EU in the current trade talks. At present, regrettably, there is little sign of this happening, and there is now a danger that this issue will prove to be the rock on which a potential deal founders.

[LORD HAIN]

As everybody in this debate will be aware, the UK fishing industry, including processing, is heavily concentrated in coastal communities of the nations and regions, which rightly deserve protection in view of their high levels of deprivation and low levels of income and education. However, these communities are heavily reliant on easy access to EU markets. About two-thirds of fish caught by British fishers is sold to the EU in frictionless overnight trade. Most Welsh fishing boats specialise in shellfish, with 90% of their catch currently exported to the EU; I am speaking from my home in Wales at the moment. Meanwhile, UK consumers prefer fish imported from Europe, so our fish processing industry is also heavily reliant on imports from the EU.

After years of one-sided propaganda about “our fish” and claims in the tabloids that a single British fishing industry will benefit from reclaiming the proportion of fish caught by EU boats in UK waters—probably around 60% by weight and 40% by value—a more complex picture now emerges, as this catch is mostly fish for which there is little demand in the UK. There are also large British boats that depend on EU-agreed quotas for their access to Norwegian waters.

In April 2019 the biggest whitefish trawler in the UK fleet sailed up the Thames to highlight the threats facing the fishing industry if Brexit negotiations end in no deal. This is because in that event there would be no automatic access for British boats to these key waters. The jobs of hundreds of fishermen and many hundreds more in fish processing in north-east England will be at risk unless a deal is reached whereby UK vessels are able to continue in such waters that have long been open to UK fleets.

Unsurprisingly, protecting their own vulnerable coastal communities, and ensuring that fishing rights that have existed for hundreds of years do not die, is also a priority for a number of coastal EU member states, such as Ireland, Belgium, Denmark, the Netherlands and France. This became evident earlier this month when EU Fisheries Ministers were reported to have rejected Michel Barnier’s proposals for compromise and instructed him to hold firm to his red lines. Just as the Conservatives may be wary of being seen as having betrayed Scottish fishers—as they are worried about the Scottish Parliament elections next year—President Macron of France, for example, will have in mind that he faces an election in 2022.

Incredibly, our dogmatist Government—I acquit the Minister of this charge, because I think he is doing an honest job—seem willing even to sacrifice the chance of a beneficial deal for the UK financial services industry to save UK waters for the British fishing industry. The financial services sector accounted for 7% of UK GDP in 2018, employing an estimated 2 million people. In any event, the UK fishing industry is likely to suffer, rather than prosper, if there are EU-UK cod wars, as, among other things, there will be a danger to sustainability of stocks through overfishing. It would therefore be a spectacular own goal if the UK refused a deal relating to finance as the price of not reaching an agreement on fishing.

What might constitute a reasonable deal? Under the UN Convention on the Law of the Sea, outside the common fisheries policy the UK is still legally obliged to consider the historical fishing rights of its neighbours, which suggests that some continued access to UK waters for fishers across the channel would be a reasonable expectation. As a quid pro quo, and irrespective of Brexit, as a result of fish migration there is probably a case for review of some UK quotas for mackerel, herring, cod and hake, but that does not need to be at a scale that destroys the livelihoods of hundreds of EU fishers.

However, a no-deal Brexit would destroy the significant parts of the UK industry that are dependent on frictionless overnight trade in fish, impact fish processing—which depends on access to EU imports—and cause loss of access to waters off non-EU states for large UK boats that currently benefit from EU access. I am really not sure how Amendments 1, 4, 5 and 6 help deal with that predicament.

**Baroness McIntosh of Pickering (Con) [V]:** My Lords, I was very interested to hear the reasons the noble Lord, Lord Teverson, gave for bringing a slightly amended version of this amendment back on Report. While I am sympathetic to what I think he is trying to achieve, I have great difficulty in finding this amendment appropriate. I fear it looks at the issue from a particularly English perspective, and I hazard a guess that the Scots may take a different view. I was fortunate to receive briefings from both the Scottish fisheries organisation and the Law Society of Scotland, and we must appreciate that the fisheries opportunities in Scotland are immensely important. They represent 58% of the value and 64% of the tonnage of all fish landed by UK vessels, so I am struggling to understand.

I see that we have changed the wording from “marine stocks” to “fish”, probably in recognition of the fact that, in Scotland, there are many other uses of the exclusive economic zone. But the argument remains: the citizens of the four nations, and in particular those of Scotland, would argue that they have a right to a lion’s share of the fish.

Proposed new subsection (2) goes on to talk about quotas. I have tabled an amendment to Clause 48, which we will come to much later, when I will develop my argument on quotas more fully. I wait with great interest to hear what my noble friend the Minister has to say on this matter, but I am not entirely convinced that the law as it currently stands does not encompass what the noble Lord, Lord Teverson, is trying to achieve. If noble Lords will forgive the pun, I believe that this amendment will, if anything, rather muddy the waters and not take the arguments any further forward.

4.30 pm

**The Deputy Speaker (Baroness Garden of Frognal) (LD):** Lord Mackay of Clashfern. No? I call the noble Earl, Lord Caithness.

**The Earl of Caithness (Con) [V]:** My Lords, I am sorry that my noble and learned friend Lord Mackay of Clashfern is not able to join us just now. I hoped

that he would elucidate the picture with regard to case law on this. The noble Lord, Lord Teverson, mentioned a case, but there are other cases, going back to 1803, that clearly establish that, if fish belong to anybody, they belong to the King's subjects. That is well established. The noble Lord, Lord Teverson, is perhaps taking a slightly Napoleonic view of the situation, rather than the common-law and case law approach that is usual in this country.

I want to pick up a point that my noble friend Lady McIntosh of Pickering raised: the question of the "quotas" in proposed new subsection (2). What quotas is the noble Lord, Lord Teverson, talking about? The overall quota is set by the UK Government, but quotas are a devolved matter as well. I think that the noble Lord is in grave danger of complicating the Bill and treading hard on the toes of the devolved Governments. This is something that we have to be extremely careful not to allow in this Bill, which has been carefully crafted to achieve a balance between what the UK Government are able to do and what the devolved Governments rightly should do. I do not think that this amendment helps that situation in any way at all.

**Baroness Bakewell of Hardington Mandeville (LD)**

[V]: My Lords, my noble friend Lord Teverson has set out the reasons for this amendment, which we debated in Committee. Fish are a resource that is not owned by any one region, corporate body or individual. Unlike farm animals, which can be corralled and shepherded into barns, pens or open fields, fish are free-swimming. The oceans and shores around the UK have no physical barriers. It therefore follows that fish in our waters are a UK-wide resource.

The noble Lord, Lord Hain, said that 1% of the UK economy is dependent on fishing. But the UK is totally encircled by the seas, so fishing is extremely important. I agree that the Brexit deal is vital to how we move forward. The Fisheries Bill is a golden opportunity to set exacting principles on just how the fishing rights around our shores are managed to best maintain, and at the same time increase, fish stocks, with sustainability at the heart of the Bill.

The UK exclusive economic zone is a resource owned by the UK on behalf of its citizens, and must be preserved as such, whether they are in the devolved Administrations or not. No one should be allowed to claim that fishing rights in any particular area belong just to them. This is a national resource, and it must remain so. It is vital that fish stocks are protected and increased. This can happen only if the fish are not seen to be the property of any one individual private organisation or corporate body.

I note the comments of noble Lords about what they see as the complication of the issues in this amendment, and I look forward to what the Minister has to say. But this is an extremely important principle, which we feel should be included in the Bill.

**Baroness Jones of Whitchurch (Lab):** My Lords, I am grateful to the noble Lord, Lord Teverson, for raising this issue again, following our debate in Committee. It is a fundamental issue, which deserves more attention.

Who owns the resources in our coastal waters? How can it be that, once a quota of fish is issued, it seems to be owned indefinitely by mainly foreign vessels?

As the noble Lord said, there is a strong argument that, when we become an independent coastal state, the ownership of those resources, including the fish, should be returned to the nation. What we do with them then should be the subject of a new consensus, with new timescales and obligations, and with the ultimate right of the UK to take back control of those resources. This would obviously be subject to a new devolved settlement, so that the rights to the resources were properly shared. Some noble Lords seem to feel that that is quite a complicated argument, but, personally, I think that it is fairly straightforward.

As the noble Lord is right to say, we should be more ambitious about the opportunities that could flow from our independence. If we were writing a new plan for UK fishing, we certainly would not start from here, with all that existing baggage.

I agree with my noble friend Lord Hain that a no-deal Brexit would of course be disastrous, not only for the fishing sector but for all other trade sectors in the UK.

We will explore in other amendments what we need to do to revitalise the UK fishing sector. In the meantime, it is useful to put on record our belief that fish stocks are a public asset and should be owned by the nation. I look forward to the Minister's response.

**The Deputy Speaker:** Shall we try again to see if we can get the noble and learned Lord, Lord Mackay of Clashfern? Lord Mackay, are you there?

**Lord Mackay of Clashfern (Con) [V]:** My Lords, this proposal's reference to "the United Kingdom" requires consideration, given the matters that arise in connection to it from devolution. It is true that fisheries are devolved, and so in respect of rights of the United Kingdom and fish, these will be devolved. It is therefore quite important that the role of the devolved Administrations is kept in view, as is recognised in later clauses in the Bill.

The other point I was slightly doubtful about is that of quotas being owned by the public, or the nation. When the quota is granted, the rights of the quota will belong to the person to whom it was granted. I should have thought that that would mean an innovation to the rights of the public in respect of the quota, once it is granted. To me, it seems clear that the public own the fish stocks in our waters, but it is quite important to recognise the devolution settlements in that connection.

**The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con):** My Lords, I am grateful the noble Lord for his amendment and to all noble Lords who have taken part in the debate.

As noble Lords will be aware, the United Nations Convention on the Law of the Sea—UNCLOS—establishes that the UK has sovereign rights to manage the marine resources within our exclusive economic zone. This includes fish. I am very glad of the intervention

[LORD GARDINER OF KIMBLE]

from my noble and learned friend Lord Mackay of Clashfern, and those from my noble friends Lord Caithness, Lady McIntosh and Lord Randall. The Government are clear that there is a public right to these fish. Indeed, lawyers have advised me that UK case law recognises that fish are a public asset, held by the Crown for the benefit of the public. Legally, it is clear that no one individual can own the actual fish. As this fact is already well established in law, I suggest that an amendment to this Bill would not deliver any new clarity on the matter.

It is therefore important to say on the catching rights for those fish that, as noble Lords will be aware, most UK fishing opportunities are managed through fixed quota allocation—FQA—units. These units are based on historic fishing patterns and allow their holders to receive a proportion of the quota for a given stock. However, I emphasise that FQA units do not guarantee that the holder will receive a certain amount of, or even any, quota in these stocks each year. For example, scientific advice about a given stock may recommend that the total allowable catch—TAC—is set at zero. Where a TAC is set at zero, no quota will be allocated to FQA unit holders in that stock, no matter how many FQA units they hold.

As my noble and learned friend Lord Mackay of Clashfern said, FQA units have been held by the High Court to be a form of property right. FQA holders do not own the fish in the sea but the FQA units that they hold entitle them to a share of whatever quota is available in a particular year. They do not confer a permanent right to quota but the Government's current position is to maintain the FQA system, which has provided certainty to the industry for many years. This does not mean that the Government do not keep quota allocation under review. In fact, in 2012, the Government realigned some FQA units from the producer organisations to the under-10-metre pool.

I should say to the noble Lord, Lord Teverson, that I am advised that there may be some drafting problems with the amendment. An unintended consequence of this amendment is that it could cover rights to catch freshwater fish, which I am not sure was intended. There are various national and local rules governing freshwater fish; these vary under each Administration of the UK. The amendment also refers to the UK exclusive economic zone but this includes only waters beyond 12 nautical miles. To avoid any confusion, the principle of fish being vested in the Crown on behalf of the public applies to all UK waters, including those between zero and 12 nautical miles.

There are further problems with the legal drafting of the amendment. For example, it is assumed that “individuals natural or corporate” refers to “legal or natural persons”. We believe that the different phrasing used in this amendment would cause confusion as to who is intended to be in scope.

In setting out this clear legal view, I emphasise the position on which we are all agreed: fish are a public resource held by the Crown for the benefit of the public and no individual may either own the fish themselves or have any permanent right to fish for them. I take seriously the spirit in which the noble

Lord, Lord Teverson, and other noble Lords articulated this point but the case law is absolutely clear on this matter. On that basis, I hope that the noble Lord will withdraw his amendment.

**The Deputy Speaker:** I have received a request from the noble Earl, Lord Caithness, to speak after the Minister.

**The Earl of Caithness [V]:** Can my noble friend the Minister comment on what the noble Baroness, Lady Jones of Whitchurch, said? She seemed to be in favour of arbitrarily taking away fisherman's quotas that are already established, which sounds like a pretty draconian socialist measure to me.

**Lord Gardiner of Kimble:** On the noble Baroness's intention, we do not think that it would be helpful to the fishing industry to take away the current system of FQAs and the certainty that that allocation provides. That is why the Government are clear that we do not intend to change the current quota arrangements, except where we will want to look at ways in which any additional quota is allocated. I am sure that the noble Baroness was articulating a view that was not necessarily partisan or political. To be clear, we want the British fishing industry to be successful. I hope that that helps my noble friend Lord Caithness.

4.45 pm

**Lord Teverson:** My Lords, I thank everybody, particularly the Minister, for their contributions.

I am sure that the noble Earl, Lord Caithness, believes that the Scottish legal system is far better than the English one and that our problems in this regard may be with the English system, but my amendment does not challenge devolution in any way. As the Minister said, it aligns absolutely with UNCLOS, the law of the sea, in terms of national rights over parts of the sea.

I accept entirely the Minister's criticism of my wording in that I did not include coastal waters—I hope that he will forgive me for that—but I am encouraged that he is taking a robust view of the legal situation. I am not a lawyer but I accept his assurances. However, the 2013 case seemed to say the opposite to me. I still find it difficult that, in the Government's response, there seems to be an assumption that those people who have allocations will continue to have the same or more and yet all sorts of other businesses and individuals that want to come into this industry are effectively barred by the present allocation system. I accept the Minister's assurances; I just hope that the Government take their position strongly and implement it because of the current situation.

I was wrong when I said that foreign vessel owners, mainly from Iceland, Spain and the Netherlands, own 40% of the quota; in 2019, it was estimated that, by value, it is 55%. This is not what people voted for in the Brexit referendum.

I accept the Government's assurances but ask them to use their powers and change this business radically. It is not often that we hear from a Conservative

Government that we should keep an industry in aspic, which is basically what happens with ownership at the moment. We should allow it to be more entrepreneurial, allow more people to come in and shake this industry up. We should make it work well and conserve its resources.

Let us move on. I beg leave to withdraw the amendment.

*Amendment 1 withdrawn.*

### **Clause 1: Fisheries objectives**

#### *Amendment 2*

*Moved by Lord Krebs*

**2:** Clause 1, page 1, line 12, leave out subsection (2) and insert—

“(2) The “sustainability objective” is that—

- (a) fish and aquaculture activities do not compromise environmental sustainability in either the short or the long term;
- (b) subject to subsection (2)(a), fishing fleets must—
  - (i) be managed to achieve economic, social and employment benefits and contribute to the availability of food supplies, and
  - (ii) have fishing capacity that is economically viable but does not overexploit marine stocks.

(2A) The sustainability objective is the prime fisheries objective.”

Member’s explanatory statement

This ensures (a) that environmental sustainability takes precedence among the various elements of sustainability and (b) that sustainability is the prime fisheries objective.

**The Deputy Speaker:** I remind noble Lords that Members other than the mover of an amendment and the Minister may speak only once and that short questions of elucidation are discouraged. Anyone wishing to press this or any other amendment in the group to a Division should make that clear in the debate.

**Lord Krebs (CB) [V]:** My Lords, we spent a great deal of time discussing sustainability during earlier stages of the Bill so I do not wish to repeat the arguments at length. However, because it has been well over three months since we last discussed this issue, I will recap briefly.

This amendment supports the Government’s own aim. At Second Reading, the Minister told us that

“this Bill creates a strong and legally binding framework to deliver this Government’s ambition to leave the natural environment in a better state than we inherited it.”—[*Official Report*, 11/2/20; col. 2167.]

He also said that sustainability is at the heart of the Bill. Sure enough, the first fisheries objective in Clause 1(1) is the sustainability objective. Unfortunately, however, as drafted, the Bill does not guarantee the protection of fish stocks and the wider marine environment. To be absolutely sure that the Bill does what it claims on the tin, let us get the commitment to protecting the natural environment written into it. That is the purpose of this amendment.

What is the problem? History shows that whenever there is a trade-off between short-term economic and employment considerations and longer-term environmental sustainability, short-term factors nearly always win. This is what has led to overfishing and long-term damage to the marine environment in many of the world’s fisheries, including those covered by the common fisheries policy. That is the key point. The Bill as drafted allows for the possibility of short-term economic and social factors overruling environmental sustainability in making trade-offs.

Clause 1(2) defines the sustainability objective as having three elements: environmental, social and economic. I do not argue with the fact that sustainability has these three components; indeed, the Minister reminded us that they are the UN framework. I want to ensure, however, that socio-economic factors do not win out over protection of the marine environment. That is why the first part of the amendment ensures that, in calculating trade-offs between these three, the environment always remains the priority. This will ensure that we do not repeat past mistakes of putting short-term economic and social interests ahead of protecting the environment.

The second part of the amendment refers back to Clause 1(1). As we discussed in detail at earlier stages of the Bill, the eight fisheries objectives are not all born equal. The sustainability objective, as redefined in the amendment, takes precedence. The other seven fisheries objectives should support, or be subordinate to, environmental sustainability. This would make it unequivocal that the aim of the Bill is to harvest our marine resources without compromising the health of the marine environment. The amendment is not saying: “no fishing”; it is saying: “sensible fishing”. It is not saying that there will not have to be trade-offs, but it sets boundary conditions for the calculation of the trade-offs.

At earlier stages of the Bill, the Minister did not agree with the arguments that I have rehearsed. I suspect that he will argue again for a proportionate approach that gives equal, or at least undetermined, weight to all three components of sustainability. In Committee he acknowledged:

“We might have a collision point on sustainability.”—[*Official Report*, 4/3/20; col. 629.]

He also said:

“We must balance the protection of our marine environment with our objective of supporting thriving fishing and aquaculture sectors.”—[*Official Report*, 2/3/20; col. 461.]

If the Minister is not minded to accept this amendment, I would ask him to explain how these trade-offs will be made in practice.

This is our big chance to get the management of our fisheries on a genuinely sustainable footing and avoid the mistakes of the past. We can join the leading nations in the world such as Australia, New Zealand and the USA, managing our fisheries in a genuinely environmentally sustainable way, or we can languish lower down the international league table, with the risk of putting short-term gain ahead of long-term pain. I will listen carefully to the Minister’s reply at the end of this debate, but unless there is a significant

[LORD KREBS]

change of tack, I would wish to test the opinion of the House on this crucial issue of the Fisheries Bill. I beg to move.

**Baroness McIntosh of Pickering [V]:** My Lords, I lend my support to this amendment. There is a certain attraction in having one objective, namely sustainability, in the context of the Fisheries Bill, as the primary objective. Part of my reasoning for this is that the House might wish to take a broader view and make sure that we come to the same view on the Fisheries Bill as we do, for example, when we come to consider the Environment Bill. We should not consider one in isolation from the other.

I was very taken by the Minister's argument in Committee that in relation to objectives, there was a three-legged stool, whereby environmental, social and economic objectives should be given equal weight. There is a distinct attraction in singling out the environmental objective as the "prime fisheries objective", as it says in the amendment. I know that it is a concern of Scottish fishermen and the Scottish Government in particular that we should look at the broader use of the marine environment, particularly in regard to renewables and other resources. There is an overwhelming attraction in having the sustainability objective as the prime objective. To put my mind at rest, I would be very interested to learn from the Minister, in the event of a contest between the three legs of the stool, how the Government would decide to prioritise between the economic, social and sustainability objectives.

**Baroness Ritchie of Downpatrick (Non-Aff) [V]:** My Lords, I support the amendment in the name of the noble Lord, Lord Krebs. I know that my local fishermen and those involved in the catching and processing sector want fishing to be a leader in the marine food system. They also want to ensure that people have access to good-quality products in the various fish species which they catch. I firmly believe that this can be achieved through the principle of environmental sustainability and the commitment to protect the natural environment. We are in no doubt that sustainable fishing means leaving enough fish in the ocean, respecting the habitats and ensuring that people who depend on fishing can maintain their livelihoods. It is a bit of a balancing act and I hope the Minister will address that issue.

The Bill provides a framework for future fisheries management. However, in some quarters, it is felt that the Bill will not achieve the Government's aim of world-leading sustainable fisheries management because sustainable fisheries depend on a healthy marine environment. Environmental legislation has featured little in the fisheries and Brexit debates so far. Of particular relevance to a healthy marine environment are the European marine strategy framework directive, the birds directive, the habitats directive, the bathing waters directive and the water framework directive. Will the Minister outline how this will be achieved in the post-transition period, while at the same time protecting the local fishing industry?

It is important, as the noble Lord, Lord Krebs, said when he moved the amendment, that fishing and aquacultural activity do not compromise environmental

sustainability in the short or long term. This legislation presents us with a unique opportunity to ensure that environmental sustainability and the principle of sustainability take precedence in the various elements of sustainability and that sustainability is a prime fisheries objective. We should grasp that opportunity now, but be mindful of not ending up with legislation that is too rigid in the eyes of those in the fishing sector—both catching and processing—because we do not want to replicate the challenges that beset the fishing industry as a result of the common fisheries policy.

5 pm

**Lord Blencathra (Con) [V]:** My Lords, I have listened carefully to the arguments made by the proponents of the amendment and I understand the desire to promote environmental quality as the highest priority, since sustainability itself affects the amount of fish available to catch. But I am not convinced that we should downgrade all the other noble objectives in Clause 1, which would be the case if sustainability was classed as the prime objective.

The Government have constructed the Bill with a number of important objectives that contribute to environmental protection, including objectives covering science, the precautionary principle, the ecosystem and climate change. However, the Bill also allows policymakers and fisheries managers to balance actions across these objectives to achieve sustainable outcomes that protect the environment and still ensure that we have a viable and thriving fishing industry. Sustainable development recognises the needs of society alongside the environment and thus points to a balanced approach. If we place environmental sustainability as the prime objective, we will prevent fisheries managers taking balanced decisions by always favouring the environment over social, scientific, national and economic matters.

I am not being facetious, but as a Star Trek fan I am aware of the Prime Directive—not to interfere—but I do not know how the "prime" objective would be implemented, and nor has the mover of the amendment sought to define it. I looked up some meanings and synonyms of the word "prime" and got the following: "main", "chief", "key", "central", "principal", "foremost", "first", "most important", "paramount", "major", "dominant", "supreme", "overriding", "cardinal", "pre-eminent" and "ultimate". If that is how our courts would define "prime", I am concerned if that is how it would be interpreted in the Bill.

Of course the sustainability objective is essential, but so are the precautionary, scientific, bycatch, ecosystem, equal access, national benefit and climate change objectives. The lawyers and no doubt my noble and learned friend Lord Mackay of Clashfern will correct me if I am wrong, but the wording of the clause means that all of these must be complied with, so all of these other objectives must still satisfy the test of being sustainable. It is not an either/or list. Thus, if the Government are making rules under the national benefit objective, the bycatch objective, or any other objective, these rules must still satisfy the test of being sustainable. Setting one objective above the others would create confusion and undermine the basic construct of the Government's future fisheries legislation.

Managing trade-offs is complex and not easily amenable to simple rules, as the noble Baroness, Lady Ritchie, just warned us. I believe that the current drafting of the fisheries objectives strikes the best balance between requiring Ministers to respect the science and be precautionary, and also to consider the impact on our fishing communities before acting.

We all recognise the need to protect our precious marine environment, but we must find a way to do so that supports our equally precious coastal communities. I urge the House to consider the potential costs to those communities if we constrain the Government's ability to make balanced decisions—a balance that appears to be central to this Bill's ambition to support both the environment and the people living and working in fishing communities.

**Lord Kennedy of Southwark (Lab Co-op) [V]:** My Lords, I fully support Amendment 2, in the name of the noble Lord, Lord Krebs, and others. It would make it clear that fish and aquaculture activities must not compromise environmental sustainability. The Government have said that they will continue to strive for the ambitions of the relevant directives in this regard, but many are concerned that these could be weakened. That is why it is important to set this out clearly in the Bill with the amendment.

If the Minister will not accept the amendment today, will he set out how the Government will ensure that the important principles in directives such as the European marine strategy framework, the bathing water directive and the water framework directive will be taken forward and not compromised, as my friend, the noble Baroness, Lady Ritchie of Downpatrick, highlighted in her speech? If they are compromised, what mechanism will there be to ensure that they are properly enforced, since we will have no access to the Court of Justice of the European Union? What mechanism is proposed by the Government?

Proposed new subsection (b) would put commitments in the Bill on economic, social and employment benefits and not overexploiting marine stocks. Again, it is important that this is clearly in the Bill because the devil will be in the detail and we must have clarity that the principles are set out without any dispute. The details will be issues such as licensing powers, catch limits and other restrictions on fishing.

As my noble friend Lord Hain set out in the previous debate, the reality of today's British fishing industry is how much of the catch is in fact exported to the European Union and beyond, and how much of the fish we eat—cod, haddock, langoustine, salmon—is in fact imported into the UK. That has not been made clear in the debate, in the media and elsewhere over many years, much to the detriment of the debate, to the reality of the situation, and to the British fishing industry and the UK at large. The Government should aim to get this right by accepting the amendment.

**Lord Cameron of Dillington (CB) [V]:** My Lords, it is probably my naivety, but it seems to me that Amendment 2 is one of those amendments that really should not cause the Government too much of a problem. It just subtly tells them that their first attempt

at outlining a sustainability objective is good, but not quite right or strong enough. It needs to emphasise more the importance of both a short-term and a long-term healthy marine environment, full of marine life and with a healthy variety of fish stocks. More importantly, as others have said, the amendment insists that the sustainability objective must be the prime objective. That fact makes it better than the Government's first attempt.

It is probably platitudinous to say that if you have too many objectives or priorities, you have no priorities or real objectives at all. You cannot be all things to all men. I, along with the promoters of this amendment, believe that the preservation of our fisheries and marine environment for our grandchildren should always trump even the suspicion of overexploitation today. So I hope that the Government will accept that proposed new subsection (2) is better and more explicit than theirs. In that light, I hope that the Minister will accept the amendment.

My Amendment 20, would, in effect, put Amendment 2 into practical application. The problem, as I am sure everyone is aware, lies in the opt-out sections of Clause 7, notably Clause 7(7)(d), and Clause 10(2). If you are allowed to opt out or alter the fisheries statement or a fisheries management plan for socioeconomic reasons, there is a danger—maybe only a small one, but it is there—that the fisheries authority will support today's fisheries at the expense of tomorrow's fishers. So it is important to make it clear that the sustainability objective trumps all, which is what both these amendments seek to achieve.

Experience in Scotland, which has a similar opt-out provision in the Marine (Scotland) Act, has shown that, where an opt-out exists, environmental considerations can get pushed to one side for socioeconomic reasons. As I reported in Committee, six years after—

**The Deputy Speaker:** I think we have lost the noble Lord. We will go on to the next speaker and perhaps come back to him later. I call the noble Baroness, Lady Bakewell of Hardington Mandeville.

**Baroness Bakewell of Hardington Mandeville [V]:** My Lords, a large number of noble Lords are taking part in this important debate on Amendments 2 and 20. Both at Second Reading and in Committee, many of your Lordships made the point that the sustainability objective must be the prime fisheries objective. It is nonsense to link it to economic, social, and employment benefits. So long as it is linked to economic benefits, sustainability will be overridden, as the noble Lords, Lord Krebs and Lord Cameron, have stated. During the long drawn-out process of lockdown caused by Covid-19, we have seen that the health and safety of citizens is offered up by some as less important than economic recovery. While economic prosperity is important and people have to make a living that will support them, if we do not put sustainability first and foremost, this will be counterproductive. We will find that fish stocks are depleted, and not there to provide any sort of a living to the fishermen and women we seek to encourage. The marine environment should be supported, and should be the prime objective.

[BARONESS BAKEWELL OF HARDINGTON MANDEVILLE]

Since the start of the progress of the Bill, there has been more than one programme on our televisions featuring the lives of those engaged in fishing and agriculture. We have seen how individual fishermen are able, by adapting what they catch, to fish sustainably without damaging fish stocks. All know the size criteria for landing catch, or returning it to the sea to be allowed to increase in size. It would seem that many of those living and fishing around our coasts are aware of their responsibility toward sustainability. I believe that the Minister is also aware of the Government's responsibility toward sustainability, but is unable to place it above economics.

I disagree with the noble Lord, Lord Blencathra, that the sustainability objective will take no notice of the scientific objective. The sustainable and environment aspect of the Bill will depend on the scientific objective, and all the other objectives.

As I said on a previous amendment, the Bill is a once-in-a-lifetime opportunity for the UK to take control of its fishing, and ensure that the waters around our country are thriving and have plentiful fish stocks. Plentiful stocks will ensure economic viability for our fishing industry, and only this can do it, but this will not be ensured unless we make it clear to one and all that sustainability is the prime fisheries objective, and that this is stated on the face of the Bill. I look forward to the Minister's response, which I hope will be positive. Unless he gives a categorical undertaking, we will ask the House to divide on this vital issue.

**Lord Randall of Uxbridge [V]:** My Lords, as previous speakers have said, this is a fundamental part of the Bill, and I feel very strongly that environmental sustainability is the crux of this matter. I heard the arguments of my noble friend Lord Blencathra, and as always, they are very strong. I do not doubt the Government's intentions on the environment and on the sustainability of stocks, but it should be on the face of the Bill. If you do not have environmental sustainability, it is obvious that the other issues we are talking about are irrelevant, because there will be no fish, and no economic advantages. It is absolutely fundamental. I urge my noble friend the Minister to accept this amendment, otherwise I will find myself having to support it in the Division Lobby.

**Baroness Young of Old Scone (Lab) [V]:** I support Amendment 2 in the name of the noble Lord, Lord Krebs. The end of our participation in the common fisheries policy is a real opportunity, which we must not miss if we are to ensure that this self-determined fisheries policy for the first time has a firm foundation in sustainability. I too was rather unconvinced by the account by the noble Lord, Lord Blencathra, of how balance needs to be achieved in these discussions and decisions. So often the environment does not get a fair shout in these questions of balance. Fisheries, aquaculture, economic and social interests all rightly have a voice, but in some cases those voices are disproportionately loud, and this amendment ensures that environmental sustainability also has a voice. This is fundamental, as many noble Lords have said, not only for our seas but

to prevent overfishing and to support sustainable fisheries and coastal communities. In the truest sense, it would be a real shame if we did not ensure that this opportunity was enshrined on the face of the Bill.

5.15 pm

This is a Bill of missed opportunities. Our discussion of quota reform on the previous amendment demonstrated that this could be a real opportunity to underpin the Government's commitment to a world-class fisheries policy. I also support Amendment 20, which outlines that where a national authority decides to do something that is against the joint policy statement or a fisheries management plan, it still has to achieve the requirements of the sustainability objective in whatever it chooses to do, for the reasons I have just outlined. If the Government are not minded to put the sustainability of fisheries management securely in Bill as the prime objective, could the Minister outline how the Government will achieve their aim of world-leading and sustainable fisheries management?

**Lord Lansley (Con):** My Lords, I am very glad to have the opportunity to contribute on Report. I declare an interest in that I am a director of a company that is in partnership with another company whose client is UK Fisheries. It is not a very direct interest, but I would not want anyone to be unaware of the connection.

We discussed this in Committee, when I contributed, and then and now I express my support for the intention behind the amendment. It seems entirely right that we put sustainability, and environmental sustainability in particular, at the heart of what we set out to do. But as the noble Lord, Lord Krebs, quite rightly said, he is intending to support the Government's own intentions in that sense. Sustainability is not outwith the Government's intentions but central to them. The debate has already demonstrated through its contributions—for example, that of my noble friend Lord Blencathra, and subsequently that of the noble Baroness, Lady Bakewell of Hardington Mandeville—the way in which the sustainability objective interacts with other fisheries objectives. The precautionary objective, the scientific evidence objective, the ecosystem objective and effectively all other objectives interact with the sustainability objective in one way or another. Putting the sustainability objective as the prime objective simply asserts in a literal sense that it comes first, but to suggest that it is somehow more important or overrides any of the others would be misplaced, since actually integral parts of the sustainability objective are reflected in other fisheries objectives. The point of the Bill is for the fisheries policy authorities to express clearly in the joint fisheries statement what their balance and their mechanisms for achieving the objectives overall are to be.

That said, if the sustainability objective were by virtue of this amendment to be treated as the prime objective in statute, we would have problems. The first is that I am not sure that the noble Lord, Lord Krebs, was accurate in how he described his own amendment, since he described it as putting environmental sustainability above other objectives. Actually, if one looks at it, it puts the sustainability objective as the prime fisheries

objective, and under the sustainability objective are both proposed new paragraphs (a) and (b). Proposed new paragraph (b) deals with

“economic, social and employment benefits”

and economic viability. By stating that the sustainability objective is the prime fisheries objective, we do not simply state that environmental sustainability must come first. It is already more complicated than that, so I am not sure that it adds the simplicity for which the advocates of the amendment are looking.

My second problem—people can argue about the other points I have made, but this and my next point make it very difficult to accept this amendment—is that attaching this statutory provision to one of the objectives, which is in a series of objectives that must be prioritised and balanced in the joint fisheries statement, would create unacceptable legal risk. From then on, every time any of the fisheries policy authorities says how it thinks meeting the objectives should be balanced in the statement, somebody can say that—particularly in the short term—it might be prejudicial to environmental sustainability, and, because that is not fundamentally defined in the statute, by whatever definition of environmental sustainability they attach to it they could directly challenge the decisions set out in a joint fisheries statement and throw the legal certainty the statements are intended to convey out of the window. That is a serious problem.

Thirdly, while the structure of the amendment incorporates the original text of the sustainability objective, it has rewritten it in a rather odd and disturbing way. The economic, social and employment benefits, the availability of food supplies and having fishing capacity without overexploiting marine stocks are all still mentioned, but under the heading “fishing fleets must”. What does that mean in statute? Does it mean that it is the responsibility of the fisheries policy authorities and of the Government? Or is this a statutory provision telling the fishing fleets that they must accept responsibility for all the other secondary objectives and that these are no longer the responsibility of Government?

I do not understand how the amendment works, and I am afraid that the noble Lord, Lord Krebs, did not explain why it has been written such that, subject to the environmental sustainability objective being met, fishing fleets “must” do these things. By what mechanism will they do them? Who tells them to do them? How is it set out in statute? This amendment does not deliver any of that. For those two latter reasons in particular, the amendment is flawed and I cannot support it.

**The Deputy Speaker:** My Lords, the noble Baroness, Lady Kennedy of Cradley, has withdrawn, so I now call the noble and learned Lord, Lord Mackay of Clashfern.

**Lord Mackay of Clashfern [V]:** My Lords, this amendment is of considerable importance. It seeks to set aside all the other objectives as less important, and it is apparent to me that at least some of them are essential. To set them aside would bring an imbalance to the situation, which is very strange—particularly since the objective is described as something that does

“not compromise”. It is negative, it is to not do something; whereas an objective would normally be to achieve something rather than to prevent something happening.

I strongly support what has been said about the difficulties. I find it very hard to see how, with proposed new subsections (2)(b) and (2)(a) subject to the definition, you can have it as a prime objective.

I understood from the noble Lord, Lord Krebs, that his principal reason for this amendment was to avoid a situation in which economic matters might prejudice the longevity and sustainability of the stocks. However, the objective as stated by the Government is clear; under it, the long-term interest of the stocks must be preserved. That is surely the sort of flexibility we need in a proper environmental and sustainability project. You cannot be sure from day to day exactly what will happen. There are not many effective prophets in the world; it is therefore very difficult to proceed without a long-term view of what you are aiming at, and it seems that that will be prejudiced if you knock out the other objectives, which are also very important.

The amendment says “prime” objective; it does not say that it is the only objective. However, I do not know how a court could say whether or not a particular objective had been considered “prime”. As has been said, it generally means “first”, although it can have other meanings. It seems to me that, as long as the objective is mentioned and then taken account of alongside others, that is what should happen. I do not think that this amendment achieves the kind of result mentioned by the noble Lord, Lord Krebs. One of the mistakes of the common fisheries policy was too detailed and precise an attempt to control this aspect. The Government’s method of balancing this—the purpose of the clause as a whole—is excellent and would be damaged by this amendment.

**Lord McConnell of Glenscorrodale (Lab):** My Lords, the common fisheries policy was certainly flawed at times in its execution, but it had one advantage: the member states of the European Union were able to come together and resist, on occasion, short-term pressures on politicians in individual states to change fisheries policy. The collective agreement on fisheries policy ensured a strong element of long-termism in the decisions that were made. I worry that, as fisheries policy and regulation are returned to the United Kingdom, the pressure on politicians for short-term decision-making from those with a direct financial interest in the industry, when quotas and other decisions are reached, will still be there—as it is right now.

I have a vivid memory of the first year of devolution in 1999. An effigy of the then Fisheries Minister in the Scottish Government, Rhona Brankin MSP, was burned by the Scottish Fishermen’s Federation at a demonstration because people were angry and wanted more short-term decision-making on quotas. That controversy, passion and anger impacted on individual Members of the Scottish Parliament and on the debate. In years to come, that impact was seen again and again with the sacrifice of the long term—I do not think it was ever sacrificed by Ministers but it was by individual politicians pushing Ministers to make more short-term decisions.

[LORD MCCONNELL OF GLENSCORRODALE]

Contrary to what has been said by a number of other noble Lords, I think that being very clear that the sustainability objective is the prime objective is essential if the decisions are to be long-term. To have eight objectives constantly being balanced year after year without a prime objective would be an error. I therefore support Amendment 2 enthusiastically.

I support it for a second reason. The Government, like many other Governments around the world, are very keen to sign up to international goals and targets. In 2015, the then Conservative Government were supported by all parties in this Chamber when they agreed the United Nations global goals. Global goal 14 relates to the oceans and seas:

“Conserve and sustainably use the oceans, seas and marine resources.”

At first glance, that might seem to be about the marine ecosystem and pollution, which has been a big issue this past decade around the world, but the goal is also quite explicitly about sustainable fishing.

However, every time we have debated the global goals in your Lordships’ Chamber over the last five years, despite consistent support for them from three Prime Ministers from the same party—as recently as last month the current Prime Minister said in a statement that he hopes the UK will be able to move forward after the pandemic, charging towards achieving the global goals—the Government have never embraced the concept of the goals that they were central to agreeing in 2015: that they are universal and apply inside the UK as much as throughout the rest of the world.

If the sustainable development goals are to apply inside the UK as they do everywhere else, we need to start seeing that represented in the Government’s planning, budgeting and legislation inside the UK too. Therefore, starting a process of writing sustainability as a prime objective into more legislation in this country, and getting more long-term and less short-term decision making, would put us on a good course, and the Fisheries Bill is a very good place to start.

5.30 pm

**Lord Mann (Non-Afl) [V]:** The noble Lord, Lord McConnell, speaks with great knowledge and wisdom on the pressures brought by the Scottish fishing industry, and of course, with over 98% of it owned by Scots, it will be a powerful lobby on politicians. It is a shame that half of England’s quota is foreign-owned, and so we are talking about an industry rather than a national facility—or at least, half of one.

I want to draw attention to what happened on Saturday at Verkhoyansk in Siberia: it was 38 degrees centigrade, the highest temperature ever recorded in the Arctic. Since 1930, we have had a 4% loss in fish stocks worldwide, but in the North Sea we are talking about a much higher percentage of permanent loss. Therefore, this amendment is about the sustainability of the industry itself.

A report published in the last few days has reinforced how artificial light in the Arctic is disrupting fish and zooplankton, destroying the very origins of the fish stocks. I hope that, in the light of this new evidence, the Government are reassessing their stock assessments

of what will be there in the future. Also, I trust that the Government have signed—and, post leaving the European Union, remain signed up to—the agreement on no fishing in the Arctic, in that large amount of sea which until recently was ice cap but which, sadly, has now melted.

Anyone who listens to the scientific evidence from the Arctic—that fish that have never been seen there are now commonly viewed and how warming is changing the entire ecosystem—will hear the evidence first hand that sustainability of fishing stocks in our waters is directly related to dealing with global warming and climate change. Therefore, this amendment is about the future of our fishing industry, and I support it.

**The Earl of Caithness [V]:** My Lords, this has been a very interesting debate. My instinct is to support this amendment wholeheartedly, because I am a great believer in environmental sustainability, but we must also look very carefully at sustainability, because in all our discussions sustainability has rested on the three pillars: economic, social and environmental. If we change our understanding of that, it will affect not only fisheries but also every other industry.

The noble Lord, Lord McConnell of Glenscorrodale, gave the game away completely when he said that it should be introduced to every other piece of legislation. I do not think that this House has given enough thought to that. If this amendment is accepted, it will become a precedent for the Agriculture Bill. That will mean that the son of the noble Lord, Lord Cameron of Dillington, will now be told that he cannot farm a certain crop because it is not environmentally sustainable in the way that people would like it maintained. It will mean foresters being told that they cannot cut down trees because it is environmentally unsustainable to cut down a tree when that will happen anyway through natural regeneration. There are huge complications that we have not considered if we alter the balance now, because this will go into legislation and become a very firm precedent for the future. That gives me great concern.

I strongly believe that the environment should be given priority, but it must be in a way that respects the other two legs of the sustainability stool. My noble and learned friend Lord Mackay of Clashfern said that, legally, this is almost impossible. We are in a real quandary here. I hope that, between now and Third Reading, the Minister and the noble Lord, Lord Krebs, can get together to achieve what I know they both want. We are all on common ground regarding where we want to get to, but the wording of this amendment will cause us problems.

The noble Lord, Lord McConnell of Glenscorrodale, also mentioned the effect on coastal areas. If suddenly a report said that fishing must stop in a certain area since environmental sustainability was the prime objective, the effect on that area socially and economically would be immense, and the Government would not be able to mitigate it in the way that they could as the Bill is presently worded.

Although I support the spirit of this amendment, I cannot support it in the way that it is worded. My noble friend Lord Lansley was right to highlight the

question of “fishing fleets must”, which is a wording that we are not used to in legislation. I do not see how that can be implemented. I look forward to what the Minister says and hope that we can reach a common position on this, rather than bringing into law something that we may all regret in a few months’ or years’ time.

**Lord Teverson:** My Lords, if I may just respond first to the noble Earl, Lord Caithness, this amendment does exactly what he asks. It gives priority to environmental sustainability, but the other elements are there as well—so, bingo, we are there. We do not have a Content Lobby, but if we did, the noble Earl would need to go through it.

I congratulate the noble Lords, Lord Krebs and Lord Cameron of Dillington, on their amendments, both of which I put my name to. The irony in this debate is that the noble Lord, Lord Blencathra, and the noble and learned Lord, Lord Mackay, are arguing for the old-style common fisheries policy. What they are asking for is exactly what the CFP did. It gave a range of options to politicians—Commissioners or the Council of Ministers in that bun-fight that happened every December—which allowed fudge in decision-making about future quotas and fishing rights over the next year. They could look at some other objective or reason and decide to take an easy way out, forget environmental sustainability or put it second, third or fourth, and go for a short-term decision on fisheries.

And what was the outcome of that? We have hugely depleted stocks in our own EEZ and globally, because of all those fudge factors. Tell me an organisation that can survive with eight objectives but without anything being said about which is the most important. You cannot do that. You must have some idea of what the priorities are. None of us could run our lives on that basis; it would be impossible.

I come back to the point made by the noble and learned Lord, Lord Mackay, when he criticised the word “prime”. I did Classics up to O-level—pause for a “wow” from the Chamber—and “primus” means first. We know what “first” means, and it does not push the others aside. We have a first Secretary of State in the Government but that does not mean to say that the other Secretaries of State are all redundant; they are not. It is just giving a priority.

We also know, exactly as the noble Lord, Lord Krebs, has said, that if we do not have environmental sustainability first, then everything else falls aside; it just goes away. Sometimes we have zero quotas, as I think the Minister said earlier about my first amendment, and they are dealt with by finding ways around them, either with financial compensation or otherwise. That means those stocks, the health of the industry and jobs in those coastal communities are there for the long term. That is why this is inarguable; you cannot have it any other way than that environmental sustainability has to be a prime objective. That would not get rid of the rest of the objectives; they are in the Bill for us to see.

I want to take a point that has not been mentioned: devolution. We are told by the Government that this House is not competent to amend the Bill because of devolution; we are going through this process for no

reason at all because everything in it is devolved. The Government have brought a Bill to us that they may have agreed with the executives but, as I understand it, it has not gone through any of the democratic assemblies or parliaments of the nations. We have been given a Bill that we have to make decisions on. The Government cannot put a gun to our head and say, “Because we have done a deal with the other executives, the Bill can’t change at all”. If the Government hold that view, they should dissemble this Bill, bring an English Bill to this House and let the assemblies and parliaments have their own fisheries Bills. That is the solution. However, we do not have time for that because we need to get this right and we need to do it before the end of the year when we move out of the transition period. All we can do is ensure that the Bill is right and protects the industry and our marine environment for the future—for the long term as well as the short and medium terms—by making sure that the amendment is passed.

**Baroness Jones of Whitchurch:** My Lords, I am pleased to have added my name to Amendment 2 in the name of the noble Lord, Lord Krebs, and to add our support to Amendment 20 in the name of the noble Lord, Lord Cameron. Amendment 2 goes to the heart of our future fisheries policy. It spells out that, within all the other important objectives, the sustainability of our fishing stock is the number one priority. This is a hugely significant prize as we take control of our coastal waters. As the noble Lord, Lord Teverson, said, it leaves behind the deals and compromises that were inevitably part of the common fisheries policy, and will put our fisheries on a more long-term assured footing where there will be fish stocks to fish for generations to come. The logic of this is obvious: we all want a thriving and economically viable fishing industry and we aspire to have better managed stocks, enabling a renaissance in our coastal ports and towns. There could be huge new opportunities for jobs and prosperity in this sector. We have other amendments, which we will debate later, that would give greater impetus to new jobs and growth.

However, this economic regeneration will be permanent only if it is based on the certainty of an abundant long-term fish stock. If not, as the noble Lord, Lord Krebs, has asked, how will the trade-offs between the competing objectives be made? Will there be an inevitable skew towards short-term economic pressures at the expense of that long-term viability? In answer to the noble Lord, Lord Blencathra, and indeed as the noble Lord, Lord Cameron, says, if you have too many objectives then, quite frankly, you end up with none at all.

5.45 pm

The noble Lord, Lord Lansley, the noble and learned Lord, Lord Mackay, and others questioned the wording of our amendment, but our concern is that the original wording in the Bill defines “sustainability” in a very broad way. It is not what a normal person would understand sustainability to mean; it incorporates issues such as food supply, jobs and other social and economic benefits, whereas most people would understand “sustainability” to be exactly that—to be about environmental

[BARONESS JONES OF WHITCHURCH]  
sustainability. So it was the original wording in the original Bill that caused our concern in the first place and encouraged us to table an amendment which would ensure that there is a proper definition of environmental sustainability and that it finds its proper place in the Bill.

Noble Lords who buy fish in their local supermarket know how fragile the availability of our local stocks can be. Much-loved species such as North Sea cod are available in one season but disappear in another. Indeed, the Minister conceded in Committee that only 59% of our stocks—just over half—are fished at maximum sustainable yield levels, with the rest continuing to be overfished. We cannot go on like this. We want people to eat more fish but only if they can do so in confidence that they are not decimating our stocks. So we believe that the environmental sustainability of fish stocks is the core policy principle from which all other objectives and benefits flow.

In previous debates the Minister has sought to characterise the sustainable economic and social objectives as a “three-legged stool”, with each leg having equal weight. I would put it differently. I would say that environmental sustainability is the rock, the solid foundation on which to build our future fishing prosperity, and therefore it needs to have a status that reflects that. I only studied Classics to O-level as well, but to my mind the phrase “*primus inter pares*”, which I think the Minister has used before, well reflects that: first among equals. We are not talking about ignoring the other objectives; we are ensuring that the environmental sustainability objective is prime. I think that is quite clear and it takes into account all the other objectives as well. I therefore urge all noble Lords to support Amendment 2 should it be put to the vote.

**The Deputy Speaker (Baroness Henig) (Lab):** Before I call the Minister, I shall call the noble Lord, Lord Cameron of Dillington, who was not able to get in earlier. Lord Cameron? Well, we tried. I call the Minister to respond to the debate.

**Lord Gardiner of Kimble:** My Lords, what an interesting debate. I am grateful to the noble Lord, Lord Krebs, for initiating it and to all noble Lords. It gives me an opportunity to reiterate the Government’s commitment to supporting the seafood industry in developing sustainably. Across this House we are seeking the same thing: a vibrant and sustainable fishing industry with a greatly improved marine environment and a healthy and valuable food source for millions of people in the UK and abroad.

We all recognise that we have a viable fishing industry in the long term only if that industry is environmentally sustainable, but in our view sustainability is like a three-legged stool, and the Government’s view is that we need to ensure that all three legs are balanced. My noble friend Lord Blencathra was the first to use the word “balance” and I will elaborate on that. It is why the Bill currently gives equal weight to environmental, social and economic considerations. That follows the concept of the three pillars of sustainable development,

a concept that is well established in international law and practice. By contrast, the amendment that we are now considering would create a hierarchy in the objectives. It would mean that in any circumstances, short-term environmental considerations would need to override even critical economic and social needs.

I would like to take the opportunity to explain why the Government have significant concerns about the severe impact that the amendment could have on parts of the UK fishing industry. The Government are concerned that giving the environmental limb of the sustainability objective primacy would bring into question the weight that could be given to the other objectives in the Bill as we develop policies and negotiate with the rest of the world. Those are important objectives, developed with the devolved Administrations to ensure that we can agree a UK-wide approach to sustainable fisheries management.

I was somewhat surprised by what the noble Lord, Lord Teverson, said. If we had sought to separate all these matters and had not tried to go forward with a UK-wide approach, I think that many noble Lords would have considered that a retrograde step. Working at these matters at the UK level is advantageous. I will develop that point a little more because I disagree with the noble Lord.

The Government recognise that it might be vital to give more weight to one objective in a particular case, and the Bill recognises that. It requires fisheries administrations to set out in the joint fisheries statement how they have proportionately applied the objectives in formulating policies. The draft statement will be consulted on and laid before Parliament for scrutiny. The Government and the devolved Administrations have thought carefully about the balance here: we need stretching objectives but the weight that each is given may vary depending on the circumstances of a particular case. I say that being particularly mindful of the words of the noble Baroness, Lady Ritchie of Downpatrick.

For example, the approach suggested by the amendment could lead to the closure of mixed fisheries where most fish stocks were at sustainable levels but some stocks were still in the process of recovery. This could severely restrict demersal fishing operations, as well as cuttlefish trawlers, in the south-west. Cuttlefish and demersal fish brought into south-west ports in 2018 alone were worth £57 million.

Introducing a hierarchy could also undermine the UK’s ability to engage constructively with other countries in international negotiations on shared fish stocks. Were the UK to go into negotiations on the basis that it could sign up only to agreements that met certain environmental criteria, we would run the risk of not having deals.

I return to the issue of devolution. This Bill is the result of all Administrations working collaboratively. My understanding is that the amendment does not command the support of the devolved Administrations.

I return too to the importance of the other objectives in Clause 1. I was interested in what the noble Baroness, Lady Young of Old Scone, said about giving the environment a voice. I refer to the precautionary, ecosystem, scientific evidence, bycatch, equal access,

national benefit and climate change objectives listed in the clause. If that is not giving a voice to the environment, I cannot imagine what is. I entirely agree with the point that the noble Lord, Lord Mann, made about Siberia. It is very important that we have the climate change objectives in the Bill. What my noble friends Lord Lansley and Lord Blencathra had to say on the matter was extremely pertinent. The breadth of the objectives in the Bill recognises the complexities of decision-making and is designed to deliver both environmental protection and a sustainable fishing industry in practice. This complex and dynamic balance lies at the heart of the Bill, and the amendment would upset that critical balance. As I said, it would throw doubt on the weight to be given to the other objectives and on when they could be taken into account as part of the decision-making process.

The balancing act of fisheries management—and, for that matter, of all sustainable development—lies in ensuring that we see social, economic and environmental progress. This is a balance enshrined in Clause 2, which requires the fisheries administrations to set out in their joint fisheries statement how they have interpreted and proportionately applied the objectives in formulating policies. The purpose of that is to ensure that policies do not give undue weight to one objective or element of an objective over others. It means that we must focus on win-win outcomes for the environment and industry, rather than prioritising one over the other. In addition—I say this particularly to my noble friend Lady McIntosh of Pickering—the new framework of environmental governance and principles being created under the Environment Bill provides an additional safeguard to ensure that the UK Government act in an environmentally responsible manner.

What concerns the Government most about the amendment is that it appears to be based on the premise that you are either for the environment or for industry. The amendment squarely prioritises environmental sustainability, even at the cost of a viable UK fishing industry. We believe that that is a false dichotomy. This Government are both for the environment and for a thriving fishing industry. That is why the Bill as currently drafted recognises the complexity and challenges of fisheries management and sets a framework for addressing the challenges in a constructive way. It seeks to ensure that sustained environmental progress and social and economic considerations go hand in hand in a balanced way.

Finally, it is clearly in the interests of the UK fishing industry to fish sustainably. We all know that with no fish, there is no industry. This Government believe that it is by working positively with industry to address this balance that we are most likely to succeed in achieving our environmental outcomes, alongside ensuring a thriving UK fishing industry into the future.

In the spirit of that final point, I turn to Amendment 20 in the name of the noble Lord, Lord Cameron of Dillington. This aims to ensure that fisheries authorities still try to achieve the sustainability objective when diverging from policies within a fisheries statement or fisheries management plan due to a relevant change of circumstances. As the noble Lord's speech was truncated, I will be pleased to hear his further remarks and will obviously take them on board.

As I have made clear, I support fully the principle that we should take decisions which ensure that our fishing sector is sustainable in the long term. The provisions for the fisheries statements in Clause 2(1) and the processes set out in Clause 10 clearly show that decisions will be taken with due regard for the sustainability objective, alongside the other objectives, while providing fisheries authorities with the necessary flexibility to respond to relevant changes of circumstances.

We cannot predict the future and we want legislation that allows adaptation to prevailing circumstances. The relevant changes of circumstances that enable deviation from policies within the fisheries statements are, rightly, set out in Clause 10(4) and are there to enable fisheries authorities to remain flexible and adaptable. For example, it could enable them to take account of new evidence that will require a divergence from policies to improve fisheries management.

I reassure the noble Lord, Lord Cameron, that the provisions in Clause 10 do not enable authorities to deviate from the objectives of the Bill on an arbitrary basis. Fisheries authorities must publish their reasons for deviating from any policy in the joint fisheries statement, explaining what they thought to be a relevant change in circumstance and how that affected their decision. Any unreasonable decision not based on a relevant change in circumstance could be challenged in the courts.

I say also to the noble Lord, Lord Cameron, that the Marine (Scotland) Act requires consideration of all three elements of sustainability—social, economic and environmental—in decision-making on the management of marine conservation zones, for instance. It requires any adverse impacts to be minimised so far as practicable and therefore does not provide an opt-out to prioritise one element of sustainable development over another.

I reiterate that I absolutely respect the views expressed by everyone who has promoted these amendments. However, as noble Lords would expect, it is my responsibility to say that the Government cannot accept them because they would undermine the heart of the Bill. What my noble and learned friend Lord Mackay of Clashfern said is relevant: we are dealing with the law, not with the spirit of what was intended. It is about how this proposal would be interpreted in law. At the heart of the Bill is a wish to find a balanced path towards an environmentally sustainable and thriving fishing industry, and of course to provide government accountability when doing so.

6 pm

Again, all this has been agreed with the devolved Administrations. The Scottish Government have published their legislative consent memorandum, which recommends that their Parliament consent to the Bill. The Welsh Government and DAERA have also published positive memoranda. We welcome this constructive engagement with our devolved colleagues. I say to all noble Lords that, in practice, we have found the collaboration of all the devolved Administrations very strong and positive. We believe that the Bill provides a UK framework for fisheries, providing the best outcome for industry and, essentially, the health of all fish stocks.

[LORD GARDINER OF KIMBLE]

It is difficult when so many noble Lords who have made great contributions are not here, so I say specifically to the noble Lord, Lord Krebs, that the Government accept that there is still more to do to achieve sustainable fish stocks and a healthy marine environment. This is why the Bill includes a robust set of objectives to support environmental sustainability, given effect through the joint fisheries statement. It is why the Bill includes powers to bring forward fisheries management plans that will also contribute to a wider environmental restoration, to which we all aspire and in which we believe. The Government's position is that we can achieve a strong environment and a strong fishing industry hand in hand. We believe that these amendments present great difficulties in achieving that balanced aim.

I well understand that there may, for a number of reasons, be a desire to test the opinion of the House on this matter. However, the noble Lord, Lord Krebs, was generous enough to say that he would give consideration to what I said and, particularly, to what my noble and learned friend Lord Mackay of Clashfern said. Therefore, while mindful of that desire to test the opinion of the House, I respectfully ask the noble Lord to give due consideration to withdrawing his amendment.

**Lord Cameron of Dillington [V]:** My Lords, my reference to the Marine (Scotland) Act was really trying to say that the authorities up there went for the socioeconomic objective rather than the long-term environmental objective and, as a result, six years after the Marine (Scotland) Act, fishing continues in what should be a protected area. As the noble Lord, Lord Krebs, said in his introduction, short-term socioeconomic priorities always seem to trump long-term environmental objectives. Of course, we all know that such an approach is based on a false premise because securing good ocean health provides the strongest possible foundation for a sustainable industry. In response to the noble Earl, Lord Caithness, it is like a farmer nurturing his soil: without that long-term approach, the socioeconomic future of an industry is not realistically secure. Does the Minister not think that we should now endeavour to achieve the sustainability objectives instead of the eight objectives in Clause 1, which, put together, mean very little?

**Lord Gardiner of Kimble:** I would say to the noble Lord, Lord Cameron, that there have now been many iterations of the Bill and a lot of consideration has been given to it. We have a balance of objectives here: sustainability, the three-legged stool and all the many other essential objectives, including—as the noble Lord, Lord Mann, effectively mentioned—addressing climate change. There could be no more important objective than that. The Government believe that the balance we have created with the support of the devolved Administrations offers the strongest possible way forward.

**Lord Krebs [V]:** My Lords, I thank all who have taken part in this important debate; we have heard some interesting and well-informed contributions. Although we are not all of the same view, a clear majority of those who have spoken support the amendment.

I want to pick up on a couple of specific points. The noble Lord, Lord Blencathra, talked about how the different priorities could be balanced, but the difficulty is that Clause 1 contains a fundamental category error. Sustainability is an overarching objective; others, such as the scientific, precautionary and client objectives, are subservient to sustainability. So, it is not a matter of weighing them up against one another; it is a matter of seeing that sustainability is an overarching priority.

I turn to the remarks of the noble Lord, Lord Lansley, who suggested that, in the amendment to Clause 1(2) we had already referred to the three-legged stool. If noble Lords read the amendment carefully, the objective in proposed new paragraph (a) is that

“fisheries and Aquaculture activities do not compromise environmental sustainability in either the long or the short term ... subject to”

—and it then goes on to talk about economic, social and employment benefits.

I now come to the Minister's summing up. I thank him very much for his comments and his thoughtful response to the amendment and the debate. As he said, we are all aiming for the same thing—sustainable fisheries, which mean that today's activities do not compromise the health of the marine environment in the future. He also reiterated the need to balance the three legs of sustainability; indeed, many noble Lords who spoke also referred to the balance of the trade-offs, including the noble Lords, Lord Blencathra, Lord Teverson, Lord Randall of Uxbridge and Lord Cameron of Dillington, and the noble Baronesses, Lady Ritchie of Downpatrick, Lady Bakewell of Hardington Mandeville, and Lady Jones of Whitchurch.

The Minister said that he thought that the three legs of the stool should be given equal weight. I have difficulty with that because, when I think of weighing something, I need a currency to weigh it in—is it pounds or ounces, kilograms or grams, or what? I am also unconvinced by his explanation of how the trade-offs will be made. Is it mathematical so that, for example, 100 jobs are worth one fish stock? Is it a purely political judgement? If so, by whom and on what basis? Is it a response to lobbying, where those who shout loudest get their way? That would clearly be unsatisfactory. I did a quick search of the specialist literature on how these three legs of the sustainability stool are balanced; the literature suggests that no one has cracked this problem. So, we have to take it on trust that the Government have a solution to the problem secretly up their sleeve. I am afraid I cannot take that on trust.

The Minister also referred to compromising our position in international negotiations. Surely, however, setting out a strong position by saying that we are at the top of the world league table in stewarding our marine environment, along with countries such as Australia and New Zealand, would be a very good starting point for any international negotiation. In view of the fact that I am not convinced that the safeguards proposed will be sufficient to protect the marine environment, I wish to test the opinion of the House.

6.09 pm

*Division conducted remotely on Amendment 2*

*Contents 310; Not-Contents 251.*

*Amendment 2 agreed.*

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6.27 pm

**The Deputy Speaker (Baroness Henig) (Lab):** We now come to the group consisting of Amendment 3. I remind noble Lords that Members other than the mover and the Minister may speak only once and that

short questions of elucidation are discouraged. Anyone wishing to press the amendment to a Division should make that clear in debate.

### *Amendment 3*

*Moved by Lord Krebs*

3: Clause 1, page 2, line 17, leave out subsection (6) and insert—

“(6) The “bycatch objective” is to reduce bycatch and bycatch mortality in support of sustainably managing fisheries, and supporting and conserving protected species.”

Member’s explanatory statement

This amendment ensures that the bycatch objective focuses on the outcomes rather than on the processes that might lead to the outcomes. It also brings the objective into line with practices in other jurisdictions.

**Lord Krebs [V]:** My Lords, I hope and expect that this amendment will not take as long as Amendment 2, so I will be very brief in my introduction. First, I thank the Minister and his officials for their very helpful discussions on the question of bycatch, and my Oxford University colleague Professor EJ Milner-Gulland for her expertise and advice in drafting the amendment.

The purpose of this amendment is to ensure that the bycatch objective focuses on the desired outcome, rather than on the processes that might contribute to the outcome. As drafted, the objective appears to focus primarily on undersized and unwanted fish species rather than on the wider marine environment. Yet we know that, globally, non-selective fishing gear—including long lines, gill nets and trawling—causes major mortality among non-target species. According to WWF, bycatch is the single largest cause of mortality in small cetaceans; it causes significant mortality in turtles and 26 species of seabirds; and it destroys large areas of coral reef. North Sea trawlers are estimated to discard up to 150,000 tonnes of marine invertebrates annually, including starfish, sea urchins, sponges and marine worms.

In Committee, the Minister assured us:

“The Government are resolutely committed to minimising bycatch of sensitive species as much as is practically possible”.—[*Official Report*, 2/3/20; col. 461.]

That is absolutely in line with the purpose of this amendment. He also referred specifically to seabirds, cetaceans, sharks and rays, and to the definition of “sensitive species”, which goes wider than the category of endangered species. Furthermore, he pointed out that the ecosystem objective encompasses the bycatch of species that are not covered by the bycatch objective.

In short, the intent of the Bill seems to me quite appropriate, although it may appear to some to be slightly confusing to have the issue of bycatch spread across two fisheries objectives. It would be very helpful if, in his reply, the Minister were able to remove any ambiguity by confirming that the bycatch objective aims to reduce bycatch—and bycatch mortality—to support the conservation of not only fish stocks but the wider marine environment. I beg to move.

**Baroness McIntosh of Pickering [V]:** My Lords, I congratulate the noble Lord, Lord Krebs, on bringing forward this amendment, which I have signed and am lending my support to. The amendment seeks to delete

subsection (6) from the original Clause 1. I have particular difficulty with subsection (6)(c) and the wording therein. It says that,

“bycatch that is fish is landed, but only where this is appropriate and ... does not create an incentive to catch fish that are below minimum conservation reference size”.

My noble friend Lord Gardiner will recall my disappointment in Committee that the original Bill had looked to have a discard objective. I would still place on record my belief that that is preferable to bycatch, or should be seen as additional to bycatch. During his comments in Committee my noble friend said:

“One limb of the bycatch objective is that catches are recorded and accounted for. We will improve the accuracy of the data available on fishing mortality and enable sustainable quota setting that avoids overfishing”.—[*Official Report*, 2/3/20; col. 425.]

I will take this opportunity to ask my noble friend how he expects to achieve that. As a supplementary point, it would be helpful to understand precisely what the bycatch objective is.

**Lord Randall of Uxbridge [V]:** My Lords, the noble Lord, Lord Krebs, has put this very succinctly. I have concerns, not just about the fish bycatch but about the wider marine environment, which he mentioned. It may be of interest to noble Lords that Saturday was World Albatross Day. As many noble Lords will know, a large number of the world’s population of those birds breed in the UK’s overseas territories so, as well as having a general interest in biodiversity, we should all take this seriously. On the subject of albatrosses and other sea-bird bycatch, I recommend that, if he has not already, the Minister looks at a British invention called Hookpod that cuts sea-bird bycatch on long-line fishing. I will not detain the House with a long discussion of it, but it has made significant progress in reducing that bycatch in a cost-effective way. I would be interested in what the Minister says on the whole subject of bycatch, because I have great concerns about it.

**Lord Teverson:** My Lords, I like this amendment very much. The noble Lord, Lord Krebs, has managed to write out and explain clearly exactly what a bycatch objective should be whereas, in the Bill, there is not so much that and more a breakdown of how it will be achieved. Having said that, I congratulate the Government on their determination to stop discarding and to prevent bycatch or at least ensure that, if caught, it has to be landed and accounted for. That is the positive side, but the definition in the amendment proposed by the noble Lord, Lord Krebs, is a much better one. To make sure that the bycatch objective is actually fulfilled, I hope that the Government will support the amendment on remote electronic monitoring, which the House will probably deal with on Wednesday.

**Baroness Jones of Whitchurch:** My Lords, I am grateful to the noble Lord, Lord Krebs, for tabling the amendment and for succinctly and ably addressing the concerns that we raised in Committee about the definition of the bycatch objective in the Bill. We were concerned that the existing wording, which referred to bycatch below minimum sustainable yields being “avoided or reduced”, and bycatch to be landed but only when

[BARONESS JONES OF WHITCHURCH] “appropriate”, lacked the rigour and systematic monitoring of bycatch and discards which the UK Government had agreed. As other noble Lords have said, this issue was explored thoroughly and expertly by the report of the EU Energy and Environment Sub-Committee. It confirmed the case for an absolute ban on discards, but also identified how the policy was being undermined. We believe that urgent action is needed to make a more stringent policy a reality.

The noble Lord, Lord Krebs, has now taken the debate further by seeking to better define the outcome of a bycatch objective. The outcome should be defined not by whether the bycatch is landed or not, but by whether bycatch is reduced using sustainable fishing applications. Obviously we want to drive this down to the absolute minimum. As the noble Lord, Lord Teverson, said, this will be increasingly achievable as we harness the advantages of new technology, particularly the application of remote electronic monitoring, which will be dealt with on a later amendment. We should also learn the lessons of the now discredited catch app, which threatened fishers with legal prosecution from the Marine Management Organisation if they failed to record their catch accurately on the app.

We support this amendment, which adds considerable clarity to the need for bycatch objective, and hope that the Minister will feel able to accept it.

**Lord Gardiner of Kimble:** My Lords, I am grateful to the noble Lord, Lord Krebs, for this amendment, because it provides me with an opportunity to expand on the Government’s position on bycatch. As he said, we had a most productive meeting before lockdown. All the scientists getting together was fascinating; I tried to keep up with them. The Government are fully committed to ensuring that our stocks are fished sustainably, and to ending the wasteful practice of discarding. We now have an opportunity to develop, for the first time, a catching and discards policy tailored to our own marine environment and our diverse fishing industry. As is made clear through the bycatch and ecosystem objectives in the Bill, it is the Government’s intention that we adopt a more holistic approach for our future policies. We will seek to address the challenges of the wider ecosystem, rather than looking at each area in isolation.

Therefore, I emphasise that the Government wholeheartedly agree with the principle behind the noble Lord’s amendment. We aim to reduce the level of catches and mortality of bycatch to protect and conserve vulnerable fish stocks and, I emphasise, other protected species—I was most grateful to my noble friend Lord Randall for mentioning the albatross, for instance. However, we certainly want to work towards a holistic way of reducing and avoiding bycatch.

Indeed, we believe that the current bycatch objective actually goes further than the noble Lord’s amendment, by setting out a number of sub-objectives. The Government and the devolved Administrations will be legally bound to set out policies relating to all of these sub-objectives in the joint fisheries statement. I therefore hope that this will help my noble friend Lady McIntosh of Pickering.

Clause 1(6)(a) states that bycatch, and the catching of fish that are below minimum conservation reference size, should be reduced. That is similar to the noble Lord’s amendment, but our objective goes on to stipulate that we will also work to avoid it entirely where we can—I say to the noble Lord, Lord Teverson, that it is important that we are working towards avoidance rather than reduction. That might be achieved through more selective fishing practices—I think the noble Baroness, Lady Jones of Whitchurch, alluded to that—and we think that is a stronger position to be in on the matter.

The specific reduction or avoidance in catching those fish which are under minimum conservation reference size, or juvenile fish, is important in the Bill’s objective too. It is particularly important to protect those juvenile fish, as they are, quite clearly, what sustain the stocks for the future. These fish can be at specific risk of being targeted and then sold on or used as bait, which is why paragraph (c) specifically notes that policies must be set out to avoid creating a market for the landing of those fish.

Paragraph (b) of the bycatch objective in Clause 1(6) also sets out the need for accurate recording and accounting for of all catches, which is essential in capping overall mortality. By not accurately recording all catches, we believe that we risk introducing uncertainty in whether stocks are being fished at or beyond MSY—maximum sustainable yield. The amendment proposed by the noble Lord removes some of this detail which, in practical terms, we believe may unintentionally undermine the sustainability of our stocks and may mean that protected species are not conserved. I know that that is not the intent of the noble Lord or of any noble Lords in this amendment.

The bycatch objective in the Bill has been carefully thought through and worded in such a way as to tackle not only discarding itself but also the root cause of discarding in the accidental take of fish. As I say, I found our discussion with the scientists stimulating, but I hope that these further remarks on this issue will help the noble Lord to feel able to withdraw his amendment.

**Lord Krebs [V]:** I thank all noble Lords who have taken part in this short debate. I think that we are all agreed on the purpose of the amendment and the intention to make the bycatch objective contribute to the sustainable management of our marine environment. I also thank the Minister for his reply, although he was rather too modest in his account of following the science; he was very good at asking the hard questions that put the scientists firmly on the spot.

However, on the substance, the Minister has provided the reassurance that I sought. To recap what I understood him to have said, the bycatch objective aims to reduce bycatch and bycatch mortality as part of sustainable fisheries management in order to support the conservation of fish stocks and the wider marine environment. Although I would prefer to reword the bycatch objective as I proposed in the amendment, I am content that the Minister’s statement in his reply explains the Government’s position, which is in fact that which we had hoped to reach in tabling this amendment. I therefore beg leave to withdraw.

*Amendment 3 withdrawn.*

6.43 pm

*Sitting suspended.*

7.13 pm

#### *Amendment 4*

*Moved by Lord Mackay of Clashfern*

**4:** Clause 1, page 2, line 29, leave out subsection (8) and insert—

“(8) The “national benefit objective” is that—

- (a) fishing activities of UK fishing boats bring social, economic and employment benefits to the United Kingdom or any part of the United Kingdom, and
- (b) fish and aquaculture activities are managed to achieve economic, social and employment benefits and contribute to communities in all parts of the United Kingdom.”

Member’s explanatory statement

This amendment defines the “national benefit objective” to ensure any measures introduced by the Bill support and grow the UK fishing industry.

**The Deputy Speaker (Lord Bates) (Con):** I remind noble Lords that Members other than the mover of an amendment and the Minister may speak only once and that short questions of elucidation are discouraged. Anyone wishing to press this or any other amendment in the group to a Division should make that clear in the debate.

**Lord Mackay of Clashfern [V]:** My Lords, I listened with a certain amount of concern to what the noble Lord, Lord Hain, said about the difficulties of securing an agreement on this matter. I am glad to say that, so far as this Bill is concerned, we assume that there will be an agreement on the fisheries matter. The principles and the legal situation are fairly clear; it is a question of reaching an agreement, for a change.

My concern in this amendment is to benefit the people mainly affected by the fisheries situation. The objective is to have fisheries managed in such a way as to achieve economic, social and employment benefits and contribute to communities in all parts of the United Kingdom. If the negotiations are successful, the Government should be required to think of the people who are employed in the fisheries industry, and the national objective should guide future secondary legislation in the context of considering its social, economic and employment impact.

This amendment also raises the issue of the economic link that needs to be adapted in line with other duties in the Bill. The economic link requires some degree of proportionate benefit to the UK from its fisheries, even when the fish is landed abroad. It is sometimes suggested that it should be required that fish caught in UK waters be landed in UK ports, but it is obvious that in some circumstances it is beneficial from the point of view of disposing of cargo that the fish should be landed elsewhere, so I do not think it is a particularly useful idea in that context.

The amendment gives an opportunity to press the Minister and the Government to grow the industry in economic, social and employment terms. I wonder whether there is a vision for doing that. Who are they consulting to develop the vision? Will the Government be carrying out any formal consultation to gather the

views of wider stakeholders? What engagement are the Government having with local authorities and local enterprise partnerships to collaborate on that plan for growing the fishery industry in their region? I beg to move.

**Lord Lansley:** My Lords, Amendment 23 in my name is in this group. It and Amendment 4 are grouped together because they relate in their various ways to the economic benefits that are to be derived from sea fishing activities, but my amendment is quite specific and I will explain why I commend it to the House.

When we get to Clause 15 later in the Bill, your Lordships will recall that a power is granted to license boats engaged in fishing and that various specific powers may be granted by reference to that licence. They are included in Clause 15(2) and are amplified in Schedule 3. Schedule 3 makes further provisions relating to sea fishing licences. Looking at it, I was surprised that, given the importance placed on the economic links that are applied in conditions to licences by all fisheries policy authorities nowadays, there was nothing in the legislation that provides a specific reference to the use of those economic conditions. When I looked at Clause 15 and Schedule 3, I could see that the original material, principally from the Sea Fish (Conservation) Act 1967, which originated the power for these licences, has been reproduced in the legislation before us—with, I might say, the benefit of better and more concise drafting. None the less, the purposes seemed to be the same.

However, it seems to me that the purposes of licensing are now established to go more widely and to include economic conditions. I do not need to explain the conditions, because we have debated these in a number of contexts in a number of debates in Committee. There is no real debate about whether there should be economic conditions attached to licences. Indeed, the Government’s position, if I understand it correctly, is that they want further to reinforce such conditions; that is part of the objectives. I found it very odd, therefore, that statutory backing was not given, at this stage, by reference in the Bill to the inclusion of such economic links.

In Amendment 23, I have made the following suggestion. Paragraph (2) of Schedule 3 lists:

“The conditions that may be attached to a sea fishing licence include, in particular, conditions”

to which my amendment would add the same language used elsewhere, as we have talked about, of

“conferring economic, social or employment benefits to the United Kingdom or any part of the United Kingdom.”

This would give statutory force to the Government’s intentions in relation to future licences for fishing boats.

We may not reach the point at which this amendment arises until Wednesday, although we are debating it today. I simply say that it is my hope that, even at this late stage, Ministers will reflect on whether, on Wednesday, this is something that they might like yet to adopt into the Bill.

**Baroness Ritchie of Downpatrick [V]:** My Lords, like the noble Lord, Lord Hain, I agree that the common fisheries policy, under the European Union, provided

[BARONESS RITCHIE OF DOWNPATRICK]

quite substantial progress for fishing, notwithstanding the challenges it presented to fishers and the processing sector. However, I should acknowledge that many in the fishing industry were deeply unhappy about its consequences and would urge the Government to replace it with something that enables the fishing industry to grow and prosper.

I understand where the noble and learned Lord, Lord Mackay of Clashfern, is coming from. As somebody who was a remainer, I none the less accept the outcome of the referendum, and I agree with the principle that there must be a vision for the UK fishing industry. In that vision, there must be objectives—not just environmental and sustainability objectives but clearly stated economic and social objectives, to ensure that our coastal communities can grow.

Reference has been made to the fact that fish can be landed in UK ports or elsewhere. I come from a community in County Down, in Northern Ireland, where there are three fishing ports. On numerous occasions, due to inadequate depth at the harbour mouths caused by siltation, larger ships with processing facilities, and native to the area, are unable to land their processed catch. Some do it in ports in the Republic of Ireland, others in Britain, and some in Norway. There are currently applications with DAERA, the department with responsibility for fisheries in Northern Ireland, for infrastructural improvements—some have been with the department for several years—but no decisions have yet been taken. That has placed a halt on the development of infrastructure and the economic and social objectives of the fishing industry under the devolved Administration in Northern Ireland.

A second objective should be training facilities, which should be enhanced to ensure that young people and older people—I would not wish to be ageist—are encouraged to enter the fish training sphere to become fishers. In that respect, there needs to be a two-pronged approach. While the training infrastructure has to be built up, I would like to hear from the Minister whether there has been any further progress towards the Home Office licensing the Filipino fishermen who have provided a much-needed training and fishing resource in ports throughout the United Kingdom.

I support a vision to grow and ensure the prosperity of the UK fishing industry from an economic and social perspective, and to ensure that fish and aquaculture activities are so managed to achieve those objectives. I therefore understand and empathise with the amendment tabled by the noble and learned Lord, Lord Mackay of Clashfern.

**Lord Naseby (Con):** My Lords, I apologise to my noble friend the Minister for not being able to take part in the Second Reading of this very important Bill. I come to this from the perspective of someone who used to look at legislation in great detail in the other place to decide whether Bills were overarching Bills, out of which would flow secondary legislation, or ones that would generate very little secondary legislation.

This Bill deals with the key objectives behind a very novel situation for us as a country as we leave the EU, in the sense that 60% of the fish caught in the UK's exclusive economic zone were not caught by the UK fleet.

It is very transitional, in the sense not just of time but of quantum. A huge change will take place. One has to look only at the scale of Norway to understand the real size of this change.

Against that situation, and as someone who was in commerce and industry for most of my life before I entered the other place, I believe that objectives have to be clear and not very long. There is nothing wrong with the sentiment of what my noble and learned friend Lord Mackay of Clashfern puts forward; they are clear objectives. However, I am grateful to the Scottish Fishermen's Federation, which reminds us in its briefing that this is enabling legislation. It is framework legislation that provides for arrangements to be developed for fisheries management in the UK. They are workable in their current form, but the Scottish Fishermen's Federation cautions against amendments that would add unnecessary complexity through primary statute when the detail that will be needed for fisheries management and managers should rightly lie in secondary legislation made through the Bill's powers that reflect what is needed.

I am on that side: the side of clear, precise objectives. That does not mean that I am against what my noble and learned friend and others are saying, but that is underneath the clear objectives. Therefore, I am not in a position to support these amendments.

**Baroness McIntosh of Pickering [V]:** My Lords, I thank my noble and learned friend Lord Mackay of Clashfern for bringing forward Amendment 4, which I support. My question in regard to that amendment and that of my noble friend Lord Lansley is the relationship between these amendments and the devolved Administrations. I pay tribute to the Minister, who I know has spent a great deal of time trying to ensure that the devolution aspects in relation to the devolved Administrations are respected as far as possible. If we were to accept this amendment, how would it impact on the way in which this provision would be interpreted by the devolved Administrations?

7.30 pm

**Lord Teverson:** My Lords, I do not have very strong opinions on these amendments or the way in which they are drafted. Clearly, there need to be economic and social benefits from an industry. In fisheries, that is more important than most because coastal communities very much depend on that sector. We sometimes forget that the food processing industry is the UK's largest industry—chemicals is second—of which fisheries is an important part, particularly in areas on the east coast such as Grimsby and Hull. It is vital that we get landings into the UK, although—ironically—often in food processing, the arrival of the fish is not by boat but by an articulated vehicle that has just come across the other side of the channel. That is the way that the industry works, and we sometimes forget that.

I am generally in favour of the amendment of the noble Lord, Lord Lansley. That is a good way to do it. Having said that, we have further amendments that are more specific about the economic benefit. That is where we have to decide where the balance, to use the Minister's phrase, lies. We need to be more specific about the way that is done, whether it is through a licence or a new

clause in the Bill. I generally would favour the latter. The most important thing, as the noble Lord, Lord Hain, said on our first amendment, is that whatever we bring and land in the UK, we export a huge proportion of that, and we need to have the trade deal to be able to do that. I am more optimistic about that than I was, given the Prime Minister's video discussions with the European Commission. We hope that things will start to move very soon.

Tomorrow Michel Barnier will be talking about this area at an EU committee, and I have a question on fisheries. We need to make sure that whatever we land, if we are not going to eat it, we need to export it and add value to it. That is the key economic point that we need to remember.

**Lord Grantchester (Lab):** My Lords, the amendments tabled by the noble and learned Lord, Lord Mackay of Clashfern, and the noble Lord, Lord Lansley, raise interesting points on the economic benefits that we want fishing-related activities to generate. This is an area that was touched on by several groups of amendments and it is the core focus around Amendment 22, tabled in the name of my noble friend Lady Jones of Whitchurch. Fishing might be a small sector when compared to other parts of the economy, but that should not diminish its importance, particularly at the local community level, where it is key to many people's sense of identity as well as their employment opportunities.

The measures in this Bill are supposedly designed to help fisheries flourish. It therefore struck me as slightly perverse that the original version of the Bill included employment as part of the sustainability objective but not as part of the national benefit objective. I cannot believe that the Government, who have so often claimed to be on the side of coastal communities, do not believe that boosting employment in the fisheries sector is in the national interest and that fishing activities have to be so managed as to contribute to economic well-being.

In Amendment 4, there is a case for looking at the revision of the national benefit objective, and for including something on economic and employment benefits in relation to licensing conditions. I am sure that the Minister will say that employment is implicitly included under the socioeconomic heading. If that is the case, why did the Government include explicit reference to it elsewhere in the Bill?

While these amendments are important, I believe the later amendments will have a more significant impact when it comes to strengthening the social, economic and employment benefits of fisheries and aquaculture activities.

**Baroness Bloomfield of Hinton Waldrist (Con):** My Lords, I thank my noble and learned friend for Amendment 4, which seeks to make sure that fishing and aquaculture activities contribute to communities around the UK. I share his optimism with regard to reaching an agreement soon.

These are indeed very important sectors. This is in part due to the role they play in the communities in which they are located, largely in coastal areas, but also because of the wider contribution they make in providing a vital source of food for the nation. I am

therefore grateful for the opportunity my noble and learned friend has provided for me to highlight that the Government have already included provisions in the Bill to address these matters and so to illustrate why this amendment is not required.

One limb of the sustainability objective in Clause 1 already seeks to ensure that fish and aquaculture activities are managed so as to achieve economic, social and employment benefits. The Bill requires the fisheries administrations to set out their policies for achieving this objective and the other objectives in the legally binding joint fisheries statement. I suggest that this regime already provided for in the Bill is more appropriate for the development and implementation of socioeconomic policies than is the use of vessel licence conditions. Vessel licence conditions are more commonly used for matters relating to where a vessel can fish, how it can do so and where it must land fish. In England the Marine Management Organisation is the licensing authority. While it may be appropriate for the MMO to impose conditions relating to fishing activities, policies on socioeconomic and employment matters are for Ministers.

Amendment 23 in the name of my noble friend Lord Lansley sets out an approach very much in line with the Government's general policy on the economic link, in that it seeks to clarify that the sea fish licensing authorities have the power to ensure that an economic link exists between the vessels they license and the United Kingdom, or parts of the United Kingdom. I reassure my noble friend that the licensing provisions in Schedule 3 to the Bill reproduce but give greater clarity to the licensing powers provided for in the Sea Fish (Conservation) Act 1967. Lawyers have confirmed that these powers already provide sufficient scope for the sea fish licensing authorities to include in all licences issued to UK fishing vessels an economic link that ensures that economic benefits accrue to the United Kingdom.

As I have explained previously, this condition can be met by vessels fishing against UK quota through a variety of ways: landing at least 50% of their quota stock catch into UK ports; employing a crew at least 50% of whom are normally UK resident; spending at least 50% of operating expenditure in UK coastal areas; or demonstrating an economic link in another way, usually through the donation of quota to the under-10-metre pool.

I hope it will reassure my noble friend that the Government have been clear that they intend to review the economic condition in England this year, with a view to it following the end of the transition period. This was noted in our fisheries White Paper, and I have restated this intent in earlier debates on this Bill. Vessel licensing is a devolved matter, and the Scottish Government carried out their own consultation on proposed changes to economic link conditions in their licensing in 2017.

I would like to reassure the noble Baroness, Lady Ritchie of Downpatrick, that the Government fully intend to encourage the regeneration of coastal communities and that this is the purpose of the economic link. Indeed, this Bill reflects the Government's vision for a thriving, vibrant fishing industry in all four nations.

[BARONESS BLOOMFIELD OF HINTON WALDRIST]

The noble Baroness also asked about the Home Office adjudication on migration and people who could be employed by the fishing industry; I believe we have been able to provide some reassurance in that regard.

In answer to my noble friend Lady McIntosh of Pickering, the Government have worked closely with all the devolved Administrations to establish the fisheries objectives for the whole of the UK, including the setting of the sustainability objective. Economic and social benefits are the key pillars of these objectives, and policies in these areas will be set out in the joint fisheries statement. As I have said already, vessel licensing is a devolved matter and the Scottish Government have already carried out their own consultation.

In summary, this Bill provides the powers necessary to continue including the existing economic link in vessel licences. It also provides powers to introduce other measures for ensuring that economic and social benefits accrue to the UK from the fishing activity of the UK fishing fleet. I hope that this will assure my noble and learned friend that this is an area that has already been carefully considered by the Government and provided for within the Bill and that he will feel able to withdraw his amendment.

**Lord Mackay of Clashfern [V]:** My Lords, I am highly satisfied with that answer and with pleasure I beg leave to withdraw my amendment.

*Amendment 4 withdrawn.*

#### *Amendment 5*

*Moved by Lord Mackay of Clashfern*

5: Clause 1, page 2, line 35, at end insert—

“( ) In addition to the fisheries objectives, section (Duty to sustain the UK fishing industry workforce) outlines responsibilities towards the UK fishing industry workforce.”

**The Deputy Speaker (Baroness Garden of Frogna)** (LD): We now come to the group beginning with Amendment 5. I remind noble Lords that Members other than the mover and the Minister may speak only once and that short questions of elucidation are discouraged. Anyone wishing to press this or any other amendment in this group to a Division should make that clear in the debate.

**Lord Mackay of Clashfern [V]:** My Lords, this amendment is intended to focus on the need to consider the workforce in the fishing industry. The sea food sector employs around 33,000 persons, including 12,000 fishers, and contributes £1.5 billion a year to the UK economy. It is therefore important that, after we become an independent coastal state, we take steps to protect and enhance the safety of workers across the industry. As anyone who knows anything about it knows, there are risks involved in being a fisherman.

We need to develop a positive, modern legal and training infrastructure that will help to grow and sustain the domestic workforce. We also need an immigration system that allows United Kingdom vessels to continue to recruit skilled non-UK nationals on to their crews. I would submit that this is an important consideration because the workforce is very important. I commend the amendment to your Lordships.

**Baroness Ritchie of Downpatrick [V]:** My Lords, I support the principles behind the amendment moved by the noble and learned Lord, Lord Mackay of Clashfern. Like him, I firmly believe that the people in our fishing workforce need to be protected, to receive all the training that is available to them, and that further training should be developed for them. Many people have perished in order to ensure that we have food from fishing that we can enjoy. This is an industry that carries a lot of risk for fishermen and fishers and they should receive all the protection that they can.

I should like also to speak to Amendment 6 in this group. The Government, in consultation with the devolved Administrations, should bring forward a strategy as a result of this Bill to build and sustain the UK fishing workforce. Probably the best way to do that is through working directly with the devolved Administrations, because obviously this would be a devolved function. We must see a resurgence of the training schools running alongside granting permissions for migrant Filipino labour—the Minister has mentioned that assurances have been provided in that regard. I would be very pleased if we could see the assurances in relation to this issue set out in writing, if that is not too much bother.

All of us want to see vibrant coastal fishing communities because fishing is the kernel of their regeneration, offering employment with no tie-ups and providing direct links to the processing, retailing and supply chains. Local supermarkets should supply locally caught fish to boost the industry and employment prospects within it.

Therefore, it must be an integrated strategy covering all aspects of the sector with clear goals and objectives to meet the Government’s responsibilities towards the industry’s workforce, as required by Amendments 5 and 6 in the name of the noble and learned Lord, Lord Mackay. Workers need to be protected; there must be high safety standards within all sectors—we all know people who have died while fishing at sea in the pursuit of bringing high-quality food to our table. I am content to support these amendments.

7.45 pm

**Baroness McIntosh of Pickering [V]:** My Lords, I too support the amendments and thank my noble and learned friend Lord Mackay of Clashfern for bringing them before the House. The amendments reflect the sad fact that farming and fishing are two of our most dangerous industries, with perhaps a higher number of casualties and fatalities than any other. However, is it the Minister’s position that the sentiments behind Amendments 5 and 6 fall better within normal health and safety legislation and wider maritime law, which would be the usual place for such amendments to be found? Having said that, I welcome this opportunity to consider the great service that our fishermen do in battling the elements and bringing their excellent produce to our tables.

**Lord Lansley:** My Lords, I join my noble and learned friend Lord Mackay and other noble Lords in paying tribute to the courage, fortitude and skill of those who work in our fishing fleets. In that sense, I think that we are all very much behind the spirit of the two amendments.

I hope that it will be unnecessary to insert an additional clause on sustaining the workforce, because it is implied by the fisheries objectives as they exist, but I hope that the Minister might also tell us more about the ways in which the Government are proposing to assist Seafish, the NDPB which under the Fisheries Act 1981 has responsibility to provide support to the workforce of the sea fish industry and, under regulations introduced in 1982, the ability to place a levy on the first sale of sea foods in this country. Its corporate plan is due to be renewed. It would be helpful, if not this evening then perhaps subsequently in a letter placed in the Library of the House, if the Minister were able to say something about how the Government hope to support Seafish in its endeavours. Its last corporate plan had as one of its five challenges to support a safe and skilled workforce. The issues that we are talking about, of recruitment to the industry, of training for those in it and the achievement of an as-safe-as-possible working environment for them, are things that Seafish is endeavouring to address, and we want to see it supported.

**Baroness Bakewell of Hardington Mandeville [V]:** My Lords, I shall speak briefly to Amendments 5 and 6. As all noble Lords have said, the fishing industry is nothing without its workforce, whether they work on vessels in the process of fishing or onshore in packing and processing plants. This workforce deserves to be treated properly and protected.

This is an occupation that is not for the faint-hearted. The seas are not as calm as millponds but often have raging storms, yet trawlers go out to sea in all weathers in order to catch fish. There are, unfortunately, accidents resulting in serious injuries and, as we have heard, occasional deaths. The onshore packing industry can also be fraught with danger. It is essential that the fishing industry workforce be trained, and it should be protected as much as is reasonably possible from accidents and death.

The noble and learned Lord, Lord Mackay of Clashfern, has set out his arguments, as he always does, with great clarity and force. I support him in his efforts to ensure that the Government implement a legal training infrastructure for the fishing industry and workforce, and that the immigration regulations allow for a sufficient workforce to be available for the fishing industry.

**Lord Grantchester:** My Lords, I am grateful to the noble and learned Lord, Lord Mackay of Clashfern, for tabling these amendments. My noble friend Lady Jones of Whitchurch tabled similar elements in Committee following discussions with the National Federation of Fishermen's Organisations, and we welcome the opportunity for the Minister to elaborate on the earlier response.

As was said on the last group of amendments, there are clear benefits to promoting jobs in fisheries and aquaculture. If we want to encourage new entrants into the sector, as my Amendment 29 seeks to do, we need to ensure that the infrastructure is in place to support that. Amendments 5 and 6 outline steps that may help to move things forward. The new clause of the Bill proposed in Amendment 6 would require the Government to publish a strategy outlining steps to enhance the safety of crew and provide better training

opportunities that will surely be needed in activities to adapt to climate change. The Minister assured the House in Committee that all these points are covered and that responsibilities exist across various departments and agencies, as spoken to by the noble Baroness, Lady McIntosh. That may be the case on one level, but the National Federation of Fishermen's Organisations would not have felt the need to push for such amendments to the Bill if it felt that the current system was working properly and producing results.

The Minister said in Committee that this is an area where we have a duty to coastal communities to show that we are on their side. I hope that the Minister can do that by going further in response today, including acknowledging that demands for safe working practices need to be reflected here and that there is always more that can be done.

**Baroness Bloomfield of Hinton Waldrist:** My Lords, I am grateful for my noble and learned friend Lord Mackay's proposed amendments on two crucial aspects facing the fishing industry—namely, making it safer and more attractive to work in. As my noble friend Lord Lansley said, we can all only agree with the spirit of these two amendments.

I will address the issues in turn, but first I want to clarify my comments to the noble Baroness, Lady Ritchie of Downpatrick. I will write to her specifically on the question of Filipino crew, but on 28 January this year the Migration Advisory Committee published its report to the Home Secretary on a points-based immigration system. The Government are currently considering the report's recommendations before setting out further details on the UK's future immigration system. As I have said, I will write with further details and put a copy in the Library.

I will address in turn the issues raised by my noble and learned friend Lord Mackay. As we reflected at Second Reading, commercial fishing is without doubt one of the most dangerous occupations in the world. The industry still loses too many lives and fishermen suffer too many often life-changing injuries. I think we all agree that more needs to be done. However, I am not convinced that more legislation, or indeed yet another strategy, is the way forward here. What is perhaps needed is better implementation of the existing and extensive framework of legislation and training and, above all, behaviour change from within the industry itself.

I am pleased to see how innovation has also helped in the design of personal flotation devices, which are much better designed and interfere less with what is often a very manual job. These modern PFDs, as they are known, can include personal locator beacons, which can speed up the search in the unfortunate event of someone going overboard. Technology and innovation are helping, and attitudes are changing, albeit slowly. However, I am afraid there are still pockets where the wearing of personal flotation devices is ridiculed or where, perhaps through habit or poor judgment about risk, they are not worn at the most appropriate times—for example, when getting on and off vessels.

It is perhaps helpful to again set out briefly that extensive support and material are already available. The Maritime and Coastguard Agency publishes a

[BARONESS BLOOMFIELD OF HINTON WALDRIST]  
 guide to fishermen's safety, which is updated regularly. This comprehensive guide covers over 100 pages of responsibilities, obligations, risk assessment, vessel safety, personal safety, fishing operations, health and welfare, emergencies and training, and this helps to navigate through the comprehensive legislation already in place. On top of this, the Sea Fish Industry Authority collaborates closely with the industry, with government and with other organisations to help reduce the number of fatalities and accidents that involve fishermen, and to improve overall safety at sea. Working closely with the Maritime and Coastguard Agency and the RNLI, this work includes the development and delivery of safety training courses for fishermen. I am pleased that the industry itself is taking the issue seriously, with the National Federation of Fishermen's Organisations having a dedicated safety and training officer. The NFFO and Scottish Fishermen's Federation have both produced a wealth of material on the subject, and also represent the sector on a number of boards and committees relating to safety.

Clearly, Covid-19 has created new challenges for the fishing industry to remain safe while working at sea. The Government's outdoor working guidance provides guidelines for businesses to conduct risk assessments and to create a working environment that is as safe as possible in these difficult circumstances. The Government have also set up a safer working group for the English industry, with representatives from across the different sectors of the fishing industry, local government, the MCA and the MMO to help industry bodies collaborate with each other and with enforcement bodies on safer working practices and materials. We will continue to support the industry to disseminate messages on safer working from the existing Government guidance and industry-led initiatives.

Turning now to the issue of ensuring that the infrastructure for a sustainable work force is in place, Seafish has a fishermen's training team which again produces a plethora of material and co-ordinates training opportunities, and which works very closely with the industry. I am pleased to note that Seafish and the training providers have adapted this, given the Covid-19 situation. In answer to the question from my noble friend Lord Lansley about our work with Seafish, both the Department for Transport and the MCA have funded almost £3 million-worth of safety training for free since 2008, and this has been matched by Seafish using European funding schemes, delivering nearly 4,000 training courses and over 26,000 training places.

I would also point to the very good work of the seafood industry leadership group, again established by Seafish, to deliver Seafood 2040, a strategic framework for England. This initiative will deliver a single cross-sector seafood training and skills plan, aiming to support businesses in the seafood supply chain to recruit workers with suitable skills. The industry has to take responsibility, too, for the sustainable development of the sector, thinking about how it can make itself more attractive to new entrants, perhaps through pay and different contractual and employment practices, and also looking to the future, thinking about automation and technology. With this explanation, I hope that my noble and learned friend will feel able to withdraw his amendment.

**Lord Mackay of Clashfern [V]:** I am very happy to withdraw Amendment 5, and not to move Amendment 6. I thank the Minister for her very helpful comments on both groups of amendments I have spoken to this evening, and I thank all noble Lords for their contributions. I am glad to think that I am going to be silent for a little while now.

*Amendment 5 withdrawn.*

*Amendment 6 not moved.*

### **Clause 2: Joint fisheries statement**

#### *Amendment 7*

#### *Moved by Baroness Jones of Whitchurch*

7: Clause 2, page 3, line 6, at end insert—

“( ) contains a statement explaining how, in the opinion of the fisheries policy authorities (or any of them), the policies under paragraph (a) will contribute to the achievement of the climate change objective.”

**Baroness Jones of Whitchurch:** My Lords, I will speak also to Amendment 53, tabled in my name. Amendment 7 would require a joint fisheries statement to outline how, in the opinion of the relevant authorities, their policies will advance the climate change objective. Amendment 53 inserts a new clause that would require the Secretary of State, when exercising functions under this Act, to have regard to the targets in the Climate Change Act and the obligations under international signed treaties, including the Paris Agreement. It also introduces an interim emissions target for 2030.

Obviously, we welcome the fact that the climate change objective was added to Clause 1, but it remains defensive and unambitious, with references to minimising the adverse effects and adapting to climate change. Instead, we want a set of objectives that takes up the challenge and starts to deliver to tight deadlines and meaningful targets in this sector.

8 pm

These amendments seek to put our climate change commitments at the heart of the Bill. There has been repeated criticism that the Government's approach to climate change lacks a joined-up strategy, and even within Defra the recent report of the Natural Capital Committee was critical of the lack of a joined-up response across the three Bills currently under consideration. Meanwhile, we know that the UK is not on target to meet its fourth carbon budget and other targets are slipping. These amendments make it clear that all aspects of our future fisheries and marine policy have to play their part in meeting our climate change targets.

First, and obviously, we need a plan to minimise emissions. This applies to greening our ports and infrastructure and to the onward transport of the catch. It also applies to the fleet at sea, the energy used by trawlers and the potential application of low-carbon technology to the fisheries and aquaculture sector. We also need a plan to harness the huge potential of a well-managed marine environment to mitigate the impact of climate change. It could be a positive carbon sink, playing a key role in delivering net zero. For example, we know that marine ecosystems capture more than half of the world's biologically sequestered carbon. They are as important as forests in absorbing carbon dioxide.

Plankton and sea-grasses have a key role to play. In the UK, we are about to take control of significant areas of coastal water. We need specific measures and targets to maximise carbon capture by protecting our marine habitat and minimising greenhouse gas emissions—for example, through controlling ocean-bottom trawling, which releases carbon. Fisheries policy should be central to this mission. It needs to be based on harnessing and nurturing the potential of our natural marine environment.

When we debated this issue in Committee, the Minister referred to various reports which set out the expectations on the fishing sector to play its part in mitigating climate change. I do not doubt that there is a lot of good work going on around this issue, but more action needs to be taken, and the Bill is an opportunity to set out more clearly the obligations on the sector to play its part and act now. It provides the legal teeth to deliver that change. I hope noble Lords will see the sense in these amendments and that the Minister will feel able to give them government support. I beg to move.

**Lord Krebs [V]:** My Lords, I thank the noble Baroness, Lady Jones of Whitchurch, for tabling Amendments 7 and 53. I have added my name to the latter. I strongly support them for the reasons she set out so clearly.

The climate change committee will publish its annual report to Parliament this Thursday. It will be a very uncomfortable read for the Government. The committee's chairman, the noble Lord, Lord Deben, is reported in yesterday's press as saying that the response to the climate crisis in the UK is being run by the Government like a Dad's Army operation. Fisheries and aquaculture may not be the biggest contributor to our greenhouse gas inventory but, if we are to get to net zero by 2050 or even sooner, every sector of the UK will have to make its contribution. Furthermore, the way in which we fish will have to change as a result of the inevitable climate change to which we are already committed as a result of the greenhouse gases that we have pumped into the atmosphere over the past 150 years. For instance, there is growing evidence that changes in ocean temperature will affect the distribution of the plankton that form the basis of the marine food chain. As a consequence, the distribution and abundance of fish will change, and this will need to be taken into account and anticipated.

I had the privilege of sitting on the climate change committee for eight years, and chaired its adaptation sub-committee. In every one of our annual reports we called for a step change in action by the Government: on both mitigation, reducing our greenhouse gas footprint; and on adaptation, preparing for the inevitable climate change that we will experience in coming decades. Amendment 53 will ensure that fisheries and aquaculture contribute to that step change. There is overwhelming public support for more action from the Government on climate change. For instance, the recent Climate Assembly poll showed that 80% of people agree or strongly agree that, in the post-Covid world, government plans to achieve net zero should be advanced.

**Baroness McIntosh of Pickering [V]:** My Lords, I too thank the noble Baroness, Lady Jones of Whitchurch, for bringing forward these two amendments and allowing the House to debate this issue briefly. What will be the

relationship between this part of the Bill—and the new climate change objective, to which she referred—and the Environment Bill? Can my noble friend confirm my understanding that fisheries activities do not themselves contribute greatly to climate change? We should recognise that and commend this activity as being fairly neutral in that regard. My concern is the impact of climate change on our waters, as so eloquently expressed by the noble Lord, Lord Krebs. My understanding is that, as the waters warm, various species migrate as they cannot adapt to the warmer temperatures. This will obviously have an impact on any agreement, either within the United Kingdom or, as a coastal state, with our erstwhile partners in the European Union under the new arrangements. How can the Minister and the Government be absolutely sure that any arrangement that we come to will not be undermined by the fact that the fish are no longer where we thought they were, but have migrated to colder waters?

**The Deputy Speaker:** Do we have the noble Lord, Lord Randall of Uxbridge? We do not seem to. Perhaps we will try to get him later. The noble Lords, Lord Mann and Lord McConnell of Glenscorrodale, have both withdrawn from this group, so I call the noble Earl, Lord Caithness. Oh, do we have the noble Earl?

**The Earl of Caithness [V]:** My Lords, you are going too quickly; the unmute button did not come on, but I have got it now.

These are two interesting amendments, but a lot of this is already covered under existing legislation. The noble Baroness, Lady Jones of Whitchurch, wants to put climate change at the heart of the Bill, but we now have environmental sustainability as its prime objective and everything else is secondary to it. Climate change is surely already taken care of under the national adaptation programme, published in 2018, which sets out what is needed for the next five years. I am sure that this will need to be ramped up as the effects of climate change become clearer.

My noble friend Lady McIntosh of Pickering referred to fish moving north. Species will move further north into colder waters, undoubtedly, and that could well put huge pressure on the fisheries to the north of Caithness and around Orkney and Shetland. There will be a huge demand from the EU fishing fleet to get into those waters in a way that they have not to date. I ask the same question as her: is the Minister cognisant of this? It will affect how quotas are distributed within the UK and, at a lower stage, how the devolved Administrations deal with it.

In principle, I agree that climate change will have a huge effect. The fishing fleet is not a very big contributor to climate change. Only 10% of domestic shipping CO<sub>2</sub> emissions come from our fishing fleet; nevertheless, it is an important area. However, while perhaps the principle of the amendment is right, I think that its inclusion in the Bill at the moment would be otiose.

**Baroness Bakewell of Hardington Mandeville [V]:** My Lords, I have listened carefully to the debate and to the contributions from the noble Baroness, Lady Jones of Whitchurch, and the noble Lord, Lord Krebs.

[BARONESS BAKEWELL OF HARDINGTON MANDEVILLE]

Climate change is upon us. Sea temperatures and sea levels are rising, and this is having a dramatic effect on our landscapes and on the fish in our seas. Some fish are moving to colder water; other are moving with the warmer water. Many of the changes in water temperatures and flows will have damaging effects on some species, especially on their spawning grounds. The noble Baroness, Lady McIntosh, spoke about fish moving with colder water.

Mitigating climate change can be fulfilled partially through carbon sequestration, as the noble Baroness, Lady Jones of Whitchurch, laid out. The 2050 target set in the Climate Change Act 2008 is 30 years away, but it is no good waiting until we are five years from that date to decide that catastrophe is upon us and that the nation needs to do something. It is far better to begin the process now. As the noble Lord, Lord Krebs, trailed, the Committee on Climate Change will publish its report on Thursday, and it will not be an uplifting read. Setting an interim emissions target for 2030 is essential. Only by setting interim targets and seeing how progress is made towards them can we effectively calculate whether the 2050 target is achievable at the current rate of improvement—if there is any—or whether much more drastic action is needed.

Climate change is not something that is happening elsewhere; it is happening all around us. Every country in the world is affected. Snow is melting in Siberia, as the noble Lord, Lord Mann, said in the debate on an earlier amendment, and this is uncovering mammoth remains. Antarctica is losing vast icebergs and ice shelves. The sea is rising at an alarming rate, affecting the breeding and feeding of many aquatic animals and species. It is unwise for Parliament and the Government to see all three Defra Bills in isolation. They should be seen as a holistic package, with the Environment Bill being especially important. Through the Fisheries Bill we have an opportunity to ensure that the fishing industry plays its part in slowing climate change. We must set an interim emissions target for 2030. I fully support these two amendments.

**Lord Randall of Uxbridge [V]:** I am grateful to the noble Baroness, Lady Jones of Whitchurch, for tabling this amendment. We have had some excellent contributions. Climate change is such an important issue for us all that it should be considered in everything that we do, if not at the heart of what we do, in these sectors. As the noble Baroness has just said, we should not look at climate change in isolation as an issue only for the Environment Bill; it has to be considered in all Bills. I urge the Government not simply to say that they will take it seriously. We want to see action. Thursday's report will show that we are falling well behind on this issue.

**Lord Gardiner of Kimble:** My Lords, I am most grateful to the noble Baroness for her amendment, which would require the joint fisheries statement to include a specific statement setting out how the fisheries administrations' policies contribute to the achievement of the climate change objective. The Government agree that the joint fisheries statement should include such a statement, and I will take this opportunity to expand on where this is already covered in the Bill.

The existence of the climate change objective in Clause 1 means that fisheries administrations must already set out, in the joint fisheries statement, their policies for achieving or contributing to the climate change objective. These must include policies addressing the adverse effects of the fish and aquaculture sectors on climate change and for adapting those sectors to its impact in the future.

8.15 pm

For example, historically funding has been used to support energy-efficiency improvements in fishing vessels. Future policy could include measures to improve our science to take account of the impacts of climate change on management decisions or, as the noble Baroness, Lady Jones, referred to, measures to protect “blue carbon” habitats such as seagrass, which are essential for carbon sequestration. I therefore assure the noble Baroness that the Bill's climate change objectives and its provisions on a joint fisheries statement already ensure that this sort of measure is taken into account.

On Amendment 53, I am pleased to have this opportunity to make it clear that the UK is proud to be at the forefront of climate change policy globally. We have legislated to commit to achieving net-zero emissions by 2050 and we have the privilege of hosting the next UN Climate Change Conference of Parties. The Government are fully mindful of and deeply committed to their obligations under the UN Framework Convention on Climate Change and to all international agreements on climate change to which the UK is a signatory. I say to my noble friends Lady McIntosh and Lord Randall and the noble Baroness, Lady Jones of Whitchurch, that the Fisheries Bill contributes to our ambitions for global leadership on climate change; indeed, I understand that the fisheries-specific objective in the Bill is a global first. I have outlined some of the policies that might be included in the joint fisheries statement to help us achieve this objective.

As my noble friend Lord Caithness referred to, in addition to the measures in the Fisheries Bill, I assure the noble Baroness that the Secretary of State already must comply with the Climate Change Act in carrying out his functions. The duty to achieve net-zero emissions contained in that Act does not rest solely with the Secretary of State for Business, Energy and Industrial Strategy. It is incumbent on the whole Government. That Act already creates a clear and legally binding framework for delivering on that duty.

Under the Climate Change Act, the Government already must set a series of legally binding carbon budgets, marking a trajectory for decarbonising the economy. The Government are also required to publish plans setting out how carbon budgets will be met, as well as national adaptation plans that set out the measures the Government intend to take to adapt to climate change. This framework already integrates all parts of the UK economy, including fisheries and aquaculture activities, both in terms of the net-zero target and in the statutory national adaptation plans. Similar frameworks already exist in the devolved Administrations under their own legislative and policy frameworks for addressing climate change mitigation and adaptation.

As noble Lords would expect, there is a wide range of government plans and policies in place to decarbonise the economy; where appropriate, these already touch on the fishing sector. As my noble friends Lord Caithness and Lady McIntosh mentioned, fishing vessels account for around 10% of domestic shipping emissions. Last summer, the Department for Transport published the *Clean Maritime Plan*, which sets out a national action plan to take the UK maritime sector as a whole towards the Government's vision of zero-emissions shipping by 2050. Aspects of fishing and aquaculture activity also involve energy consumption from the national grid; for instance, in seafood processing. The Government's *Clean Growth Strategy* sets out in detail plans to decarbonise our national energy system.

It is the Government's position that it is right that fishing be integrated into this existing framework under the Climate Change Act, and that we should not create a duplicatory set of plans and proposals under the Fisheries Bill. However, we recognise that there is a legislative gap in terms of how climate change considerations are specifically factored into fisheries management. It is this gap that the Bill, as drafted, would address through the joint fisheries statement—a statement that already will be subject to statutory consultation and parliamentary scrutiny.

The noble Lord, Lord Krebs, asked about climate change. As stated in the national adaptation programme adopted under the Climate Change Act 2008, the Centre for Environment, Fisheries and Aquaculture Science—CEFAS—and the Environment Agency will continue to develop methods to improve stock assessments and to quantify and manage human and natural impacts on fish populations.

Both my noble friend Lady McIntosh and the noble Baroness, Lady Bakewell, are right in referring to the trinity of the Agriculture Bill, the Environment Bill and the Bill before your Lordships tonight. The Environment Bill, which has been introduced in the other place, will enshrine environmental principles in UK law for the first time. Ministers must have due regard to these principles when making policy. This includes fisheries and aquaculture policy. The Environment Bill also establishes the office for environmental protection, which will be able to investigate alleged serious breaches of environmental law by public authorities and take legal action where necessary. For example, the OEP could scrutinise the actions of the Secretary of State in relation to the policies set out in the fisheries statements under Clauses 2 and 4, and the fisheries management plans under Clause 6, in so far as these relate to the environment.

A number of your Lordships, including the noble Baroness, Lady Bakewell, referred to fish coming north from seas to the south of us, and certain species moving further north. It is our responsibility as a nation and across the world to adapt and see what we can do to mitigate climate change, which is why it is really important that this Bill, which is, as I say, a global first, sets climate change in its range of objectives. We need to ensure that there are vibrant fish stocks both for our diet and for the natural marine ecosystem, of which fish are such a vital part.

I hope that this explanation shows that the Government are seized of the imperative to address climate change. Given that the climate change objective is a new arrival in this Bill compared to past iterations, I hope that the noble Baroness will feel able to withdraw her amendment. Climate change is a continuing imperative.

**Baroness Jones of Whitchurch:** I thank the Minister and all noble Lords who have contributed to this really important discussion. The noble Lord, Lord Krebs, and the noble Baroness, Lady Bakewell, referred to the climate change committee report that is due. It is true that every time an assessment is made of the Government's progress towards meeting our climate change targets, whatever iteration it comes in, it feels as if we are failing in some way and that a catch-up needs to take place.

We cannot keep failing. At some point we need to start accelerating, because we will never meet our targets at this pace. At the heart of it, as touched on by various noble Lords, is that we need a whole-government—or, as the noble Baroness, Lady Bakewell, said, holistic—approach to this. I do not feel that the leadership is there, making it clear what is expected of every single department of government. Fisheries have only a small part to play, but it is a significant one. In every Bill coming forward during the current period of this Government—energy, transport, housing, whatever it might be—there ought to be a plan for how that department will meet its climate change objectives. Fisheries ought to be part of that, because a step change is needed here, as the noble Lord, Lord Krebs, said, and we are not embracing the significance and scale of the change that needs to take place.

I feel as if we are chasing our tail. Whenever you raise these issues, it is happening somewhere else—I half expected the Minister to say, “Don't worry, it will all be in the Environment Bill”, and that when we got to the Environment Bill it would not be there and we would have been going round in circles again.

I have a sense of frustration about this notwithstanding that, as I said at the beginning, a lot of good work and good thinking is going on. What we need is the detail of the plans. Our amendment had the great advantage that it was not prescriptive—it did not say, “This is now what has to happen”. It said, “The Government should draw up a strategy. They should consult, come back and deliver, having consulted everybody.” In a sense, our amendment was relatively modest, but I think there needs to be more impetus; that is what is lacking.

The noble Earl, Lord Caithness, said that climate change is covered because sustainability is covered. I would say that they are not quite the same thing. Obviously, fishing sustainability is part of our climate change objectives, but climate change is a much bigger issue, as various noble Lords have touched on.

We will not necessarily resolve this today, but I do not think the issue will go away. I would like to think that in the coming months, particularly in the run-up to COP 26 next year, the Government will get a grip on all this and start driving it forward; it does not feel to me as though that is happening at the moment.

[BARONESS JONES OF WHITCHURCH]

There is more work to be done. I am sure that the Minister shares some of my frustration on all this but, for the moment, I beg leave to withdraw the amendment.

*Amendment 7 withdrawn.*

### Amendment 8

Moved by **Lord Teverson**

8: Clause 2, page 3, line 13, at end insert—

“( ) sets out how the fisheries policy authorities have taken into account the migration of species into and from adjacent Exclusive Economic Zones or territorial waters and how they have coordinated policy with the authorities controlling those zones and waters.”

Member’s explanatory statement

This amendment ensures that fish stocks in UK waters are not considered in isolation and that it is recognised that marine stocks migrate across boundaries, and that management of stocks must take this into account.

**The Deputy Speaker:** I remind noble Lords that Members other than the mover of an amendment and the Minister may speak only once and that short questions of elucidation are discouraged. Anyone wishing to press this or any other amendment in this group to a Division should make that clear in the debate.

**Lord Teverson:** My Lords, rather late in the proceedings, I declare an interest as co-chair of the Cornwall and Isles of Scilly Local Nature Partnership, which has a bearing on some of the areas that we are talking about as we take an interest in marine issues in Cornwall, obviously.

I want to talk not just to Amendment 8 but to Amendments 12 and 13, which are all part of the same issue. This brings us to management plans, which are the Government’s big idea in the Fisheries Bill. I was fairly sceptical about them because of the issue that I am about to go through, but I thank the Minister for the meeting that we had virtually some weeks ago. Also, having spoken at length to Barrie Deas of the NFFO, I am much more comfortable with these in general; indeed, subject to what I will talk about in a moment, I welcome them in general and think they are a good move forward.

The issue, however, as even my one year-old granddaughter just about knows, is that fish swim. The Government may not have noticed this, but fish swim. When it comes to the main species that we fish for, they cross boundaries, be they EEZs or territorial water boundaries. I believe that something like 80% of our stocks—not all the shellfish stocks but most of the demersal and pelagic species—swim enough to cross a boundary at some point during their life cycle. In fact, many of the spawning grounds are in other EEZs, even though we have the bulk of those stocks.

We need to avoid the so-called tragedy of the commons—I am not referring to the parliamentary Commons, of course, although we could have a debate about that, too. The problem of common resource is that no one takes responsibility; everyone wants the benefit but everybody maximises their own position. Moving out of the common fisheries policy into being an independent coastal state, we have that challenge again: how do we make sure that we do not fall into that pit of the tragedy of the commons?

8.30 pm

The answer is that we co-operate with the other administrations—here I am not talking about England, Scotland, Northern Ireland and Wales, although that has to happen as well, but about our neighbours, some of which are European Union members, and others such as the Faroe Islands, Norway and Iceland. We have to make sure that we co-ordinate our plans with those countries. If we do not do that, we will fail.

I have been privileged to chair your Lordships’ EU Energy and Environment Sub-Committee, now the EU Environment Sub-Committee. When I looked through our *Brexit: Fisheries* report, which came out in the 2016-17 Session, I came across a Barrie Deas quotation. As a witness to the inquiry, he said that:

“The reality is that most of our stocks are shared, so some level of shared management is not only desirable but inevitable.”

I start from the basis that the chief executive of England’s prime trade association for fisheries is saying that co-operation is inevitable in this area. If we recognise that, I cannot for the life of me see why we should not have an emphasis on drawing up management plans with those other independent coastal states, or with the European Union. That should then be recognised in the management plans, and we should act on that basis.

When we went through this concept in Committee, I was, frankly, quite surprised by what I read as a negative reaction to this from the Government Front Bench. It seems to me to be stark staring obvious, as it does to Barrie Deas. The reason for the reaction seems to be that, somehow, this would prejudice our negotiating hand with our neighbours. Personally, I do not see that; this is one area where everybody has something to gain, and, at the same time, where everybody has something to lose if we fail.

My amendments are serious, and they are vital to the health of our industry, as well as of the marine environment. These amendments seek to make sure that full endeavour is given—it will not always be possible; sometimes negotiations do not work—to having co-operative management plans with the other states that share the area in which these fish stocks circulate. If we manage that, I believe that we will have far healthier seas, a far healthier fishing industry, and far healthier coastal communities. On that basis, I beg to move.

**Baroness Ritchie of Downpatrick [V]:** My Lords, I support the amendment in the name of the noble Lord, Lord Teverson. As the UK shares more than 100 stocks with the EU, it is critical that a clear and robust approach is developed to the management of shared stocks, to perhaps avoid another mackerel war, where coastal states set their own unilateral catch limits above scientifically recommended levels. If accepted, this amendment, along with Amendments 12 and 13, would ensure that the joint fisheries management statement and fisheries management plans were drawn up jointly with any coastal state that shares stocks with the UK, recognising that the management of shared stocks must be co-ordinated at a supranational level.

As the noble Lord, Lord Teverson, said, co-operation in this matter is inevitable, as has already been stated by the chief executive of the National Federation of

Fishermen's Organisations. Only this morning, I was talking to the chief executive of the Anglo-North Irish Fish Producers Organisation, and he too agreed with the sentiment. He also suggested, as I now suggest to noble Lords, that that is possible if you follow the scientific advice, which I have no doubt that the quota arrangements will be based on.

I look towards the Irish Sea, which is adjacent to me. It is managed on a joint basis already, as it was prior to our membership of the European Union, through the Wassenaar agreement between the old Northern Ireland Parliament and the then Government of the Republic of Ireland. That has since been implemented through legislation, because a Supreme Court judgment required it. Having said that, with the UK leaving the EU, I was pleased that the Minister provided me with an undertaking at Second Reading that that agreement would still stand and that the outworking of that agreement would still enable that joint working and joint management plan between the two jurisdictions that covers the Irish Sea in terms of fisheries to continue.

My argument is if that can take place at the moment, as it has over many years, why can it not take place in other discussions about joint management plans with other nations within and without the European Union? As the noble Lord, Lord Teverson, said, fish migrate, mate and multiply in waters, and do not respect territorial boundaries, so there is a need for the joint management plans to be discussed with other coastal states to ensure that we achieve what is in the best interests of our fishing industry and our fishers.

**Baroness Young of Old Scone [V]:** My Lords, I too support Amendments 8, 12 and 13, tabled by the noble Lord, Lord Teverson, and others, which take account of the fact that, as he said very vividly, many fish stocks swim across the boundaries of UK waters and need to be planned for in conjunction with other fishery states. I am aware that these considerations are normally included in coastal state negotiations as they are currently conducted, but there is a need for the Bill to have a simple reinforcement that would be met by putting these amendments on the face of it.

Amendment 51, also in this group, is a rather neat amendment, tabled by the noble Lord, Lord Lansley. It aims to ensure join-up across Government when negotiating international arrangements other than fisheries to ensure that the fisheries objectives are not forgotten or traded away in other international negotiations. Alas, we already see examples of this emerging in the US trade deal, impacting not fisheries but agriculture. I recall that the noble Lord, Lord Deben—we do not know whether or not he is in his place—when he was Minister for agriculture and then for the environment, used to come back from international negotiations and report to the environmental NGOs in a somewhat crestfallen manner that one of his aspirations had bitten the dust in the negotiations as a trade-off for some abstruse automotive deal or in a backdoor pact on an immigration issue. This amendment would at least ensure that our UK negotiators across departments would by law have to respect the fisheries objectives—as amended, I hope, by this evening's overarching sustainability objective from the noble Lord, Lord Krebs.

**Lord Lansley:** My Lords, in response to the noble Baroness, Lady Young of Old Scone, I was grateful for her implied support for Amendment 51 but it is not in this group; it has been grouped separately and we will reach it on Wednesday. Therefore, if she has a moment then to reiterate her welcome, I would much appreciate it.

Briefly, on this group, the noble Lord, Lord Teverson, has a strong argument but the question is: does it require amendment to the Bill? For that purpose—I am sorry to tax my noble friend the Minister—I have three questions, which are essentially all the same question. In Clause 1(2) and (3) there is reference to marine stocks—the fisheries objectives bear upon marine stocks. In Clause 1(4) there is reference to marine ecosystems, and in the fisheries management plans in Clause 2(2) there is a reference to “the geographical area ... to which the plan will relate.”

My question is: are the marine stocks and marine ecosystems in Clause 1 confined to the UK exclusive economic zone or can they be construed in the fisheries objectives more widely? In the fisheries management plan, where “geographical area” is referred to, can it refer more widely than the UK's exclusive economic zone?

**Lord Naseby:** My Lords, I do not support the amendment, which does not seem practical. Of course, there has to be liaison—that I understand—but not a co-ordinated policy. I will quote one example, because I asked for some briefing about what has happened in the sea with a particular species. As colleagues will know, the International Council for the Exploration of the Sea provides annual catch advice, and gave me an example against the criteria of how much movement there really is in any one particular species of fish. The example it gave me was the north-east Atlantic mackerel situation: in 2017, the catch advice was 944,302 tonnes. That dropped in 2018 to 550,948—a 42% reduction—and in 2019, initial advice, based on the best science available at the time, was 318,403 tonnes, revised in mid-year to 770,000 tonnes—an increase of 140%.

The council has emphasised to me that, while it welcomes enormously the change to scientific advice from the former situation which pertained in the EU, the science has an awfully long way to go and is highly variable. In that situation, it seems that it is a big enough challenge for our own people, particularly the management that is running our fishing fleets and doing the fishing, to get a grip of this and plan for that. It is inappropriate to proscribe in primary legislation to the depth that this amendment seeks. This industry is even more variable than the agricultural industry—I know we have spoken about that on earlier occasions. I also look at the history of the horticultural world, which I know quite a lot about and, my goodness, it does not have to face what the poor fishing industry has to face. On balance, therefore, I am afraid that I find little favour in this amendment.

**Baroness Bakewell of Hardington Mandeville [V]:** My Lords, these three amendments all deal with the migration of fish across national boundaries. My noble friend Lord Teverson has made the case extremely well: fish stocks are shared and co-operation is essential with other coastal states. The joint fisheries statement

[BARONESS BAKEWELL OF HARDINGTON MANDEVILLE] must take account of adjacent exclusive economic zones and territorial waters. Fish are constantly moving across these areas and it is essential that there is co-ordination with non-UK authorities so that these fish stocks are managed in conjunction with others. I am afraid that I cannot agree with the assessment by the noble Lord, Lord Naseby, of the situation.

8.45 pm

Fisheries management plans will be meaningless unless account is taken of neighbouring EEZs and plan areas. It is a pointless exercise to produce a plan which does not take this into account. A great deal of work will go into the joint fisheries statement and the fisheries management plans, but all this will be to no avail if no account is taken of what is happening in adjacent territorial waters. I look forward to the Minister's response on just how the fisheries management plans will operate and be enforced, if no such recognition is given to the fact that fish move between territorial waters on a constant basis.

**Lord Grantchester:** I thank the noble Lord, Lord Teverson, for tabling these amendments. I support Amendments 8 and 12, to which I have added my name. This group of amendments returns to the topic covered in some detail in Committee but where concerns remain about the Government's approach.

I believe I am right in saying that we all recognise the unique challenge in this area: that the human concepts of borders, division lines in miles from any coast and exclusive economic zones are not recognised and respected by the fish we catch. Recognising this, it is safe to say that we are all in agreement on the need to co-operate with our neighbours on fisheries management—indeed, we all accept that we are bound to do so, at least by international treaties and conventions. However, we need to co-operate better by recognising that fish migrations will only increase in response to conditions brought about by climate change. Ordinarily, this level of consensus would result in the tabling of government amendments which, while not changing the accepted legal position, could provide clarity and reassurance. For the avoidance of all doubt, the issue would be dealt with in the Bill.

The majority of stocks are shared and we need to avoid future aggressive actions between fishing fleets. Amendments 8, 12 and 13 strike me as uncontroversial but not, as the Minister may say, unnecessary. He may argue that the duties already exist and do not need to be in the Bill. We respectfully disagree and believe that legislation should properly reflect the situation as we, and the fisheries policies authorities, understand it to be.

I do not believe these amendments would have unintentional consequences. If that were the case, it would not have been by design and I am sure that the Minister and his officials could have formulated their own satisfactory wording. We have repeatedly been told that this legislation cannot change because it requires the agreement of the devolved Administrations and there is simply no mechanism for revisiting it. That argument does not hold water—if I may be allowed to use that analogy—when it is understood

that the Minister will accept two amendments in the very next group. I am therefore unable to understand why the Government are resisting these amendments. Can the Minister commit to thinking again and bringing forward appropriate changes at Third Reading?

**Lord Gardiner of Kimble:** My Lords, I am most grateful to the noble Lord, Lord Teverson, for the opportunity to discuss these amendments and to all noble Lords who have taken part in this debate. I am interested that the noble Lord, Lord Teverson, did not believe that the Government thought that fish somehow go about. Perhaps I may reassure the House that we recognise that fully; there is nothing in the Bill to suggest anything else.

We recognise fully that it is essential to manage fish stocks across shared boundaries. Many of our important stocks migrate to and from, or are simply spread across, the waters of the UK, those of other states and the high seas. As the noble Lord, Lord Grantchester, mentioned, our international obligations require us to work with other countries on the management of shared stocks. It is therefore imperative—I agree with the noble Lord, Lord Teverson—that our policies take this into account and are effectively co-ordinated with other states.

The noble Baroness, Lady Ritchie, raised international co-operation, which is critical to achieving the ambitious objectives set in the Fisheries Bill. We recognise this, and it will be integral to the joint fisheries statement. For example, the ecosystem objective requires us to use an ecosystem-based approach to manage fish activities and to minimise and where possible eliminate incidental catches of sensitive species. This cannot be achieved without considering the needs of migratory species across their range and by working closely with our neighbouring states. The scientific evidence objective requires us to follow the best available scientific advice, which will entail working closely with other countries, as well as international bodies such as ICES. As further reassurance, the joint fisheries statement will indeed include our approach to co-ordinating with adjacent coastal states and, among other elements, how migration of species into and from adjacent exclusive economic zones or territorial waters will be taken into account in that co-ordination.

I also emphasise the importance of another piece of the legal framework which is not covered in this Bill as it is already part of our international agreements. As noble Lords will be aware, we do not as a matter of course restate international legal commitments in domestic legislation, but that does not mean that they do not continue to be relevant to the United Kingdom. The UN Convention on the Law of the Sea—in particular, Articles 63, 64, 66 and 67 of UNCLOS—already provides an internationally recognised and binding set of requirements setting out how states should co-ordinate in, among other things, managing shared and migratory stocks that occur in their waters. The noble Baroness, Lady Ritchie of Downpatrick, raised this issue. These requirements are given further effect and developed in more detail in the UN fish stocks agreement. These already oblige us to take into account the nature of such stocks and to co-operate with other states in their management. We should be mindful not simply to

duplicate existing international obligations in domestic legislation, which I fear could be a consequence of this amendment.

The Government are committed to continued close co-operation with our regional neighbours and international partners more widely. We will join regional fisheries management organisations as an independent contracting party. In so doing, our commitment to fulfil the obligations that come as part of RFMO membership will continue, but having our own seat at the table will give us a renewed opportunity to co-ordinate effectively with other states.

We also intend to develop new fisheries agreements with other coastal states so that we can work directly with them to develop frameworks for effective management of shared stocks. The more detailed aspects of the co-ordination with other states—by which I mean the arrangements we make with them on the management of shared or migratory stocks—will be determined through the annual cycle of RFMO meetings and consultations with other states. Our approach to these consultations will need to remain flexible and adaptable in order to co-ordinate effectively with other states, whose own positions will change and evolve, and to reflect the dynamic nature of fisheries management. For this reason, Clause 10(1) includes provisions for some flexibility in our approach due to changes in circumstances, which could include changes relating to the United Kingdom's international obligations. It is for this reason also that stipulating the detail we should include in the joint fisheries statement on matters of international co-operation presents difficulties.

I will raise some specific points on Amendments 12 and 13. As noble Lords will know, international law and domestic law are different legal systems. While we will of course use our best endeavours to seek to agree sustainable management of shared stocks, the legal position is unequivocal: we cannot impose requirements on other states via domestic law. International agreements are creatures of international, not domestic, law. Amendments 12 and 13 seek to bind foreign states to comply with UK law in respect of developing management plans for shared stocks. Those states clearly would be bound by any international agreement agreed with the UK, but we cannot use a UK statute to bind other states.

I am glad that the noble Lord, Lord Teverson, found the discussion of fisheries management plans of some use. I was grateful to all noble Lords who attended those meetings and am genuinely very pleased that the noble Lord found these matters positive in principle. These management plans—I say this also to my noble friend Lord Lansley—are designed to be a domestic UK model for managing fishery activity within the UK waters. As I have said, the process of agreeing joint management plans with other countries in relation to shared stocks is necessarily separate under international law. We will set out our policies for doing this in the joint fisheries statement.

There will also clearly be links between international plans and our domestic fisheries plans. Measures agreed internationally will be reflected in our fisheries management plans, and we will seek to ensure that measures we support are adopted in international plans. The joint fisheries statement would include policies on how we intend to do this in practice.

On a separate matter, this amendment does not take account of the UK Government's reserved competence in relation to international negotiations. This amendment would place a duty on all the fisheries administrations to seek to reach agreement on shared stocks. International negotiations are a reserved matter, and one in which the UK Government should represent the interests of the whole of the United Kingdom, engaging—I emphasise—with the devolved Administrations through our established consultation processes.

I take extremely seriously all that the noble Lord, Lord Teverson, and others have said. I have set out the position as I see it, but I absolutely emphasise that the only way in which we are all going to have success on these matters—a vibrant ecosystem and a vibrant fishing industry—is through co-operation. That is absolutely intrinsic to both our international obligations and the way in which we have constructed the Bill. Yes, it is a framework Bill, but there is more coming for parliamentary scrutiny and consultation.

I hope that the noble Lord will be reassured that the matters he raised are taken extremely seriously. They are absolutely pertinent to a successful fisheries system across our waters and those we share with our neighbours. For tonight, I very much hope he will feel able to withdraw his amendment.

**Lord Teverson:** I thank the Minister very much for that positive and upbeat response, and I thank all noble Lords who have contributed—particularly the noble Baroness, Lady Ritchie, illustrating the particular issues between Northern Ireland and the Republic. Sometimes we over on this side, in Great Britain, look a little too often just to those on the other side of the North Sea and the channel, rather than the Irish Sea.

There is absolutely nothing in Amendments 12 or 13 that tries to bind any foreign state to anything, but I do not want to go down a negative route on this. I am very assured by the Minister's response. The Government's tone on this seems to have changed substantially since Committee. Maybe we were talking at cross purposes in Committee—I am not sure. From the conversations we have had with his officials over these management plans, it certainly seems clear that they expect to engage strongly with adjacent coastal and EEZ states.

It was useful that the noble Lord, Lord Naseby, mentioned the science, ICES and the fact that we continue to share that resource. Both we and the European Union at least—and Norway, I presume—use ICES. On mackerel stock, that is a pelagic species; stocks in that area are a lot more straightforward than in a mixed fishery, as in the Celtic and south-west seas.

Given the Minister's very positive response and that of his officials when we have had discussions, I feel far more confident that these management plans will achieve what we both want them to. I beg leave to withdraw the amendment.

*Amendment 8 withdrawn.*

#### *Amendment 9*

*Moved by Lord Lansley*

9: Clause 2, page 3, line 13, at end insert—

“(1A) The policies for achieving, or contributing to the achievement of, the fisheries objectives required to be set

out in a JFS by subsection (1)(a) include, in particular, the policies of the fisheries policy authorities relating to the distribution, in accordance with section 25, of catch quotas and effort quotas for use by fishing boats.”

Member's explanatory statement

This amendment requires the joint fisheries statement to set out the policies of the fisheries policy authorities relating to the distribution of quotas for use by fishing boats.

9 pm

**The Deputy Speaker (Baroness Henig) (Lab):** My Lords, we now come to the group beginning with Amendment 9. I remind noble Lords that Members other than the mover and the Minister may speak only once, and that short questions for elucidation are discouraged. Anyone wishing to press this or any other amendment in the group to a Division should make that clear in debate.

**Lord Lansley:** My Lords, I want first to say a warm thank-you to my noble friend the Minister and officials in his department for the very constructive discussions we have had on this issue following the debate in Committee. However, I want to recall that debate, because it makes the point forcefully as to why we now have these amendments before us. We reached Clause 25 of the Bill in Committee and realised that we were debating what appeared to be a very straightforward architecture of the Bill, with a structure that perhaps I oversimplify but would characterise as: there are fisheries objectives and it is the job of the policy authorities to get together and to publish statements showing how they propose to implement those objectives, which then gives rise to fisheries management plans. The legislation makes it clear that, where they are using their powers, the fisheries policy authorities should do so by reference to the joint fisheries statements.

That all seemed very clear, and then suddenly we were presented with this central activity, the distribution of fishing opportunities, along with the distribution of catch quota and effort quota, which are central activities. It became obvious that we were not doing this by reference to the structure of the new UK legal framework, but by reference to Article 17 of the common fisheries policy. Quite understandably noble Lords, in particular the noble Baroness, Lady Worthington, asked, “Why are we doing that? I thought that the point was not to be within the confines of Article 17 of the common fisheries policy.”

Indeed, when one looks at it, in future, now that we have left the European Union, we would expect to have two—arguably we will have three, but let us leave it at two—sources of UK law, one of which is retained EU law. So we are not escaping entirely from that, but in the context of the Bill before us, with a new legal framework and an architecture for the UK fisheries regime, it seemed perfectly possible, in the light of that discussion, to have a structure for the Bill that no longer proceeded in this central aspect by reference to Article 17 of the common fisheries policy.

When noble Lords look to Amendment 28, they will see that it effectively rewrites and relocates the distribution of fishing opportunities into UK law. It does not do so using new criteria. There are still transparent and objective criteria that use exactly the

same language that is present in the current Article 17 including, of course—which is important—reference to historic catch levels. That is because, among other things, the Government's commitment has been to ensure that those who are presently in receipt of fixed quota allocation units should continue to benefit from them in the same way in the future. Where new quota is accessible, that of course offers new opportunities.

That being the case, after discussion with Ministers and in the format I have arrived at, we now have a simple way of restating and relocating the distribution of fishing opportunities into UK law in UK terms. That removes all the risks that we would otherwise be talking about, such as the interpretation of retained EU law. It removes the risk that Article 17 could change at some point in the future without any reference to us, so that people would become confused about the relationship between the new Article 17 and our old Article 17, along with any other confusion that would arise in any case when one does not set out one's intention on the face of the Bill.

That brings me to Amendment 9, which of course leads the group. Now that we have relocated the distribution of fishing opportunities into UK law, it should be fitted into the architecture of the Bill. The logical place for that is in the joint fisheries statement, and that is what this amendment would do. So not only is Amendment 9 about the achievement of the fisheries objectives but in addition to that, not in conflict with it, it would incorporate the way in which the fisheries policy authorities will be distributing fishing opportunities and it would create—as we will come on to discuss a little more in a later group—the ability for the co-ordination and consistency of the quota allocation to be set out in the joint fisheries statements.

I am encouraged that Ministers are forward-thinking enough to have seen fit to incorporate, although they are in a subsequent group, the group of government amendments, Amendments 39, 40, 42 and 43 and part of Amendment 55, which give effect to the relocation into UK statute of what is going to be the new Clause 25 if Amendment 28 is passed. That of course includes—I end with this thought—the immortal sentence in the new proposed Schedule 10 in Amendment 55: “Article 17 ... is revoked.” I beg to move.

**Lord Randall of Uxbridge [V]:** My Lords, I congratulate my noble friend Lord Lansley not only on bringing forward Amendment 9 but on so eloquently, in his usual erudite manner, explaining what it is all about. Bearing in mind the relative lateness of the hour and the fact that it is not for me just to repeat these things, all I can say is that I thoroughly welcome the amendment and I support it completely.

**Lord Cameron of Dillington [V]:** My Lords, it is always my ambition to kick-start a change in a Bill in Committee and, hopefully, persuade the Government to pick up the baton and run with their own amendment based on my and others' suggestions—although in a better format, with better language and so on. However, it seems that an equal and alternative route to success is to get the noble Lord, Lord Lansley, to pick up the baton and table his excellent amendment—albeit, I understand, with a little help from Defra.

I spoke in Committee, probably for too long as usual, on the need to positively link the aspirations of the objectives in Clause 1 to some of the more practical implementation sections of the Bill. When it came to Clause 25 I highlighted, probably again at too great a length, that this was a key place for ensuring that the objectives, and what the Government meant by them, were spelled out loud and clear for the industry to understand. I believe I may even have mentioned virtually all the criteria listed in subsections (2) and (3) of this excellent new version of Clause 25.

So I strongly support Amendment 28. I support both its sustainability ambitions and its clarity, moving, as the noble Lord, Lord Lansley, said, from Euro-speak to British common sense. The only possible slight improvement that I might have made would have been to say that the fisheries authorities should have a duty to clearly communicate their criteria and the reasons for them to all fisher men and women in their area by whatever means possible. I have assumed that this is implicit in the amendment, but I would be grateful if the Minister could confirm that.

I know it is standard procedure for Governments of all hues to resist all amendments if they possibly can, so I really congratulate the noble Lord, Lord Lansley. I thank the Government, and in particular I thank and congratulate the Minister in advance for having listened and responded to the points made in Committee and for gripping this issue and thus greatly improving the Bill.

**Baroness Ritchie of Downpatrick [V]:** My Lords, I find that I have a certain sympathy with Amendments 9 and 28. Like the noble Lord, Lord Lansley—who moved Amendment 9—and the noble Lord, Lord Cameron of Dillington, I think that it is important to link the fisheries objectives to the practicalities of the Bill in terms of outworking, effort quotas and quotas generally. Can the Minister clarify whether those will be based on the science in terms of historic catches?

For a long time, fishermen, the fishing industry and fishers generally were concerned that quotas did not always relate to what was in the sea—that is, the volume of particular species of fish. They felt that the science was not necessarily always accurate. I would appreciate it if the Minister could provide in his winding-up speech an update on how the outworking of the Bill, including the intentions of this amendment, will reflect the requirements regarding gear and the science, as well as how the science will direct and fuel the quota arrangements and allocations, so that fishermen do not feel that they are penalised in future.

**Baroness Young of Old Scone [V]:** I thank the noble Lord, Lord Lansley, for sorting me out on Amendment 51 when I jumped the gun on the groupings. I also commend him for his two amendments in this group.

One regret with this Bill is that we did not have an opportunity to see a completely brand spanking new Fisheries Bill that codified all the legislation, irrespective of whether it came from Europe or was domestic. That would have been a once-in-a-generation opportunity. The noble Lord, Lord Lansley, has done that for this particular element of the common fisheries policy and has translated it into a brand spanking proposed new clause for the Bill. I very much support him in that.

Perhaps we should have got him to write the fisheries legislation in its totality, but I remember what happened when we let him loose on the NHS legislation—we did not much like what he produced—so perhaps that is not such a good idea after all. Well done to him on this piece of redrafting. I hope that the Government accept that this particular piece of this patchwork Bill has been codified successfully.

**The Deputy Speaker:** The noble Baroness, Lady McIntosh of Pickering, does not wish to speak on this amendment so I call the noble Lord, Lord Teverson.

**Lord Teverson:** My Lords, I will be brief. Something that I tried to do in Committee but have not pursued on Report is to get more transparency from the producer organisations on how much of this quota allocation works. I very much welcome the two amendments in this group, which seem to provide greater transparency. Indeed, I hope that the Government go ahead and accept them.

9.15 pm

**Baroness Jones of Whitchurch:** My Lords, I too thank the noble Lord, Lord Lansley, for explaining the purpose of these amendments so clearly. It has become a lot more transparent as a result. We also welcome the intent behind these two amendments, which is to relocate Article 17 and to restate in the Bill that national fishing authorities must take into account environmental, social and economic factors in allocating quotas. We also welcome the requirement to incentivise the use of more environmentally sustainable equipment. However, the amendment raises the question that we touched on in earlier debates about the status of existing quotas and whether the criteria will be applied equally to holders of these long-standing rights. If not, there is a danger that we could end up with a two-tier system, where holders of new quotas have greater environmental responsibilities and, potentially, costs than their established neighbours. It also raises the question of what happens to those who subsequently transgress the intentions of the national fishing authorities to deliver more environmentally friendly fishing policies. I just leave those—perhaps naive—questions that struck me when I was reading this through.

I also have a procedural question: we seem to hear this evening that the Government support Amendment 28 and I am sure that the Minister will clarify his position on that, but he has told us repeatedly that the wording of the Bill is an agreed settlement with the four devolved nations. He has used this as a reason to resist some of our otherwise worthwhile amendments. Therefore, can he explain what process took place with the devolved nations to seek agreement for these changes when the Government agreed to support the amendment of the noble Lord, Lord Lansley, given that, as far as I know, it was tabled only a couple of weeks ago? If it was a straightforward process, which it might well have been, why were the Government not prepared to seek approval for some of the other worthwhile amendments that some of us have tabled on that same basis? It seems that we are operating two sets of rules here and I would like clarification from the Minister about the relationship with the devolved nations on these issues.

**Lord Gardiner of Kimble:** My Lords, I am most grateful to my noble friend Lord Lansley for his proposed amendments, which require the national fisheries authorities to use criteria that are transparent and objective and take account of environmental, social and economic factors when distributing catch and effort quotas to our fishing boats. As noble Lords will know, this Bill has been through a number of iterations. We have said that the Government would consider carefully all amendments brought forward—and I say to the noble Baroness, Lady Jones of Whitchurch, that we have considered all of them. In particular, we have considered those which provided an opportunity to set out a clear way forward for the UK as an independent coastal state outside the confines of the common fisheries policy. We have consulted all the devolved Administrations and they agreed to the drafting of my noble friend's amendment.

We listened to the concerns expressed by Members of your Lordships' House that Clause 25 could be made more transparent, could better reflect our status as an independent coastal state, and should be clearly linked to the UK fisheries' objectives. I am particularly grateful to my noble friend for his tenacity on this matter.

I should also respond to the contribution from the noble Lord, Lord Cameron of Dillington. He rightly raised this in Committee and spoke in support of a clarification of Article 17 of the common fisheries policy, as well as about the importance of making clear the link between quota distribution and the Bill's fisheries objectives. In England, we communicate criteria used through the quota management rules. This is devolved, so each Administration would undertake this. The Government consider that these two amendments proposed by my noble friend would deliver on all those points raised previously. The amendments would set out the criteria for distributing UK fishing opportunities on the face of the Bill rather than by reference to retained EU law. The wording of the provision has been updated to reflect UK drafting style, but the revision includes the same requirement for transparent and objective criteria that take account of environmental, social and economic factors.

This approach is in line with the Government's policy of maintaining the current system for distributing our existing share of quota. It also provides a clear framework for development in England of a new method of allocating any additional quota we secure following the transition period. Furthermore, these amendments make the link between the UK fisheries objective and quota distribution clear. The joint fisheries statement will set out the Administrations' fisheries policies for meeting the fisheries objectives. This statement must include each Administration's policies on the distribution of quota. That was the point that the noble Baroness, Lady Ritchie of Downpatrick, and the noble Lord, Lord Cameron of Dillington raised. I should also say to the noble Baroness, Lady Ritchie, that science is always integral to our quota-setting and will continue to be so.

This ensures that the Secretary of State, the devolved Administrations, and the Marine Management Organisation must all use transparent and objective environmental, social and economic criteria when making decisions on the distribution of fishing opportunities,

and must explain how their policies on quota allocation contribute to the achievement of the fisheries objectives. As I have said before, in England, the criteria used could then be published in the English quota management rules.

I hope that all noble Lords will take this in the spirit I intend. We looked at all the amendments, and thought that that this one had particular merit. I am not saying that any amendment lacks a kernel of importance in it, but my noble friend and other noble Lords made a point that we found very compelling. I am grateful to my noble friend for bringing this matter to your Lordships' attention, and I therefore am pleased to support my noble friend's amendments to the Bill.

**Lord Lansley:** I am grateful to my noble friend, and I reiterate my thanks to him and his colleagues in the department who worked together on this subject. I am also grateful to all noble Lords who contributed very positively to this debate. It is rather an agreeable thing to have at this stage of proceedings on the first day on Report, and I hope it will not be the last time.

On one point raised by the noble Baroness, Lady Jones of Whitchurch, if she cares to look back, I tabled an amendment in the latter part of March, which led to discussions with the department through the latter part of April, and by the end of May we had arrived at a new draft. By this time, the structure of that draft had been the subject of the consultation with the devolved Administrations, referred to by my noble friend. It did not all happen in the last few weeks; it was derived from the Committee stage, and I pursued it soon after the last day in Committee. I echo my thanks to the noble Lord, Lord Cameron of Dillington, and the noble Baroness, Lady Worthington, who raised these points of substance in Committee. To that extent, the origination of this draft is not my own, and is owed to them as well. I am most grateful to all noble Lords for their support for this amendment. I give notice that I intend to move formally Amendment 28 at a later stage.

*Amendment 9 agreed.*

#### *Amendment 10*

*Moved by Lord Teverson*

**10:** Clause 2, page 3, line 35, leave out from "restore" to end of line 36 and insert "or manage one or more stocks of sea fish to maintain them at, or above, sustainable levels."

Member's explanatory statement

This amendment allows plans to go beyond just sustainable levels.

**Lord Teverson:** My Lords, I thank the noble Lord, Lord Lansley, for setting a precedent for us. Parliament is built around precedent and now we have it, which is most useful, and I am most grateful to him, and to the Minister for having changed policy in such a fundamental way on this Bill. I can give the Minister another opportunity to do so, because if any amendment is totally, screamingly obvious, it is this one.

The Bill reads:

"In this Act 'fisheries management plan' means a document, prepared and published under this Act, that sets out policies designed to restore one or more stocks of sea fish to, or maintain them at, sustainable levels."

I am sure the Government do not mean it, but if one sentence of this Bill lacked ambition, this would be it. Surely we are not trying just to get back to where we were—that is, to “restore”—or merely to a “sustainable” level. That level of ambition is about as neutral as it can get. My amendment would not change the intention of the Bill but would have it say

“manage one or more stocks of sea fish to maintain them at, or above, sustainable levels”.

There is no reason why we should not aim, or potentially have as an aim—I shall not say that it has to be the aim; it could still be to “restore” and to get to sustainable levels—to get to above sustainable levels. As the Bill is written, it seems that we are not allowed to go beyond sustainable levels; it prohibits it. It is a straightforward amendment. Let us be more ambitious and allow ourselves to go beyond sustainability. We want, as a result of the Bill, to see success over years—it will take a number of years or a number of stocks—in going well beyond sustainable levels so that, in five or 10 years, we have a much greater harvest that allows a much bigger fishing fleet, a bigger catch and more prosperous coastal communities. I beg to move.

**Lord Mackay of Clashfern [V]:** My Lords, I shall speak to my Amendments 14, 15 and 54. Amendment 14 would require the management plan to explain how it gives effect to the fisheries objectives. That is an important way of ensuring that the authorities responsible take account of all the fisheries objectives, notwithstanding that one has now been promoted to be the first; it is not of course the last, and therefore all the others have to be taken into account as well. It is a very good discipline in managing that kind of responsibility to have to show how you have done it, so that you can show the working, as it were—if you are mathematician, it is important that not only the result but the working be exhibited. That is what Amendment 14 does. By requiring illustration, it would enable us to make sure that the system that we are setting up will work.

Amendment 15 would ensure that the Secretary of State secured consultative advice regarding the design and implementation of the fisheries management plans and the viability and make-up of a group to do that. In the spirit of getting everyone together, a consultative group should be able to assist in working out the detail called for by the previous amendment.

Amendment 54 would build on the duties of the Secretary of State in relation to economic matters. It would ask him within a reasonable time—I have stipulated six months; I am not particularly insistent on that because he has a lot to do before the end of the year—to set out in some detail what he hopes to achieve in the way of economic benefits. All the amendments help to implement the underlying spirit of the proposals already made.

9.30 pm

**Lord Grantchester:** My Lords, I thank the noble Lord, Lord Teverson, for Amendment 10. I will speak to Amendment 16 in my name, which is retabled from Committee. It is a simple amendment that inserts in Clause 7(7) a reference to using the “best” available scientific evidence—a term used elsewhere in the Bill. It is also consistent with the wording of Amendments 10

and 17, to which I have added my name. In Committee, the Minister stated that the insertion of “best” was not necessary, as the overall fisheries objectives in Clause 1 already set this benchmark. However, the context in which “available scientific evidence” is used in Clause 7 is very different to the overall thrust of the Bill. As the Minister will know, Clause 7(7) provides a list of relevant changes. It allows authorities to depart from the original contents of a joint fisheries statement. My reading of the current drafting is that any available scientific evidence could be cited as a reason for departing from the previously published plans, even if this evidence were to fail the test of the “best available” that is applied when a plan is initially formulated.

To be best in class, scientific advice needs proper peer review. We are always aware that there are studies which deny the true scale of the climate crisis. These studies are available but would clearly not be classified as being the best, as they are an anomaly compared to mainstream scientific thought. I know that that need not necessarily make them incorrect, but surely they could not be classified as “the best”. Under Clause 7(7), as currently drafted, a study could be cited by a fisheries policy authority as a reason to depart from original proposals, especially in conjunction with promoting an alternative objective that could take precedence over another in some circumstances. The Minister may well say that no responsible fisheries policy authority would wish to do this, but it would still be possible, so I ask her to accept this amendment.

I have also added my name to Amendment 17 and agree that greater consultation with fisheries stakeholders in management plans in England, as well as the devolved Administrations, should be properly addressed. While I have not formally supported Amendments 14, 15 and 54, tabled by the noble and learned Lord, Lord Mackay of Clashfern, I believe that there is merit in the questions he is asking the Minister.

**Lord Randall of Uxbridge [V]:** My Lords, I will speak to Amendment 10 in the name of the noble Lord, Lord Teverson. I am attracted to the amendment and agree with the point, which he made very clearly, that there is a need for ambition. However, as I have looked at it more and more, I have not been convinced that this could be achieved in this manner. I do not see what “or above” actually means. Sustainable level surely means a minimum level, but if you then said that you were going to have the stocks higher, in order to fish higher, then they become sustainable. I agree 100% that we must be ambitious in restoring those stocks to previous levels as best we can, but I am not sure that this is the way forward. I wait to hear what the Minister says; I hope she will reassure me that the Government have every intention of helping the ambition to do more than just keep at sustainable levels.

**Baroness Young of Old Scone [V]:** On Amendment 10, the noble Lord, Lord Teverson, talked about having ambition beyond simply restoring stocks. This is also an issue of practicability. Fisheries management plans will, I hope, be science-based, but on occasion the management of stocks with a precautionary approach will mean that the stocks recover above sustainability levels. Under the Government’s proposed arrangements, fisheries management plans might not have that flexibility

[BARONESS YOUNG OF OLD SCONE]

and would not envisage going above those levels. Therefore, this amendment is required to give the flexibility of fish not obeying science in every jot and tittle.

**Lord Cameron of Dillington [V]:** My Lords, I shall speak to Amendment 14 in the name of the noble and learned Lord, Lord Mackay of Clashfern, and I apologise to him that I did not add my name to it. Somehow, in my muddle of the various sheets of amendments, I managed to miss this one until I saw it on the Marshalled List.

When I made my plea in Committee for the need for much firmer links between the aspirational objectives in Clause 1 and the more practical implementation details in the rest of the Bill, the noble and learned Lord, Lord Mackay, was sympathetic to the principles that I tried to set out but, rightly, with his superior expertise, was not in favour of the way that I approached it or, for that matter, the wording of my amendment.

This, of course, is a much better amendment, which is why I should have added my name to it. Instead of starting from the objectives and looking forward to the various plans and statements, as I did, it takes the fisheries management plans and ties them in and back to the objectives, which is a much more sensible way of doing it. The same applies to Amendment 51, which we will come to on Wednesday and which ties international agreements on fisheries back into the fisheries objectives. Therefore, rather than repeating myself then, I announce now my support for that amendment.

In the same way as the Government have just accepted that the principles inherent in the objectives should be spelled out in the new Clause 25 with reference to the distribution of fishing opportunities, it seems to me that Amendment 14, tying the fisheries management plans back to the objectives, would be a very useful improvement to the Bill and worthy of government support.

**Baroness Bloomfield of Hinton Waldrist:** My Lords, I am grateful to the noble Lord for moving Amendment 10 and I welcome the opportunity to clarify how the Bill already meets its aims.

I reassure your Lordships that the Bill already enables fisheries managers to ensure that stocks are restored to MSY levels, and it is flexible enough for that to be future-proofed. Sustainable levels are at MSY or better, and this is made clear in the definition of “sustainable level” in Clause 48. Therefore, I cannot agree with the noble Lord, Lord Teverson, or my noble friend Lord Randall that we are not being ambitious enough. Indeed, where scientific evidence indicates this, the provisions would allow more ambitious alternatives to be used, and that is the direction of travel in which we are taking fisheries management in the UK.

The potential prize here is high. Hake stocks in the north-east Atlantic are an example of how stocks can be rebuilt when managing fisheries to maximum sustainable yield principles. Between 1985 and 2003, these stocks were in continual decline owing to overfishing. As a result of international action, supported and encouraged by the UK, we have successfully reversed the decline in the stocks. They are now around five times

larger, and the value of hake landed by the UK has grown in real terms from £7.6 million in 2003 to £28.2 million today.

I turn to Amendment 14, tabled by my noble and learned friend Lord Mackay of Clashfern. I recognise that this amendment is intended to help provide assurance that fisheries management plans complement the policies of the joint fisheries statement and are proportionate and balanced in their pursuit of the objectives contained in the Bill. I am grateful to my noble and learned friend for giving me the opportunity to explain how the Bill already seeks to address this aim.

Clause 2 integrates fisheries management plans into the structure of the JFS, requiring that the JFS contains a statement setting out how the fisheries authorities intend to make use of fisheries management plans to achieve the objectives. Each individual plan must then comply with this overarching statement. Fisheries administrations will also be bound by the provisions in Clause 2(2)(c) to explain how the objectives of the Bill have been interpreted and applied proportionately in relation to not only the joint fisheries statement but fisheries management plans. I think that that demonstrates the discipline that my noble and learned friend requires.

I turn now to Amendments 15 and 17, which deal with consultation matters. As your Lordships are aware, the Government will be under a statutory duty to consult on the draft joint fisheries statement, including on details of the Government’s proposals for fisheries management plans. Furthermore, there is a statutory duty to consult on those plans. Given that the JFS will set the policy framework that the fisheries management plans will help implement, it would not be desirable or practical to consult on the plans separately from, and potentially ahead of, consulting on the JFS. Using different timeframes would risk creating unintended consequences from a lack of consistency between the content of the plans and the statement.

The Government are committed to working in close collaboration with the fishing sector. We already regularly meet stakeholders from across the spectrum to discuss matters of interest. For instance, we are active participants in the Future of Our Inshore Fisheries project, as well as in industry-led groups, such as the scallop industry consultation group and the newly created shellfish industry advisory group. We have a monthly external advisory group, and meet stakeholders and industry on specific issues, ranging from the landing obligation to the impacts of Covid-19.

I very much agree with the principle that local stakeholders and industry representatives will often have the best understanding of their area and can offer more practical solutions to tackle pressing local issues, but I believe that the existing consultation requirements in the Bill are actually wider than those mentioned in the amendments. Schedule 1 to the Bill makes it clear that all the fisheries administrations must consult

“any persons appearing to the fisheries policy authorities to be likely to be interested in, or affected by, the policies contained in the consultation draft”.

This is true both in respect of the joint fisheries statement and individual fisheries management plans.

I can therefore confirm that the Bill already requires the Government to consult with all those parties listed in Amendment 17 on fisheries management plans and

on policies in the joint fisheries statement. Furthermore, the provisions in the Bill would include other interested parties where relevant, such as environmental NGOs, recreational anglers or other sea users.

On Amendment 16, I reassure the noble Lord that the Government are committed to using the best available scientific advice. However, the drafting of this clause was a conscious and considered choice, and not an oversight. It is intended to ensure that we are able to take a flexible approach, and that includes considering all the available scientific evidence that can be turned into best advice. For example, if evidence suggested that a fish stock was suddenly in steep decline, the precautionary approach might necessitate that we take urgent action based on available evidence, even if, in parallel, we sought to commission new research to improve our evidence base. In these circumstances, we would not want uncertainty to lead to inaction.

Finally, turning to Amendment 54, we discussed a very similar amendment previously, and I welcome the opportunity to reiterate how the Bill, as drafted, with the objectives carefully balanced, will help us secure economic and social benefit for our fishermen and for the country. Economic benefit is already integral to the fisheries objectives and will be a key element of the joint fisheries statement. The sustainability objective explicitly includes an ambition to ensure that fisheries activities are managed to achieve economic and social benefits, and economic benefits are also explicitly recognised in the national benefit objective.

As my noble friend the Minister outlined earlier in this debate, the Government are committed to a balanced Bill, in which economic, social and environmental benefits are considered collectively. As your Lordships know, the Government believe that the joint fisheries statement is the right mechanism through which to balance these three equally important pillars of sustainable development. I am concerned that a statement on economic benefits, so early, and by the Secretary of State alone, would undermine the balance between the objectives and the consensus that we hope to achieve through the JFS. Furthermore, with the Bill not likely to receive Royal Assent before the autumn, the requirement to produce a statement by January 2021 would leave very little room for considered policy development in any event.

This is not to say that the Government cannot act in the meantime. For instance, as your Lordships will be aware, they have provided £10 million to support and sustain the industry through the current difficult times. That said, in setting out something as important as our longer-term policies to realise the environmental, economic and social benefits that the Bill enables, the Government believe that these belong in the joint fisheries statement.

With this explanation, I hope that the noble Lord will feel able to withdraw his amendment.

9.45 pm

**Lord Teverson:** I thank the Minister for that reply. I have looked at Clause 48 and I have to admit that she is right. There we are: I am wrong; the Minister is right. It is unfortunate that the Bill reads so unambitiously, but I accept entirely that the definitions in Clause 48, which I have used in other amendments, are right.

I thank the Minister for responding to Amendment 17, which I entirely forgot to talk to because I did not turn over the page of my brief. In many ways it is the most important of the amendments I tabled because consultation is really important. I was reassured, to a degree, by the various organisations that she mentioned. As we know, government consultation can sometimes be just to avoid a judicial review and other consultations affect policy. I thank the Minister for stressing the positive side, rather than the other. I beg leave to withdraw the amendment.

*Amendment 10 withdrawn.*

### *Amendment 11*

*Moved by Lord Lansley*

**11:** Clause 2, page 3, line 36, at end insert—

“( ) If, prior to to the publication of a JFS, the fisheries policy authorities (or any one of them) consider that the policies or proposals intended to be included in the JFS by any of the fisheries policy authorities are inconsistent or contrary to the fisheries objectives to a substantial extent, they may request an independent review.

( ) If the fisheries policy authorities (or any of them) request an independent review, the Secretary of State must appoint an independent reviewer, who must report within 6 weeks or before the end of the period specified in subsection (4), whichever is sooner.

( ) The fisheries policy authorities must have regard to any report of the independent reviewer in preparing and publishing any subsequent JFS.”

Member's explanatory statement

This would provide a mechanism for seeking to resolve a dispute between fisheries policy authorities in preparation of a JFS.

**The Deputy Speaker (Lord Bates) (Con):** We now come to the group consisting of Amendment 11. I remind noble Lords that Members, other than the mover and the Minister, may speak only once and that short questions of elucidation are discouraged. Anyone wishing to press this amendment to a Division should make that clear during the course of the debate.

**Lord Lansley:** My Lords, Amendment 11 relates to the question of whether, if there is an inconsistency between the fisheries policy authorities in the preparation of a joint fisheries statement, there should be what has been described as a dispute resolution mechanism—some means by which that dispute between the authorities can be resolved so that the joint fisheries statement presents a consistent view across the United Kingdom. When we debated this in Committee, there were some deficiencies in the drafting of my amendment at that point, so I have come back with something that remedies at least those points, but it does not, of course, meet the Government's objective. They believe that the existing mechanisms are sufficient, including the scrutiny of this Parliament and the other Parliaments and Assemblies in other parts of the United Kingdom, as well as the consultations leading to a joint fisheries statement.

However, I remind noble Lords that I tabled the amendment because of a briefing from the National Federation of Fishermen's Organisations, which said that, under the existing concordat, which we are seeing a development from, the apparent nature of the agreements sometimes obscures the fact that there are

[LORD LANSLEY]

differences and inconsistencies in the approaches taken between, in particular, Scotland and England. It cites two examples. It sees the transfer of fixed quota allocation units out of Scotland as a one-way valve: it is possible for fixed allocation units to be transferred into Scotland, but the Scottish administration makes it difficult for them to go to England. Likewise, it says that the transfer of vessels and licences out of Scotland has been made more difficult by obstacles presented by the interpretation of the rules in Scotland. I do not want to debate those details—they are matters for the National Federation of Fishermen's Organisations—but it wants to be clear that, if the joint fisheries statement betrays a lack of consistency in the application of the rules, it wants there to be a mechanism by which an independent reviewer could be brought in to provide some means of resolution.

I am asking for an assurance from my noble friend about the vigilance that will be given to the process of achieving consistency, because the joint fisheries statements will begin to fall down if people believe that they are a cover for inconsistency under the surface. On something such as, for example, the equal access objective, it is stated in the fisheries objective that it must not be narrowly construed and that what we must be looking for is something that ensures that there is literally equal treatment, if I can put it like that, not just equal access, of English-based vessels and English-based owners in relation to Scottish waters and Scottish opportunities in the same way that there are opportunities for those based in Scotland in relation to English quota and the like. So, in moving Amendment 11, I am looking for that kind of assurance from my noble friend in response to this short—I hope—debate. I beg to move.

**Baroness Young of Old Scone [V]:** When I originally read this amendment, I thought I supported the proposal made by the noble Lord, Lord Lansley, for an independent review if there was disagreement among the fisheries policy authorities. However, the more I thought about it, the less I liked it. The problem with independent reviewers is that the selection of them does not always do the business, especially when environmental, economic and social considerations need to be balanced within a requirement for sustainability. Independent reviewers are often identified as having come from one or other of the sectors involved, and their background is deeply suspected by people from the other sectors.

We have just had a perfect example of that in the recent so-called independent review of HS2 costs and benefits, with the result that ancient woodlands are being comprehensively trashed along the length of England. So I hope that the Minister will meet the request made by the noble Lord, Lord Lansley, and come up with some other good idea for working through disagreements between the fisheries policy authorities that does not involve independent review.

**Lord Teverson:** My Lords, I will be very interested in the Minister's reply.

**Lord Grantchester:** My Lords, Amendment 11, which was moved by the noble Lord, Lord Lansley, raises an important question in relation to the formulation of

joint fisheries statements. Indeed, what happens if the authorities disagree on the policies to be included or their suitability in relation to the overall fisheries objectives? This is an area where we tried to tease out a little more detail in Committee, albeit with a focus on the Clause 9 power for authorities to make transitional provision. My concern then was to ensure joined-up policy-making rather than dealing with a formal dispute between different parties. However, the essence of the problem is the same. With different authorities working on different areas of policy, what mechanism is or should be in place should differences occur?

The amendment moved by the noble Lord, Lord Lansley, proposes an ability to refer matters to an independent review that would report in a relatively short timeframe. Such an approach would not necessarily resolve the differences of opinion, but it would at least provide an external arbiter whose findings each body would have to take account of. I would be grateful if the Minister could outline the process envisaged under the current formulation. If he does not agree with the approach suggested in Amendment 11, will he acknowledge that this may require further thought as the Bill progresses through the Commons?

**Lord Gardiner of Kimble:** My Lords, I am most grateful to my noble friend for his amendment. The fisheries administrations have a strong track record of working closely together to develop fisheries management policy. We recognise that there will be areas where we take different approaches to reach the same goals. The Fisheries Bill provides a common and transparent legislative framework for developing policies on shared objectives. Crucially, it also provides the flexibility for each Administration to choose how best to contribute to those same goals. This is essential to achieve sustainable management of our fisheries, recognise and accommodate the diversity of our industry and respect the devolution settlements.

The processes for developing the statements, as set out in the Bill, involve a great deal of consultation and parliamentary scrutiny, and before that there will need to be close working between the Administrations throughout the drafting process. There are therefore many opportunities for working together through potential differences. Nevertheless, we recognise the need for a clear mechanism for resolving disputes, should they arise. The key point is that we already have in place a clear, transparent dispute resolution process for fisheries management.

It may help noble Lords if I briefly set out this formal process. It is enshrined in the general memorandum of understanding between the UK Government and the devolved Administrations. This sets out an intergovernmental dispute resolution process that applies across many areas, including fisheries issues. In general, any differences are considered and resolved by policy officials and, if necessary, can be referred to the senior officials programme board for further consideration. In the highly unusual event that issues remain unresolved, they can be escalated through the EFRA inter-ministerial group. Where a difference over an issue cannot be resolved at the EFRA portfolio level, it becomes a disagreement that, as a last resort, any party can refer to the Joint Ministerial Committee secretariat.

The Joint Ministerial Committee consists of the Prime Minister, the First Ministers from the devolved Administrations and the three territorial Secretaries of State.

While this formal process has been adopted through the wider MoU, most fisheries issues are resolved through joint working between officials, which we have found leads to overwhelmingly harmonious and successful outcomes. There is also regular individual and collective ministerial contact between the Secretary of State and Ministers from all Administrations representing fisheries and the environment.

All four fisheries Administrations are also signatories to the *2012 Concordat on Management Arrangements for Fishing Opportunities and Fishing Vessel Licensing in the United Kingdom*, which sets out ways of working. The intention is that this will be replaced by a new fisheries memorandum of understanding as part of the UK and devolved Administration common frameworks programme. The memorandum of understanding will reflect the changes to the relationship between the devolved Administrations and to how devolution will operate now that we have left the EU. It will set out how we will work together to deliver the joint fisheries statement and include a fisheries-specific dispute resolution process.

Ultimately, Clause 2(1) requires the joint fisheries statement to include policies which achieve, or contribute to the achievement of, the objectives set out in Clause 1, which enables each Administration to develop approaches appropriate for their industry. The statutory requirement for consultation and parliamentary scrutiny of the joint fisheries statement in each Administration will provide certainty that the policies developed will meet the requirements of Clause 2.

The Government do not see that a separate independent review would have the additional value my noble friend has sought to articulate, given the existing well-tested processes for resolving disagreements between the fisheries Administrations, which have worked overwhelmingly

successfully to date. I hope that my noble friend will accept this fairly brisk explanation and feel able to withdraw his amendment.

**Lord Lansley:** I am most grateful to my noble friend. It might have been brisk, but it was also thorough. It helped a great deal, particularly the reference to the dispute resolution mechanism in the memorandum of understanding that will replace the concordat, which I am very grateful for. He will have heard what I said about ensuring equal treatment; I am sure that the consultations on the joint fisheries statement, not least with the producer organisations, will afford an opportunity to make sure that those issues which have concerned them can be exposed and dealt with, if necessary through the mechanisms my noble friend describes. In view of his response, I beg leave to withdraw my amendment.

*Amendment 11 withdrawn.*

*Amendment 12 not moved.*

***Clause 6: Fisheries management plans: duty to comply with proposals in JFS***

*Amendments 13 to 15 not moved.*

***Clause 7: Fisheries management plans: power to depart from proposals in JFS***

*Amendment 16 not moved.*

*Amendment 17 not moved.*

*Consideration on Report adjourned.*

*House adjourned at 10 pm.*