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28 September 2020

PARLIAMENTARY DEBATES  
(HANSARD)

# HOUSE OF LORDS

## OFFICIAL REPORT

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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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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

VOLUME DCCCIV

SIXTH VOLUME OF SESSION 2019-21

## House of Lords

*Monday 28 September 2020*

*The House met in a hybrid proceeding.*

*1 pm*

*A minute's silence was observed in memory of Police Sergeant Matiu Ratana, killed in the course of duty, and to mark National Police Memorial Day on 27 September.*

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

### Introduction: Baroness Fullbrook

*1.09 pm*

*Lorraine Fullbrook, having been created Baroness Fullbrook, of Dogmersfield in the County of Hampshire, was introduced and took the oath, supported by Lord Trimble and Lord Arbuthnot of Edrom, and signed an undertaking to abide by the Code of Conduct.*

### Introduction: Lord Sarfraz

*1.16 pm*

*Aamer Ahmad Sarfraz, having been created Baron Sarfraz, of Kensington in the Royal London Borough of Kensington and Chelsea, was introduced and took the oath, supported by Lord Choudrey and Lord Goldsmith of Richmond Park, and signed an undertaking to abide by the Code of Conduct.*

### Arrangement of Business

*Announcement*

*1.18 pm*

**The Deputy Speaker (Lord Lexden) (Con):** My Lords, the Hybrid Sitting of the House will now begin. Some Members are here in the Chamber, respecting social distancing, others are participating remotely, but all

Members will be treated equally. If the capacity of the Chamber is exceeded, I will immediately adjourn the House.

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

### Covid-19: Regional Theatres *Question*

*1.19 pm*

*Asked by Lord McNally*

To ask Her Majesty's Government what steps they are taking to help regional theatres survive the impact of the COVID-19 pandemic on their normal operations and sources of income.

**The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Baroness Barran) (Con):** My Lords, this Government recognise how severely regional theatres and the wider arts sector have been hit by the Covid-19 crisis. Our unprecedented £1.57 billion cultural recovery fund builds on the £200 million in emergency public funding to help stabilise organisations, protect jobs and ensure that work continues to flow to freelancers. We want this investment to benefit all parts of the country, not only those cities which may already be rich in cultural assets, and for smaller organisations and cultural venues at centre of their communities to be protected.

**Lord McNally (LD):** My Lords, the first theatre I ever attended was the beautiful Grand Theatre in Blackpool. Like many other iconic regional theatres, it now faces the possibility that it has closed for good. Can the Minister give assurances that the cultural recovery fund and other government measures will take careful cognisance of the contribution that these iconic theatres give to the cultural, educational and social life of the regions?

**Baroness Barran (Con):** I am pleased to reassure the noble Lord that that is exactly the way that my right honourable friend the Secretary of State and the Minister for Culture are approaching this. They recognise the critical value of these institutions to communities and the people who live and work in them.

**Lord Flight (Con):** My Lords, I support the speech of the noble Lord, Lord McNally. He went to the heart of the issue. I would like to widen regional theatre to include music and, indeed, opera. I have a young friend, aged 30, with a brilliant bass voice; he has been called on to sing in Covent Garden and the Met. When this started, all his bookings just faded away. There was no cover and no protection from the theatres. I am pleased to hear the Government are cognisant of the issue and what needs to be done, but I beg them to find the right way to save our theatres and our wonderful regional opera. I think we perhaps have something to learn from Germany.

**Baroness Barran (Con):** I thank my noble friend for highlighting the pressures that some extraordinarily talented performers face. We have tried to move as quickly as possible on this. We have already allocated £3.36 million of emergency funding to 135 grass-roots music venues, and we are currently processing over 4,000 applications for over £880 million to the cultural recovery fund.

**The Earl of Clancarty (CB):** My Lords, surely in these times it is not a coincidence that Dudley Council last week announced the decision to demolish the art deco Dudley Hippodrome, despite the clear desire of the local people to restore the building and maintain it for cultural use. Will the Government look at that decision? More broadly, what guarantees will they give that, with both the effects of Covid and the loosening of planning rules, many of our physical cultural assets—not just theatres but art centres, museums and other venues—will not eventually face a similar fate?

**Baroness Barran (Con):** My Lords, I am sorry to hear about the fate of the Dudley Hippodrome. However, strategically, this fund has been very much aligned to the fact that we must protect key physical institutions to protect the jobs and creativity that are found there.

**Lord Foulkes of Cumnock (Lab Co-op) [V]:** My Lords, will the Minister explain why all those who work in the theatre are not eligible for the Chancellor's new job support scheme?

**Baroness Barran (Con):** I hope that the noble Lord welcomes the new job support scheme and, importantly, its extension for self-employed people to the end of April. The uptake in the art sector of these schemes has been among the largest of any sector in the economy.

**The Earl of Glasgow (LD) [V]:** My Lords, those of us who are concerned about how badly Covid restrictions have affected British theatre are grateful to the Government for their recent generous contribution to helping it out. However, we are also concerned that too much of

this money will be going to the big cities, such as London and Manchester, and that the provincial theatres, which are suffering at least as much, may be bypassed. These provincial theatres need to be maintained as venues for major touring companies as well as for their local theatre groups. It is worth reminding ourselves that these local theatre groups are the breeding ground for so many aspiring new actors and producers, which have helped to make British theatre the best in the world. The Minister has already half answered this question and has already assured us that she will concern herself very much with the provincial as well as with the major theatres.

**Baroness Barran (Con):** I thank the noble Earl for helping me to answer the question. He is quite right that there are two key criteria in the culture recovery fund: institutions of national importance, and making sure that we use that money to continue to help level up all our communities.

**Lord Stevenson of Balmacara (Lab) [V]:** My Lords, some 90,000 jobs are currently at risk in the creative industries, and regional theatres right across the country are under threat. As my noble friend Lord Foulkes said, Treasury schemes have not helped the creative freelance sector, and we now know that this is because the Chancellor does not regard them as being viable jobs. Does the Minister agree with him? The film and TV sector now has a government-backed plan to help it restart productions. Why cannot that scheme be extended to regional theatres with immediate effect?

**Baroness Barran (Con):** I am not clear where the Chancellor said he did not see these as viable jobs. We have used every effort to make sure that the unprecedented level of support for these sectors is as wide and comprehensive as possible.

**Lord Vaizey of Didcot (Con):** I draw attention to my entry in the register of Members' interests, in particular my work with the National Youth Theatre and Digital Theatre+. May I ask my noble friend about further measures to support regional theatre? I absolutely congratulate her, her colleagues and the Treasury for the astonishing level of financial support that has already been provided. However, two practical measures may make a difference. One would be to consider increasing the threshold for the excellent theatre tax relief, brought in by a Conservative Government, perhaps as theatre begins to recover. The second, partly to echo the noble Lord, Lord Stevenson, would be to have a government insurance scheme to cover theatrical productions as they begin, we hope, to come back to life.

**Baroness Barran (Con):** I welcome my noble friend to his place in the Chamber. He makes two helpful suggestions. He is quite right that the theatre productions tax relief generated £71 million in the last year, which supported almost 3,600 productions; the Treasury keeps that under review at all times. We are working with the sector, looking at options around insurance, and my honourable friend the Minister for Culture is meeting with groups on this on a weekly basis.

**Baroness Bull (CB):** My Lords, theatre is only regional when viewed from a distance; to those living around them theatres are local, and they play a vital role in serving local communities and local needs. The Minister will be aware of the many ways in which local theatres have pivoted to address challenges I know are close to her heart, such as tackling loneliness. Can she say how government rescue packages are helping local theatres that have not shut but which have instead changed the nature of their engagement with communities to meet their immediate needs during the pandemic?

**Baroness Barran (Con):** I am happy to echo the noble Baroness's recognition of the important work that many local theatres and other cultural organisations have done during the pandemic. There has been extensive business support, which has been covered frequently in this House, but earlier this year the Government also announced a major £750 million package for those which are charities and social enterprises.

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

## Asylum System Question

1.29 pm

*Asked by Lord Kirkhope of Harrogate*

To ask Her Majesty's Government what steps they are taking to reform the asylum system.

**The Minister of State, Home Office (Baroness Williams of Trafford) (Con):** My Lords, the Home Office is working to improve asylum decision-making processes. The work will simplify, streamline and digitise processes, ensuring that asylum claimants are treated quickly and fairly and that claims which do not qualify are rapidly identified and prepared for return.

**Lord Kirkhope of Harrogate (Con) [V]:** I thank my noble friend for that reply; clearly, she agrees that it is only fair that applications for asylum be considered as speedily as possible and that those who fail to meet our conditions are removed from the country, also as quickly as possible. But in this context, will she confirm that the Government still adhere to the important criteria set down in the United Nations refugee convention of 1951 in determining our cases?

**Baroness Williams of Trafford (Con):** I can certainly confirm that. Clearly, it is in everybody's interests, including somebody who is coming here to claim asylum, that we process cases quickly and expedite them through the system.

**The Lord Bishop of Rochester:** My Lords, the Minister will know the importance for those in need of asylum of safe and legal routes to the UK directly, rather than undertaking hazardous journeys on land and sea. The UK's vulnerable persons resettlement scheme was one such route and has been something of a success story. However, with the scheme still paused, I believe, due to Covid, what discussions have the Government had

with local authorities, and perhaps with voluntary sector groups, about their capacity in the light of Covid to restart it and—dare I say it?—extend it?

**Baroness Williams of Trafford (Con):** My Lords, the right reverend Prelate, absolutely rightly, points to the work that local authorities are doing and we are most grateful to them; 80 local authorities have pledged more than 330 places to support our national transfer scheme. But he is also right to point out that in parallel with requests for more local authorities to support the NTS, we have launched a consultation on a more sustainable long-term model for the NTS.

**Lord McInnes of Kilwinning (Con) [V]:** My Lords, given that my noble friend has committed to the importance of resettlement as the best means of avoiding dangerous routes and people trafficking of asylum seekers, will she commit once again to investigate the expansion, post Covid, of person-to-person interviews in refugee camps, especially in Jordan and Lebanon, as opposed to virtual interviews?

**Baroness Williams of Trafford (Con):** In an ideal world, we would have been doing face-to-face interviews, but for the simpler cases, if you like, virtual interviews have been more efficient. That is not right in every case, but clearly, we should make the most of our digital capabilities where it is appropriate.

**Baroness Butler-Sloss (CB):** My Lords, will the Minister see whether the Government will consider giving to victims of modern slavery who have passed successfully through the NRM similar rights to those of refugees?

**Baroness Williams of Trafford (Con):** The noble and learned Baroness will know that a victim of modern slavery is not necessarily a refugee or someone who needs asylum; many of them are UK nationals. What is important is that victims of modern slavery receive the right support and help to get them out of the situation in which they have become embroiled.

**Lord Dubs (Lab) [V]:** My Lords, will the Minister confirm that the right to family reunion will be a basic feature of any reformed asylum system?

**Baroness Williams of Trafford (Con):** My Lords, outside the EU, last year we granted family reunion visas to almost 7,500 people, and have granted 29,000 since 2015, so there is a family reunion route through resettlement and we have no intention of stopping that.

**Lord Scriven (LD):** My Lords, if the asylum system is not institutionally homophobic and transphobic, what explanation can the Minister offer as to why the latest Home Office figures show that, yet again, the grant rate for applicants for asylum identifying as LGBT+ was significantly lower, as a percentage, compared with those granted asylum from the general cohort?

**Baroness Williams of Trafford (Con):** What I can tell the noble Lord is that, as he will know, caseworkers have gone through an awful lot of training with the help of UKLGIG and Stonewall to ensure that people

[BARONESS WILLIAMS OF TRAFFORD] who apply on the grounds of homophobia in their country of origin have their cases treated fairly. I hope that that is reflected—although the noble Lord disagrees with me—in the outcome of those cases.

**Baroness Stroud (Con) [V]:** What assessment has my noble friend made of Talent Beyond Boundaries' remote recruitment model as she looks to reform the current asylum system?

**Baroness Williams of Trafford (Con):** I was very pleased to meet my honourable friend Kevin Foster MP and the right reverend Prelate the Bishop of Durham last week to establish how people, whether they are fleeing a country because of persecution or conflict, can apply for jobs. Many of these people do not want to come here to claim benefits; they want to work. We have been discussing that with the right reverend Prelate, and those discussions will be ongoing.

**Lord Rosser (Lab) [V]:** The UK requires asylum seekers who wish to work and contribute to our economy to wait up to 12 months, pending their application being processed. The application process surely needs to be speeded up. The Government have said that over the past approximately 18 months, they have increased the number of decision-makers from about 350 to more than 630. By how much has the average time taken to consider asylum cases been shortened since the beginning of 2019, and what is now the target figure for the average time taken to determine asylum cases?

**Baroness Williams of Trafford (Con):** The noble Lord will appreciate that the past nine months have been unprecedented in terms of being able efficiently to deliver certain things, including the outcome of asylum cases. I do not have the exact figure to hand—I can get it for him—but I would imagine that that process has slowed, given the Covid-19 restrictions we have all been living under.

**Baroness Coussins (CB):** My Lords, why is the Home Secretary not willing to use the discretion she has to revert to the rates of financial support for asylum seekers which were abandoned in 2008, when support was set at 70% of income support levels for adults and 100% for children?

**Baroness Williams of Trafford (Con):** I think the noble Baroness will know that, in discussion with the ONS and others, we have set that rate as the one we think appropriate.

**Lord Randall of Uxbridge (Con) [V]:** I declare my interest as a vice-chairman of the Human Trafficking Foundation. Further to the answer given to the noble and learned Baroness, Lady Butler-Sloss, can my noble friend confirm that victims of modern slavery who are not from the UK could be treated in the same way as those who are seeking asylum?

**Baroness Williams of Trafford (Con):** Victims who are not from the UK will have the support and help they need to get out of the situation into which they

have been forced or in which they find themselves, which is a slightly different issue from seeking asylum. In other words, you are either a victim of trafficking and slavery, in which case you need one set of support, or you are seeking asylum from a dangerous country.

**Lord Dholakia (LD):** What discussions are taking place with the Government of France about the new arrangements for asylum co-operation? If the present Dublin agreement fails and we fail to reach an agreement, what will happen regarding asylum seekers settling in this country and the future prospects of settlement?

**Baroness Williams of Trafford (Con):** Clearly, France is geographically very close to us. We are in constant dialogue with France. We do not seek to replicate Dublin, of course, but in our reaching out to the EU with legal texts to see what happens after the transition period, we remain hopeful that those discussions will be fruitful.

**The Deputy Speaker (Lord Lexden) (Con):** My Lords, all supplementary questions have been asked.

## Energy White Paper Question

1.40 pm

Asked by **Lord Howell of Guildford**

To ask Her Majesty's Government when they anticipate publishing the next energy White Paper.

**Lord Howell of Guildford (Con) [V]:** My Lords, I beg leave to ask the Question standing in my name on the Order Paper. In doing so, I declare my interests as in the register.

**The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con):** The energy White Paper is a priority and will be published this autumn. This means that it will play a vital role in building back better and driving greener, clean economic recovery, delivering both jobs and skills.

**Lord Howell of Guildford (Con) [V]:** My Lords, I thank my noble friend for that Answer. Does he agree that when it comes to the future reliability of energy supplies, the public badly need some reassurance? Our main new nuclear project is well over budget and over time. The rest of our nuclear programme is full of uncertainties. The national grid warns of future power cuts unless it can invest fully in new systems, and household energy bills are still sky high. Can the Minister assure us that the long-overdue White Paper will restore some coherence to our medium and long-term needs for low-carbon, affordable and reliable electric power from all sources?

**Lord Callanan (Con):** I agree with my noble friend; I know that he speaks with great authority on this subject as a former Energy Minister. The White Paper will consider the overall energy system, including how demand for low-carbon electricity will increase in buildings and transport, and the role of technologies such as hydrogen and nuclear in supporting that transition.

**Viscount Hanworth (Lab):** One requirement in decarbonising the economy will be the replacement of current aviation fuels with hydrogen-based synthetic fuels, which will be produced by an energy-intensive process. Aero engines will also need to be adapted to consume such fuels. Small modular nuclear reactors, which Rolls-Royce is developing, would be a means of supplying the necessary energy. The company is also at the forefront of the aero engine industry. Do the Government recognise the unique opportunity that exists in sponsoring Rolls-Royce to pursue developments on both these fronts?

**Lord Callanan (Con):** We are always willing to work with innovative British companies. I agree with the noble Viscount's points about hydrogen and advanced nuclear technologies, which we are providing considerable support for.

**Lord Fox (LD):** As the Minister knows, the current target for offshore wind generation is 30 gigawatts by 2030. During the election campaign, Boris Johnson said that if the Tories won, that target would go up to 40 gigawatts. Which number will be included in the energy White Paper? Whichever one is used, do the Government recognise that not just Ofgem but the Government must make sure that this electricity can be distributed around the country?

**Lord Callanan (Con):** The noble Lord makes an important point about the distribution and alterations of the grid that will be required, but I am afraid that I must ask him to curb his impatience and wait for the White Paper with regard to numbers.

**Baroness Redfern (Con) [V]:** My Lords, the Humber energy estuary is the UK's most carbon-intensive industrial region and hosts some of the largest offshore wind farms to capture and store power. What are the Government's next steps for those carbon sequestration sites under the North Sea, which ultimately would have the potential to lead in securing a net-zero industrial cluster for the Humber?

**Lord Callanan (Con):** The noble Baroness makes a very good point. As I am sure she is aware, we have created a carbon capture and storage infrastructure fund of at least £800 million to establish at least two UK sites—one by the mid-2020s and the other by 2030—and £500 million to help energy-intensive industries to move to low-carbon techniques and decarbonise carbon-intensive regions such as Humberside.

**Lord Ravensdale (CB):** My Lords, I declare my interests as in the register. Given that we are unlikely to achieve net zero without nuclear power, which is critical to the security of thousands of jobs across the regions, I am concerned that the White Paper will contain only a broad outline of the strategy for new nuclear. Will it set out in detail clear guidance on financing, for example a commitment to a RAB model, to give the sector the clarity it needs to progress?

**Lord Callanan (Con):** The White Paper will look at the whole system of energy within the UK as part of our commitment to net-zero carbon emissions by 2050.

I reaffirm the key role that nuclear will play as part of that future energy mix. I can tell the noble Lord that we will respond to the RAB consultation in due course.

**Lord Grantchester (Lab) [V]:** With this long-overdue White Paper, the Government have said that they will “publish decarbonisation plans for key sectors such as agriculture and industry as part of its green agenda in the run up to COP26.” Can the Minister confirm that a greater number of these plans will be published on the same day as the energy White Paper to demonstrate the Government's joined-up approach, so needed to tackle the climate emergency?

**Lord Callanan (Con):** The noble Lord is right to point out that intensive work is going on in all those areas. I cannot confirm that those documents will be published at exactly the same time.

**Baroness Bowles of Berkhamsted (LD) [V]:** With the continuing pull-out from nuclear new builds, do the Government consider it strategically important to invest in the pre-commercial development of the marine energy sector, which is also well aligned with areas where development is needed?

**Lord Callanan (Con):** I agree with the noble Baroness. The Government have a long history of supporting the development and deployment of wave and tidal stream technologies in the UK. To date, we have provided sustained and targeted support enabling the wave and tidal stream sectors to move from initial concept to prototypes and now on to the first arrays in practice.

**Lord Wigley (PC) [V]:** My Lords, can we assume that the White Paper will give a definitive indication of the Government's intention for the Wylfa site following Hitachi's pulling out? Can the Minister tell the House whether both SMRs and fusion reactors are being actively considered for Wylfa and when the generic design assessments for these two technologies will be started?

**Lord Callanan (Con):** I understand the concern in north Wales about this issue but Hitachi made it clear that withdrawing from the Wylfa project is a commercial decision that it has taken for its own domestic and business reasons. We understand that it is disappointing. We remain willing to discuss any new nuclear projects with any viable companies and investors wishing to develop sites in the UK, including that at Wylfa.

**Viscount Trenchard (Con) [V]:** My Lords, following on from the question asked by the noble Lord, Lord Wigley, repeated delays in the publication of the energy White Paper and the failure to publish a response to the consultation on a regulated asset base model for nuclear that closed nearly a year ago have contributed to the doubt and uncertainty surrounding the Government's future commitment to new nuclear projects, such as that at Wylfa. Does the Minister agree that it is now crucial that the Government send an urgent message to the Japanese Government saying that they are committed to working with them to develop a framework

[VISCOUNT TRENCHARD]

under which the project that was supposed to provide 7% of our electricity by the mid-2020s can be revived as a UK-Japan joint project?

**Lord Callanan (Con):** As I just said, the decision taken by Hitachi was a commercial one. We totally agree that nuclear power will play a key role in the UK's future energy mix as we transition to a low-carbon economy, and we already support investments in small and advanced modular reactors.

**Lord Craig of Radley (CB) [V]:** My Lords, what progress have the Government made on resolving the issue of the safe and ecological disposal of nuclear waste with a long half-life? Will the future energy policy address this vital matter?

**Lord Callanan (Con):** In December 2018, the Government launched a new siting process to identify a suitable location in which to construct a geological disposal facility. This is of course a consent-based process that is looking to identify both a willing host community as well as a location with the suitable geology in which to construct such a geological disposal facility.

**Lord West of Spithead (Lab):** My Lords, the Minister is well aware of my passion for ships and the need for the Royal Navy to have more, and also my huge support for a sensible nuclear power industry. But I am also delighted that it appears that hydrogen is being considered for future power. Will the Minister confirm that, in the energy White Paper, hydrogen is being addressed and that the supply and demand sides of the hydrogen economy will also be addressed—for example, a push towards hydrogen vehicles?

**Lord Callanan (Con):** I was wondering how the noble Lord would get warships into this Question, but he has of course managed it. The White Paper will set out the proposals for the use of hydrogen and carbon capture and storage. They are key to our planning as we seek to decarbonise gas by 2050 for net zero, because of the potential they have to allow us to decarbonise both nationally and regionally while creating new, high-value jobs. Hydrogen will be a key part of the energy mix in the future. We are looking very closely at investing in it and we will be setting out a further strategy on that.

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

## Covid-19: Medical and Funeral Expenses *Question*

1.51 pm

*Asked by Lord Roberts of Llandudno*

To ask Her Majesty's Government what arrangements they are making to assist with (1) the medical, and (2) the funeral, expenses of those who have had COVID-19.

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, the circumstances of their passing and the burial of the dead has been one of the most heart-breaking aspects of the Covid epidemic. The Government have sought to soften the blow with additional payments, but nothing we do can make up for the sadness caused by this horrible disease for those who seek to mourn. As set out in the NHS constitution, access to services is based on clinical need, not on an individual's ability to pay. To support health services through Covid, we have allocated an additional £48 billion to support this principle.

**Lord Roberts of Llandudno (LD) [V]:** Is it not true that the places that are in the greatest need of financial support are the poorest areas? It has been confirmed again that people living in the poorer areas of our country are twice as likely to die of this virus as those in better-off areas. I know that a basic funeral will cost perhaps £1,500 which, for ordinary people in poorer areas who are in any case struggling to make ends meet, a bill of this sort—and it can often be more than that—is totally heart-breaking, with anxiety and stress resulting from it. Do the Government have any proposals to ensure that poorer folk in particular will be able to meet their needs without having to suffer the stress that they feel at the present time?

**Lord Bethell (Con):** It is true that there is a correlation between the mortality of this disease and poverty. That is why we have enhanced the funeral expenses payments by increasing the additional costs by £300. We are also supporting public health funerals by issuing new guidance to local authorities to support this important measure which brings a degree of quiet to those who die in poverty.

**Baroness Thornton (Lab):** Does the Minister share my concern that older people and their families are picking up the tab, with many being forced to pay a steep and unexpected coronavirus bill by their care providers? Some care home residents are being asked to pay more than £100 a week on top of their usual care home fees as PPE and the cost of covering staff absences push the finances of some care homes into the red and threaten their sustainability? What consideration have the Government given to outlawing or capping such charges, as called for by Age UK? With a second peak under way and care homes under acute financial pressure, will the Minister commit to making sure that the Government's emergency funding is directed to them?

**Lord Bethell (Con):** My Lords, the noble Baroness is right to say that there are costs related to PPE for social care homes. That is why we have put together a winter plan for social care that envisages a massive investment in Covid-compliant PPE for care homes providing both adult care and child care. It will be free of charge for those homes. The money that we are supporting through the DWP funeral expenses payment and through the public health funerals programme has been enhanced. In 2018, £6.3 million was spent on public health funerals by local authorities and further sums have been allocated to support this important payment.

**Baroness Gardner of Parkes (Con) [V]:** My Lords, I am pleased to hear the Minister's comments, but I was absolutely shocked to see that the price of a budget funeral is really quite high, at between £4,000 and £6,000, with a cremation at £3,400. Too many people are in the category where there is no way of finding that money. When the Minister answered the first Question on this, he said that the council system was still going. Could he elaborate on that, because in my council days in social services we handled a lot of funerals for people who simply had no money? This is a great anxiety for families and they need to know that they will be cared for at that stage.

**Lord Bethell (Con):** My Lords, the costs of a funeral are indeed a heavy burden on families with little wealth and have to support these payments. The Cabinet Office holds weekly meetings with the funeral industry in order to ensure that measures are in place to support families of the kind my noble friend described. We have put together guidance in order to ensure Covid-compliant funerals at the lowest possible cost, and for those who cannot afford to pay, the DWP has measures in place to make a payment up front for funeral costs in order to support them.

**Baroness Barker (LD):** My Lords, public health funerals cost on average about £1,500 each. Many local authorities such as Birmingham spend a significant amount on them—almost £1 million in 2019. Local authorities are reporting an increase in demand for public health funerals. Will the Government take that into account in next year's local government settlement?

**Lord Bethell (Con):** My Lords, I do take note of the point made by the noble Baroness. This is entirely on our radar screen. We are aware of these additional costs and we will take note of the point that she has made.

**Baroness Warsi (Con) [V]:** My Lords, will my noble friend join me in paying tribute to the tremendous community-based voluntary work of the National Burial Council, the British Islamic Medical Association, the Muslim Council of Britain and others which have co-ordinated and supported a community that has suffered a disproportionate number of deaths during this pandemic? Will he agree to receive a report on this from the All-Party Parliamentary Group on British Muslims and meet with some of the volunteers to ensure that the Government can learn lessons from the practice of faith-based initiatives in this difficult period?

**Lord Bethell (Con):** My Lords, I pay tribute to those who represent faith-based funeral interests. They have been presented with a huge challenge during Covid and have worked with the Cabinet Office in order to put together the kind of measures necessary to give people of faith the respectful funerals that they deserve. I would be glad to receive the report that my noble friend described.

**Lord Loomba (CB) [V]:** My Lords, I declare my interests, as set out in the register. Knowing that more men than women have sadly died from Covid-19, could the Minister tell us how many Covid-19 widows

there are in the UK and what steps the Government have taken to support them financially, as well as to overcome their bereavement and grief?

**Lord Bethell (Con):** My Lords, I am not sure the statistics that the noble Lord describes are at my disposal. However, the phenomenon he describes is both heart-breaking and of deep concern. Payments have been made to charities that have an interest in bereavement support to address this exact problem. Our thoughts and prayers go to all those who have lost a spouse or loved one to Covid.

**Baroness Walmsley (LD) [V]:** My Lords, I ask about eligibility for the funeral expenses payment. It looks to be less about those who do qualify and more about those who do not. For example, somebody on benefits, who is responsible for a funeral and makes an application, will be turned down if a close member of the family is not on benefits. How many people have applied for this payment since the pandemic began and what proportion have been successful in receiving it?

**Lord Bethell (Con):** My Lords, the noble Baroness is correct that the calculation is dependent on close relatives being on social benefit. It is a sliding scale, but it is applied in an open-hearted and generous-minded way, and there are relatively discretionary payments, of up to £1,000 for ancillary costs that go beyond the funeral parlour costs, to try to create the kind of funeral that marks the passing of a loved one. We are keeping this payment under very close review, given its sensitivity, and will review it if there are concerns.

**Baroness Greengross (CB):** My Lords, given that the number of deaths in the UK has increased by 60,000 on last year, do the Government have up-to-date figures for the number of public health funeral claims being made to local authorities?

**Lord Bethell (Con):** My Lords, I do not have up-to-date figures for the claims up to this month, but the number is expected to have risen. We published refreshed non-statutory good practice guidance this month, for all local authorities, to ensure that public health funerals are delivered respectfully and with care, both for the individuals and their families.

**The Deputy Speaker (Lord Lexden) (Con):** My Lords, all supplementary questions have been asked.

2.02 pm

*Sitting suspended.*

## Economy Statement

*The following Statement was made in the House of Commons on Thursday 24 September.*

“Thank you for granting me permission to make this statement to the House, Mr Speaker. Earlier this week, the Prime Minister set out the next stage of the Government's health response to coronavirus. Today, I want to explain the next phase of our planned economic response. The House will be reassured to

[LORD LEXDEN]

know that I have been developing plans to protect jobs and the economy over the winter period—plans that seek to strike a finely judged balance between managing the virus and protecting the jobs and livelihoods of millions.

I know that people are anxious, afraid and exhausted at the prospect of further restrictions on our economic and social freedoms. I share those feelings, but there are reasons to be cautiously optimistic. We are in a fundamentally different position than we were in March, and we now know much more about this virus. Public awareness of the risks and how to mitigate them is far greater, and we have met our promise to give the NHS whatever it needs, with significant new funding for NHS capacity and for personal protective equipment. I can inform the House that we have now provided over £12 billion for test and trace.

In economic terms, while our output remains well below what it was in February, we have seen three consecutive months of growth, and millions of people have moved off the furlough and back to work. But the resurgence of the virus and the measures we need to take in response pose a threat to this fragile economic recovery, so our task now is to move to the next stage of our economic plan, nurturing the recovery by protecting jobs through the difficult winter months.

The underlying rationale for the next phase of economic support must be different from what came before. The primary goal of our economic policy remains unchanged—to support people's jobs—but the way we achieve that must evolve. Back in March, we hoped we were facing a temporary period of disruption. In response, we provided one of the most generous and comprehensive economic plans anywhere in the world, with £190 billion of support for people, businesses and public services as we have protected our economic capacity. It is now clear, as the Prime Minister and our scientific advisers have said, that for at least the next six months the virus and restrictions are going to be a fact of our lives. Our economy is now likely to undergo a more permanent adjustment. The sources of our economic growth and the kinds of jobs we create will adapt and evolve to the new normal, and our plan needs to adapt and evolve in response.

Above all, we need to face up to the trade-offs and hard choices that coronavirus presents, and there has been no harder choice than the decision to end the furlough scheme. The furlough was the right policy at the time we introduced it. It provided immediate short-term protection for millions of jobs through a period of acute crisis, but as the economy reopens, it is fundamentally wrong to hold people in jobs that only exist inside the furlough. We need to create new opportunities and allow the economy to move forward, and that means supporting people to be in viable jobs that provide genuine security.

As I have said throughout this crisis, I cannot save every business. I cannot save every job. No Chancellor could. But what we can and must do is deal with the real problems businesses and employees are facing now. In March, the problem was that we ordered businesses to close. In response, we paid people to stay at home and not work. Today, the problem is different.

Many businesses are operating safely and viably, but they now face uncertainty and reduced demand over the winter months. What those businesses need is support to bring people back to work and protect as many viable jobs as we can.

To do that, I am announcing today the new jobs support scheme. The Government will directly support the wages of people in work, giving businesses that face depressed demand the option of keeping employees in a job on shorter hours, rather than making them redundant.

The job support scheme is built on three principles. First, it will support viable jobs. To make sure of that, employees must work at least a third of their normal hours and be paid for that work as normal by their employer. The Government, together with employers, will then increase those people's wages, covering two-thirds of the pay they have lost by reducing their working hours. The employee will keep their job.

Secondly, we will target support at firms that need it most. All small and medium-sized businesses are eligible, but larger businesses only when their turnover has fallen through the crisis.

Thirdly, it will be open to employers across the United Kingdom, even if they have not previously used the furlough scheme.

The scheme will run for six months, starting in November. Employers retaining furloughed staff on shorter hours can claim both the job support scheme and the jobs retention bonus.

Throughout this crisis, we have sought parity between employees and the self-employed, providing more than £13 billion of support to over 2.6 million self-employed small businesses, so I am extending the existing self-employed grant on similar terms and conditions as the new jobs support scheme.

These are radical interventions in the UK labour market—policies we have never tried in this country before. Together with the jobs retention bonus, the kick-start scheme for young people, tens of billions of pounds of job creation schemes and new investment in training and apprenticeships, we are protecting millions of jobs and businesses.

If we want to protect jobs this winter, the second major challenge is helping businesses with cash flow. Over the past six months, we have supported business with tens of billions of pounds of tax deferrals and generous government-backed loans. Those policies have been a lifeline, but right now businesses need every extra pound to protect jobs, rather than repaying loans and tax deferrals, so I am taking four further steps today to make that happen.

First, bounce-back loans have given over a million small businesses a £38 billion boost to survive this pandemic. To give those businesses more time and greater flexibility to repay their loans, we are introducing pay as you grow. This means loans can now be extended from six to 10 years, nearly halving the average monthly repayment. Businesses that are struggling can now choose to make interest-only payments, and anyone in real trouble can apply to suspend repayments altogether for up to six months. No business taking up pay as you grow will see its credit rating affected as a result.

Secondly, I am also changing the terms of our other loan schemes. More than 60,000 small and medium-sized businesses have taken out coronavirus business interruption loans. To help them, I plan to extend the government guarantee on those loans for up to 10 years, making it easier for lenders to give more people more time to repay. I am also extending the deadline for all our loan schemes to the end of this year, and we are starting work on a new successor loan guarantee programme that is set to begin in January.

Thirdly, I want to give businesses more time and flexibility over their deferred tax bills. Nearly half a million businesses deferred more than £30 billion of VAT this year. Under current plans, those payments fall due in March. Instead, I will allow businesses to spread that VAT bill over 11 smaller repayments, with no interest to pay. Any of the millions of self-assessed income tax payers who need extra help can also now extend their outstanding tax bill over 12 months from next January.

The final step I am taking today will support two of the most affected sectors: hospitality and tourism. Under current plans, their VAT rates will increase from 5% to the standard rate of 20% on 13 January. To support more than 150,000 businesses and help to protect 2.4 million jobs through the winter, today I announce that we are cancelling the planned increase and will keep the lower 5% VAT rate until 31 March next year.

Today's measures mark an important evolution in our approach. Our lives can no longer be put on hold. Since May we have taken steps to liberate our economy and society. We did those things because life means more than simply existing. We find meaning and hope through our friends and family, and through our work and community. People were not wrong for wanting that meaning, and for striving towards normality, and neither were the Government wrong to want that for them. I said in the summer that we must endure, and live with the uncertainty of the moment, and that means learning our new limits as we go. The truth is that responsibility for defeating coronavirus cannot be held by the Government alone. It is a collective responsibility, shared by all, because the cost is paid by all.

We have so often spoken about the virus in terms of lives lost, but the price our country is paying is wider than that. The Government have done much to mitigate the effects of those awful trade-offs between health, education and employment, and as we think about the next few weeks and months, we must bear all those costs in mind. As such, it would be dishonest to say that there is now a risk-free solution, or that we can mandate behaviour to such an extent that we lose any sense of personal responsibility. What was true at the beginning of this crisis remains true now: it is on all of us, and we must learn to live with it, and live without fear. I commend this Statement to the House."

2.07 pm

**Lord Tunnicliffe (Lab) [V]:** My Lords, I am grateful for the chance to respond to this Statement. The timing, just over a month before the winding up of the furlough scheme—which has caused anxiety for millions

across the UK—is regrettable. Other countries have been quicker to provide businesses and workers with certainty, and bolder in the steps they have taken.

The Statement fits the now-familiar pattern of the Government's handling of coronavirus. It was not scheduled in the usual way and instead announced at short notice, in response to an Urgent Question submitted by the shadow Chancellor, Anneliese Dodds. The Treasury says it replaces the planned Autumn Statement. It is another example of Ministers reacting to events, rather than attempting to shape them—of allowing problems to grow, rather than acting quickly and decisively to prevent them in the first place. We have seen it on test and trace and now on the economy.

We recognise and welcome that the Government seem to have acknowledged what we have been saying for months: that action was needed to avoid a cliff edge for workers. The Statement offers a degree of certainty for some, even if it is not as comprehensive as we would like. The continuation of the scheme for the self-employed, for example, is a positive step, even if its well-known shortcomings remain. A new form of wage support is also welcome. It is not perfect but it is something. However, my overall impression is that the measures offered amount to too little, too late.

In relation to the new job support scheme, it is worth noting that Labour has long called for a change in the Government's approach. The Chancellor has been asked to reconsider the planned one-size-fits-all withdrawal of job support on no fewer than 40 occasions. The Treasury cannot pretend that there was not time to get this right. While it is of course welcome that some workers will enjoy the protection of the new scheme, the cracks are beginning to show. Labour Party analysis observes that it will be cheaper for many businesses to retain one full-time member of staff than to preserve two jobs on short hours. The impact of that on unemployment could be, and probably is, profound.

As with the current furlough arrangement, there is virtually no conditionality on businesses. No commitment must be made to keep jobs open in the medium-to-long term. Instead the Chancellor is now admitting that jobs will be lost. He says that the new scheme has been designed with that in mind, with his priority to protect those jobs and people whose futures are deemed "viable". What a callous word to use. Many loyal, talented and hard-working people will lose their jobs as a result of the economic difficulties we are facing. It will be no reflection on their character or ability; in many cases, businesses will agonise over the arbitrary decisions that they are required to make. Many businesses are operating with low capacity, not because they are not viable but because they are compliant with HMG's public health guidance.

On 12 August, the Chancellor promised that "no one will be left without hope or opportunity".

For probably more than a million people, there will be no opportunity. Does the Chancellor believe that these human beings should survive on hope? I have been unemployed three times in my career. My abiding memory is one of terror, not hope. Until one has faced the loss of self-worth after multiple rejections, one cannot understand unemployment.

[LORD TUNNICLIFFE]

We accept that it is not possible to save every single job. However, each job loss is a personal tragedy and deserves to be recognised as such. I hope that the Minister takes that on board and ensures that he uses different language. Can he outline why the Government have not offered meaningful support to those who have already lost their jobs? Why is there no mention of help for those who may be about to lose their jobs as a result of recent policy decisions based on the Treasury's modelling? Just how many jobs are expected to be lost during the lifetime of the scheme? Why is there nothing substantive on skills and training? Labour and the trade unions have consistently called for concrete action to help to reskill people so that they can find good-quality jobs when the economy recovers. Why are the Government content to leave certain people behind?

Why are the Government still not providing tailored support for those sectors most in need of help? Hospitality venues are required to close early, having only recently reopened. Theatres and music venues are still unable to reopen, and we are familiar with the challenges facing sports clubs outside the top tier. Tourism and aviation will also continue to be impacted, probably for quite some time. The Minister will no doubt point to various pots of money that have been found over the past six months. However, consistent with my earlier point, such funds have been established only when sectors have reached breaking point. Early assistance could have made more meaningful differences.

I recognise that the Government cannot single-handedly fix every problem faced by the UK economy. However, the points that I have raised are neither new nor likely to go away. A competent Government would have addressed them long ago. Just how long are we going to have to wait?

**Baroness Kramer (LD):** My Lords, the Government have not really grasped the double whammy of Covid and our departure from the single market and the customs union, even assuming that there is a free trade deal.

The measures announced last week, including job support modelled on the German *Kurzarbeit*, are welcome but fall far short. Many jobs in sectors such as the creative industries, sports and hospitality are long-term viable if they can survive the next six months, so can the Minister explain why the Chancellor has not targeted the necessary funds to get them through that six-month period? Three million members of our workforce were excluded from support the first time around, especially a swathe of independent contractors. Why are they excluded again, especially when so many who have become redundant will become independent contractors if they are to live?

The pace of companies being dropped from European supply networks is accelerating. Future FTAs outside the EU only marginally offset the lost business. This is completely aside from the issue of chaos at the borders. Why are these injured firms and workers not getting meaningful help? Are they now considered non-viable? Where are the scaled-up and innovative retraining schemes that are needed to deal with over a million redundancies by year end? Firms of all sizes are

accruing levels of debt that will cripple their future growth. Where is the fund to recapitalise overindebted SMEs? Can the Minister explain how Scotland and Wales can meet their constitutional responsibilities to set a budget with no Budget this year from the UK? When will we hear from the OBR and get a good working forecast that deals with the situation as we now understand it? Being £2 trillion in debt may be something which the Government are comfortable with, but most of us would like to know what the principles are going to be on how that will be tackled and how it will eventually be reduced and repaid.

**The Minister of State, Cabinet Office and the Treasury (Lord Agnew of Oulton) (Con):** My Lords, in replying to the noble Lord, Lord Tunnicliffe, and the noble Baroness, Lady Kramer, I gently remonstrate with him on us being “reactive”. We have tried to move as quickly as possible at all stages of this crisis but, as we can see from across the world, it is extremely difficult to be ahead of the curve. The announcements made by my right honourable friend the Chancellor last week demonstrate that a lot of hard thinking has gone on over the last two or three months, and the fact that the Statement might have been prompted by a Question shows that the work had been done.

I do not accept that it is too little, too late. The amount of support that we have provided for the economy over the last few months is almost without precedent, with £39 billion on the furlough scheme protecting at one point up to 9.5 million jobs—that figure has now reduced to some 3 million because many millions have come back to work—and £5.6 billion for almost 2.2 million self-employed people under the second grant self-employment income support scheme. I could go on.

The noble Lord asked about the intention of the job support scheme to keep part-time workers rather than to just go for a single full-time worker. The idea is to keep as many people in work as possible with their skills so that, when the economy recovers, the skills have not been lost. While on a hard, simple basis, it might be more viable to keep one person, in the longer term any employer would try to keep part-time people. I suggest that the noble Lord takes on board the job incentive scheme: £1,000 for those coming back into work between now and January.

The noble Lord asked about good-quality training. Earlier in the year we announced the kick-start scheme, a £2 billion scheme for young people which subsidised employment, as it was a concern that 800,000 young people left school and education over the summer.

The noble Baroness, Lady Kramer, asked about the hospitality sector. We have extended the reduction in VAT for that sector. We also have in place the grants and rates support, again a very considerable sum of money. She asked about us formally leaving the European Union and customs. She will not like it, but that is a major employment opportunity for that sector. We have only 5,800 customs intermediaries. They all need to increase employment. We have provided grants for them to upscale. Another example of new training needed is police officers. Sectors of the economy will grow, and the Chancellor's comments are to encourage people to move across to those over the next few years.

On the devolved authorities, we have made considerable grants to them under the Barnett formula. While the Budget has been postponed, we are working at pace on the comprehensive spending review which, I would suggest, is a more important long-term method of looking at how we are going to rewrite the economy after the crisis that we have faced over the past six months.

The noble Baroness also asked about the debt. The debt is very worrying. No one is going to pretend that it is not. It was last at 100% of GDP in the year I was born—1961—and, therefore, we are going to have to be very careful over the next few years about how we address that. We were fortunate that, having got the economy and the financial position into a relatively stable state over the past few years, we had the headroom to do what we have been able to do, which has all been about trying to reduce the impact on citizens over the past seven months.

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

2.21 pm

**Baroness Buscombe (Con):** My Lords, I congratulate the Chancellor on his Statement, which injects an important degree of realism into all this. I pay tribute to my noble friend the Minister who, I know, with his considerable expertise and experience, is an invaluable person at the Treasury.

The Chancellor talked about living without fear. Many of us do not fear Covid. What we fear is how on earth we are going to pay for it. The Chancellor referred to collective responsibility, costs paid by all of us and truths, so I shall suggest to my noble friend just two of a number of changes that are needed to demonstrate collective responsibility and truth before we have to pay, as we will, more tax. I am not expecting answers today. Will the Treasury lean on the Department for Work and Pensions to use mechanisms already in place with the banks to tackle tax evasion and to expose benefit claimants who do not declare their true assets, because we have to be sure to target welfare where it is needed? Secondly, will the Chancellor once and for all deal with and end the crazy truth that the United Kingdom is a tax haven for people living here who were born beyond our shores? There has to be equality and fairness for all in the tax system.

**Lord Agnew of Oulton (Con):** I thank my noble friend for her questions. In short, I will write to her on the DWP's policy on fraud checks for newly registered universal credit claimants. It suspended a number of the checks at the height of the crisis, but I am aware that it is going to reintroduce them. I do not have the date, so I will write to her. On us being a tax haven for dubious people, I share her concern. It perhaps takes a crisis such as the Covid crisis to focus minds, and I hope very much that we will taking much more assertive action.

**Lord O'Neill of Gatley (CB) [V]:** My Lords, I broadly compliment the proactive role played by the Treasury in response to this crisis, which has, sadly,

been in marked contrast to the overall policy of the Government. Notwithstanding the sometimes confusing and certainly erratic policies of the Government, and possibly aided by the Treasury and the Bank of England, at least through mid-September the UK, perhaps surprisingly, appeared to be sharing in what some economists might describe as a V-shaped recovery through the third quarter. What will happen beyond this month and through the next quarter looks very uncertain, and the more pessimistic scenarios are not implausible. To avoid them may greatly depend on the introduction of a successful vaccine and a much more truly successful test and trace system.

But what I really want to speak about today is to inquire about the so-called levelling up agenda. Is there ever going to be anything beyond the endless rhetoric? The Government talk frequently and ambitiously about levelling up and the northern powerhouse agenda. They have done so since they were elected and have continued to do so despite Covid-19, yet they show no sign of this rhetoric being backed up by deed. They were close to presiding over a colossal levelling down in school education attainment, they repeatedly postponed plans for a spending review in which infrastructure spending is highlighted as being in the centre—

**Baroness Penn (Con):** My Lords, I encourage questions to the Minister on the Statement.

**Lord O'Neill of Gatley (CB) [V]:** What is happening to this and the spending review as well as the much-talked-about Green Book review as well as the promised paper on devolution? Surely the ongoing consequences of this crisis suggest an even greater need for true levelling up rather than excuses and repeated delays.

**Lord Agnew of Oulton (Con):** I can confirm to the noble Lord that levelling up is very much on the Government's agenda. I am, as part of my portfolio, the Minister responsible for government property, and one thing that I have instituted is to ensure that no break clauses for major buildings in London are allowed to run over during the next three or four years to force the issue of moving staff out of London. In addition to that, I receive monthly all the job advertisements for senior civil servants, and I am continually pressing and challenging departments that do not advertise those jobs outside London. That is improving slowly.

In the Budget in March, we announced one of the largest infrastructure commitments since the war, with some £600 billion-worth of infrastructure, and I can confirm that a great deal of that will be going into areas which have been left behind in the past.

Lastly, the noble Lord asked about the comprehensive spending review. I can confirm that 24 September was the deadline for all departments to submit their returns and their bids. We will be responding to that within the next couple of months.

**Lord Monks (Lab) [V]:** I welcome the fact that we will have a short-time working scheme, which the TUC has been pressing for for some time, and that we have learned something from the successful scheme in Germany. Can we be assured that this scheme, while not protecting every job, will be adequate to avoid

[LORD MONKS]  
cliff-edge surges in unemployment at the end of October and at the end of the Brexit transition period? Otherwise, British workers will face a double whammy, and it seems to me important that the Chancellor is open-minded about taking further measures. Finally, how do the Government define “viable” jobs which need support? How is that done and how is it to be carried through?

**Lord Agnew of Oulton (Con):** My Lords, I can only reply honestly and say that I do not know whether the support announced last week will be adequate. It depends on simply too many moving parts. We all know that if a vaccine is discovered in the next couple of months it would completely change the game. At the other end of the spectrum, if we had a very bad surge which led to huge levels of hospitalisation, that would push us in the other direction. The Chancellor has been consistent in saying that he will respond to the circumstances.

**Lord Fox (LD):** My Lords, even with the job support scheme, economists and others are predicting at least 1 million being made unemployed by the end of the year. For many of them and their families, the only recourse will be universal credit. The Minister claimed to be proactive, so here is a proactive idea. The Economic Affairs Committee has just issued a report which lays bare the shortcomings of universal credit, so will the Minister undertake that he and his Government will take a look now at that report and respond much more quickly than they normally do because this is an oven-ready way of making sure that universal credit is adequate for all the millions of newly unemployed people?

**Lord Agnew of Oulton (Con):** My Lords, universal credit has turned out to be a total game-changer for those thrown out of work by this crisis. It has been extraordinarily flexible. If we look at the past three or four years, we have always responded to criticism and have improved universal credit when it has been clear that it needed improving, and I can assure the noble Lord that I will make sure that the report to which he referred is made available to my right honourable friend.

**Baroness Stroud (Con) [V]:** My Lords, since the coronavirus pandemic has struck, two in three, or 65%, of those employed and in deep poverty prior to the crisis have seen reduced hours or earnings, been furloughed and/or have lost their job. I welcome the Chancellor’s strategy of balancing measures to combat the spread of the virus with measures to preserve viable jobs and grow the economy, but what is the Minister’s strategy for ensuring that those who are working and already on the lowest of incomes are protected at this time, particularly as the nature of the work they undertake is often already less stable?

**Lord Agnew of Oulton (Con):** My Lords, the furlough scheme has protected probably millions of jobs. That was the idea of it. We continue to want to protect jobs that are viable in sectors that will recover quickly. Beyond that, the emphasis, particularly for lower-paid

people, is on skills upgrading and training, and that has to be the future for the group of people that my noble friend refers to.

**Baroness Meacher (CB):** My Lords, despite being a pension recipient, I am appalled that the Prime Minister appears to have blocked the Chancellor’s plan to suspend the triple lock. Does the Minister agree that it is wrong for pensioners to receive a very generous pension increase next year, at vast cost, despite the fact that the incomes of working people will inevitably have fallen dramatically due to Covid, despite last week’s statement of support?

**Lord Agnew of Oulton (Con):** My Lords, the Prime Minister is hesitant to address this because it was a very strong manifesto commitment and he is very anxious not to break those. As we know, in politics it is very easy to break promises.

**Baroness Blackstone (Ind Lab):** My Lords, the Statement claims that new investment is being provided in training and apprenticeships. Can the Minister elaborate on what is new rather than already announced? Can he tell the House whether the Government will ensure that workers on reduced hours have real opportunities to use the time they have to develop much-needed additional skills? What conditions will be required from employers to fulfil that need?

**Lord Agnew of Oulton (Con):** My Lords, the announcements last week included a number of matters around the extension of existing loan facilities and keeping open the window for loan applications under the various support schemes that the Treasury has created. On encouraging part-time working to enable staff to use the spare time for training, I think that that has to be an individual matter between employees and employers. However, to me it seems fairly straightforward that a part-time employee can access, in particular, online training, which has become the method by which most training is now distributed.

**Lord Mackenzie of Framwellgate (Non-Aff) [V]:** My Lords, as vice-chairman of the all-party group, perhaps I may make a plea for assistance for travelling fairs and circuses. This sector, which has been ignored, forms part of our heritage and culture in the UK and is much loved by the public. It needs support to ensure that it is still there after the pandemic. I ask the noble Lord to treat it in the same way as theme parks, for example, and I ask the Government to do what it takes to wrap their arms metaphorically around funfairs and the big top.

**Lord Agnew of Oulton (Con):** I agree with the noble Lord that this is an important part of our heritage. Only three weeks ago, I went to the Great Yarmouth Hippodrome, which I think is the oldest functioning hippodrome in England. Those working there have used their own initiative, and it was the very first venue to open up after lockdown. They explained to me the various measures that they are using to deal with these restrictions. It takes ingenuity and imagination but they are managing to do it, and I encourage all in that sector to do the same.

**Lord Jones of Cheltenham (LD) [V]:** I want to ask about our valuable music industry. The Government have been interested in getting theatres open and getting bums on seats, but they have given little thought to the people needed on stage in front of those bums. Does the Minister understand that the music business is a pyramid, with stars at the top, and that the bottom of the pyramid is in dire trouble? I refer to the pubs and clubs, where, without exception, musicians, including the Rolling Stones, Michael Bublé and the Kinks, get their break and learn their trade. The Musicians' Union says that 38% of musicians are considering quitting the industry entirely. What are the Government going to do about it?

**Lord Agnew of Oulton (Con):** My Lords, the Chancellor has consistently said that his interventions have to be macroeconomic. However, we have tried to create safety nets to protect as many people as we can in the economy. I share the noble Lord's concern for the music industry. My own father read music at Cambridge before the war, and I completely agree with the noble Lord that it is a very important part of our culture.

**Lord Cormack (Con) [V]:** My Lords, my noble friend says that he is anxious to protect jobs that are viable and has just talked about some jobs in the music industry. Does he accept that the heritage sector would be given a boost and that many skilled craftsmen would be able to retain their jobs if VAT, which is not charged on new buildings, were removed from the charge on repairs to listed buildings of historic importance?

**Lord Agnew of Oulton (Con):** My Lords, I should probably disclose that I live in a listed building and that what my noble friend suggests would therefore greatly benefit me personally. However, the reality is that in this crisis we have to look at a higher level. I am encouraged to see that the construction industry is coming back at full throttle and that the large number of construction workers who were furloughed in March and April have largely been reintroduced into the sector. We are also about to announce the green energy scheme, which is a £2 billion to £3 billion investment in energy improvements for public buildings that will also be available to the public.

**Baroness Quin (Lab) [V]:** My Lords, at a time of great difficulty for so many of our citizens, do the Government agree with the British Retail Consortium that a no-deal Brexit at the end of this year would add over £3 billion to the cost of importing food and drink, making life even more difficult for those on low incomes? If the Government do not accept the British Retail Consortium's figures, what is their own assessment of the effect?

**Lord Agnew of Oulton (Con):** My Lords, I think that we have published our worst-case scenarios for a no-deal Brexit or leaving the European Union without a free trade agreement. Of course there are risks, but we remain optimistic that a deal will be done.

**The Earl of Clancarty (CB):** My Lords, "viable" is a dangerous word if all that can be said to be truly viable financially in these unusual times is a prescribed

number of businesses, including those making money out of Covid. How do the Government intend to further protect the self-employed—including those working in the creative industries, who will fall off the edge of the cliff at the end of October if the Self-Employment Income Support Scheme is not extended—because the job support scheme is clearly not nearly enough? That includes freelancers, who make up 70% of the workforce in the performing arts, which are so important to this country both culturally and financially in the longer term, as the noble Baroness, Lady Kramer, pointed out.

**Lord Agnew of Oulton (Con):** I share the noble Earl's concern about the creative sector. I am sure that he is aware of the support being given under the latest SEISS grant extension, which of course will be available to those who were previously in it. But I do accept that we face difficult times.

**Lord Davies of Gower (Con) [V]:** My Lords, following the Chancellor's Statement last week, the Welsh Labour Government issued this Statement in response:

"More needs to be done to help people find new jobs and incentivise employers to hire new workers."

They added that there was a need for

"more action on skills, training"

and a

"greater focus on supporting job creation".

Does the Minister agree that responsibility for the devolved issues of growth and development of business, and support for inward investment and enterprise, rests firmly with the Welsh Government and that they should refrain from passing the buck and get on with accepting their devolved responsibilities?

**Lord Agnew of Oulton (Con):** I am not quite sure that I heard the full question from my noble friend, but I absolutely agree that inward investment is crucial for the future. As I mentioned in response to an earlier question, I believe that the huge infrastructure projects that we have committed to in the Budget will form part of the regeneration of the economy.

**Baroness Donaghy (Lab) [V]:** The Government modelled this scheme on those adopted in France and Germany, but in a rather half-hearted way. The German scheme is set to last for two years, compared with six months for the UK scheme. How did the Government reach that decision, when it would have added stability to employers' plans to have two years?

**Lord Agnew of Oulton (Con):** My Lords, I think the noble Baroness is looking too narrowly at the comparison. If we summarise the total fiscal interventions of the various economies over the last few months, the UK contribution has been somewhere just under 11%, those of Canada and France under 10%, Germany's about the same, and Italy's is about eight and three-quarters. My point is that you should not look at any one of these individual interventions as the single solution; we have tried to aggregate them.

**Lord Lea of Crondall (Non-Aff):** My Lords, as has been said by the noble Lord, Lord Monks, and the noble Baroness, Lady Kramer, there is a need to

[LORD LEA OF CRONDALL]

integrate policy that arises from Covid and policy that arises from Brexit. Does the Minister agree? This is described as a plan for the winter, and there is the danger of a Brexit without even a framework agreement with the European Union, as is the case with Switzerland.

**Lord Agnew of Oulton (Con):** My Lords, I agree with the noble Lord that there needs to be integration. The overriding priority is to crank up the economy again; that is why we have created a group in Downing Street called Project Speed, which is designed to take hold of any opportunity that is being blocked in any way, to shake it and make it happen quicker. I remain optimistic, as I said in response to an earlier question, that we will resolve our difficulties with the European Union and will have some form of workable deal by the end of the year.

**Lord Browne of Ladyton (Lab) [V]:** My Lords, in the other place, the Chancellor was asked four times about help for the 3 million working UK taxpayers who, until now, have had no access to any of the Government's Covid-19 support packages. Four times he ducked the question. So, in the words of my honourable friend Gerald Jones, I now offer the Minister the opportunity to correct that repeated omission. What assurances can he offer that the measures announced in this Statement, and any ongoing policy, will not continue to exclude them?

**Lord Agnew of Oulton (Con):** My Lords, while there might not be individual schemes available for the group of people that the noble Lord talks about, we have made wider funding available through the uprating of universal credit and additional grants to local authorities. I am very aware that there are people in difficulty but we believe that the wider social security safety net is there to support them.

**The Deputy Speaker (Lord Bates) (Con):** My Lords, all those listed to ask questions on the Statement have now done so.

2.43 pm

*Sitting suspended.*

## Coronavirus Act 2020: Temporary Provisions

*Motion to Take Note*

2.47 pm

*Moved by Lord Bethell*

That this House takes note of the temporary provisions of the Coronavirus Act 2020 six months after the Act received Royal Assent.

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con):** My Lords, six months feels like about the right time to check in on the workings of this important piece of legislation. The check-in points on the legislation were built into the legislation itself, alongside the requirement to report every two months on the status of each

provision of the Act. It is also an opportunity to remind ourselves of the work this House came together to legislate in a spirit of remarkable cross-party collaboration six months ago. It was a time of intense pressure and uncertainty, when we were just starting to understand the scale of measures needed to contain the disease and how our ways of working needed to adapt to create a Covid-secure workplace. The degree of co-operation and collegiality displayed then showed Parliament at its best, and I hope that today we can debate the future of this Act in the same spirit.

Your Lordships will recall that, during the debates on the passage of this Act in March, we devoted significant time to consideration of the necessary safeguards around the use of the powers. The Government listened to concerns and, in response, built new measures into the Act. Although we have recently been debating the local and national lockdown regulations, it is worth stating two obvious points. The Coronavirus Act is not in itself the repository of powers to tackle the actual disease—that is the role of the Public Health Act 1984. The use of the “made affirmative” procedure” is exactly what one would expect for public health legislation designed to manage a live incident. It gives us powers to vary interventions in a way that responds dynamically to the incident, but also to take account of local sensitivities of geography and local ethos and return these emergency regulations to Parliament for scrutiny within 28 days.

Secondly, we cannot use the Civil Contingencies Act, as was raised in the original debate. That Act and the emergency powers it contains are tools to prevent, control or mitigate an aspect or effect of an emergency that it has not been possible to anticipate or plan for. The triple lock of urgency, necessity and proportionality ensures that the CCA is used only when there is no other option.

So why did we need the Coronavirus Act at all? The Act provides public agencies across the UK with new powers, almost all strictly time-limited, and enables them to mount an effective response to the Covid-19 pandemic. I shall run through a few. First, on the return of public sector workers, some of the provisions in the Act ensure that there are enough workers in the health and social care sector to continue to provide key services. This includes allowing the emergency registration of certain health professionals and students and supporting recently retired NHS staff and local workers in returning to work without any negative repercussions for their pensions. These measures to support volunteers ease pressure on front-line NHS staff and social care staff. The measures had great impact. They enabled the NHS Bring Back Staff scheme, which attracted 65,000 registrations from former professionals and, as at 31 July 2020, 2,140 returning staff in England were redeployed in front-line positions or used in remote roles such as NHS 111 and test and trace.

Secondly, and very importantly, the financial support provisions provide direct support for those in economic need caused by the virus because they are shielding, isolating or otherwise prevented from working. This includes hugely important financial measures touching millions of lives called for during the Second Reading

of this Act by noble Lords from all Benches. These include halting the eviction of tenants, making it easier to claim statutory sick pay and increasing working tax credits. Again, these have had great impact. To date, statutory sick pay has been extended to individuals displaying the symptoms of Covid, individuals required to shield, individuals asked to isolate following a test-and-trace notification or members of their household. A range of support is in place under the Act for those who do not receive statutory sick pay: we increased the standard rate of universal credit, meaning that claimants will be £1,040 better off each year, and we have a wide range of measures to support businesses and individuals, including the job retention scheme, the Self-employment Income Support Scheme and an enormous £330 billion worth of guaranteed loans to support businesses in accessing the finances they need.

Thirdly, there are provisions to lighten burdens on front-line staff. Some provisions enable vital services to carry on by temporarily easing some of the burdens on front-line staff. Good examples are making better use of video links in the court services; enabling the Government to order ports to close if there are insufficient customs and immigration staff; and reducing the regulatory burden in death management. These have had impact. At present 60% to 65% of hearings each day include one or two parties joining remotely. As a result, we are investing £142 million to upgrade our technology. Soon all courts will be digitally enabled, and they will never look back.

Fourthly, there are the containment provisions. Some provisions are designed to reduce the risk of spread. A couple of examples are postponing this year's elections and taking the power to ban mass gatherings and powers for public health officers to quarantine the symptomatic and non-compliant. These provisions have been used judiciously. For instance, we have largely found that engagement is sufficiently persuasive—most people want to do the right thing—but interventions have sometimes been necessary and, as of 31 July, public health officers have used their powers fewer than 10 times.

I have heard it said that we should be using the Civil Contingencies Act instead as Ministers could have the same powers but with the additional safeguard of requiring periodic parliamentary renewal. Even if true, that simply would not do. The Civil Contingencies Act is a provision of last resort. It contains strict tests to ensure that it is used only when there are no other legislative options. In this case there were legislative options so it was not necessary or appropriate. Although the measures in the Coronavirus Act were urgent on this occasion, there was time to pass conventional legislation.

The Coronavirus Act deserves an assessment. Our assessment is that it has meant an enormous amount to the lives of people. It has meant that they have known where their next meal was coming from, thanks to the furlough scheme and the easement around the claiming of benefits that the Act has facilitated. It has encouraged a feeling of security in their own home, thanks to the additional protection from eviction that the Act has created; a feeling of more confidence that their job will exist, thanks to the support for industry

and business that the Act has allowed the Government to set up; a feeling of knowing that there is access to justice, the bedrock of freedom under the law, because the Act has enabled courts to operate remotely; and a feeling of safety from harm, knowing that the NHS and social care workforce can maintain capacity thanks to the registration, indemnity and pension changes that the Act enabled the Government to put in place.

There have also been some perhaps less obvious benefits that are none the less essential to the workings of government—for example, the continuation of local democracy, allowing councils to meet virtually; the continuation of death management services by easing the burdens on providers; the continuation of judicial oversight of interception warrants; and the enabling of biometrics held for national security purposes to be retained for an additional period due to the effects of coronavirus on the police.

I do not want the current debate on lockdown legislation to distract from the achievement of the Coronavirus Act. It was a Bill born of an emergency but shaped by Parliament, and Parliament should be justifiably proud of that achievement. None the less I completely acknowledge that aspects of the Act will rightly trigger concern, and I am sure they will be raised in the debate ahead. For instance, it allows one rather than two doctors to detain a patient under the Mental Health Act. That provision has not been commenced but I recognise that it remains one of the most sensitive potential powers in the Act. The Act allows the easing of local authorities' Care Act responsibilities. These provisions were used in some parts of the country but those eight local authorities had all ceased doing so by the end of June.

The Act allows the power to close ports, including our major airports. That power has never been used, thank goodness. The power to require non-compliant infectious people to self-isolate, or to attend for screening or assessment, has been used fewer than 10 times. Lastly, the police and crime commissioner elections, local elections and by-elections planned for this year were, sadly, postponed, but we hope for normal service to be resumed next May.

The Government have used these powers only when necessary, and we have not used them at all when we have been able to avoid doing so. We have kept Parliament and the public fully informed via our two-monthly reports. The Coronavirus Act is not directly a response to an emergency; it is instead the mechanism to support our response. For that reason, emergency powers are not suitable nor, given the necessarily temporary nature of those powers, would they give people the long-term certainty that they need.

The wording of the Motion is to encourage the continuation of the

“temporary provisions of the ... Act”.

What are the non-temporary provisions? They are just ones that cannot be temporary if they are to work. For instance, the indemnity provisions cannot be temporary, although the period in which they can be incurred will be. Cremation certificates under the Act will be permanent, although disapplying the requirement for a confirmatory certificate will be temporary.

[LORD BETHELL]

However, I cannot offer your Lordships any reliable estimate of when the crisis will be over. It will, as we recognised six months ago, ebb and flow. That is why we took the facility to spend live provisions if and when they are no longer needed and the facility to revive them as the course of the pandemic dictates. The Act will expire after two years unless renewed by Parliament. We all hope that we can dispense with it long before then, but we can be optimistic in our aspiration as long as we are realistic in our planning.

Therefore, can we permanently sunset the unused provision? No, we cannot. The response evolves over time as the course of the disease changes, but the need to be able to deploy support mechanisms remains constant. Of course, we keep the situation under review, and the built-in review mechanisms do provide opportunities to test whether any or all of the provisions are still needed. The people of this country have made great sacrifices in the struggle against this virus. They deserve the support and protection that the Coronavirus Act provides. I look forward to hearing your Lordships' contributions in the course of this debate, and I hope to be able to respond to any concerns raised. I beg to move.

3 pm

**Lord Robathan (Con):** My Lords, I first pay tribute to my noble friend Lord Bethell and, indeed, give him my sincere sympathy. I think he was appointed to be a Health Minister at the beginning of this year, and, in his worst nightmares, he could never have imagined that he would be here every day repeating Statements, defending regulations and whatever else. I give my sympathy and best wishes—even when I do not agree with him.

Paragraph 7 of the Government's Coronavirus Act analysis, which was sent to us all last week, states that, in a "proportionate response",

"A balance has had to be struck".

Paragraph 20 states:

"The government's objective is to delay and flatten the peak of the pandemic ... so that we minimise suffering and save lives."

However, the next paragraph states an intention to "minimise disruption to everyday life".

In this regard, it especially mentions education and the progression to employment of the young. All of these are laudable intentions.

The original Motion that I put down last week was somewhat more forthright than today's, but wiser counsel from friends prevailed. Therefore, my Motion today is very close to the Brady amendment that will be put to the Commons on Wednesday. I will pursue two arguments. The first is that government policy has been inconsistent, incoherent, confusing and entirely disproportionate: a public health crisis has been turned into a catastrophe. The second—which may find more sympathy in this Chamber—is that our cherished and accountable democratic process has been replaced by authoritarian rule by diktat.

Six months ago, there was a lack of knowledge and a real concern about coronavirus, so the imposition of emergency measures was perhaps understandable. We now know—as we knew then—that the virus is unpleasant, virulent, highly contagious and dangerous.

We now have six months of evidence to study, but we still do not know everything. Indeed, we know remarkably little about this virus. Although confirmed cases stand at approximately 435,000, there have of course been many, many more.

My unscientific and anecdotal view is that the virus swept through the population in the first few months of this year, killing the most vulnerable and infecting many, many millions. However, nobody really knows. I am not a scientist; I do not know much about T cells or whether the common cold—apparently caused by another coronavirus—can give some resistance to the virus. I do not know much about vitamin D—except that you need sunlight—or the Gompertz curve. However, I can see that the graphs of fatalities in past epidemics tend to follow a similar pattern, and those in Europe seem to be doing so now.

We do not even know very much about the symptoms of coronavirus infection: they keep expanding. My son was sent home from his college on 12 March with a high fever and persistent cough; he recovered quickly—he is young and healthy—but he had no sense of smell or taste. Of course, in March that was entirely irrelevant because it did not become a symptom until late May. Scientific advice, models and predictions have varied widely—from the apocalyptic half a million deaths mentioned by the discredited Neil Ferguson in March to contradictory scenarios. The international scene remains very concerning and, of course, reasonable precautions should be taken, especially by the elderly and vulnerable.

Unfortunately, many in the media seize upon unsubstantiated scare stories, and I particularly mention the BBC, which spreads fear and despair and treats the opinions of the discredited Professor Ferguson as gospel. These fears are amplified by some politicians: Sadiq Khan, Nicola Sturgeon and Mark Drakeford. However, my unscientific view remains that neither they nor anybody else really knows. Government policy has reflected that, as advice has changed weekly, if not daily. It is not that many weeks since we were told that wearing a face mask was unnecessary and possibly even increased the viral load if one was already infected. Therefore, please let us not suspend our critical faculties; let us look at the evidence.

First, although infection rates are important, we have been exhorted throughout this crisis that this is about saving lives, so it is deaths and very serious illness or hospital admissions that should be our focus. The data is certainly not perfect, but we do know—from Cancer Research UK, for instance—that 450 people die from cancer every day. Coronavirus restrictions have caused a backlog in referrals for treatment, which is probably leading to unnecessary deaths from cancer. We do know that restrictions are having a very bad effect on mental health, particularly depression, and that domestic abuse and violence has increased. It seems that suicides may have increased. We know that elderly people are dying alone, feeling deserted and surrounded by strangers in blue plastic sheets.

We know that government figures put the number of deaths from coronavirus of those under 65 at about 6,000 over the last six months. Most of these individuals

had comorbidities such as diabetes or obesity. We also know that the chances of dying from coronavirus are minimal if one is under the age of 25.

We know that our children's education is being dreadfully harmed and their future mortgaged—as is our country's future prosperity—and that our economy is being trashed and livelihoods and lives destroyed. We know that these tragic deaths from coronavirus—which are overwhelmingly among the elderly, frail and those with comorbidities—currently account for approximately 2% of deaths in this country, where 623,000 people died last year, which averages 1,700 a day or 11,000 a week. Therefore, are these restrictions meeting the objective of saving lives?

This is not the Black Death, nor is it the great plague, the Spanish flu or a war. My right honourable friend Rishi Sunak said of the virus on Thursday in the House of Commons that

“we must learn to live with it, and live without fear.” —[*Official Report, Commons, 24/9/20; cols. 1155.*]

I entirely agree; we need a proportionate response and courageous leadership.

I accept that many of your Lordships will not agree with my views on government policy or on the restrictions imposed on our liberty. However, I hope that you may support my second point and the focus of the Motion: we need proper accountability to our national Parliament, which has been totally bypassed over the last six months. We have seen no cost-benefit analyses, detailed impact assessments or proper risk assessments. Let the Government put the evidence before Parliament, which can then decide whether government policies are appropriate and proportionate and, indeed, whether the deaths from coronavirus are not outweighed by the enormous harm caused to life by the restrictions.

Currently, we have students locked into halls of residence, sporting fixtures for the young cancelled, holidays ruined, theatres closed, and bars and restaurants closing down because they are unviable. Christmas is being cancelled and some elderly people, who fear this may be their last Christmas, will be unable to see their families. A Cabinet Minister has called on neighbours to ring the police if there are seven people in the house next door. There is a national curfew at 10 pm, the first ever in peacetime, I believe, and the rule of six is based on—what exactly? All this without any proper scrutiny.

Our free society is being turned into something that I do not recognise, as these illogical and draconian measures restrict the liberty of our people. This is rule by decree, something more usually associated with authoritarian Governments. This unaccountable and rather unusual assembly where we sit is not the place to hold the Government to account. That is the role of the elected representatives of the people: Members of the House of Commons, who will have to answer to their constituents.

However, we can ask questions. This afternoon, we can show that we support the amendment tabled by my honourable friend Sir Graham Brady and apparently supported by the Opposition, which will be put down on Wednesday. I hope all Peers will support my Motion in order to allow this House to express its opinion on the way the Government are currently acting—in,

frankly, a cavalier manner without any accountability. I intend to divide the House, and I hope others feel as strongly as I do on this matter.

**Baroness Penn (Con):** My Lords, I remind noble Lords of the time-limited nature of this debate. The time limit for Back-Bench speakers is four minutes, to allow for a full response by the Minister at the end.

3.09 pm

**Lord Blunkett (Lab):** My Lords, I shall do my best to adhere to the stricture about four minutes. I reiterate the accolades placed on the shoulders of the Minister on Friday; he has an impossible task.

On 24 March, I was surprised to find myself in agreement with the noble Lord, Lord Robathan, at Second Reading of the emergency Bill—it was probably as surprising to him as it was to me. For once in my life, I advocated caution and proportionality, and expressed concern not just about the nature of the emergency Bill but about the increasing use of the public health Act of 1984 to which the Minister referred. It is the two Acts together that I want in my short time to deal with, and the use by fiat and diktat of the 1984 Act—which was obviously intended to provide powers to tackle the pandemic and the control of diseases—without recourse to democratic accountability and the ability to hold the Government properly to account. It is not the individual measures that I want to deal with but the overall direction.

We need confidence, clarity and consistency. We are lacking in confidence, which is undermined almost daily, particularly by the broadcast media and some irresponsible people on social media. We have a total lack of clarity about exactly what works, when it works and how it should work, and we have been completely lacking in consistency.

On what the Minister said about the Act, it is commendable that more than 60,000 people were brought back into the health service and many reregistered, but we have a 30% shortfall in the use of capacity in the NHS, because following the decanting of people from beds and the clearing of facilities we have got nowhere near back to normal. As a consequence, diagnoses are delayed, treatment is deferred and people who should not be dying are dying of serious illnesses. Where are the 60,000-odd people to ensure that that can be dealt with, either through primary care or the reopening of wards?

These are crucial questions that need to be answered, but I have one final point to make to the Minister. Can we persuade the Government to reshape and refresh the scientific advisory group on the emergency? Many of them have done a fantastic job, but they are tired. They reinforce one another, and we have silly statements coming from some people who ought to know better about locking down the over-45s. It is time to let students get on with learning and to stop pretending that universities can provide both research and teaching without the money to do so. It is time to ensure that young people can get on with their lives. While the rest of us should take greater measures to protect ourselves, we as a nation need to ensure that we protect our democratic procedures, our legitimacy and consent

[LORD BLUNKETT]  
within government. We have the power to ask the difficult questions that other people would rather not hear.

3.13 pm

**Baroness Walmsley (LD) [V]:** My Lords, when this legislation first came to your Lordships' House, all Benches worked constructively to support the Government and give them whatever powers they needed to control the virus. Our Benches joined others in supporting the legislation, but because of the extent to which the powers impinged on people's well-being, rights and freedoms, we wanted it reviewed every three months. We landed up with six months, and here we are today, better able to judge how the Government have used their powers. Frankly, in some respects, we are not impressed.

While many measures, such as emergency registration of nurses and allowing people to receive statutory sick pay from day one, were necessary and successful, our right honourable friends in another place will be attempting to remove or change some of the measures. It is wrong for the Government to force the House of Commons simply to approve full renewal or, on the contrary, full expiry and give this House no say at all.

It is not as if we have not tried to engage with the Government to discuss what needs to change. The leader of my party, Sir Edward Davey MP, has asked the Prime Minister to work with us to agree new legislation: to keep the necessary measures, get rid of harmful or redundant ones, add new measures, and return the role of Parliament to approving regulations before they take effect instead of weeks later—on that, I agree with the noble Lord, Lord Robathan. Disappointingly, the Government refused to engage, so they will be faced with a series of amendments from all parties on Wednesday.

One measure that must go is the Care Act easements. They are unnecessary and, although they were used by some local authorities at the beginning, are no longer used. Three-quarters of families with disabled children had their care stopped altogether during lockdown, but they still need proper assessment. A legal analysis by the Disability Law Service shows that the Government's reduction of disabled people's rights without consultation breaches international law under the UN Convention on the Rights of Persons with Disabilities—but then, breaking international law is getting to be a habit with this Government. The continued presence of these easements in the Act presents real risk to the rights and well-being of elderly, disabled and vulnerable people. They must go.

A major feature since the lifting of the national lockdown has been the imposition of local lockdowns where infections are rising. While these may be necessary, the combination of different rules in different places has caused confusion not only among the public but for the police. I accept that correct enforcement is necessary, but according to a review by the prosecution service 121 people have been wrongfully charged under the Act. The powers under Section 23, extending the time limits for urgent warrants, Section 51 and Schedule 21, giving extra powers for police and immigration officers to detain people, and Section 52 and Schedule 22,

giving power to restrict or ban events and gatherings, must be clarified or removed. I would add to that guidance for the police on how to use the recent enforcement fines for failing to isolate.

There appears to be little logic in the way in which some powers are being used. Indoor pubs are allowed to open, but despite several successful pilots, sports clubs are not allowed to play matches to reduced-sized live audiences in their enormous outdoor stadia, perhaps with staggered arrivals to avoid crowds. Why not? Then there is the plight of university students, which time does not allow me to go into. The answer to much of this is a genuinely world-beating test, trace and isolate system, instead of the shambles that we have got.

3.17 pm

**Lord Judge (CB):** My Lords—[Inaudible]. Going back to last March, I do not think that any of us, unless we have remarkable gifts of foresight, ever really envisaged the crisis which is beginning to unfold and bury us. We are not being honest with ourselves. There is a tension between national health and national wealth; there is a tension between isolationism—to preserve health—and productivity. By “wealth”, I mean jobs, I mean the economy and I mean the funds which will one day be needed to deal with the great needs of the National Health Service as well as all the other services which are provided from public funds. By “health”, I mean not just coronavirus; I mean the unfortunate individuals suffering from life-threatening and painful illnesses who are not receiving the treatment or the attention that they in their condition require. Until we are honest about this difficulty and this conflict—a conflict of interest—we will not address this problem at all.

My concern with the Coronavirus Act is simple. Now that we have had six months of it and are having our first debate, it would be diabolical if our next debate on this issue was postponed until March next year. It simply cannot be right.

I do not take much comfort, although I do mean no discourtesy to the Minister, and share in all the compliments that he has received, in two-monthly reports. What I find most depressing of all is that all these provisions that we have been discussing—the good, bad, indifferent and ugly—are all dealt with through secondary legislation without proper parliamentary scrutiny. That is at the heart of my complaint. I wish the Coronavirus Act to be amended so that more debates are provided in this House and, more importantly, in the Commons. It is the Commons to which we should turn, not the media platforms or the endless conferences being held, where the Minister is asked a question by one television reporter, then another and another. They should be here and they should be there, down at the other end.

I cannot see a clock that tells me how much longer I have to go. Oh, there it is—I have a little longer. May I suggest to noble Lords the sort of things that should be discussed in the Commons? The noble Lord, Lord Robathan, referred to one: the Home Secretary says, “Let's have snitching.” That may be a good idea, a bad idea or a rotten idea—I am not commenting. But surely that is the place for discussion about whether

this is a social advantage. The Prime Minister says in the House that we will have military help for the police. Fine—we all want the military to help in an emergency. But to act as back-up police officers—is this what we want to see on our streets? I make no comment, but there really should be a debate about it.

I have one more example. Can we remember the saying that an Englishman and Englishwoman's home is their castle? There are two aspects to that: no one should come in unless you want them to come in, but you can invite in whom you like. We forget that part of it. Parents are going to be telling their children that the law prohibits their coming home at the end of this university term. Is not that something that should be debated, and frequently debated? My plea to the Minister is that he should please take away, if the House agrees, the need for amendment so that we have proper debates and, in particular, that these issues of great societal importance are talked about—at any rate, so that government can be influenced by what the Government hear.

3.22 pm

**Lord Lansley (Con):** My Lords, it is a pleasure to follow the noble and learned Lord, Lord Judge, although in this instance I have to disagree with him that we must face up to a conflict of interest between national wealth and national health in any simple sense. The relationship between the measures that we take in response to this crisis and the impact on our economy is very complex, and it may well be that we can find our way to reconcile the two. I point out that back in August Ministers were encouraging people to go back to work. In my experience, many people who had been so encouraged chose not to do so but stayed and worked at home. As it happens, it took only three weeks for Ministers then to agree with them. What that demonstrates is that we are beginning collectively, not just as a Government but as a people, to understand the nature of this virus and how we need to respond to it.

I am looking forward to all three maiden speeches, not least that of my noble and learned friend Lord Clarke of Nottingham, whose presence here brings another joy to me, which is that it has restored to eight the number of my former bosses in this House.

I cannot agree with my noble friend Lord Robathan in his Motion of Regret. I think we need these powers and the speed of response necessary is such that it would be inappropriate for us to require parliamentary approval before the exercise of such powers. However, I share with the noble and learned Lord, Lord Judge, the view that we ought to be debating more frequently. That is something which, if in no other way, the usual channels might be able to engineer.

One of the main reasons I support the Act's provisions is not only the ability to bring people who have recently retired into the NHS and return them to practice; I also hope that, in the time available, we will think that this is not simply a temporary provision but may need to be something that we have in place for some considerable time. I have said before and will say again that we may need something similar to the Reserve Forces for the benefit of the NHS, if we are to recover in the next few years the position that we have lost

over the many treatments that have not been able to be undertaken these last six months. We are going to need a lot of help to make that happen.

I want to say three things about further restrictions. First, it is time for those who have been shielded—the vulnerable groups—to have renewed and updated guidance. I was somebody the NHS regarded as shielding because of my past cancer treatment, but I have had no communication about the resources that might be available to those who have shielded since early July, even if I can work it out for myself.

Secondly, my noble friend on the Front Bench knows that I did not think the rule of six was scientific, and he more or less confirmed that. It is rather absurd when you have Ministers debating whether it should be a rule of six or a rule of eight; I wonder why they did not decide on a rule of seven. The point is that it is not rational, as such, but simple. What is rational, and a necessary adjunct to it, is to avoid the mixing of households in circumstances where the most vulnerable people are present in those households.

My third and final point is one I made to my noble friend weeks ago. Universities should be in a position to test students before they return home from university. That will mean a lot of additional testing being available in December.

3.26 pm

**The Lord Bishop of Rochester:** My Lords, I too was pleased to take part in the debate in March and recall noble Lords arguing points that they might not normally argue in that debate. Already in this debate we have heard some interesting contributions. I, too, look forward to the three maiden speeches that we are to hear.

I sense that, with regard to restrictions on people and communities, the next six months may be rather more difficult than the last six months. At the outset there was some sense of shared responsibility, and a deep anxiety about the virulence of the virus led to a high degree of willingness to accept restrictions, even when the messaging about them was, shall we say, less than clear. In my own world, congregations have very largely and willingly sought to order their lives within the various guidelines, and some relished the challenge of going online and got very creative—but there have been costs.

For me, one of the greatest costs is the constraint placed on our living as social beings. Our relating to one another in myriad settings is part of who we are as human beings, and doing so from behind a mask and without proximity or touch is a diminishing of our humanity, not least—as already mentioned—in relation to those in care homes and other such settings. Social distancing may offer a degree of protection from physical ill health, but it is not conducive to human flourishing and well-being in a broader sense. The longer these relational privations last, the more difficult it will become, in all sorts of ways.

Therefore, if restrictions are to continue or even, sadly, to be extended, it is essential that decisions about them be, in the first place, transparent. That includes effective parliamentary scrutiny and other elements of transparency. To echo the noble Lord, Lord Blunkett, they need to be clear, not just in

[THE LORD BISHOP OF ROCHESTER]

content but in rationale, if they are to be defensible and consistent, as many have said. If that is not the case, we risk a gradual falling away of willingness to live within the constraints—and we see that beginning, in various settings. We have seen comments from some of the students who have been interviewed, and so forth. Even in normally docile Church of England congregations, who socially distance happily during worship, I note that as they go out the door they are rather more nonconformist in their behaviour. I suspect that may be true in many other settings.

On the importance of relationships, I am very concerned—to change tack a little—about our prisons. I have some role and responsibility as bishop to Her Majesty's prisons. Staff, including chaplains and many others, have been working heroically in all sorts of difficulties to maintain contact—that is, relationships—with those in prison. However, when work, education, rehabilitative programmes, religious worship, association and social visits are restricted, problems are being stored up, not least for mental well-being. That is not just for those in prison but also for their parents, partners, children and others. I think we will see some real difficulties emerging in future. I suggest strongly that, in that setting especially, serious and creative attention should be given to ways in which relationships can be sustained, not least because, as we all know, relationships are key to tackling reoffending.

A sense of tiredness is settling in. In many places, people initially engaged with a degree of energy and were trying to get things working well. We need to be wary of this tiredness, as well as the areas of more overt frustration in some people and places. Significant effort will be needed to get through these next six months in as good a way as possible. I go back to my trio, which is slightly different to that of the noble Lord, of transparency, clarity and consistency.

3.30 pm

**Baroness Clark of Kilwinning (Lab) (Maiden Speech):**

My Lords, it is a pleasure to be able to speak for the first time in this House and to thank noble Lords on all sides for their courtesy and assistance during my first few days here. In particular, I would like to put on record my gratitude to all the House staff for their professionalism and for the risks they are taking in these difficult times. I thank my noble friend Lady Healy, whom I have only met in the last few days but who is now my mentor and has shown me great kindness over that time.

I also thank my two sponsors, whom I have known for a considerably longer period of time. My noble friend Lord Foulkes met me when I was a young child and, as I like to remind him, he has now known five generations of my family, including my grandmother, Agnes Davies, who was chair of his constituency Labour Party when he was the Member of Parliament for South Ayrshire. I met my other sponsor, my noble friend Lady Chakrabarti, in 2005 when I was first elected as the Member of Parliament for North Ayrshire and Arran and she was lobbying and advising on civil liberties aspects of legislation going through the other place. I suspect that her skills will be of great use in today's debate.

My election as the Member of Parliament for North Ayrshire and Arran was the biggest honour of my life. It is a beautiful and diverse constituency. I come from Ayrshire, so I am well aware of many of the challenges that Ayrshire, and indeed the whole of the west of Scotland, faces due to deindustrialisation and a lack of investment over many years. I hope to have the opportunity to speak about some of those issues in this House. The advice that I got from the clerks was to make an uncontroversial maiden speech. Given the nature of some of the legislation coming before the House, that has been very difficult to do.

My first employment was in the Scottish legal profession, where I took civil actions based on human rights breaches. I then went on to work as a criminal defence agent and was an executive member of the Scottish Council for Civil Liberties before I headed up a legal unit for the trade union UNISON. All my instincts would normally be to strongly oppose legislation with some of the draconian provisions included in the Act which is before the House today.

However, as has been pointed out, we live in unprecedented times and the pandemic we are faced with means we have to look at the legislation in that context. The legislation is very wide-ranging—it is 360 pages of legislation, including schedules—ranging from making it easier to force compulsory treatment on individuals under the Mental Health Act to postponing elections and provisions relating to potentially infectious persons.

In the short time available, I am going to focus on only one aspect, which is statutory sick pay. Approximately 2 million people in this country are excluded from statutory sick pay. They are mainly women, but those on zero-hours contracts and the self-employed are particularly affected. The TUC says that, in this country, statutory sick pay is the equivalent of only 29% of average pay, compared with, for example, 100% in Germany and 93% in Belgium. I suggest to the Minister that, given that the state is requiring people to self-isolate and asking them to shield, perhaps this is something that we can look at this again. We need to make sure that we put people in a financial position where they are able to comply, to keep all of us safe.

3.35 pm

**Lord Foulkes of Cumnock (Lab Co-op) [V]:** My Lords, it is a real privilege and a pleasure to follow—I was about to say the Member of Parliament—my noble friend Lady Clark of Kilwinning and to congratulate her on an excellent maiden speech.

As she has already revealed, I have known my noble friend for over 40 years—I hope that I am not giving too much away there—and I know her family, a great socialist family in Ayrshire, very well. We have heard an excellent maiden speech from her, and I would like to pay tribute to the work that she did as the Member of Parliament for North Ayrshire, which is almost as beautiful as South Ayrshire. I look forward to many more speeches from my noble friend over the many years that I know she will spend in this House. I am sure that, in future speeches, she will be a bit more controversial, as she was advised not to be in her maiden speech—she stuck to that injunction tremendously.

I, however, am allowed to be controversial, so I return to the issue before the House. If there is one word that summarises the Government's record on the coronavirus pandemic, it is "failure". First, there was the failure to anticipate the seriousness of this virus, following clear experience in China, Italy and elsewhere, not to mention the scrapping, during the austerity years, of the previous plans to deal with epidemics. Further, there was failure to recognise that transferring all the people with the virus from hospitals to care homes would result in deaths that could, and should, have been avoided. I fear that we are about to repeat this. There have also been multiple failures with the test and trace system, which the Prime Minister bombastically claimed would be "world-beating"—it is certainly not that. The decision to outsource to private firms such as Serco, instead of using the tried and tested local health network, and the cronyism of appointing the unqualified noble Baroness, Lady Harding, to oversee it means that the system is mired in controversy and ineptitude.

There is also the double failure of the much-heralded app, first with the trial on the Isle of Wight and now with the national scheme, which only works on a minority of smartphones. In recent weeks, there has been a total failure to recognise and prepare for the dangers associated with thousands of young people criss-crossing the country as they start, or return to, university. Many are now imprisoned in their lodgings, having to pay thousands for fees and rent while receiving mostly online learning, which most of them could have had from home. It is okay for the vice-chancellors and for the student hostel owners, but it is a raw deal for the students. There is also a failure to provide consistent messaging: "Work from home"; "No, go back to work"; "No, stay at home". It has been simply one U-turn after another.

Finally, there has been a massive failure to co-ordinate with the devolved Administrations and to provide some consistency of approach. There should have been daily meetings, convened by the UK Government, recognising devolved responsibilities but seeking to get an agreed approach throughout the United Kingdom. We are now told that we face at least six more months of coping with the pandemic. I hope that, in his reply to this debate, the Minister finally gives an assurance that the Government will at last recognise the mistakes that have been made and will learn from them, so that future action is better than their past record.

3.40 pm

**Lord Scriven (LD):** My Lords, it is always a great pleasure to follow the noble Lord, Lord Foulkes, because no matter how controversial I think I am going to be, I realise I am not going to be as controversial as him. I congratulate the noble Baroness, Lady Clark of Kilwinning, on her warm, engaging speech, which showed her love of the part of Scotland that she represented. Reading some of her biography online, I see that socialist blood runs through the family line for a long time, as well as football, in terms of great relatives. I am sure that she will make a great contribution to this House, controversial or not. I, as well these Benches, look forward to working with her on human rights issues, which I know are very important to her.

Back in March, on Second Reading of the then Coronavirus Bill, I said:

"Our role is also to make sure that the powers that the Government and individual Ministers wish to take are reasonable and proportionate to the public health crisis that we face."—[*Official Report*, 24/3/20; col. 1667.]

Those words are just as valid today as they were six months ago. We now have the last six months to reflect on to decide if indeed this Act is "reasonable and proportionate". It is not just the words of the Act that need to be reasonable and proportionate; that also needs to be the attitude of the Government and Ministers. In the last six months, far too many times, the Government have acted as a parent and treated citizens as naughty children. It is much more complex, and there is much more nuance, when dealing with something as profound as the effect that this virus has had on society as a whole. Therefore, one type of Bill may have been fine at the start of the emergency, but—particularly if we are to have to live with this virus for many years to come, since there is no guarantee of a vaccine at the moment—we need an Act which lies within the normal realms of parliamentary scrutiny and the democracy in which we live, and which relies less on the ministerial pen and a diktat at 10 o'clock at night. It is clear we need to just stop and refresh where we are.

The Act is written, in its present form, too widely on some issues which are important; many noble Lords have talked about bringing people back into the NHS, the streamlining of registration of deaths and births and other issues which are positive. For example, Section 1 is drawn far too widely where it talks about people being able to apprehend and detain "potentially infectious persons". Well, everyone is "potentially infectious", so everyone could be held. It is too broad, and that is why we should not just nod through this Act.

There are provisions in this Act which are good, but others have significant implications for the freedoms and liberties of citizens living here. It is time to reflect and work out a better way of providing a Bill which gives Ministers the speed they require—because sometimes Ministers will need speed—in a way that is subject to parliamentary scrutiny and the normal democratic process we expect in a democratic society.

I understand that the Minister's role is difficult, but I say to him that reflection, rather than accepting that we have the balance right, would show a Government who are listening, watching and acting on public concern.

3.44 pm

**The Earl of Erroll (CB) [V]:** My Lords, I want to talk quickly about the problems arising from this great lockdown. It is bankrupting businesses at the moment. People are losing money as they have to cancel with no compensation. The fine versus the average wage is quite enormous, and for ordinary people that must be crippling. Families are being torn apart. A dying 96 year-old who I have been told about cannot see his granddaughter. What a miserable way to die. It is not the hospitality industry that fuels the growth, it is the fact that people have a need to socialise, which will overrule many things. Cromwell cancelled Christmas and ignored Parliament. Do this Government want that to be how they are remembered?

[THE EARL OF ERROLL]

I know this sounds a bit one-sided, but the trouble is that you cannot just deal with diseases by trying to shut everyone away. They will spread. I am interested that Sweden still appears to be on track—with a few blips, but in general it is trending downwards. Perhaps there is something in the fact that the human body can build up immunities to the virus, as with many other diseases, and populations can build up immunities slowly. Sadly, not everyone will be able to, but what is the greater good? The other big problem for people is that no one can plan. It is very unsettling and upsetting, particularly for people with Asperger's, autism and Down's syndrome, like one of my daughters. They usually see certainty in their plans and get very upset, which affects their mental health, if they cannot.

As for the problems with the ways around the virus that the Government are looking at, with test and trace you find out four days later and you have been close to hundreds of people. That soon gets unmanageable if you are to lock everyone down the whole time. Mass testing means more false positives. Would people be resistant or would there be more positives? Some people will be resistant with T-cells and immunity. We do not know much about it. Locking everyone away is not necessarily the solution. It is interesting: if you tested all 68 million people in the UK and you got just 1% false positives—that is what people think—you would have 680,000 people locked down unnecessarily, plus their immediate bubbles. It will cripple us.

I was thinking about the effect on climate change. There is very good advice about opening all the windows: get the air moving through. It takes the disease away—quite right. What about EPCs and all the buildings that are hermetically sealed now? I think we may have been building wrong for a while.

I shall run through some figures very quickly. We have 68 million people, as I said, with 23 million tested so far, 435,000 positives, and only 42,000 deaths. New cancer drugs are being delayed in the meantime, and diagnoses are declining drastically. I read that on 21 April the Covid daily death toll was 1,166; yesterday it was 17. Are we not winning the battle to a large extent? Around 450 people a day die of cancer. Is that not a bigger problem? The trouble is that government regulations have, as far as cancer is concerned, halted or drastically delayed drug development. Which should we be worrying about? Why are we destroying the future for what was our population of whatever it was—33 million with 5 million self-employed? This could end up being a pyrrhic victory, and that is what worries me.

3.48 pm

**Lord Clarke of Nottingham (Con) (Maiden Speech):**

My Lords, for about 50 years now, I have been in the habit of making parliamentary speeches quite regularly. I retired from that when I left the other place in November last year. So I am particularly honoured to find that I can now resume this practice in this most illustrious setting with such distinguished colleagues on all sides, including many old friends. I trust I will not abuse the privilege of being back in parliamentary debate, but my maiden speech will be the first time I have ever attempted to make a speech subject to a

four-minute time limit. Many of my noble friends will be, at this moment, doubting my ability to manage that.

I echo what my former Commons colleague the noble Baroness, Lady Clark, said about the welcome new Peers receive here. This is, in every way, a remarkable institution. Fellow Peers—not just old friends—are especially welcoming, and I share her gratitude to all the staff here, who go out of their way to help people utterly baffled by the rabbit warren of corridors and the somewhat strange new practices we have to take on.

The major change I am having to face is that I find that this historic Chamber has all its logistics based on the use of IT of various kinds which I have previously scorned. It is most surprising that, in this particular House, a 20th-century man is being forced to get into the 21st century. Trying to open and switch on a laptop and an iPad, then contemplate how to use them, is my biggest problem at the moment, because of the generosity of all those who are helping me in every other way.

On this subject I can only say that I have every sympathy with the Government, as a former Secretary of State for Health and a former Chancellor of the Exchequer. This is the worst health crisis to have hit this country and the worst depression—no, recession, so far—and economic crisis that has occurred in my lifetime. The difficulty of dealing with it is that it is shrouded in total uncertainty. All forecasts on all fronts are quite useless because the disease is new, its behaviour is unknown and therefore the range of scientific and medical opinion about the way in which it can be controlled and what is going to happen is not a unanimous science: it is immensely varied. Quite unprecedented choices have to be made on the tensions between the life-saving prospects of doing one thing and the damaging economic consequences that step will have. Everybody is going to second-guess every decision that Ministers come to as they go along. As we are now in the days of public inquiries, with the wisdom of hindsight everybody will be able to see what should have been done in the light of what we know has happened, and everybody will say how obvious it was that steps should have been taken.

Yes, the Government have made mistakes; every western Government have made mistakes. The mistake at the beginning was not being tough enough. It is quite obvious that we should have gone into lockdown probably about three weeks before we did. It is quite obvious that we should have quarantined flights in from places such as Spain and Italy almost instantly. We should obviously have been more aware of the dangers to the residents of care homes and ended the practice of discharging patients from hospitals to care homes without testing before doing so. But, if the Government had done those things at the beginning of March, they would have faced all the protests about civil liberties, excess infringements, controls and so on that we are hearing now. We must not repeat that. The policy succeeded after that because we had only about 60,000 excess deaths and, although we are as bad as almost any other country in the world, people have now got used to the small level of deaths—each of

them tragic—and disaster we are having. The demand now is: let us have more liberty and protect our freedom and let us not step things up.

The Government should subject themselves to more parliamentary scrutiny of the next steps. I totally agree with all who have voiced that. It would strengthen them and give them more authority. It would give them a better defence when they make an obvious mistake—and they will make more. The position now is that they would also be strengthened by the support they would get. The majority of the public support the measures that the Government are now taking. The rule of six is not particularly severe, while closing pubs at 10 pm takes us back to the days of my teens but is not actually a tremendous infringement of civil liberties. Opinion polls show that the public would accept tougher measures from the Government and I think that, after proper debate and scrutiny, the majority in Parliament would allow most of them. That would, however, save us from the occasional strange dilemmas and slips that we know have occurred. The Government, the public and the nation will be held together better if we scrutinise more firmly, but not on the basis that we second guess every decision that any Minister makes and start politicising it in this extremely dangerous world.

3.54 pm

**Lord Lamont of Lerwick (Con):** My Lords, it is a very great pleasure to congratulate my noble and learned friend Lord Clarke of Nottingham, as I must pinch myself to remember to call him. We go back a very long way. It is not a case of “Forty Years On” but more like 60 years on from when he enrolled me into the Conservative Association at university. We have been through many rites of passage together, including each other’s weddings and birthdays; indeed, he succeeded me as Chancellor. Enoch Powell once remarked that there is no such thing as friendship in politics. I do not think that is true. We have certainly remained good friends, despite disagreeing on the one great issue of the day.

My noble and learned friend is, I can tell the House, one of the most affable men in politics. He even forgave me for not voting for him as leader of the party. He has held almost every important job in government other than Foreign Secretary or the premiership. He has not, it is true, been a Scottish law officer—yet. But there is a vacancy, so who knows? He has been described as the best Prime Minister we never had. Some of his friends would say “If only he hadn’t been so Europhile”—but of course his integrity is one of the reasons he is so widely respected. He is a Prince Rupert of debate and we look forward to hearing from him many more times in future in this House.

I am grateful to the Chief Whip for saying that I could welcome my noble and learned friend before embarking on my four minutes. This is a very important debate. It is about not just health but individual liberty and accountability to Parliament. The powers that the Government have taken are far-reaching; some might call them draconian. The Minister has often said that this is a war. Well, I hope that it is not, like the war in Iraq, based on a dodgy dossier, or like the war in Afghanistan, which cannot be won and to which there is no end.

The strategy of the Government is unclear. We were originally told that the virus would be “licked”—that was the word—by July. Then, like the First World War, it was going to be all over by Christmas. Now we are looking at measures that may last until April. It seems that all we can do is to smooth the curve until the US cavalry arrives in the form of a vaccine—but in some films the US cavalry never arrives. There may be no vaccine, or it may give only partial immunity. Are we then to be condemned to an everlasting campaign of suppress, relax, suppress, relax, suppress, relax? If so, the economy will not survive. In August, people were paid by the Government to “Eat out to help out”. Then last week they were told not to eat after 10 pm. Why? In his Statement, the Prime Minister said that the Government had driven the virus into retreat but that the prospect of a second wave was always real. In other words, it bounced back. But is that not what it will do again? Will it not always be the case that all that lockdowns ever achieve is delay? I would like the Minister to answer that point directly.

Having repeated lockdowns while we wait for a vaccine is not a tenable strategy. As the Chancellor of the Exchequer said, if that is the future, we have to learn to live with the coronavirus without fear. We cannot ignore the economic cost of the Government’s measures. The Minister did not once mention the unintended economic costs of those measures. We need overall economic impact assessments for every measure, and for economists to be included in the ineptly called SAGE.

The Minister has argued that it is not the Government who destroy jobs but the virus. Let us be clear: government measures, taken for good reason certainly, do have the consequence of destroying jobs and businesses. The record 20% fall in GDP in the second quarter was a direct result of the lockdown. The Government talk about saving only viable jobs, but many firms would be viable were it not for the restrictions that have been imposed. Does the Minister really think that theatres, gyms or neighbourhood restaurants are not viable? Are football clubs with full stadiums not viable?

There is a lot more bad news to come on the employment front. Many firms are holding on by the skin of their teeth. The longer the restrictions last, the more difficult it will be for them and the economy to recover. No one envies the Government their almost impossible task, but they need to show that they have made their decisions on a basis that takes into account the economic costs. There is, in the end, a price that we will not be able to afford. We cannot have a situation in which the cure is worse than the disease. I agree with those who say that we need greater parliamentary involvement. It is not enough for the Government simply to say, “We know best”.

4 pm

**Baroness Chakrabarti (Lab) [V]:** My Lords, what a rare pleasure it is in such dark times to be able to join the welcome and congratulations to both new Lords—my noble friend Lady Clark of Kilwinning and my older but equally dear friend, the noble and learned Lord, Lord Clarke of Nottingham.

I gave this legislation qualified and heavy-hearted support in the spring because of the urgent and drastic scale of the pandemic in which we were all engulfed.

[BARONESS CHAKRABARTI]

The noble and learned Lord, Lord Clarke, said that we should have locked down earlier but that everyone would have been up in arms. I disagree with him there; I and others on this side of the House called for that lockdown to come earlier and harder. However, that is not a point for today.

The Minister said at the outset that he was checking in with your Lordships' House—it is an interesting, casual and American phrase, but he had a point. One of the flaws in this legislation is that it is seemingly unamendable by either House and not even subject to renewal by your Lordships' House. That is at the heart of the problem and of where we need to go beyond this legislation. The Government need to come forward with amending legislation to the framework so that these provisions are not just reviewed or “checked in” on at periodic intervals. Parliamentarians, particularly elected ones, need to be able to amend this vast, draconian scheme.

I fear that the Government have squandered a great deal of not just parliamentary good will but public support over the last six months with a clumsy and asymmetric authoritarianism. Powers to ban mass gatherings and break up picnics may well have been necessary, but where were the additional powers and resources to go into unsafe workplaces or requisition manufacturing plants or private healthcare facilities and labs to crack this test and trace problem which is still such a scandal?

The Minister referred to the easing of care provisions. This may have contributed to the untimely deaths of so many of our older people, who should not have been sacrificed to the virus. He did not mention Schedule 21, a draconian set of provisions that has allowed the police to detain people for no good reason. We have learned from the Joint Committee on Human Rights and the review of the prosecutions that 100% of prosecutions brought under Schedule 21 have been found unlawful. The Minister really should have spoken to us about that.

Today's debate will not achieve this, and neither will these Motions, but this legislation must be subject to amendment. The Government must do the decent thing, in terms of Parliament and the rule of law, and ensure without delay that this legislation is subject to amendment.

4.04 pm

**Lord Shipley (LD) [V]:** My Lords, I too congratulate the noble Baroness, Lady Clark, and the noble and learned Lord, Lord Clarke, on their excellent maiden speeches.

As the Minister said in his letter last week, many of the powers used by Her Majesty's Government relate to the Public Health (Control of Disease) Act 1984, but that does not change the basis of our debate today. The question before us is whether the Coronavirus Act 2020 should be extended further in its current form. My view is that to continue to remove effective parliamentary oversight of ministerial decision-making is wrong in principle and leads to poorer decisions. I say that not from a libertarian point of view but because emergency powers underpinned by centralised decision-making must be for genuine, short-term

emergencies and must be temporary. I see no reason to continue to sideline our parliamentary democracy. Parliament can operate on fast timescales if it is necessary to do so.

The Government would be most unwise to think they should continue to manage the pandemic by decree. The Hansard Society has reported that in the last six months there have been 242 statutory instruments which effectively bypassed proper parliamentary scrutiny and debate. Given that the Government are extending powers to fine and restrict movement, I submit that it is essential for public confidence that Parliament has a role in making such decisions.

I mentioned the quality of decision-making. What lessons have the Government learned from the failures of their centralised approach to testing and tracing and what will change following the Statements last week? Could I also suggest that the Government take another look at their messaging and use of language? Persuading people is surely better than threatening them, and constant hyperbole in establishing policy risks non-delivery.

In terms of messaging, the Government need much greater clarity in their announcements. For example, last week I asked the Leader of the House why the military was to support the police, since the Government had also said they were committed to providing them with the extra funding they needed. The answer was that the military would backfill support for the police. What is backfilling? With what training and powers will it be done? It is one thing for the military to help the National Health Service with building hospitals and advising on logistics; it is another for it to replace the police. Matters such as this need much greater parliamentary scrutiny in advance. Parliament must be able to debate and agree decisions, not just scrutinise them after the event.

4.07 pm

**Baroness Campbell of Surbiton (CB) [V]:** My Lords, I take this opportunity to repeat my urgent request that the easement powers in the Coronavirus Act be switched off now and not extended further. I and 30 other Members across the House wrote to the Secretary of State for Health and Social Care in the other place to make this request after hearing many worrying accounts of highly vulnerable individuals losing care and support when it was most needed.

Easement powers permit local authorities to reduce or withdraw care services normally protected by the Children and Families Act, the Mental Health Act and the Care Act. They were intended to be used only if local authorities were unable to comply with all their legal duties during the worst stages of the Covid-19 pandemic, and then only if the easement did not contravene individual human rights. After the powers took effect on 31 March, eight councils officially implemented easements and by July said they had stopped. According to Disability Rights UK's latest joint statement with Liberty, seven councils have since returned to using the powers.

There is mounting evidence that disabled children, adults and older people are experiencing disproportionate stress and serious health risks as a direct result of

decreased care and support services during this pandemic. A survey by Mencap found that seven out of 10 people with learning difficulties experienced a reduction in their support.

Over 60 disability charities have reported that significant numbers of disabled and older people had their care cut to the point where they were unable to cope with basic daily human needs—eating, washing and using the bathroom. This cohort is at most risk, not just from the virus but from lack of care and support. Grim data from the Office for National Statistics bore this out when it recently concluded that disabled people were twice as likely to die from Covid-19.

I am sure that many noble Lords watched the “Panorama” documentary highlighting the plight of severely disabled children and their parents who are driven to breaking point because their vital support services were put on hold or withdrawn altogether in the name of the pandemic. I could give countless other examples, but time at the moment prevents.

The latest report by the Joint Committee on Human Rights concluded:

“The Government must justify its reasoning for the continuation of the powers to trigger easements to social care provision, and they must only continue if absolutely necessary”.

I would argue that the continuation of the easement powers is neither necessary nor proportionate. I am sure that, with an urgent review of the evidence, the Government will see that if they truly want to protect their most vulnerable citizens, easement powers must cease. If not, we are condemning them to another six months of misery, and possibly death. This is not protecting our most vulnerable citizens.

4.11 pm

**Lord Bridges of Headley (Con):** My Lords, I start by congratulating the noble Baroness, Lady Clark, and my noble and learned friend Lord Clarke on their excellent speeches. It is absolutely wonderful to have my noble and learned friend Lord Clarke here to make such a great contribution to this House.

In my mind, this debate is about the exercise of power, pure and simple. We all obviously would agree that in these circumstances, with Covid as an emergency and a world health crisis, the Government are right to look to take more emergency powers. The simple question is whether Parliament should have a greater role than it currently does in scrutinising proposed action, holding Ministers to account and voting for such powers to be exercised. In my mind, the answer is an unequivocal yes, for two simple reasons.

First, as a number of your Lordships have mentioned, and as is perfectly apparent, clearly these powers lead to the curtailment of individual freedom. The issue is whether that curtailment is proportionate and reasonable. Where should the balance lie between the state taking away someone’s freedom to leave their home, to gather in someone else’s home or to open a business, and trusting the people, an age-old principle that brought many of us into Conservative politics? Have the Government got that balance right?

Secondly, exercising these powers obviously has a seismic economic and social impact, as my noble friend Lord Lamont said. By next March, we are forecast to have the highest level of debt as a percentage

of GDP since the 1960s, not to mention higher unemployment and bankruptcies, largely thanks to measures we have implemented to control Covid. To point this out is certainly not to criticise the Chancellor or others—far from it. The Chancellor has done an extremely good job in my view, in very demanding circumstances, and his latest initiative may prevent us following the path of the OBR’s downward scenario. Let me remind you what that downward scenario is: unemployment peaking at 13% next spring, it taking until autumn 2024 to get the economy back to pre-Covid levels, and the five-year cumulative shortfall in real GDP becoming larger than that of the financial crisis.

This gargantuan amount of money and this gargantuan damage exposes the second reason why Parliament must have a greater role in the exercise of these powers. We must have more opportunity to weigh up the benefits of the measures we are taking to manage health risks with the economic costs of doing so. As the noble and learned Lord, Lord Judge, said, have we got that balance right?

By asking these questions, I certainly do not dismiss the laudable human instinct to save lives. I simply wish to ensure that when action is taken, we are mindful of all the consequences. Some of those consequences are very immediate, as we have seen. Workers, for example, from a BAME background, women, young workers, low-paid workers, disabled workers—these are the groups who have been the worst hit economically by the coronavirus outbreak. There are other consequences, which my noble friend Lord Lamont also mentioned, including the longer-term consequences of the impact of our economic growth. Will it be sufficient to fund the NHS and our welfare system, and how will we pay back the borrowing?

Sadly, I fear we face many more grim months fighting Covid. The Government must ensure that they bring the country with them as they do so, as my noble and learned friend Lord Clarke said. Given the enormous impact that the exercise of these powers has on our nation’s future, it is absolutely not enough simply to give Parliament the chance to debate their use. Parliament must be able to vote for the use of these powers before they are brought in.

4.15 pm

**Lord Hain (Lab) [V]:** My Lords, I agree with much of what the noble Lord, Lord Bridges said, and say what a pleasure it is to welcome my noble friend Baroness Clark of Kilwinning, with whom I worked in the Commons, especially on trade union issues, supporting postal workers. I also welcome the noble and learned Lord, Lord Clarke of Nottingham, who has been a beacon of sanity for his pro-Europeanism, and with whom I once raced wheel-to-wheel in an MPs v Lords motor race in the early 1990s at Brands Hatch.

I thank the Minister for his invariable courtesy and hard work, but I ask him these questions. Why does he think my niece living in Dorset, a young working mother of three whose husband is a firefighter, speaks for so many citizens throughout the country in expressing her outrage in these terms at last week’s shambolic announcement by the Prime Minister: “It’s a mess, he didn’t discuss the fact that no one can actually get

[LORD HAIN]

tests, which is causing people to be off work for ages. We've just had an email from the kids' school, saying it may have to close, as the tests for staff are taking too long?"

Why did the Government not accept the offer from Swiftair, an airbase company, to test everybody landing at Britain's airports from other countries for £115 and give them the results quickly? Surely that is common sense, and it would take the enormous load off airlines facing bankruptcy and the travel industry as well.

Instead of imposing an expensive, incompetent system of testing and tracing through privatised agencies and outsourced corporates with no experience of this sort of thing, why did Ministers not rely on our excellent system of local care and primary healthcare, using GPs, for example, who often have the friends and the sort of people we would all have made contact with on their books as well as us? Why do they not use care workers and primary healthcare workers and resource them properly, instead of cutting local budgets so remorselessly? Why was the money not spent on them? Why were local councils not properly consulted? The leader of the Leeds City Council was on the radio only a few days ago, asking—pleading—to be properly consulted and properly resourced. There is a real danger that without a proper test, trace and isolation system, like Germany's, for example—a much more efficient and cheaper one than ours—we could lurch from lockdown to lockdown at terrible cost to our economy and social fabric. I agree with what the noble Lord, Lord Lamont, said in this respect.

Finally, if I am permitted a rant, I am astonished that anybody agreed to a different regime for bars in the House of Commons from the 10 pm closure for everybody else. Surely this is a Dominic Cummings case of "Do as I say not as I do". I am thankful that that did not apply in the Lords, as our digital Lord Speaker has just confirmed in his announcement on Twitter.

4.19 pm

**Lord Greaves (LD):** My Lords, it is always a pleasure to follow my old friend, the noble Lord, Lord Hain. Although the *Companion* tells us that we should not all pile in and congratulate the maiden speakers all the time, I nevertheless particularly want to welcome the two new speakers who hail from north of the line between the Severn and the Wash. There are precious few of us who that applies to, including the Deputy Lord Speaker. In many ways we are a deprived minority in this House, so every extra one should be given a great welcome—so I do so.

I am minded to vote for the Motion to Regret from the noble Lord, Lord Robathan. I do not agree with everything he says or thinks on this matter, but it will be my own little shot across the bows of the Government. So many people, who come from completely different political perspectives, have real worries about the huge great pile of these "made affirmatives" which we are getting, and eventually getting round to discussing, in some cases after they have been—what is the word?

**Lord Addington (LD):** Enacted.

**Lord Greaves (LD):** Thank you.

The country is dividing yet again into two tribes, just as we have been desperate to get over the division in the country over Brexit. A lot of people are frightened, hiding and confused. Great damage is being caused within families, as well as to their financial circumstances, and some people are being made poorly as a result of it. Others are angry and are becoming increasingly aggressive or getting out of hand. My own town has an increasing problem of school-age young people who are increasingly getting out of hand in local gangs. It is very difficult to deal with, and the Government had better not tell me that the police ought to do it, because they have absolutely no spare time to do anything at all extra.

However, many more of the angry people are just getting very worried and making themselves ill, and do not know what to do. This is not helped when people whom I call idiots, such as the people demonstrating in Trafalgar Square this last weekend, are going around saying that vaccination is a great plot, and all the rest of it. We could do without those people. That makes it more difficult to be constructively critical of what the Government are doing, but I believe that that is what we ought to do.

We need education, explanation, transparency and clarity, as the right reverend Prelate suggested; we need support and persuasion of people, as my noble friend Lord Shipley said, rather than control and legal threats, threatening to fine people £1,000, or whatever it is, if they get a telephone call from Test and Trace saying that somebody, somewhere says that they were a contact. The implications of that and the problems of people who dispute it are enormous. It seems to me that we are where we are, but the Government need to have a substantial rethink and reshift of their priorities in the way they do things, and I hope that these debates here and in the Commons will help them to do that.

4.23 pm

**Lord Patel (CB) [V]:** My Lords, from the outset of the pandemic there has been a lack of transparency, openness and scrutiny of the policies in relation to pandemic management. This has been a pity. At the start of the pandemic, the Government stated that their policy in relation to managing the pandemic was to "follow" the science and be guided by it. Yet the membership of SAGE and the advice it got from it was confidential, and therefore the veracity of science advice underpinning the government decisions could not be challenged.

The purpose of the emergency powers was to enable the Government to plan an effective response to the pandemic. The effectiveness of the various pieces of legislation and guidance in doing so can be measured in many ways. The simplest way would be to look at some key outcomes. The noble and learned Lord, Lord Judge, mentioned the need to balance health and wealth. In terms of health, the UK ranks number five in the world for deaths directly related to Covid-19, at 41,936 deaths. Compare that to Germany, which is ranked at number 19, which has had 9,519 deaths. Comparing deaths per million population, the UK has had 618 deaths per million citizens, compared with

Germany's 119 deaths per million population. Similarly, we have higher infection rates. Are the differences related to quality of decision-making? Policy related to testing for infection was key to better management. Germany got it right, resulting in better outcomes for health and wealth. Several of our distinguished scientists pleaded for a similar strategy at the beginning of the pandemic; I believe one of our Nobel laureates wrote to the Prime Minister suggesting that.

Since April, the Science and Technology Committee of the House of Lords, which I chair, has been taking evidence on the science behind the control of the pandemic to help guide policy decisions, particularly its ongoing management. At the end of July, having taken evidence from some of our most distinguished scientists and epidemiologists, I, as chair of the committee, wrote to the Prime Minister, outlining the key areas of pandemic management that needed urgent attention to avoid a second wave, and pointing out that we had two months in which to do this. The areas of concern highlighted in the letter were: to reduce levels of infection by October; to make sure that testing capacity can meet the needs; a clear plan of national and local public health leadership to help control any emerging infections; and, above all, the need for transparency, openness and scrutiny of decisions taken to inform clear public messaging. I understand that my counterpart in the House of Commons had also written to the Prime Minister following their evidence sessions.

October is nearly here, and we face increasing levels of infection. That leads to my concerns about our opportunity to scrutinise the evidence used by government and its likely impact on management of the pandemic. The House has significant expertise in all areas of science, economy, law and social behaviour to help make better decisions. I hope the Government accept that some of the policy decisions might have benefited from wider input to protect the health and economic welfare of our citizens. I most sincerely hope that government finds ways to enable Parliament to have more involvement in decision-making before decisions are made. The usual 30-second question to the Minister at the end of a Statement is hardly holding government to account or helping to make better decisions.

My question to the Minister is simple: how do the Government plan to get Parliament more involved?

4.27 pm

**Lord Dobbs (Con):** My Lords, your Lordships should take no more attention of my speaking from the Cross Benches than you have of my noble and learned—and very welcome—friend Lord Clarke of Nottingham speaking from the Bishops' Bench. I trust that we will both get back to normal soon. It is also a pleasure to welcome the noble Baroness, Lady Clark of Kilwinning.

I start by thanking the Minister for his prodigious personal efforts over all these months. We are asked to follow the science, but what science? Is it the science that said that there would be half a million deaths? If that is so, we have done remarkably well. Or is it the science that said that 20,000 deaths would be a good figure? In that case, we have done considerably less well. Perhaps it is the science that points to the tens of thousands of excess, non-Covid deaths that we have

been suffering because of people not going to the doctors and getting the treatment that they require, or the science that predicts that there will be many tens of thousands of deaths in the long run if we go into a period of endless recession. This is not a matter of science but of judgment—political judgment—as we search for a balance between impossible demands.

I want to share two concerns today. The first is that, despite all the Government's best efforts, the judgments that are being made are exceptionally confusing. Let me use young people as an example. We have just sent them off to university, where we have often locked them in and told them that they may not get back for Christmas. I do not know what they are going to do for Christmas; perhaps they should all gather at Barnard Castle, where apparently, we can all have a jolly good Christmas. What future are we offering our young people with this economic policy of stop, start, stop, stumble again, then stop? The latest ONS figures show that the number of under-45s who have died from coronavirus amounts to 1.1% of the national total, whereas the over-65s amount to 89.3%. Yet, we treat them all the same, when clearly, they are not. Why do we devastate the entire economy and the future of young people? Can we not find a better way of protecting the vulnerable while allowing the young to carry on with something like a normal life?

My second concern is the damage being done not just to health and the economy but to our fundamental rights and democratic accountability. We are infringing on individual rights on a massive scale. After seven months of this Covid nightmare, we need to revisit not just our policies but their legislative basis. We must not forget the lessons of Brexit. Government got too far from the people; as one Prime Minister said, government was done to the people, not for the people.

I wish to help my Government and support them in their fiendishly difficult task. I believe that the way to support them tonight is to support my noble friend's Motion if he asks us to.

4.32 pm

**Baroness Jones of Moulsecoomb (GP):** My Lords, it is always a pleasure to follow the noble Lord, Lord Dobbs. I did not particularly like his idea that people of my age ought to be locked away to save the rest, but we can discuss that later.

I welcome our two new Peers. If the noble Baroness, Lady Clark of Kilwinning, is going to be contentious on civil liberties, I will want to work with her very urgently. The noble and learned Lord, Lord Clarke of Nottingham, almost kept to the four minutes; he only went over by two and a quarter minutes, which is pretty good, but I am sure that the Whips will learn how to discipline him in future.

I agree with the noble Lord, Lord Dobbs, and other noble Lords that we face a democratic crisis. This is not only a health crisis; it is a human rights and civil liberties crisis too. In particular, I mention to the Minister Section 51 and Schedule 21—the coercive elements of the Act—which should be repealed. There is no doubt that they are now superfluous. They are no longer necessary, arguably were never necessary and certainly have never been used lawfully.

[BARONESS JONES OF MOULSECOOMB]

The Crown Prosecution Service took the unprecedented step of regularly reviewing every prosecution made under the Act. Not a single prosecution was lawful. People have been wrongly prosecuted and wrongly convicted under this rushed and chaotic legislation. This Minister has to agree that a law that results in 100% wrongful convictions should be repealed immediately. I hope that he will commit to that today.

Parliament passed this Act at lightning speed—I have some sympathy because we were in a crisis and had to react—as emergency legislation because, as the Government assured us, it was absolutely necessary and highly urgent to fight the virus. The Government produced a helpful Coronavirus Act assessment ahead of this debate. It goes through all of the Act and sets out which parts are in force, how they are being used and what justification is given for them continuing. No real justification is given for keeping the criminal parts of this Act, other than that they might come in handy if other enforcement does not work. This is nonsense, especially when the Government are imposing £10,000 fines on people who fail to self-isolate. There is absolutely no justification for these criminal parts of the Act any more.

On civil liberties and protest, the Government still have not addressed concerns about freedom of expression and freedom of assembly. This Act empowers the Government to ban any kind of gathering with no safeguard or protection for peaceful protest, which is part of our democracy. I know that this Government do not really like democracy because it means that they sometimes have to answer to the media and to us—with little and in a very pallid way—but, quite honestly, the Home Secretary's blanket assertion that the Black Lives Matter protests were “illegal” was quite shocking. We are seeing some shocking things come out of this Government's team. An election would be welcome if that is something the Government would find attractive.

I suggest that civil liberties, human rights and the right to peaceful protest, which is enshrined in our democratic processes, should be considered a little more than the Government are doing currently. I will vote for the regret Motion, of course. I very much regret that it is not tougher. It was a complete shock to agree with so much of what the noble Lord, Lord Robathan, said but, you know, well done.

4.36 pm

**Lord Rooker (Lab) [V]:** My Lords, I, too, welcome both maiden speeches. I consider both new colleagues my noble friends.

Before I start, I want to declare an interest. Ten months ago, I was taken ill without warning. The NHS saved my life and I cannot praise enough the staff at Hereford County Hospital and, later, Worcestershire Royal Hospital. Nothing I am about to say is in any way critical of the staff of the NHS.

I read very carefully both the letter circulated by the Minister on 25 September and the analysis of the Act presented to Parliament. The Government constantly congratulate themselves on their response to Covid-19; superficially, I almost got taken in by the letter and

analysis. So, are the temporary measures working? Do we need to keep them as they are? Do we measure what has happened and try to start again? It is the facts that should drive us.

Basically, we have a system failure, as my noble friend Lord Foulkes clearly set out. Our healthcare provision does not look that good, according to OECD measures. It certainly shows that we are not world class. According to Statista, which measured death rates in 191 countries, up to 16 September the UK had the world's eighth-highest per capita death rate from Covid-19 in deaths per million. In Europe, only Belgium and Spain were ahead. The others in the top eight include Peru, Bolivia, Chile, Ecuador and Brazil. That is who we share our high death rate with. Why is this? We have never been given a reason. It is not good enough to say, “Wait another year.”

Covering 10 to 16 September, the latest weekly report from NHS Test and Trace showed that the number of people tested per day was only 83,881, up from 81,628 the previous week. The same report showed that the median distance to travel to take a test increased compared with the previous week. Only 77.7% of people were reached and asked to provide information about their contacts; the previous week, it was 83.9%. The time after an in-person test increased to 30 hours, up from 27 the previous week. The time taken to receive a result from mobile testing was up from 26 hours to 31 hours. This is simply not good enough. Yesterday morning, the devastating interview on Radio 4's “Broadcasting House” about the substantial shortage of NHS staff—approximately 100,000—the possibility of massive numbers leaving and the burnout from last winter's pressures, the virus and now a second wave proved too much for some.

As ever, mental health is the Cinderella. According to NHS health providers, significant gaps in the mental health workforce remain. There has been no move on increasing rewards for NHS staff. I am not talking about annual rewards; I am talking about changing where NHS staff are in the national pecking order. There has been no attempt at that at all. There has been no move to co-ordinate the social care system for the long term, which the Prime Minister clearly promised by the end of the year. In the meantime, stressed, underpaid and under-strength NHS and care staff see almost daily the corruption and sheer racketeering of health resources being diverted to cronies of the Prime Minister and his advisers without so much as a peep from the sleepy Committee on Standards in Public Life. I sincerely hope that, this week, the elected Commons insists on a better system.

4.40 pm

**Lord Addington (LD):** My Lords, this is one of those special debates. We have had two excellent maiden speeches so far, and I look forward to working with, and possibly against, both noble Lords at various points in the future. Coming to the nature of the legislation, it is one of those days when you are very glad you have somebody on your side who is on your side—my noble friend Lord Scriven. I am sure I disagreed with something he said, but I did not get it first time around.

I will try to look at some of the effects that the measures we are discussing today are having on our society. I draw the House's attention to the state of sport in this country at the moment. Elite-level sport has a wonderful thing called TV revenue, but not that much sport is elite level. It may be on our TVs a lot, but most football clubs, for instance, are not elite level. They may be professional, and elements of professionalism run a long way down that sport, but they generate their money from Saturdays, when people pay to watch in person, and their advertisers pay to have their advertising seen by those who are there. The same is true of rugby league and many other sports. But in football there is this big thing with lots of money called the Premier League, which may be able to save and support clubs for a bit, if we are going on just for a year or two. That has already been covered by many noble Lords.

I would like us to look at all those amateur sports, where the vast majority of the population who take part support others who go through and get involved. Here, you generate your money from people who pay a sub to play, and you generate it in your bar. These institutions are effectively stuffed. It is the curse of the bleeding obvious to say that, as the weather gets colder and wetter, those taking part in a winter sport—who will hit the ground and come up covered in mud and water—will need to change in a changing room. If these institutions are not allowed to use these facilities through this process—and I put up my hand as what is left of a rugby player who still occasionally plays golden oldies—and if we want them to be there in the future, we will have to make sure that they are looked after. If you have maintained a ground, on which you may have a mortgage, you will have ongoing things such as rates coming in, and you will have to be bailed out.

The irony of this is: what could we do to better prepare ourselves to survive the virus if we get it? Have a good cardiovascular system. We absolutely know that you can tell everybody to jog 2.3 miles every 1.4 days but, unless you give them an incentive to do it, this habit of exercise will never be established in the vast majority of people. They need a reason for getting in there. They need to know what it is like to be fit, so they can try to get back there. It is also a lot easier to do it then, because muscle memory is there. The health benefits are there. I do not have long enough now to go into the proven mental health benefits of sport and that social interaction but, unless we save this great tier of social activity, the sports clubs, we will be saving up a huge problem for the future. That is one of the reasons why a little bit of me sometimes says that this cure may not be worth it.

4.44 pm

**Baroness Noakes (Con):** My Lords, we have heard two excellent maiden speeches so far, and I look forward to that of my noble friend Lady Morrissey. I particularly welcome my noble and learned friend Lord Clarke of Nottingham to your Lordships' House. Some 20 years ago, my noble and learned friend sent me a very nice letter on my appointment to your Lordships' House, but he said that, while an honourable exception could be made for me, he did not approve of an appointed House of Lords. So I was just a bit surprised to find that he had accepted his own

appointment—but I am sure that the whole House will be very glad that my noble and learned friend has allowed himself an honourable exception. We will certainly benefit from his considerable wit and wisdom in the work of our House.

Turning to today's debate, I barely know where to begin. The Coronavirus Act has allowed the Government to set us on a path to a totalitarian regime, with a constantly shifting and confusing patchwork of rules and guidance. Some, such as the rule of six, lack any scientific basis. They are backed up by fines and penalties, busybody marshals, and police diverted from their core tasks of tackling serious crime.

I particularly grieve for young people. Some are even imprisoned in solitary confinement in universities. Most are facing an uncertain future, with job losses falling heavily on the young. They are the group least likely to be affected by the virus, even if infected, yet they are the worst hit now and will be in the future, when they will have to pay for the accumulating public debt burden that is coming.

The needs of non-Covid patients in the NHS have been deprioritised. Waiting lists for both diagnostics and treatment are massive. Many have died or will die for lack of proper and timely treatment, but, unless they have also tested positive for Covid-19, their deaths will be an unremarked statistic. As other noble Lords have said, the mental health impacts of lockdown are likely to be huge but are barely discussed.

Our economy has suffered major damage. The virus did not crash our GDP; as my noble friend Lord Lamont pointed out, the lockdown policies did that, and they are continuing to have a negative effect. I admire the economic support orchestrated by my right honourable friend the Chancellor of the Exchequer, but I am far from convinced that we needed to hit the economy so hard in the first place.

Notions of personal responsibility and responsible citizenship have just disappeared. Instead, we have an increasingly bossy Government telling people what to do and what not to do. Group think has overtaken decision-making. There is an obsession with rising so-called case numbers, even though those cases are based on the problematic PCR tests, rather than medical diagnosis. False positives, which are extremely significant when a disease has very low prevalence, as Covid-19 has, are ignored. Hospital admissions and deaths remain subdued, yet apocalyptic modelling of them is driving policy.

Worst of all, as we have heard, Parliament has been sidelined. Multiple overlapping statutory instruments, under cover of the Coronavirus Act, have imposed increasingly draconian laws without a minute of parliamentary scrutiny. We have been given neither impact assessments nor analysis of alternatives. We need a proper debate on the balance being struck between the economic, societal and health impacts of the Government's policies. It pains me that I shall be voting with my noble friend Lord Robathan if he decides to test the opinion of the House.

4.48 pm

**Lord Hunt of Kings Heath (Lab):** My Lords, in his introductory remarks, the Minister argued that the Act is essential to protect public services. I certainly do

[LORD HUNT OF KINGS HEATH]

not disagree, but some of the provisions that have been put in place are impacting on some services for very vulnerable people.

In recent days, we have had briefings from Mind, Mencap and London Inclusion, which have spelled out the impact of the temporary powers to change the Mental Health Act and the temporary suspension of the local authority duty to provide adult social care. Mind argues that they are affecting access to vital social care support for people with mental health problems. Mencap points to people with learning disabilities having to face an increase in isolation and loneliness. Inclusion London refers to the detrimental impact on deaf disabled people, with mounting evidence about a significant reduction in social care support.

I do not believe that local authorities have an easy task here, but we have had six months of this and we face many more. This is something that the Government need to turn their attention to. It also reinforces the more general argument about the need for Parliament to have much greater scrutiny of what is happening. While I do not necessarily agree with the whole analysis of by the noble Lord, Lord Robathan, he is right about parliamentary scrutiny. As my noble friend Lord Blunkett said, it is not just this Act; it is the combination of this Act and the public health Act that is causing so much concern.

I want to say a few words about the public health Act. Over the past two weeks, we have debated regulation after regulation that seriously restrict the rights of British people. We are faced with many more regulations which have already come into force, but which Parliament has yet to have had an opportunity to say anything about. The Commons Public Administration and Constitutional Affairs Committee has already said that it was not necessary for a number of those regulations to go through the emergency procedure. The Minister responded just over a week ago to complaints made by a number of noble Lords about this. He referred to the rapid nature of decision-making, which of course I accept, and stated that parliamentary scrutiny is valued by the Government. I say again that no one could question the willingness of the noble Lord to come to this House day after day or the way in which he responds; he has been exemplary. However, the fact is that generally the Government have not shown Parliament very much respect.

I end by pointing to the regulation laid at 5 pm last night which came into force at one second after midnight this morning. It contains draconian powers about the lockdown and self-isolation, with fines of up to £10,000. This measure was announced more than eight days ago. It could have been debated last week but it was not, and I suspect that it will be another few weeks before this House gets to consider it. That is not satisfactory. I echo a point made by the noble and learned Lord, Lord Clarke. The Government would find that, if they were to allow Parliament to have much greater insight into and discussion of the measures they are taking, they might find that they would get much more support for what they seek to do.

4.52 pm

**Lord Cormack (Con):** My Lords, not for the first time, I find myself in entire agreement with the noble Lord, Lord Hunt of Kings Heath.

The autumn is not only the season of mists and mellow fruitfulness, it is the season of braces—of grouse, partridge and pheasant. Here in the house of Clarks we have heard two splendid speeches by the noble Baroness, Lady Clark of Kilwinning, and my noble and learned friend Lord Clarke of Nottingham. I am delighted to be able to welcome him in those terms, in spite of his rather dodgy record on House of Lords reform, referred to by my noble friend Lady Noakes. However, he is now here as a Member and he is very welcome. He will make an immense contribution and I much look forward to following him in many other debates in the months and years to come. May they be proper debates in a proper House of Lords, which is holding the Government to account.

Sixty-one years ago, I enrolled my noble friend Lord Lamont into my branch of the Young Conservatives. His father paid the half-crown fee. At the time, I was teaching a course in history at a school in Grimsby on the age of the enlightened despot. I never thought that 61 years later, I would be bemoaning the fact that we have a muddled despotism in our own country. That is serious and deeply regrettable. We all understand why there was a degree of emergency/panic reaction in March of this year. It was probably a little too late and some of us had called for airport checks earlier, but I understood. But six months have passed and we are now debating statutory instrument after statutory instrument that has sometimes been overtaken before we do so. The instrument has been obsolete before we could debate it. This is no way to run a parliamentary system.

The noble and learned Lord, Lord Judge, was entirely right when he talked about six months. He was also right when he referred to his own pet hate—namely, Henry VIII clauses. We have a Government who at the moment are governing almost exclusively over the most desperate area of our national life through Henry VIII clauses. Also, as the noble Earl, Lord Erroll, reminded us, for good measure, they might possibly emulate Cromwell by seeking to abolish Christmas. This is no way to govern in a parliamentary democracy. It is essential that my noble friend, to whom I also pay tribute, takes back to his colleagues in government, especially in the Cabinet, that this is something up with which we should not put.

I do not agree with every word that my noble friend Lord Robathan said in his speech, but I shall certainly vote if he puts his Motion to the House. I shall do so because the Government need a sharp, salutary lesson. We also have to consider what else Parliament can do with two Houses. I recommended, during our long and protracted debates on Brexit, that there should be a joint Select Committee of both Houses. If there was ever a real need for such a body, it is now, because it could do a great deal of sifting, advising, pre-legislative scrutiny and so on. We are in a bad position at the moment, so it is up to us to persuade the Government that they have to improve their act.

4.56 pm

**Lord Morris of Aberavon (Lab) [V]:** My Lords, I too congratulate my old friend the noble and learned Lord, Lord Clarke of Nottingham. I have enjoyed going to rugby matches with him. I also welcome my noble friend Lady Clark.

This is an important debate. I regard it as important that there should be parliamentary control over the Government's actions in this unprecedented situation. We are steering the ship of state in uncharted waters and I fear that there is a huge amount of guesswork in the Government's proposals, which are changing all the time and, I regret, not winning so far. In addition to their reliance on scientific evidence, I am sure that some parliamentarians can make a major contribution. If the science is constant, it should be the same evidence for each of the four nations of the United Kingdom. People are puzzled, particularly those living on the borders, about why a greater effort has not been made to have uniformity in decision-making in the United Kingdom. Why are there frequently small or marginal differences between the decisions on this matter in each of the countries? Is it stubbornness in one of the Governments or the lack of will to heed the wake-up call for Whitehall that, in health matters, there are at least four legislatures in the United Kingdom?

I know that the Prime Minister has recently discussed progress with the devolved First Ministers, but why has such a meeting taken so long? Given the situation we find ourselves in, I would have thought it imperative that frequent and regular discussions should have taken place at the highest level between each of the First Ministers.

I regret that there has been no clear guidance for universities, independent though they are, about allowing students to return to campuses only to be incarcerated. When I hear that some universities are proposing to provide only online teaching for three weeks, it is as plain as a pikestaff that this could be done in the comfort of a student's own home. I speak as one who in the past was the chancellor of a university for 12 years.

Has a lack of decision-making been influenced by the desire of some universities to collect the fees? I am glad that this year, none of my grandchildren is incarcerated in student accommodation. If this is what is called university experience, I would prefer not to have it.

Parliament in its original meaning is a place where you talk—I paraphrase. Over the centuries, Parliament has met in two Houses. I have already expressed my concern about your Lordships' House's ability to govern its own procedures, including membership attendance. I have been assured that we are enabled to do so, but the reality is that the wider Executive, in the form of the usual channels, who have done a valiant job in deciding who is to speak and how many, are controlling every movement of this House. Cromwell would have smiled. There must be a limit to this. I raise only in passing my concern that this is a grey area. For the moment, what is imperative is that there should be uninhibited and repeated debates in this House and in the Commons on the way forward.

5.01 pm

**Lord Forsyth of Drumlean (Con) [V]:** My Lords, I agree with everything that the noble and learned Lord, Lord Morris, had to say about parliamentary involvement, but in defence of Cromwell, it was not Cromwell who abolished Christmas but the Parliament.

I asked my noble friend the Minister in the debate on Friday on the coronavirus regulations if he was confident that the Government were acting legally in using the public health Act to restrict the liberties of uninfected people and to close down uncontaminated businesses. I pointed out to him that I could not see powers in the public health Act to do so. I listened to him today and ask him: what happened to the assurances given by his department, the Department of Health, in 2008 to your Lordships' Constitution Committee that these powers were exercisable only in relation to infected individuals and were intended to authorise only provisions which were

“urgent yet minor in scope and effect”?

I asked him why the Government were not using the Civil Contingencies Act, which, under Section 22(3), empowers Ministers to

“make provision of any kind that could be made by Act of Parliament”.

Examples given in the legislation include regulations which prohibit movement to or from a specific place, assemblies at specific places or times and travel at specific times. The difference is, of course, that the Civil Contingencies Act requires robust parliamentary scrutiny. Emergency regulations must be laid before Parliament in draft before they are made and will lapse unless they are approved by both Houses within seven days. They are subject to renewal every 30 days, and Parliament can amend them at any time.

I asked my noble friend if the motivation for resorting to the public health Act, which has no such protections, was to enable the Executive to avoid scrutiny and parliamentary debate. He did not reply, and, under the bizarre rules we have, I was unable to intervene. Regulations made under the public health Act do not require approval for 28 days, plus any recess period, and cannot be amended or, if approved, revoked. They remain in force for as long as Ministers like.

I am not a lawyer, so, over the weekend, I contacted Lord Sumption for his advice, and am very grateful to him for sending me a memorandum which sets out the position very clearly. I have his permission to share it. I am told I cannot place it in the Library unless the Minister agrees, but I would be happy to send it to anyone who would like to read it.

My noble friend Lord Bethell did tell me, as he has repeated today, that the Civil Contingencies Act is

“expressly concerned with threats that we could not have expected. Unfortunately, we are at a stage with this epidemic—indeed, even at the very beginning of the epidemic—where the lawyers have judged that this kind of regulation does not fit under that definition”.—[*Official Report*, 25/9/20; col. 2026.]

The Act applies to emergencies, which are defined as

“an event or situation which threatens serious damage to human welfare”

in a place in the United Kingdom.

[LORD FORSYTH OF DRUMLEAN]

I say to my noble friend that he needs to get some better lawyers, and colleagues with more respect for Parliament. Under the CCA, which applies to the United Kingdom as a whole, he would have avoided different rules in different parts of the UK, and the First Minister of Scotland adding to public confusion.

Today, once again, we are not even being allowed a substantive vote. I am grateful to my noble friend Lord Robathan for his Motion, which I will support, in protest at the cavalier way in which parliamentary democracy in our country is being suffocated. Our economy is being trashed; public expenditure, out of control; good businesses, destroyed; thousands of patients, denied life-saving treatment; disabled people, unsupported; our children's future, mortgaged and damaged; the people's mental health and welfare, put at risk; and this House and the other place remain marginalised and impotent. As Edmund Burke put it in 1780:

“Bad laws are the worst sort of tyranny.”

5.05 pm

**Lord McColl of Dulwich (Con) [V]:** My Lords, first, I congratulate the noble Baroness, Lady Clark of Kilwinning, on her maiden speech, and am so pleased to know that she is from my favourite island, the Isle of Arran, on which I spent many a happy holiday during the war. I also congratulate my noble and learned friend Lord Clarke of Nottingham on his maiden Speech. I am so glad to have him here. I have always been very grateful to him, because he allowed us to reopen a little hospital in the East End, the Mildmay Mission Hospital. I think his civil servants had told him, “On no account are you to let them have it”, but he did, and for that we are very grateful.

Many of the critics of these measures seem, as has been mentioned, to be unaware that many of them use the powers of the Public Health (Control of Disease) Act 1984, as amended, including local lockdowns, national social distancing rules and travel restrictions. The Coronavirus Act 2020 is a bit different, in that it supports services to do with the public health response to the pandemic, provisions that support the furlough scheme and very successful changes in the Courts & Tribunals Service. The 2020 Act enables Her Majesty's Government to respond effectively to changes in the pandemic, such as making it easier for people to receive their statutory sick pay. In a recent survey, 63% of the people of the UK considered that these measures did not go far enough.

**The Deputy Speaker (Baroness McIntosh of Hudnall) (Lab):** The noble Lord, Lord Birt, has withdrawn from the debate, so I call the next speaker, Lord Randall of Uxbridge.

5.07 pm

**Lord Randall of Uxbridge (Con) [V]:** My Lords, first, I offer my congratulations to the two Members who have made excellent maiden speeches, and I look forward to hearing one more later in this debate, I believe. In particular, I am delighted to welcome my noble and learned friend Lord Clarke of Nottingham, for whom I have the deepest respect. Our debates will

be much enhanced by his presence, not to mention his ornithological expertise. In fact, I would gladly have donated my four minutes directly to him, just to hear more of his innate common sense. I have to say to the noble Baroness, Lady Jones of Moulsecoomb, that if she thinks the Whips will be able to control him, dream on.

These last months have been the strangest and, for my generation and many others, probably the most frightening we have ever seen. The images from around the world of hospitals struggling to keep up with those infected with the virus, not to mention the body bags, struck home to the vast majority of the population. In my opinion, the Government had no real option other than to impose through this Act the measures they did. Yes, the economy took a back seat while human lives were given priority, but the Government have done a lot for the economy and for individuals. I believe that this Act deserves to be extended for a further six months. Of course, I have every sympathy for those who are talking about how devastating it is, from retail to sports. However, if the rules were relaxed now, the Government would be seriously criticised: damned if you do, and damned if you don't.

One feature of the last few months has been the unremitting scrutiny of the measures by the media and the public at large. By and large, despite what one might think from the media or, even more extreme, from those views expressed on Twitter, I believe the public generally support these measures and, as my noble friend Lord McColl said, sometimes think they do not go far enough. But suddenly we have become a nation of experts on pandemics. It seems to me that you could, and still can, find scientific experts with a gamut of what should be done, and the media search around for someone to have a different opinion.

While I understand the view of my noble friend Lord Robathan, I still have faith in this Government's measures and I support them in the need for the Act that we are discussing today. I might have a view that more scrutiny in Parliament would be beneficial except that I already see that some are wishing to exploit this pandemic for purely political reasons. Of course I would prefer a few nuances here and there—perhaps children under five need not be included in the rule of six—but I have to respect the view of those advising the Government on this. Similarly, I do not want to see any woman giving birth on her own, and I am pleased that that seems to have been remedied.

Unfortunately, it seems that while the vast majority of the British public are exercising common sense, there are still some who flout the rules, putting themselves and, more importantly, others at risk. Is it because there are some who seemingly do not care or are unable to ascertain what those rules are? That is why we have these somewhat draconian measures.

I add my admiration to that of those who have previously spoken to my noble friend Lord Bethell for his exceptional service to this House and the way in which he keeps coming back and taking these debates. I support the Government and I cannot support my noble friend Lord Robathan in his Motion.

5.11 pm

**Baroness Bennett of Manor Castle (GP) [V]:** My Lords, I declare my interest as a vice-president of the Local Government Association. I express my enjoyment of our two maiden speeches thus far and look forward to the third.

I am glad that the Minister acknowledged that we cannot say when the crisis will be over. That makes a refreshing change from the World War One-style boosterism of “over by Christmas”; we know what a disastrous impact that approach had a century ago, and I fear it has done great damage today.

It is useful to think back to the mood in your Lordships’ House, Parliament, London and indeed the country six months ago as we passed this Bill. The message on the cover of *The Hitchhiker’s Guide to the Galaxy*, “Don’t panic”, almost seemed to be projected on the walls of the Chamber in large friendly letters. The noble Baroness, Lady Chakrabarti, referred to the heavy heart that many of us felt at the swingeing provisions of the Act. Six months later, the serious human rights damage and the unnecessary attacks on peaceful protest are clear, as reflected by my noble friend Lady Jones of Moulsecoomb.

We have learned a great deal about the virus that we did not know in March, but the mood of determination to pull together, applaud our NHS and shop for vulnerable neighbours and indeed the promise from the Chancellor to do “whatever it takes” have dissolved, and the Government must take significant responsibility for that. Sadly, “whatever it takes” was a promise that fell apart quickly: local government, huge numbers of self-employed people and those caught in the new starter furlough quickly found that it was not for them. Despite the obvious risks and the still-high levels of the virus around the nations, the message to “stay home” pivoted straight to “get out, mingle and spend money”. It is worth reflecting that it is just one month since Eat Out to Help Out ended.

Let us look forward to the next six months, and three elements that might be in this Act. The first is elections—not a general election, as my noble friend was referring to, although I am far from convinced that stability has suddenly broken out after three elections in five years; we have all heard the rumours. I am talking about the other scheduled, already-delayed elections, elections that are much closer to people’s homes and to decisions that affect people’s lives on a day-to-day basis. The sections of the Act allowing for the delay in elections are still in force. The Government need to publish a plan for elections to go ahead safely in 2021. The election provisions in the Act should be repealed on that basis. Referring to those elections, the Minister said that they hope for normal service to be resumed next May. I say, “Don’t hope. Plan.”

Secondly, on the economy, what is the Government’s long-term plan? Where is the understanding that we will never return to business as usual and that nor should we want to, given the human misery, poverty and environmental destruction that underpinned it? Where is the thinking about how this is a chance to support small independent businesses up down found the land and flourishing newly peopled communities? What were once commuter centres empty most of the

time are now humming, with chances for outdoor cafes, catering vans, print and home-office services and computer support, with something like a 15-minute commute—a social and community environmental ideal—to level up by spreading economic activity to every community in the land?

Thirdly, on education, this morning I was reading an email from a desperate home-schooled A-level student left high and dry. Where is the plan to stop SATs and find alternative methods of assessment for GCSEs, A-levels, BTECs and other qualifications next year?

We should be seeing significant elements of the Act repealed now, replaced by a plan and a way forward. I hesitate to interfere with the words of the late, great Douglas Adams but they need amending for this current time. We could project on the walls of No. 10 in large friendly letters, “Stop panicking and plan”.

5.15 pm

**Baroness McIntosh of Pickering (Con) [V]:** My Lords, I welcome my noble friend Lady Morrissey, from whom we are going to hear shortly. I also congratulate the noble Baroness, Lady Clark of Kilwinning, and my noble and learned friend Lord Clarke of Nottingham on their maiden speeches, and welcome them both to the House. I am full of admiration for the Minister and welcome him once again to his place, and I thank him for giving us the opportunity to review the Act after six months.

There is clearly a democratic deficit, otherwise my noble friend Lord Robathan in this House and my right honourable friend Graham Brady in the other place would not have seen fit to introduce the Motions today. For all the reasons that the noble and learned Lord, Lord Judge, and my noble friend Lord Forsyth have given, there is clearly a need for parliamentary oversight. I really do not understand what the problem is for the Government; they have nothing to fear from parliamentary scrutiny.

The fact that we have not had parliamentary scrutiny even of the many regulations that have flowed from the original Act has meant that some avoidable errors could have been ironed out and removed before the regulations came into effect. My noble friend is aware of my concern, which I will repeat now, that rural areas have been lumped in with urban areas. I could not understand why Tees Valley was exempt from the lockdown in the north-east when the incidence of Covid from early September was so high. I understand that that has now been reversed. We also have to learn the lessons from the Licensing Act 2003 regarding why the licensing laws were liberalised and why it has not been that good an idea to have all pubs and bars closing at 10 pm, given the consequences that we have seen.

I echo the sentiments of those who have talked about the wider balance that has to be reached between the risks that all of us face of catching Covid—I declare an interest, being of an age where I am considered to be elderly and more at risk, while my husband should be shielded as well—and elderly people wanting to lead as normal a life as possible. It is also important that we balance the economic risks with the medical ones. What is of concern to everyone, whatever their age, whether they are young schoolchildren, students

[BARONESS McINTOSH OF PICKERING]

at university or others, is mounting anxiety levels potentially leading to an explosion in depression and mental illness, as others have referred to.

Some heroes have emerged: I congratulate the Department for Work and Pensions. The way that it has quietly gone about rolling out to huge numbers at very short notice and admitted to benefits an unprecedented number of claimants is worthy of note and congratulation. I also single out doctors, nurses, care workers, all the emergency workers and the police as well as local authorities, both councillors and officials, who are working in very cash-strapped circumstances.

This is a welcome opportunity to review how the legislation has functioned over the last six months. The Government should have no fear of parliamentary scrutiny.

5.20 pm

**Baroness Hollins (CB) [V]:** My Lords, a public health crisis needs a public health response, not a discourse about discipline and punishment or jokes about “not getting caught”. Public health includes public education to ensure that people understand why this virus is so dangerous and how each of us, of any age, can keep ourselves and our friends and family safe until there is an effective vaccine. There are of course other aspects to staying safe which do not mean staying at home, because domestic abuse and child maltreatment have been increasing. There is also concern about the lack of support provided to new mothers and babies during the pandemic. One survey found that only one in eight pandemic-era new mothers had seen a health visitor. There is concern about it being harder to uphold human rights during the pandemic.

We also know that mental health has deteriorated, and people with a learning disability have been disproportionately affected and impacted by Covid-19. The CQC reported a 134% increase in the number of death notifications in this group compared with the same period last year. The learning disabilities mortality review programme found that on average they were younger than other people dying in this period. Day centres have closed and most remain closed. Some have found virtual ways to support people, but people with a learning disability are less likely to own a smartphone or a tablet, or to have internet connectivity, than the general population, making maintaining contact so much more difficult.

Mencap surveyed over 1,000 family carers. As my noble friend Lady Campbell noted earlier, seven in 10 respondents said that their relative’s social care had been cut or reduced at this time, despite us being told that the easements had been little used. Eight in 10 family carers, often elderly and at risk themselves, had no choice but to provide the care themselves because of a shortage of care staff. Three-quarters of respondents said that they are scared of further cuts. Can the Minister assure this House that the Government are committed to reinstating the full powers and responsibilities of the Care Act as soon as possible? Rather than the spectre of six more months of easements, people requiring social care support deserve reassurance that their needs will be met.

Can I suggest that, instead of easements to the Care Act and the Mental Health Act, a stimulus package of support for the social care sector is needed? In its April Covid-19 action plan for adult social care, Her Majesty’s Government’s ambition was to attract 20,000 new people into social care jobs over the following three months. Can the Minister update the House today on the progress that has been made? A stimulus package could include recruiting and retraining staff made redundant from other sectors, such as the refreshment and retail industries. Staff are desperately needed in care and supporting health, to prevent isolation and loneliness, to reduce the digital gap, to reduce the disability employment gap, to avoid the mental health crises that can lead to people with a learning disability ending up in in-patient units, to support informal carers and so on. The voluntary sector has done so much during the pandemic within local communities, but it cannot replace the duties of the Care Act.

In conclusion, I return to my first request that, instead of more regulations, we should have a consistent and understandable health education message and that its effectiveness is checked. Do people understand this dangerous virus and how to keep each other safe? My informal inquiries suggest that they do not. Compliance depends more on understanding than on discipline.

5.24 pm

**Baroness Stroud (Con) [V]:** My Lords, in my four minutes I want to thank the Government for their tireless work to keep the people of this nation safe, add my support for the legislation that was needed when it was introduced, and make a plea for a clearer strategy going forward.

My thanks go to the Government for all their work steering a balanced course through incredibly difficult waters. This was not the 2020 that anyone envisaged. If one looks back to the December election, the challenge ahead of us was Brexit. Most thought that was a pretty tall order, even the greatest challenge of this generation, but little did we know that a greater challenge lay around the corner. We must ensure that in this debate we focus clearly on the virus as our enemy and not the Government, who have had a herculean task to balance many competing voices, contradictory advice and demanding dynamics. We are grateful for all their hard work.

I add my support to the Government as we approach the six-month review of the Coronavirus Act. When it was passed on 25 March, it was against a backdrop of people quite literally dying on the streets of Wuhan and on hospital floors in Italy. We knew that we needed to move fast and that we would need the flexibility of the legislation. The Government have, for the most part, used it appropriately and in as limited a form as possible, to secure and ensure our safety, as was intended.

My concern does not lie so much with this Act as with the Public Health Act, and with actions that the Government have taken that people believe are within the powers of this Act, but which are not. I call on the Government to clarify their strategy going forward. They must be clear on what instructions have the weight of the law behind them and what instructions

are guidance only, and, when they issue guidance, what the intention is. Most members of the public are not skilled in government speak.

Let us take the last round of announcements on Tuesday. There were new, legally enforceable changes made concerning restaurants and pubs. However, in the same breath there was an update to guidance asking office workers to work from home. The way that this announcement was made left most office workers with the distinct impression that the Government had given them a legal instruction to work from home. Many have taken steps to comply. However, the Chancellor of the Duchy of Lancaster said it differently:

“We are stressing that if it is safe to work in your workplace, if you are in a Covid-secure workplace, then you should be there if your job requires it. But if you can work from home”.

The Prime Minister said that we were once again asking office workers to work from home where possible but stressed that this was

“by no means a return to the full lockdown”—[*Official Report*, Commons, 22/9/20; col. 798].

Government guidance was equally confusing, saying that:

“To help contain the virus, office workers who can work effectively from home should do so over the winter. Where an employer, in consultation with their employee, judges an employee can carry out their normal duties from home they should do so. Anyone else who cannot work from home should go to their place of work.”

As an ex-special adviser, I hear what the Government are saying: if you are a driver of your project or need to work collaboratively with others, then the Government do not want the effectiveness of your work damaged, but rather that your focus is on ensuring a Covid-secure environment. However, the Government are focused on risk reduction. Therefore, if the tasks that you undertake are less collaborative in nature and do not have numbers of interrelated dependencies, and if your employer is content with this, then we would want your employer to enable you to work from home.

Yet up and down the country this is not how people have interpreted it, and at a time when the Government are seeking to balance people’s health with maintaining an effective business drive so that we emerge Brexit ready, ready with momentum for growth, this needs to be said. I therefore thank the Minister for all his hard work. I will support the Government today but ask him to clarify their intent in his closing remarks.

5.29 pm

**Lord Bourne of Aberystwyth (Con) [V]:** My Lords, it is a great pleasure to follow my noble friend Lady Stroud and hear what she has to say on the need for a clearer strategy, much of which I agree with. We have heard two excellent, erudite maiden speeches today from the noble Baroness, Lady Clark of Kilwinning, and my noble and learned friend Lord Clarke of Nottingham. It is a great pleasure to see him in his place. With his enduring common sense and popularity, he is a great asset to the House. Like the noble and learned Lord, Lord Morris of Aberavon, I recall many rugby internationals, and particularly, going through Dublin, where just about everyone seemed to know my noble and learned friend Lord Clarke and an unsettling number of them seemed to want to buy him a drink.

This debate is welcome; it is a rare—all too rare, I would say—opportunity to take a look at the Covid crisis and the working of the Coronavirus Act. I agree with the noble and learned Lord, Lord Judge, my noble friend Lord Lansley, and many others, on the need to ensure that we have more frequent opportunities for oversight and scrutiny, both here and in the other place. It will strengthen the Government, not weaken them, and I look forward to hearing what my noble friend the Minister has to say in this regard.

I support the principle of the Act. Although I agree with my noble friend Lord Robathan on the need for more parliamentary scrutiny of the legislation and its operation, I do not agree with discontinuing the Act. I believe that the Government need a more strategic approach to this crisis, and parliamentary input should help provide that. We need to look at the experiences of other countries such as Germany, in particular, and New Zealand, and learn lessons. As my noble friend Lady Stroud said, we certainly need more consistent messaging—for example, on test and trace, where we have been all over the place on its importance and, more recently, as my noble friend said, on working from home, where confused and inconsistent messages have been put out.

I believe that we need more localism, with greater use of local knowledge and more local expertise. We also need more use of COBRA and, as many noble Lords have said, the involvement of our devolved Administrations to ensure a more co-ordinated approach throughout our entire United Kingdom. Above all, we need a proper focus on—and a more strategic approach to—test and trace; that is very important.

We should not let this debate go without mentioning successes. My noble friend Lady McIntosh mentioned the successes that we have had from the DWP—I agree with that—just as from the Chancellor we have had a very strong showing in terms of the economic response to this crisis. Above all, however, we need to be realistic. We need to see the Covid situation as it is, not as we would like it to be. This is a very real public health emergency and the Government definitely need the support of Parliament—but, in return, Parliament needs to have proper oversight and scrutiny, and I appeal to my noble friend the Minister to ensure that that will be the case. The Government need to come up with a more focused and much more strategic approach.

5.32 pm

**Lord Mann (Non-Afl):** My Lords, I shall vote against the proposal from the noble Lord, Lord Robathan, if it is put. It is not for this place to vote on this before the Commons has done so; there is a principle at stake. I welcome the noble Baroness, Lady Clark of Kilwinning—who is doubtless as surprised and perplexed to have ended up here as I was—and the noble and learned Lord, Lord Clarke of Nottingham, who is probably less surprised. When we move to York, he and I will both be commuters and I will offer him a car share to save on costs and expenses.

I put to the Minister a question that I have put twice before—I have no axe to grind but I have not had an answer yet. Why is Sweden doing so well, considering strategy? That is a very important question, which Ministers need to be able to answer.

[LORD MANN]

I commend the noble Lord, Lord Addington, for his excellent remarks; I would add the example of the great outdoors. In dealing with this crisis, the Minister might like to be more like a Yorkshireman and walk the Dales. When we do this, we do not hug or shake hands, and we do not kiss strangers; indeed, we give strangers a good berth. If we see acquaintances, we do not spiel out any hot air, we merely nod and carry on. But we do like to be out in the fresh air. If that is withdrawn, I fear that more people will catch influenzas of different kinds. The fresh air in winter is an antidote to that; I hope there will be no restrictions on it.

Similarly, at Christmas, we invite in elderly relatives and neighbours who are on their own; I hope there will be room at the inn in terms of government policy for those who are abiding by the rules, with flexibility at Christmas. Why is there no flu jab being provided in this place, when the catchment group is absolutely one that requires it, in very large percentage numbers? It seems to me that that would be a good exemplar to other areas and walks of life, where similar age profiles are meeting together. The flu jab should be made available here and organised; perhaps the Minister would like to take that up with the appropriate authorities.

I turn now to the subject of sport—in particular, spectator sport and football. I see that football is now joining the demands for more government aid and money. I look and think to myself, “Well, hang on a minute. What about Wembley stadium and the large number of lower-league football clubs in and around London?” Based on the same percentages and ratios that this House and the Commons use, I calculate that about one in nine people take their place. If one in nine seats were taken at Wembley, that would be 10,000. If Wembley was Covid-proofed—it would cost a bit of money but it is doable—having up to 10,000 spectators for Leyton Orient, Brentford, Charlton Athletic, Barnet or Watford would allow them to make good money. Indeed, for a club such as Leyton Orient, that would be an increase in the supporter base, not a decrease. It would be practical, pragmatic and doable. Why are we not using these kinds of opportunities to allow people—safely, in small numbers—to be outside? Being out in the fresh air, not stuck indoors, seems to me crucial as we get to the darker nights of this winter, if we are going to see this crisis through, both mentally and physically.

5.37 pm

**Baroness Manzoor (Con):** My Lords, I congratulate and welcome to these Benches the noble Baroness, Lady Clark, and my noble and learned friend Lord Clarke. I also look forward to the third and final maiden speech, by my noble friend Lady Morrissey.

It is welcome news that the 10th candidate vaccine for Covid-19 moved into the final stages of clinical trials last week. Sadly, however, this means that, for the time being, we have no choice but to battle the rapidly developing second spike with the same blunt instruments that we have been using over the last six months: washing hands, wearing face masks, limiting social contact, tracking, tracing and isolating. As such, it is important that we take this opportunity to objectively review the impact of the virus on the economy, on the

health and well-being of individuals, and on the behaviour of people, to ensure the development of a more coherent, targeted and robust strategy and regulation.

With this in mind, I have four points which I ask my noble friend the Minister to address. First, the BMA states that at least 10 million appointments and procedures have been cancelled or postponed. This figure fails to account for people feeling ill who choose not to use the NHS, either because of the fear of contracting Covid-19 or out of a sense of duty. Can the Minister confirm that the Government will provide a detailed analysis of how the suspension of NHS services has affected the physical and mental health and social care of the population?

Secondly, can my noble friend say what steps are being taken to address the shortcomings of the test, trace and isolate system, and whether there are any plans to deploy more rapid turnaround testing capabilities, such as those being developed by Oxford Nanopore Technologies? There would be huge benefits in managing the spread of infection if we could provide test results in minutes. Delays in testing, tracing and isolating effectively could cost lives.

Thirdly, SAGE has found that less than 20% of those reporting symptoms of Covid-19 are fully isolating, and it has estimated that compliance rates are even lower in other members of those households. These statistics raise serious concerns over the merits of the £12 billion that the Government have invested in track and trace, and demonstrate a failure to persuade the population at large to observe the self-isolation regulations.

Therefore, can the Government publish regular statistics on how many people are being asked to self-isolate either because they have tested positive or have been in contact with someone who has tested positive, or because they are showing symptoms of Covid-19? Perhaps the Government could undertake regular surveys to determine why individuals are failing to comply with the requirement to self-isolate, so that more targeted approaches can be developed.

Finally, statistics published show that more than 90% of doctors who have died from Covid-19 were from black and ethnic-minority groups. Additionally, the latest analysis from the ONS shows that black, Bangladeshi and Pakistani men are four times more likely to die from the disease than white men. A similar pattern exists between ethnic-minority and white women. Can the Minister inform the House of what research, if any, has been undertaken to explain these differences in mortality rates? What steps, if any, are being taken to mitigate the risks that arise for those groups in those communities, in the workplace and in the NHS? The regulations are important, but they are only part of the picture.

5.41 pm

**Baroness Morrissey (Con) (Maiden Speech):** My Lords, it was a great honour to be introduced to the House two weeks ago. I pray to God that He blesses and guides my words and my deeds here.

As the other two new Members of the House mentioned, we have had a very warm welcome, even with the coronavirus restrictions. I mentioned to my husband, Richard, the other day that, if ever I am in need of a pick-me-up, I shall come along to the House

of Lords, where everybody, including all the staff, has made me feel very much at home—albeit a rather grander home than I am used to.

I should like to pay a special tribute to my two supporters: my noble friend Lord Lamont and the noble Baroness, Lady Goudie. There seems to be a bit of a competition this afternoon as to who has known my noble friend Lord Lamont the longest. I cannot compete with the 60-odd years that have been cited, but we have known each other for several years, ever since he was a brilliant guest speaker at Newton Investment Management seminars for our clients a few years ago. The seminars entailed us travelling around the country together for a week—sort of on tour. At the end of that time, I appreciated that he was not only a great speaker but wonderful company as well, and we have been great friends ever since. I thank my noble friend for his generous support.

The noble Baroness, Lady Goudie, and I have worked together for many years on the 30% Club. Frankly, I have been amazed at the jump in the proportion of women on company boards in this country, from less than 10% when we started the campaign a decade ago to over 30% today. Much of this must be attributed to the wonderful way that the noble Baroness had of making me implement some of my more unusual ideas when there were probably at least 100 reasons not to. I am very grateful to her for that. We have not always seen eye to eye on everything, but we have never let that get in the way of our friendship. In fact, the premise of the 30% Club is that we need diversity of thought; we need challenge and robust debate if we are to get to the right decision. I have seen that it is very easy for people to subscribe to that in the good times, but it is in times of challenge, disruption and threat that I am afraid that that fine principle is often disregarded. Yet, in my experience, those are precisely the moments when we most need to be open-minded, to listen to each other, to be honest about what we know and do not know, and to be transparent. It is clear that we live in such a time.

I am a supporter of Her Majesty's Government and I wish to see them succeed, particularly in their battle against the coronavirus pandemic. But on what basis can Parliament judge whether their decisions are the right ones if it is neither informed nor involved? Let us take the rule of six, which my noble and learned friend Lord Clarke mentioned but which he did not think would have many implications for many people. However, I am a mother of nine and seven of them are still at home, so it has rather a big bearing on us. If we have any workmen coming to the house, we have to evacuate. But Parliament was obviously not even informed of that announcement before the media were told, let alone given the opportunity to scrutinise, to challenge, to consider alternative courses of action or to vote.

When I was CEO of Newton, which I was for 15 years, I learned that my job was very much about balancing different hopes and fears, multiple risks and opportunities. I did not have the luxury of focusing on just one; nor could I afford to listen to the advice of, say, only the compliance officer or follow the lawyer or, for that matter, the economist, otherwise that would have been of severe detriment to the business. My job was to balance the different considerations.

Today, the stakes in this country are extraordinarily high. Parliament needs to feel confident that the Government are balancing the need to protect the vulnerable from coronavirus with the very many other health risks that have been mentioned today, with the economic challenges, and with the profound impacts that the lockdown measures are having on young people and on lonely people, and of course on our civil liberties.

I am delighted to join this House. I understand that it is the guardian of the parliamentary process and, as such, a guardian of the interests of the British people. As has been observed today, the Government have very hard choices to make, as the Chancellor said last week, so let us ensure that Parliament can do its job: that it can scrutinise measures before they are enforced, and that the diverse perspectives of Members of both this House and the other place are drawn into the discussion, so that the best courses of action can be taken for this country and its people.

5.46 pm

**Baroness Neville-Rolfe (Con):** My Lords, it is a particular pleasure to be the first to congratulate my noble friend Lady Morrissey on a brilliant maiden speech. I have always admired her and the way she rose to the top in the City. She helped to change the composition of Britain's boardrooms and the work/life balance and diversity of thought for everyone—and did so without wokeness or lecturing. She also helped to make Brexit more mainstream by arguing for it publicly in the City before the referendum. Judging from today, I am sure that she will achieve a great deal in your Lordships' House.

I would also like to applaud the maiden speeches of the noble Baroness, Lady Clark of Kilwinning, and my noble and learned friend Lord Clarke of Nottingham, with whom I had the pleasure of working when he was Home Secretary and then Chancellor, in which posts he managed to demonstrate both cerebral sagacity and robust common sense.

As many have said very eloquently, we need greater scrutiny of coronavirus measures. Parliament agreed to the extraordinary powers in the Coronavirus Act on the basis that they were flexible and would be applied for up to two years. But—and, to me, it is a big “but”—at that time we were looking at most at a three-month lockdown and there was no suggestion of the two-metre rule, which has made life close to impossible for some businesses.

We must give Parliament a chance to debate measures before they take effect. The farce on 18 September of our debating the rule of 30 when the rule of six had just come in beggars belief. The new 10 pm rule needlessly consigns many small restaurants and others to bankruptcy. A closing time of 11 pm would allow two sittings—a deadline that might have emerged from a sensible debate.

I have three particular concerns. First, our economy is being wrecked, despite Chancellor Sunak's admirable efforts. In February, the annual deficit was down to £44 billion, but by the end of the year it will be £372 billion or more—that is, up eight times. The consequent rise in the national debt will consign our descendants to a grim future.

[BARONESS NEVILLE-ROLFE]

Secondly, we have no official analysis of the number of lives that will be lost or ended early as a result of Covid. Oncologists warn of an extra 30,000 deaths from cancer alone. To take many medical tests, self-isolation for a week is required, and dental treatment is currently minimal.

Thirdly, the restrictions are so clumsy that many people's lives are gravely affected by negative social externalities. There are myriad examples, including partners frequently banned from maternity wards and scans; schoolchildren unable to have parties or see their cousins; university students locked down to a ridiculous extent and not even allowed out to buy food; queuing on the phone for a GP and being unable to see your usual GP for months on end; being unable to develop relationships at work, which is awful for new staff and those in new roles; the unemployed being unable to visit a jobcentre physically; weddings reduced to a rump; grandparents unable to see their grandchildren; the disabled in care homes deprived of visitors; the loneliness of old people's homes, even for those with only a few months to live who would be happy to take a risk to see their loved ones; and, for us all, no foreign travel or holidays. If only all that was justified—but wherever lockdowns have been imposed the virus has simply bounced back when restrictions are lifted. We are social animals and must learn to live sensibly with the virus.

I am also deeply concerned about the figures with which we are presented. Take Professor Ferguson, whose estimates have been shown to be wide of the mark for Covid, as they were for BSE. The abuse of numbers goes on, with that extraordinary doubling chart shown by the CMO and Chief Scientific Adviser last week.

As things stand, I cannot support the Government on my noble friend Lord Robathan's Motion. However, I thank the Prime Minister and some of his colleagues for resisting a second lockdown last week. May good sense prevail more widely.

5.50 pm

**Baroness Ritchie of Downpatrick (Non-Aff) [V]:** My Lords, first, I congratulate the noble Lord, the noble and learned Lord, and the noble Baroness who made their maiden speeches this afternoon, two of whom I shared time with in the other place.

The Covid-19 pandemic is the biggest health issue of our times. The virus is a brutal and unrelenting enemy, and until a vaccine is developed, it is not going away. All we can do for the moment is to manage and contain it with the various measures that have been put in place.

These unprecedented times require unprecedented actions, and every one of us has our part to play. However, there is of course a special responsibility on the Government to lead, to set an example and to strike an intelligent and moral balance between stopping the spread of the virus and mitigating the damage to jobs and the economy. That is a huge responsibility, and no one believes that it is easy.

Members of this House and the other place must provide Ministers with the necessary support, but we have our responsibilities too. We have a legislative function and are charged with oversight of the Executive.

I remind the Government that this is still a democracy and that, at times, they have been rather too eager to place Parliament's responsibility to scrutinise in a drawer labelled "inconvenient" in the whole realm of secondary legislation—as the noble and learned Lord, Lord Judge, referred to earlier.

Of course, in the early stages of this pandemic, the Government had to act decisively and quickly—though some would argue they did not act quickly enough. It was right that they had the sanction and authority to do that through these emergency powers, which, for six months now, have at times been used to greatly curtail civil liberties. Much of that curtailment has been necessary to protect lives, but measures have taken effect before we have had the opportunity to scrutinise them in this place. We have had to approve them in retrospect, and this has brought a lot of opposition from your Lordships' House, as late as Friday of last week during a debate on various SIs.

In the short term, that may have been necessary, but is it now? We must be allowed to exercise our democratic function and be given the opportunity to properly scrutinise any proposed legislation relating to this pandemic. I have a certain sympathy with the Motion of Regret of the noble Lord, Lord Robathan. However, I also happen to agree with the noble Lord, Lord Mann, that the other place takes precedence and therefore it should be recording votes, initially, on this particular issue. We need provisions to protect our public health and the population, subject to the provisions being subject to democratic scrutiny.

On two separate occasions, I have asked a Minister what the Government are proposing to do—within government—to accelerate the scrutiny process and ensure that we are affirming regulations before they are in place, instead of 28 days after, when they have expired. So far, I have not had a satisfactory answer; I hope the Minister can provide one today, with an update on vaccine finds and on the old track and trace system.

5.54 pm

**Lord Blencathra (Con):** My Lords, what a privilege it is to participate in a debate with three excellent maiden speeches. However, to be physically present in the Chamber to hear the absolutely stunning contribution from my noble friend Lady Morrissey is quite another experience. Clearly, it is "a good time to be a girl". Before the hate mail comes in, that is the title of one of her books, not my sexist comment. I also look forward to her plans to "change the system", a title of yet another of her books.

In politics, it is a nice and rare experience to look back at what one has said over the last six months and find out that one was right, or at least that the Government are doing what I was calling for all along—so we could both be utterly wrong. On 12 May, I said that everyone over 70 is not automatically vulnerable and should not be locked up as a unique group. Now, I read that the Prime Minister agrees, and we are not to be treated like lepers.

On 15 June, I complained that the police were failing to take action against demonstrations, raves and house parties, letting Covid-19 spread and bringing the law into disrepute. On 25 June, I said that face masks should be

“compulsory for everyone, no ifs or buts.”—[*Official Report*, 25/6/20; col. 396.]

On 24 July, I spoke again about

“illegal demonstrations and raves with people blatantly breaking the law.”—[*Official Report*, 24/7/20; col. 2478.]

I also spoke about the huge criminal scandals in Leicester. I ended by saying:

“I therefore urge my noble friend the Minister to tell the police ... to get out there and enforce the law of the land, as they are paid to do.”—[*Official Report*, 24/7/20; col. 2478.]

On 3 September I said:

“We have spent four months locked away obeying the law, but what of many others? ... every young person now knows that they can pack into pubs, houses, raves and planes not wearing a mask, and not a single thing will be done about it ... We old gits will continue obeying the law and being put at risk every day by some people who do not give a damn and by a police force that is unwilling to enforce the law.”—[*Official Report*, 3/9/20; col. 474.]

On 18 September, I called on the Government to make shop assistants wear masks, but I also said:

“It is high time everyone in this country did the same every time they are outdoors or in public places.”—[*Official Report*, 18/9/20; col. 1578.]

That is what I have been saying over the last six months, and I am proud to have been ahead of government thinking—perhaps I may get a job in SAGE one of these days.

I welcome the new emphasis on enforcement. Whether or not these laws are right, sensible or the right thing to do is another argument, but, at the moment, they are the law of the land. If the law is not enforced in this area, all our laws are brought into disrepute. I do not recall any regulation or either of the Houses of Parliament authorising the police to adopt this lily-livered approach of “engage, explain, encourage” and only “enforce” as a last resort. It is difficult for the police to enforce when some police officers are down on one knee in the face of blatant law-breaking. We did not pass any law like that, and it is the duty of the police to enforce our laws and not make up their own cosy alternative versions. I understand that, on Saturday, 15,000 people broke the law in Trafalgar Square, and the police arrested 10 of them.

I hate these regulations and restrictions. Sweden may possibly be right—we do not yet know—but our hypocritical media would have crucified anyone in the Government if we had gone down that route six months ago. Of course, if the Swedish approach to herd immunity turns out to be right, then we will be condemned by the media for not doing it because it was the obvious thing to do, was it not?

All Governments are wrestling with a new disease for which there is no rulebook in existence. What I do know is that we cannot change the strategy half way through. We can amend and tweak the tactics—as the Government are doing, rightly—on a weekly basis as the impact of the virus changes on a weekly basis, but we need to see the current strategy through. I intensely dislike all the current restrictions and the severe damage to the economy, but abandoning the current approach may be just as dangerous.

Finally, I commend the recommendation of the Delegated Powers and Regulatory Reform Committee that this Act should not be renewed automatically by order; a new Bill that can receive full and proper parliamentary scrutiny should be introduced.

5.59 pm

**Viscount Astor (Con):** My Lords, I too congratulate the three maiden speakers.

When the Government first passed the legislation to combat this virus, none of us—and I suspect perhaps not the Government themselves—realised what a draconian step it was going to be and how it would undermine democratic accountability and parliamentary scrutiny. It does not help that so many of our debates have been on Zoom, but today gives us an opportunity not only to listen to but to question the Minister. I have no wish to repeat what other noble Lords have said, but I shall make a couple of points and perhaps ask a couple of questions.

The first issue is that the spread of the virus is not amenable to government control; all that the Government can do is to buy time so that the NHS is not swamped by cases. That comes at a high price for those with other illnesses; major and critical operations are being put off, causing severe suffering. It is also a high price for our economy and how we live our lives. There will be a vaccine—I do not know when it will come; I hope sooner rather than later—but there is increased herd immunity, particularly among the young. We must protect the elderly and vulnerable by regular testing, and I hope that the Government can improve the delays that we have had in those areas.

For the rest of us, I think common sense will work rather than muddled restrictions. How can one justify limiting family gatherings to six when people in schools, shops, restaurants, pubs and even my train this morning and in the workplace mix with many more? I do not think that it makes sense. I do not particularly like the politics of Nicola Sturgeon, but she does sound like someone in charge and with a clear policy. I regret having to say it, but it is true. She is right to exclude children under the age of 12 from these restrictions; it would make family life intolerable. My son and daughter-in-law live at the end of my garden with four children aged under 12. We are very careful with social distancing—I meet them only in the garden now that they have gone back to school—but are they really going to have to leave one child behind when I meet them or we will be breaking the law? Perhaps the Minister can explain how the rule of six can really work with families, particularly if they are larger than six and particularly meeting outside. I understand it inside, but outside seems to make no sense. What circumstances are different in Scotland to allow that exclusion?

Then there is the shutting of pubs and restaurants at 10 pm. As we have seen, the problem with that is that, first, it causes massive drinking from 9.30 pm onwards. It also means that everybody leaves at the same time. One has only to look at the television and see the buses and Tubes crammed with people because they were all thrown out at the same time. That actually increases, not decreases, the virus’s ability to expand. It is not sensible. It also means that lots of jobs will be lost unnecessarily over and above the many jobs that sadly will be lost, and it increases risk.

Any law that is not sensible becomes unworkable, so I hope that the Government will review their restrictions carefully. My noble friend the Minister has a difficult task this evening and I wish him the very best of luck, and look forward to his response.

6.02 pm

**Lord Naseby (Con):** My Lords, I pay tribute to my noble friend on the Front Bench for his dogged persistence. I also congratulate our new arrival; her sense of timing is clearly quite brilliant.

I believe that it is time Parliament spoke out. I was a Deputy Speaker in the other place, and it is very important that Parliament remembers that at the end of the day we represent the people of this country, particularly those in the Commons. I pay tribute to Graham Brady MP for tabling an amendment, which I hope the Speaker will select. Any major change needs to take Parliament with it; if it does not do so, we are in deep trouble. Time is of the essence. Let us remember that during the Falklands War we sat on Saturdays—and I, for one, am quite prepared to turn up at any time and at any hour.

I want to raise two issues. I know something about care homes—I had six in my constituency—and they are the key to reducing deaths and saving lives. We know what went wrong in the early stages when patients were just discharged from hospital without any test. Even now, in the memo that went out on 2 September, I note that the only real difference is that they are being discharged with a premium of extra money for the care home to take over. I say to my noble friend on the Front Bench: there are two things going wrong even today. There are inspectors going around care homes, some of whom have not been tested. In addition, there is the fact some care homes are not separating Covid patients from the ordinary patients—that has to stop.

The second area is sport. I have had the privilege to play a lot of sport in life—I am getting on a bit now—but DCMS is currently a disaster. I am sorry to put it that strongly. I have written several times to Mr Huddleston, the Minister for Sport, the last time on 17 August, but what do I get back? Nothing at all. Has he said anything, or has anything ever been reported on the issues facing sport? Nothing. It is not good enough. Let us take cricket. I am president of Northamptonshire County Cricket Club—there are 18 counties like it. It went to great trouble to get its open-air ground ready for cricket at the beginning of July. We had some pilots. Did anybody do an assessment of them? If they did, they never published them. Then we had more pilots, but they were cancelled at 24 hours' notice. That is no way forward to help our sporting young people.

And then there is rugby—poor rugby. It faces financial devastation if grounds are not opened and matches do not take place for the next six months. Let us be clear: without direct financial support, clubs will fail. I know Northampton Saints well; I have been down and talked to them. If we have a stance of “no crowds”, that needs to be changed. Pilots have been done; they are successful. If we can go to the pub, why on earth can we not go a distanced rugby ground?

The other aspect is theatres. There was a working party called Operation Sleeping Beauty. It was working well but was then cancelled. That is not good enough. Time is of the essence, we know that. The public have had enough, frankly, of flim-flam. They do not want feverish promises of world-beaters and moonshots; all they want to know is that they can judge risks themselves. All they want is competence.

6.06 pm

**Baroness Uddin (Non-Aff) [V]:** My Lords, I congratulate our distinguished three new Members, the noble Baronesses, Lady Clark of Kilwinning and Lady Morrissey, and the noble and learned Lord, Lord Clarke of Nottingham. As quiet as the House is, we all wish them a warm welcome.

I wish to reiterate the concerns raised over the months about children and young people contracting infection having come back to education. As I speak, a member of my extended family, 15 year-old Iftekhar, is fighting for his life on a ventilator. In our family, grandchildren attending four different schools have experienced infection and consequent closure of their classes and isolation at home. Will the Minister write to me with details and any available government data if there are disproportionate rates of infection among children of minority heritage?

I wish to address specific parts of the Coronavirus Act. The Minister may recall our difficult exchanges in March over the emergency legislation on the management of death. It is worrying that Section 58 and Schedule 28, which removed the need for a second confirmatory medical certificate for cremation, remain in place. However, statutory provision preventing cremation against the deceased's wishes in case of emergency is intact. The Act explains that the Government's overriding objective is to protect personal choice. It imposes a duty on local and national authorities to have regard to the deceased's wishes, religion or belief. The Government acknowledge that there are no specific national capacity issues regarding space for burial. This emergency Act of Parliament overrides any preceding duties. Given that there are no significant capacity concerns, will the Minister state the rationale for government retaining these emergency powers? Will he assure the House that, in the event of further unforeseen shortages, the Government will work with community organisations to manage death with dignity and honour? Further, will the Government review and withdraw these sections immediately to allay ongoing community fears?

I welcome bringing back staff initiatives, including social workers' return to service. Will the Government stop the disapplication of DBS, or disclosure and barring services, which was introduced to enable speedy recruitment of social services and domiciliary care staff?

Will the Minister assure the House that the vulnerable elderly, the disabled and children's safeguarding and safety remain paramount and will never be compromised, particularly in light of the British Institute of Human Rights report about the abject failure to provide sufficient protection for our precious elders and those with learning disabilities and autism, as testified to by the noble Baronesses, Lady Campbell and Lady Hollins?

Neither can we tolerate any tampering with civil liberties, or we will be left with no face to demand freedom and liberty elsewhere in the world. Successive Governments have failed by ignoring the dangerous impact of religious and race discrimination and the toll it takes on the social, educational, physical and emotional health of people of minority heritage. I am disheartened at the lack of evidence, strategy, action

and preparedness to address these inequalities. Will the Minister and the Government publish an equality impact assessment of this and all legislation, particularly for women, minority communities and those living with disabilities and autism? I thank him for the way he has handled our relentless questioning, and look forward to his response.

6.11 pm

**Lord Vaizey of Didcot (Con):** My Lords, it is a great pleasure to speak in the same debate as the noble Viscount, Lord Astor, who was my constituent. He was a great mentor and friend to me when I was an MP; I apologise for revealing that connection between us. I praise my noble friend the Minister and echo what was said by the noble Baroness, Lady Uddin. He has one of the toughest jobs in government and has displayed diligence, enthusiasm and passion throughout. Given what he may see behind closed doors and the obstacles he has to overcome, it must be frustrating for him not to be as frank as perhaps he could be on some of the issues that he faces. Everything I say from now on is said in a spirit of respect for the job that he and his colleagues in government have done. I will make four screamingly obvious points.

The first is about consistency. People talk about the Swedish model and herd immunity, but that model is about sustainability: a recognition that we will have to live with this virus for years to come. To coin a phrase, it will not be over by Christmas. We therefore need policies in place that the public understand and can live with, as the noble Viscount, Lord Astor, pointed out, in relation to cancer treatment and the impact on our economy.

My second screamingly obvious point is about getting test, track and trace right. On Friday, my wife managed to find a test for herself and our children. It worked brilliantly; she got a test and had the results back in 28 hours. The Minister has the public on his side. Today it was announced that the NHS app, which is a fantastic achievement for him and his colleagues, has been downloaded 12 million times. It is the fastest download in history of any app on the App Store. The public want to do the right thing, but they also want to see “Nightingale labs”. They would like testing centres and labs that they can go to and know that they are going to get a test result. A friend of mine who is flying to Germany next week will be tested when she lands and will get the result back in three hours. We must continue to focus on that with laser-like precision.

My third point is about care homes. To echo my noble friend Lord Naseby, we know where the most vulnerable people in our society are; we know what the risks are. Protecting our care homes—putting them in a silo and making sure that they have the best possible equipment to face this—is an absolute imperative.

Finally, out of pure self-interest as a father of two children, I urge my noble friend the Minister to please keep the schools open come what may.

I said that I would make four screamingly obvious points, but I am afraid that the noble Lord, Lord Mann, made such a brilliant point about Wembley Stadium that I have to row in behind him. I share his sentiment: at the moment, in dealing with this, too much of the tone is about what we cannot do, rather than—dare I

say it—the wartime spirit of seeing what we can do. It is a brilliant idea to have three football matches a day in the stadiums at Wembley, Cardiff and Birmingham. I have had numerous impresarios approach me about putting up Covid-friendly theatres in parks in all our major cities. I assure the Minister that this House is behind him all the way when it comes to a can-do attitude.

6.15 pm

**Lord Moynihan (Con):** My Lords, at this seminal and important moment in our parliamentary consideration of Covid-19 legislation, we sadly find ourselves having to contribute not to a debate, as defined by intervention and response, but to a pastiche of parliamentary points of view. I intend to use my time to cover three key issues for the Government as we move towards a further six months which will no doubt witness a similar avalanche of Statements and regulations on the subject.

First, I echo many of the contributions today and ask the Government to ensure that parliamentary consideration takes place before, not after, the Executive have taken action. The Government will be surprised by how much they will benefit by listening to recommendations regarding the content of their proposals. Above all, they will need to present them clearly, on time and in a sympathetic and concise way. Making appropriate parliamentary time available would not be an impediment where there is political will. Consideration of outdated legislation, which we have done over successive Fridays, makes a mockery of parliamentary scrutiny. For background reading on the importance of this issue, I recommend taking careful note of the contributions made by my frustrated noble friends Lord Forsyth and Lord Dobbs, whose views I fully endorse.

Secondly, please can the Government, the university authorities and all involved with young people and education treat young people with respect and sympathy, not with threats, intimidation and the imposition of a far stricter regulatory framework than elsewhere in society? Reassurance, sympathy and clear guidance to university undergraduates is needed. I was at home in Scotland over the weekend talking to parents of students at Glasgow University. One mother said that her son, away from home for the first time, said he felt lonely and imprisoned. He had already isolated for 10 days when three students in his bubble tested positive, although they were asymptomatic and learned of their condition only through tests. He was now to be isolated for another 10 days. A return for Christmas with his family was in question, and he faced disciplinary action according to threatening emails received from university authorities. He was left in his room with less space to move around than the average prisoner. Everyone wants good government, but clarity of messaging and sympathy are essential. We have had months to prepare for the return of students to universities. I hope that a priority for the Government over the next six months will be a focus on young people with clarity of messaging about next year’s exams, improvements to online teaching over dodgy internet connections, respect for their rights and sensitivity to the fact that they can barely afford to pay fees and accommodation costs, and face the prospect of even larger loans than they have ever faced for a much reduced service.

[LORD MOYNIHAN]

Finally and critically, there are the sports bodies which currently face a crisis which could further damage the young and create a lost generation of activity. As has been noted in the latter part of this debate, the future of the sector is perilous. The arts industry received £1.57 billion in July. Professional sports bodies returned to televised competition at the request of the Government but no professional club in, for example, rugby has any gate income, and without that, which can be arranged in a Covid-safe way, large wage bills continue to be paid. Players have on occasion taken major pay cuts, and numerous redundancies have been made. They would have been able to cope if fans had been allowed back under strict safety controls in the stadia. The time is now, as evidenced around the world, for a return of fans in a limited, Covid-safe manner—unlike closing time at 10 pm in city centres. As my noble friend Lord Naseby eloquently put it, the young are at the forefront of the measures necessary to improve health, well-being and the improvement of the lives of local communities. We should now look to the sport, recreation and activity sector to tackle growing societal issues, including reducing health inequalities, obesity and crime, easing loneliness and enhancing social cohesion in the long winter months when we will be living with Covid. I urge the Government to take action.

**The Deputy Speaker (Baroness Fookes) (Con):** My Lords, the next speaker was omitted from the list in error. I call the noble Lord, Lord Wigley.

6.20 pm

**Lord Wigley (PC) [V]:** My Lords, I am delighted to follow the noble Lord, Lord Moynihan. On another day, I would greatly like to follow his sports-related theme, particularly the reopening of grounds, and his theme of young people.

I draw attention to my registered interest as a vice-president of Mencap. I also salute the three eloquent maiden speeches we have heard. Like the noble Baronesses, Lady Walmsley, Lady Campbell and Lady Hollins, and the noble Lord, Lord Hunt, I want to address the impact of this legislation on disabled people and their families. I will not try to address the whole spectrum of the other issues.

Most of the Coronavirus Act extends to Wales as it does to England. In Wales, it is Welsh Ministers who have responsibility for taking action under the Act, as well as under provisions of Wales-only legislation that is relevant to these matters.

I want to emphasise briefly the great significance of the Covid rules for people with learning disabilities and their families. That is relevant to Wales and England. Clearly, the regulations to protect vulnerable people from the disastrous impact that Covid can have on them are a two-edged sword when it comes to the plight of people with learning disabilities. Regulations are certainly needed to safeguard them, since many are in that category of citizens who are most open to suffering disastrous consequences from Covid. Equally, some people with learning disabilities—not all, but many—have difficulty coping with the additional safeguards they are expected to follow; for example, the wearing of face masks.

In Wales, of the 70,000 people with a learning disability, only 3,500 live in supported or residential care settings. Those who live at home are often cared for by elderly parents, who are often in a group of vulnerable people themselves, not least due to their age. The increased intensity of caring responsibilities lands on them at the very time when they themselves are most vulnerable. Additional support at home is often needed due to the closure, on account of Covid, of day centres and places of work for those who have been able to benefit from sheltered employment. The fear is that due to Covid, the support they have received may be decreased, which would be an absolute disaster.

For these reasons, as well as the vulnerability of disabled people generally, the reality is that they need a greater level of care in the present circumstances. This is where the question of allowing easements kicks in. Allowing easements of the regulations does not answer the needs of those with learning disabilities. What they need is additional help to enable them and their carers to cope with the necessary constraints imposed by coronavirus.

I am glad to say that in Wales, there is a close working relationship between the Welsh Government and the disabilities sector. Appropriate officials meet every fortnight with the Wales learning disability forum. They monitor the impact of the easements activated through our Social Services and Well-being (Wales) Act 2014, which is our relevant legislative framework.

The central message in both Wales and England is that Covid should not be used as an excuse to lower the levels of support needed by people with learning disabilities. Their needs are now even greater, and the support they get should reflect those needs.

6.23 pm

**Baroness Barker (LD):** My Lords, this place is a place of great privilege, but people outside often mistake the privileges we enjoy—they think we get excited about things like robes. The real privilege is to be here on a day when we have excellent maiden speeches such as we have had today, and to welcome new people to take part and bring their experience to our deliberation. You are very welcome.

In March of this year, we sat on these Benches with the noble Lord and we debated this Bill. It came to this House accompanied by reports from the Delegated Powers Committee and the Constitution Committee which, frankly, were excoriating in their criticism. The Constitution Committee said:

“The Bill contains a range of delegated powers. They are broadly framed, include Henry VIII powers, and are often subject to limited or no parliamentary scrutiny.”

The Delegated Powers Committee said:

“Given the speed with which the Government need to act and the significance of the powers needed to address the emergency, we have, on this occasion, chosen mainly to highlight points of concern rather than make definitive recommendations. Whilst in no way resiling from the appropriateness of this exceptional approach, we nonetheless believe that it is important for us to state clearly that, had the country not been in the midst of a developing national emergency, there are powers in this Bill ... about which our commentary would have been far more trenchant and our recommendations far more robust.”

This Bill was introduced, in the words of the Government, to save the NHS. We are now in a very different place in terms of our scientific and medical knowledge and society's behaviour. Back in March, my noble friend Lord Scriven asked the Government—as he has repeatedly—why there was no general power of competence for local government. We said then that local government would be the most important organisation in getting the long-term management of this virus right once the NHS had managed the initial pandemic.

Last Friday, the Government issued the Coronavirus Act analysis. It is a rather amazing document but it is not an analysis. There is no analysis whatever. There is no data at all. It is simply a list of the powers the Government took unto themselves with a small note at the end saying, "We would like to keep them." That is no longer acceptable. I agree with the noble and learned Lord, Lord Judge, that this legislation must be open to scrutiny. I want to know how many of these powers have been used, when, by whom and how often, and what the effect was. None of that information has come to Parliament for six months. Week after week, noble Lords, such as the noble Baroness, Lady Thornton, sit here, with the regulations long since passed, and ask the Government what has happened—and answer comes there none. That is not acceptable.

Whatever noble Lords choose to do today, I hope that we have set the groundwork here for the debate in the House of Commons next week in which Members of Parliament—who are elected and will have to bear the consequences of their decisions—will challenge the Government to stop behaving in such a cavalier way with Parliament.

It will come as no surprise to noble Lords, least of all the Minister, that I believe that the Government's approach has been fundamentally flawed. They have often ignored and underestimated the importance of local government and people in local public services. Nobody goes out to clap for environmental health inspectors but they are the people who, in the absence of leadership from central government, built their own call centres and sent out people with experience in investigating outbreaks of ill health and zoonotic illnesses and with the skills to talk to local businesses about what they needed to do to make sure that their businesses remained safe and open. Would that a fraction of the money wasted on some of the national schemes—Covid marshals; I ask you—had been put from the outset behind the people who know about this and have experience.

The noble and learned Lord, Lord Clarke of Nottingham, was quite right to say that there would be a huge amount of good advice in hindsight, but it is not hindsight to say to the Government that abandoning Public Health England in the middle of the worst health crisis we have ever faced was never going to be anything more than an unnecessary and temporary disruption. So, too, it is fair to say that whatever faith the Government have put in their ability to develop apps in ways that other people around the world have chosen not to—and no matter how many people have downloaded them, as the noble Lord, Lord Vaizey, said—understanding what it means in a poor community

to sign up for an app that may mean that you cannot go to work, whether or not it is right, is something that local professionals know about. We should work with them more.

We said at the very beginning, back in March, that it was wrong of the Government to make this legislation unamendable. It was always going to be the case that some powers would be needed and some would turn out to be unnecessary, and the situation could not be foreseen. We did not know back then, but might have thought, that we might by now have the vaccine. If we did, that would have changed the whole landscape, but we do not. We also do not know what will happen over the next six months, but we know that we in this Parliament should insist that the Government start listening not just to scientists but to professionals, and using their experience and wisdom not only to craft legislation which has a chance of working in the first place but, when they get it wrong, to admit it and change.

I want to pick up one thing on mental health. The Government brought in legislation that swept away safeguards for people detained under the Mental Health Act. Organisations such as Rethink have talked to people who were detained under the Act during lockdown and they were actually very pleased—they felt very safe and thanked the staff who looked after them. They continued to feel protected. We also know from Rethink that, with the expected upturn in unemployment, we can now say there will be a huge demand for mental health services. The more money that local authorities and health bodies are allowed to put into preventive mental health services, the better. My colleagues in Sutton Council have put a mental health nurse into every school from September because they see the value of that and talked to people who know how these things work on the ground.

Above all else, the reason I have taken this tack is not to glorify local government but because local government not only has the relevant experience but has had a duty throughout this whole thing to keep open basic public services and to enable businesses to stay open and thrive. That is what we must do across the whole country. Noble Lords say that we need to balance health and the economy; without the basic health infrastructure that works and is backed up by very clear, well understood and transparent messages to the public, the economy will always struggle.

I say this to the Government: they should promise now that, within three months, they will bring new and revised legislation which will be the product of discussions that are both cross-party and with people who have clearly not been involved in the making of this, rather than taking and keeping for the next six months a bunch of powers, some of which they do not need and some of which undermine public confidence. We have to get through this together. This Bill is no longer the basis on which to do that.

6.33 pm

**Baroness Thornton (Lab):** My Lords, what great maiden speeches from the two contrasting clerks—my noble friend Lady Clark and the noble and learned Lord, Lord Clarke—and from the noble Baroness,

[BARONESS THORNTON]

Lady Morrissey. I congratulate all of them and join the chorus of welcome across the House. I know that all three will bring different qualities and great wealth. I am particularly pleased to see my noble friend Lady Clark here. I also say to my noble friends Lord Blunkett and Lord Hain and my noble and learned friend Lord Morris, all of whom made great, salient points, how much I value the experience and wisdom of my colleagues on this side of the House.

The debate today is significant because it is the first time this House has had the opportunity to discuss whether the emergency legislation which Parliament adopted in March has worked and is working, and to discuss how it might be allowed to roll forward and whether it should roll forward as it is for the next six months. I think the Minister will have gathered, from all parts of the House, that none of us thinks that is a good idea; all of us think that things have to change, one way or the other.

I thank the Minister for the analysis and the letter he sent us, and indeed for his speech. I have to say I agree with the noble Baroness, Lady Barker, about the analysis and the letter: it was not an analysis; it was a list. In the end, I greeted it with the same scepticism as my noble friend Lord Rooker did. The first thing that struck me when I looked at the grid that the Government have produced is how many of the powers they took that have not been used. The first thing I need to ask the Minister is whether those powers will be removed from the Act, because they have not been needed in the six months of the serious emergency we were facing in March. We are moving forward into a different place now, and I cannot see why those powers would need to be kept on the statute book.

I need to ask one question which has not been mentioned today, and I am doing it because I am a humanist. The regulations we discussed last week appear to limit humanist weddings to gatherings of just six, when religious and civil marriages can have up to 15. I ask the Minister whether that is the case or not, because that would seem to me to be absurd and very unfair for those of us who take part in these ceremonies.

In March, the Minister said:

“This is an extraordinary Bill for an extraordinary moment in the history of our country”,

and that the Bill was about “buying time”, as other noble Lords have said, to save the NHS from being overwhelmed and so that the science could be better understood. When we discussed this Act in March, my noble and learned friend Lord Falconer said:

“In normal times, it would be utterly unacceptable, but these are not normal times.”—[*Official Report*, 24/3/20; cols. 1652-53.]

We on these Benches supported the Bill, and the powers it gave the Government, because we recognised the need of the emergency.

The question we have before us, which—more importantly—the Commons must address later this week and which the Government must answer is whether that time was bought, and at what cost. Has the science and our understanding of the virus advanced? Is it necessary to have the full panoply of those powers still? Are the Government examining them with a view to modification, as noble Lords, and the noble and

learned Lord, Lord Judge, said? It certainly is not acceptable to wait another six months to discuss these matters again.

As my noble friend Lord Hunt said—absolutely hitting the nail on the head, as he very often does—this Act and the Public Health Act are a lethal combination. Indeed, at the time, in March, we suggested that the Government already had enough powers and did not need this Act; I want to know whether that situation has been discussed at all. We know that six months is a significant time because the Prime Minister has said that it is likely we will be fighting the virus for at least another six months, and perhaps longer until we have a vaccine or cure.

The decisions which the Government have made—significant as much for the measures which have not been adopted as those which have—have been given effect by legislation, but it is all secondary legislation, adopted on the basis that there is an emergency and therefore that it does not need immediate parliamentary approval. That is the nub of the problem that many of us face and the frustration that we face.

Where the Government are taking huge coercive powers to fight the virus, it is fundamental to our constitution that Parliament must agree. In the early days of this emergency, it might have been legitimated to have no proper legislative process, but I do not think that is the case anymore—certainly not when it is painfully clear the emergency is going to last for at least another six months, maybe longer. It is an emergency, but our Parliament can surely adapt to ensure that key decisions about the increased powers the Government may well need should be taken by Parliament, not by an ever-decreasing clique of unaccountable chums within the Executive.

The requirement for Parliament to agree means that if the Government are faced with any rebellion on their own side, they must deal with it by making concessions or forming a majority which depends on the support of the Opposition. We need a dynamic, fundamental shift from the secret debate involving very few people, with most decision-makers in the group being hand-picked by the Prime Minister for their reliability and the only true outsiders being the CMO and the CSA. Civil servant advisers must be cowed by the fate of the Cabinet Secretary, the Treasury solicitor and the Permanent Secretaries at education, the Home Office, Foreign Office and justice. In other words, “If you are not one of us, you get the chop”. This must change.

It also seems that the CMO and CSA’s advice is being overridden. It is impossible to believe that the only possible response to the contents of their briefing last Monday was to require a curfew of 10 pm for the hospitality sector plus the reinforcement of existing guidance, except on work, where the message—not the law—is changed to “Go to work only if you have to”, rather than “Go to work if your place of work is Covid-secure”. Is that confusing or what? If that is the appropriate response, the country needs to see the evidence that backed it up. For very many people, a 10 pm curfew will simply mean going out earlier. As the noble Lord, Lord Patel, said, long drinking sessions into the night over the weekend, in clubs which now

have to close at 10 pm, will be a casualty. Are they significant drivers of the virus? Maybe they contribute but what is the evidence?

The UK's response to the virus is flawed, as my noble friend Lord Foulkes said. We are not handling it well and it is getting worse because decision-makers are shrinking into themselves. Parliament needs to assert its normal role. Having to explain, justify and then persuade is time-consuming for politicians, but it makes for better decision-making and will hugely improve our response. That has been repeated by noble Lords across this House.

We read that the suite of measures the Government have adopted, or more significantly not adopted, are largely driven by a pro-economy group in the Government persuading the Prime Minister to override the pressure from the public health group led by the CMO and CSA, represented by Matt Hancock. That is the widespread view in the media.

The renewal of this emergency Act requires the Government to take decisions now which will determine within the next few weeks whether people live or die, whether they get exam grades that will allow them to have the future they want, whether they will have a job, whether they can go home for Christmas, whether they will have to depend on universal credit, whether they will be evicted and whether their businesses will go bankrupt. These decisions will affect the lives of millions of people profoundly and immediately.

I turn to other important measures in the Act on its six-month review. It is now time to recognise the devastating impact the exercise of these powers has had and to restore the legal rights of disabled people, and those affected by the Mental Health Act and the Children and Families Act. We believe that amendments are necessary to remove these provisions from the Coronavirus Act 2020. Alternatively, the Government could confirm that: social care easements will be switched off by the Department of Health and Social Care; easements affecting the rights of people detained under the Mental Health Act will not be implemented by that department; and easements related to the Children and Families Act will not be implemented by the Department for Education.

Many of us were very concerned in March about the detrimental impact these easements would have. Even though only eight local authorities have officially operated the Care Act easements, many have unofficially done this. We can see that disabled children and young people's rights to education were affected with severe detriment by the Act. The Covid-19 pandemic has had a disproportionate impact on people with learning disabilities. This is due to a combination of factors, including vulnerability to Covid-19 itself and the Government's response. As we move into a difficult winter period, more must be done to ensure that people with learning disabilities and their loved ones receive the support they need to maintain a healthy, social and physically active life.

We on these Benches will not be supporting the noble Lord, Lord Robathan, in Motion. The noble Lord knows that the lack of accountability in the setting of restrictions in SIs has become increasingly unacceptable and I have expressed that view from

these Benches on many occasions. But he has form, I am afraid. He says that because Covid-19 is not the great plague or the early 20th-century flu, these measures are disproportionate, oppressive and draconian. He said this at a time when the country was facing an NHS which might have been overwhelmed and risking huge death tolls. We on these Benches remain critical of the Government's handling of the crisis and we believe that an earlier lockdown would have saved lives. We are bitterly disappointed by the failures of test, trace and isolate. We could do better in almost every single area. We are also very critical of the lack of scrutiny of the restrictions by this Parliament.

The Minister must have realised that there is an overwhelming feeling of dissatisfaction, but that does not mean that we wish to rescind the Act at this stage. We will leave the Minister to deal with his noble friend's amendment, but if the noble Lord calls a Division, Members on these Benches will abstain.

6.45 pm

**Lord Bethell (Con):** My Lords, I should like to say a profound thank you to all noble Lords who have engaged in this important debate. It has been extremely thoughtful and I have a huge amount to take away with me. I express my sincere apologies for not being able to cover all the points made by every Peer in the Chamber. I start by applauding three of the most powerful maiden speeches that I have ever heard. The noble Baroness, Lady Clark of Kilwinning, laid out a really clear ground for herself, speaking on behalf of the disadvantaged, the vulnerable and those lucky enough to live in the beautiful county of Ayr, which I know and greatly admire. My noble and learned friend Lord Clarke of Nottingham gave a complete masterclass in note-free, elegantly phrased gravitas of the kind that made him envied in the other place and will, I fear, set a new bar for us here. My noble friend Lady Morrissey gave us an absolutely clear set of evidence of why she was such an illustrious figure in the City and will no doubt be an effective standard bearer for Britain's transition from the EU.

Perhaps I may start with the Act because sometimes I think it is slightly the orphan child of this debate. But it is why we are here and I would like to reflect on the Act itself. A large number of comments, not all complimentary, have been made about it, but my ultimate reflection is that it has been a great achievement. I well remember when it was put together and I offer thanks in retrospect to the noble Baronesses, Lady Thornton and Lady Barker, my noble friend Lady Penn and the noble Lords, Lord Scriven and Lord Hunt, as well as everyone else involved in the drafting of the Bill under extremely difficult circumstances. I think we caught the spirit of the times and it has delivered a profound and positive effect on the country's healthcare, provision for the vulnerable and the poor, and the massive provisions to support jobs and businesses. It has also contributed to the containment of the virus. I shall talk about the strategy for that in a moment.

Noble Lords have reflected on some aspects of the Act and I recognise completely the comments made about the benefits of a three-monthly review, as suggested

[LORD BETHELL]

by the noble and learned Lord, Lord Judge. I will take back to the department the value of the two-monthly reviews and how those are crafted. I note also the comments of the noble Baroness, Lady Barker, on the analysis. Comments were also made by the noble Baronesses, Lady Jones and Lady Chakrabarti, on Section 21. It is true that the CPS reviewed some of the convictions and as a result issued new guidelines. Those changes have worked to the extent that no further reviews have been necessary. I do not hide from the fact that parts of Section 21 are very severe, but they have hardly been used. I hope that reflects on the responsible and thoughtful way in which the measures of the Act have been applied.

The noble Baroness, Lady Bennett, asked about elections. They have been moved to 6 May 2021 and I would just reflect on the great efforts made by the parliamentary services to keep this Parliament open and to put those elections next May in place.

It has been suggested that it is time to change the law. On reflection, the Government consider that the Act has been of huge benefit in our fight against the virus and it is not the time to change, although that may come in the future. It is in fact a landmark and demonstrates the power of collaboration.

If I can move on, a number of noble Lords reflected on that power of collaboration, and I hear loud and clear the remarks made in the Chamber on authoritarianism, totalitarianism and the role of Parliament in the measures introduced to fight the pandemic. There is undoubtedly palpable frustration at the way in which measures are introduced, and I hear those concerns loud and clear. They largely reflect on the public health Act 1984, a piece of legislation that was deliberately put in place to address epidemics such as this one. I completely agree with the those who say that we are stronger when we work together. When measures are put in front of Parliament and communities are engaged, we end up with something much more powerful. I think we will all reflect on the importance of that message.

However, in mitigation, I will mention a few practical things. The speed of this virus has been absolutely astonishing. I could give your Lordships dozens of examples, but the July outbreaks after the lifting of the lockdown caught us all off guard and showed how violent and powerful the virus is. We have had dozens of regulations, but many of them are tweaks and have addressed small subjects such as tattoo parlours. The ability of this end of our Parliament to process legislation at a time when it is under a huge amount of pressure from the legislative agenda and from dealing with Covid-friendly processes is one of the reasons why things have been slow. I would also mention the very large number of engagements: Statements, SIs, debates, OPQs, UQs, PNQs and Bills. There have been 73 since the beginning of March, and I would be happy to run through that list with anyone who would care to reminisce with me.

I also remind noble Lords that, on the whole, despite some penalties for some things, we have applied the principle of consent in all we have done with regard to Covid, wherever possible. We have enjoyed a

large amount of public support—I note the comments of my noble friend Lord Randall on that. We have also listened to these debates, whether on masks, social care, local engagement and local councils—the noble Baroness, Lady Barker, was a champion of that—and on sharing data and enforcement, which my noble friend Lord Blencathra has been a champion of. On all these measures, the debate that occurred here has been taken to the rooms where decisions have been made, the points made in this Chamber have been reflected in that decision-making process, and Parliament has played a leadership role.

The noble and learned Lord, Lord Judge, scared us all when he talked about mobilising the military and cancelling Christmas. These are headlines, not government policy. It is our intention to do everything we can to avoid exactly these kinds of measures, and we have applied the principle of consent wherever we can; whether on quarantine, isolation, masks or anything else, that has been our watchword.

I reassure my noble friend Lord Forsyth that the Civil Contingencies Act was looked at seriously. A huge amount of work went into looking at that as an alternative. I completely agree with him that there are definitely benefits to the kind of parliamentary scrutiny that the CCA offers, which have been rightly described in this Chamber as being around collaboration and people being brought into the process. My noble friend is right about that. But the government lawyers, who are the best you can get, were adamant that the threat of judicial review was considered too high and the public health Act 1984 was a much better vehicle.

By way of conclusion on this point, I completely acknowledge the strong feelings and the thoughtful arguments that have been made in this Chamber on parliamentary scrutiny and the role of Parliament. I completely acknowledge the point made by my noble friend Lord Robathan, who has articulated the case extremely forcefully and thoughtfully. We definitely need to reflect on these points. However, I note that my right honourable friend the Secretary of State for Health said earlier today in another place that the Government are looking at

“further ways to ensure that the House can be properly involved in the process—in advance, where possible.”

That commitment is felt earnestly, we are working our hardest to try to move on it, and for that reason and the reasons I gave previously, I sincerely ask my noble friend Lord Robathan to withdraw his Motion of Regret and to support the way in which we have to do things under the current framework of our legislation.

A lot of the comment today was not about the Act at all; it was about the Government’s strategy. I do not duck from discussing that. I cannot go through every aspect of the strategy, in all its detail, but will make a few comments. I start by completely sympathising with the noble Lord, Lord Blunkett, and the daughter of the noble Earl, Lord Erroll, as the science around this horrible virus is extremely frustrating and challenging. It is one of the reasons why both the public and I find it difficult. There are huge mysteries on immunity. We are confused about and collecting data on long Covid, and do not always know for sure how transmission works. The noble Lord, Lord Blunkett, said that maybe

we should get rid of SAGE to try to calm the debate. I do not agree. I embrace the scientific debate. Although it is rough and tumble, and we do not always come out from it well, it is the role of scientists to probe and challenge, and that is how we have made progress.

But there are some things we know, and I say these uncomfortable things in challenge to some of the comments made in the Chamber. We know this virus kills. It is a horrible death, and those it does not kill it can maim. Those it maims can be the young or people who did not know they had the disease. The evidence emerging is that around 10% of those who had Covid will live with some kind of long-term affliction. The evidence suggests that around 10% of the country are seropositive. This is not some light flu that you will get over and walk away from. For many people, this is either a death sentence or something with which they will live for all their lives. I say this not to scare or to freak anyone out. I say it because it is the realistic assessment, and it is the story that I see, from my desk, every day at the department of health. It is as contagious as it ever was. Sometimes diseases calm down and fade away. This one may, but has not done yet.

On the positive side, the progress that the Vaccine Taskforce is making is tremendous. This is not just the Oxford vaccine, but another 10 lined up behind it. For those who are not able to take the vaccine, neutralising antibodies and other therapeutic drugs show great promise in protecting those we love.

Mass testing is not ready yet. I hardly need tell noble Lords that we are not quite there yet, but it offers hope. In the meantime, the measures that we have put in place are saving lives. It is completely illogical to condemn the measures that we have put in place as not working, because the death rate is so low. The death rate is so low because, by and large, the measures work.

That is not to say that there are no challenges. I completely recognise the points made by my noble friends Lord Lamont, Lord Bridges, Lady Stroud and Lady Noakes. The impact on the economy is absolutely horrific. At every step of taking any decision, we have that in mind. I recognise the point on impact assessments, and will take that back to quiz the department on whether we could or should be looking harder at doing that. I guess it may be one for BEIS or the Treasury.

It is unarguable that lockdowns hit jobs, but viruses hit jobs harder. If the deaths mount, we will have to hit the virus harder, for longer. That was the lesson of 1918 and of epidemics before and after, and is the lesson of today's epidemic. We are not casual about these measures; we are absolutely serious. If public confidence goes, the social fabric cracks, supply chains break down and social trust dissipates, we will not have an economy left at all. That is why we pursue this route.

Several noble Lords talked about education and students. Can I be really clear about our approach? On testing students, we are pro spit, pro breath and pro poo. We are using every single bit of your body to test the hell out of you, and we are going to do whatever we can to test pupils and students. In terms of Christmas,

we are doing everything we can to ensure that pupils and students get back from their universities and schools.

In response to my noble friend Lord Vaizey and the noble Baroness, Lady Thornton, I say that we are absolutely determined to keep the schools open. That is not just mainstream schools—it includes special schools. The role of schools in our community is not just to educate the children, although that is essential; it is to keep families going and protect vulnerable children.

A number of noble Lords mentioned health, including my noble friends Lord Lansley and Lady Manzoor. I reassure all noble Lords that the bounce-back is happening. Radiotherapies were back up to what they were in June. We have already halved the backlog. In July, there were 180,000 oncology checks, and 90% of them were within two weeks. We have a massive campaign on the blocks, and the winter plan for social care and PPE is incredibly important. I reiterate the comments made by the noble Baroness, Lady Barker, on the role of environmental health inspectors and the unsung heroes of public health.

The noble Baroness, Lady Clark, spoke very movingly about the poor and vulnerable. One of the most important aspects of the Act and our measures was to help those who were going to be hit hardest by this disease. That came out on Second Reading of the then Coronavirus Bill; it was one of the most moving and decisive parts of that process. We listened, we moved and we put in measures, which has enabled massive support for people.

By way of conclusion, I say that there are some very serious accusations on the table. The noble Lord, Lord Foulkes, spoke about failure and my noble friend Lord Naseby talked about incompetence. I completely acknowledge the frustration; not everything has run as smoothly as I would like. There have been challenges in test and trace, social care, shielding and other areas. But the House knows how I think: those frustrations and challenges are also matched by enormous achievements. We are the country that brought the first therapeutic drug to patients, in dexamethasone. We are probably the front-runner for a vaccine with the Oxford vaccine. The Nightingale hospital was put up in nine days and brought huge capacity to the NHS. Telemedicine has brought both mental health and primary care to people who would be left on their own. We have done 20 million tests until today—that was the record that we made today—and there have been 12 million app downloads.

The consequences of the regulations that we have introduced are tough—the rule of six is tough, and my noble friend Lady Neville-Rolfe spoke movingly on that—but they have worked. We are determined to use local lockdowns and the advances of technology wherever we can to fight this virus until we have a vaccine, mass testing and therapeutics to beat it.

I completely and utterly hear and understand the words on parliamentary scrutiny from my noble friends Lord Robathan and Lord Lamont as well as the noble Baroness, Lady Chakrabarti. But my noble and learned friend Lord Clarke put it very well in his grave and wise comments: we need to strike the right balance.

[LORD BETHELL]

We think that we have hit the right balance; it will not keep everyone happy, but we are determined to defeat this virus and get our lives back.

*Motion agreed.*

## Coronavirus Act 2020: Temporary Provisions

*Motion of Regret*

7.03 pm

*Moved by Lord Robathan*

That this House regrets Her Majesty's Government's use of the temporary provisions of the Coronavirus Act 2020, and calls on Her Majesty's Government to ensure that Parliament has an opportunity to debate and approve any national restrictions introduced to address the COVID-19 pandemic before any such restrictions come into force.

**Lord Robathan (Con):** My Lords, first, I congratulate my noble friend on what I thought was a very good summary of the debate. I was almost persuaded.

I would just like to clarify with the House that there is some confusion about the Motion of Regret that I put down, because the Government Whips sent out the wrong Motion, which I put down to cock-up rather than to conspiracy. For clarity, my Motion calls on the Government

“to ensure that Parliament has an opportunity to debate and approve any national restrictions introduced to address the COVID-19 pandemic before any such restrictions come into force.”

I would be surprised if any parliamentarian does not agree, not least because we all understand that the gentleman in Whitehall does not know best. I hope that the Brady amendment in the Commons is agreed on Wednesday, or that the Government give way on that, but this House now has an opportunity to register its belief in greater parliamentary scrutiny. I wish to test the feeling of the House and divide the House.

**Baroness Thornton (Lab):** I would like some clarification. The green sheets very clearly say that the House

“regrets Her Majesty's Government's use of the temporary provisions of the Coronavirus Act”

and goes on to call for those things. So there are two points in it, and I am seeking clarification that that is the case.

**Lord Robathan (Con):** I am sorry; that is correct. My point is that this is about parliamentary scrutiny; that is why I am calling a Division.

7.06 pm

*Division conducted remotely on Lord Robathan's Motion*

*Contents 99; Not-Contents 198.*

*Lord Robathan's Motion disagreed.*

## Division No. 1

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*House adjourned at 7.20 pm.*

