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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

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The following abbreviations are used to show a Member's party affiliation:

Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind 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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House of Lords

Tuesday 20 October 2020

The House met in a hybrid proceeding.

Noon

Prayers—read by the Lord Bishop of London.

Arrangement of Business

Announcement

12.06 pm

The Lord Speaker (Lord Fowler): My Lords, the Hybrid Sitting of the House will now begin. Some Members are here in the Chamber, respecting social distancing, and others are participating remotely, but all Members will be treated equally.

Oral Questions will now commence. Please can those asking supplementary questions keep them to no longer than 30 seconds and confined to two points? I ask that Ministers' replies and answers are also brief.

Armed Forces Personnel from Commonwealth Countries

Question

12.07 pm

Asked by Lord Touhig

To ask Her Majesty's Government what plans, if any, they have to help armed forces personnel from Commonwealth countries to settle in the United Kingdom.

The Minister of State, Ministry of Defence (Baroness Goldie) (Con): My Lords, the Government highly value the service of all members of the Armed Forces, including Commonwealth nationals and Gurkhas from Nepal. We recognise that settlement fees place a financial burden on service personnel and their families wishing to settle in the UK after service. We are working with the Home Office to consider how we can offer greater flexibility for these individuals and their families in future.

Lord Touhig (Lab) [V]: The Royal British Legion says the Government should stop charging fees to Commonwealth veterans who want to remain in the country they have served. The Veterans Minister, Johnny Mercer, said the Government should pay the fees, while Cabinet Minister Michael Gove said that the current government policy was "ridiculous" and those who paid should get a refund. He told Royal Navy sailors:

"You've convinced Johnny and you've certainly convinced me that we need to change."

If these key Ministers are on side, what is the hold-up?

Baroness Goldie (Con): The noble Lord will recognise that the issue is complex. I can reassure him that discussions have been ongoing and that my right honourable friend the Defence Secretary and Johnny Mercer, the Minister for Defence People and Veterans, have discussed the issue with the Home Secretary and the Minister for Future Borders and Immigration to consider how we can offer greater flexibility for these individuals and their families in future.

Baroness Warsi (Con): My Lords, my question follows on from the supplementary question. Would my noble friend agree that every poppy counts because every veteran counts, including those recruited from the Commonwealth? Will the Government use this year's Remembrance Day as a moment to endorse and accept the campaign, which has just been referred to, to ensure that Commonwealth veterans are adequately advised about their right to remain in the UK post-service and do not face crippling visa fees?

Baroness Goldie (Con): I thank my noble friend for bringing the House's attention to Remembrance Day, which is taking place in an unusual set of circumstances, but in no way does that diminish the significance of who we remember and why we remember them. In relation to her latter point about the campaign, the people affected within the Armed Forces are principally our Commonwealth veterans and our Gurkha veterans, and that is why there is currently an ongoing investigation into how we might better support them. I can reassure my noble friend that extensive help and support is already given to anyone joining the Armed Forces who may wish to consider their future at the time of discharge, and that includes information about what is involved in resettling or applying for naturalisation.

Lord Singh of Wimbledon (CB) [V]: My Lords, Sikhs contributed out of all proportion to the Commonwealth war effort, with some families settling with family in Afghanistan following the partition of Punjab. Sadly, the Sikh community there has been literally decimated for standing up for the liberal values of gender equality and freedom of belief. Would the Minister agree that we should support the handful of families of Commonwealth service veterans desperately seeking to leave that country?

Baroness Goldie (Con): I join the noble Lord in paying tribute to the contribution from the Sikh community within the Armed Forces. They have been an inspiration, and our debt to them is immense. As for the particular circumstances confronting Sikh personnel within Afghanistan, the noble Lord will be aware that the UK Government maintain a presence in Afghanistan. Principally, our support there is provided to those who were former Afghan interpreters, but he makes an important point.

Lord Judd (Lab) [V]: My Lords, does the Minister agree that all the messages of good will and good intent are wearing a little thin? The fact is that, at the moment, those who want to remain must still pay £10,000 or more for a visa. Furthermore, there have

[LORD JUDD]

been some pretty disturbing cases of, for example, a veteran being asked to pay a £50,000 bill to the health service for the removal of a brain tumour. These people served our country; we need to act fast and convincingly to demonstrate that that will never be forgotten.

Baroness Goldie (Con): Let me reassure the noble Lord that the contribution made by service personnel from the Commonwealth and from Nepal is certainly never forgotten or overlooked. As I said earlier to the noble Lord, Lord Touhig, the issue is technically complex. I cannot comment on the specific case that the noble Lord mentions of Mr Ratucaucu. That is a sad and unfortunate case, but it is currently the subject of legal proceedings and it would be inappropriate for me to comment further. However, I reassure the noble Lord that it is recognised that there is an issue, the department is cognisant of that and the matter is being actively investigated.

Baroness Smith of Newnham (LD) [V]: My Lords, the Minister has used the word “flexibility”, but that almost implies that visa fees could be paid on the never-never. Does she not agree that the best form of flexibility, and that the best way to support the Commonwealth veterans who wish to remain here, is to waive the visa fees entirely?

Baroness Goldie (Con): I was not aware that I had used the word “flexibility”, but I defer to the noble Baroness. What I did indicate was that there is a range of measures available at the time of recruitment to inform and educate those who seek a career in the Armed Forces as to what lies ahead if they then wish to be discharged and to reside in this country. As I have indicated, it is recognised that there are sensitivities and the department is actively investigating the position.

Lord Foulkes of Cumnock (Lab Co-op): My Lords, but this is a monumental muddle that is causing great distress. Why does the Minister, who is well respected in the House for her diplomatic skills, not just say to the House that after Question Time she will go back to the Ministry of Defence, contact the other departments involved and get this resolved as quickly as possible?

Baroness Goldie (Con): I thank the noble Lord for his kind remarks—he perhaps attributes to me greater powers than I actually possess. He is right to emphasise the significance of the issue, and I reassure him that I do not have to reiterate that to the department. There is active work under way, and I hope that something positive will emerge from that.

Viscount Trenchard (Con): My Lords, does my noble friend not agree that, as an interim measure, Commonwealth service personnel should be granted exemption from visa fees and immigration controls for a grace period of, perhaps, two years after leaving the service, so that they may seek employment, claim benefits and register with a GP?

Baroness Goldie (Con): My noble friend makes an interesting suggestion, and the department is certainly receptive to all views. I am sure that is a view that the department will look at with interest.

Lord Loomba (CB) [V]: My Lords, Armed Forces personnel from many Commonwealth countries have supported our country over many, many years, including in the First and Second World Wars. Their bravery and commitment are to be applauded. Can the Minister tell us how they are supported once they leave the military with things such as NHS facilities? Are they expected to pay for this service upon leaving? If so, should we be looking at whether this is just and fair?

Baroness Goldie (Con): The MoD, the Home Office and the Government in general provide financial advice to veterans who are facing financial difficulty. Following discharge, Veterans UK’s Veterans Welfare Service and Defence Transition Services provide support to Commonwealth and Gurkha veterans, as they do to any other veteran.

Lord Campbell of Pittenweem (LD): My Lords, this “lefty lawyer”—which I regard as an accolade rather than an insult—cannot understand why, if these men put themselves at risk in being willing to fight on behalf of our country, we should not remove every obstacle in their way, including this quite extraordinary charge that they are liable to pay. If the problem is in the Home Office, perhaps we should be doing something about reforming the Home Office.

Baroness Goldie (Con): I do not for one moment doubt the noble Lord’s sincerity, although he will be aware that the policy obtained during the time of the coalition Government, of which his party was part. It is complex, and I am not diminishing that. We are talking not just of Commonwealth citizens, which I think is the focus of the Royal British Legion campaign; we are also talking about the Gurkhas. We are very conscious of the immense contribution that they all make, and we are actively investigating whether there is anything that we can do to support them better.

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

Cancer Task Force *Question*

12.18 pm

Asked by Lord Rennard

To ask Her Majesty’s Government how the new cancer taskforce will operate; and what funding that taskforce will be able to direct towards reducing any backlog in identifying and treating cancer patients.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, the Cancer Recovery Taskforce’s role is advisory,

to oversee the development of a national cancer delivery plan due to be published later this autumn. The task force is chaired by Professor Peter Johnson, the national clinical director for cancer. It met for the first time in September and is due to meet again on Thursday. Membership is drawn from across the cancer community, and I thank all of those involved. NHS Improvement has recently confirmed annual funding allocations of £153 million for 2021 to the cancer alliances in England.

Lord Rennard (LD) [V]: My Lords, I refer to my interests as in the register. Cancer Research UK and Macmillan have reported that 2.4 million people are now waiting for screening, tests and treatments for cancer services. The Commons Health Select Committee has reported that the number of MRI and CT scans to diagnose the disease has plummeted by 75%. Given that the Government spend on average half as much on capital in healthcare compared to similar countries, what is the scale of the investment over the next year that will be specifically allocated for the latest technologies and additional staff to deal with the backlog of cancer diagnosis and treatment?

Lord Bethell (Con): My Lords, the situation raised by Cancer Research UK and others causes concern, but I reassure the noble Lord that we are doing more than a million routine cancer appointments and operations per week to catch up with the backlog. Urgent two-week waits for GP referrals are back to almost 85% of pre-epidemic levels and we have a massive plan to address this, which includes the creation of Covid-secure environments, switching to new drugs for those who cannot make it to hospital, the judicious use of radiography, targeted messaging to those who may suffer from the symptoms of cancer, the use of rapid health diagnostics, an alliance with charities, a cancer recovery plan and enhanced monitoring on a single version of truth basis of our progress on this important issue.

Baroness Thornton (Lab): My Lords, I would like to follow up on the Question of the noble Lord, Lord Rennard, which was about investment. The UK spends on average half as much on capital in healthcare compared with similar countries, so the average number of MRI and CT scanners is well below the OECD average per million of population. Does the Minister agree that to tackle the cancer backlog and improve survival outcomes the Government must also implement the recommendations of Sir Mike Richards's recent review into diagnostics and significantly invest in the necessary diagnostic equipment?

Lord Bethell (Con): The noble Baroness is right to raise the excellent report by Professor Sir Mike Richards into cancer diagnostics. We have taken that report on board and are studying it very carefully; it will inspire us tremendously. As I mentioned earlier, £153 million has been allocated to cancer alliances. The investment in capital is an extremely important part of that. I want to flag a few immediate developments: diagnostic capability at the Harrogate and Exeter Nightingale hospitals, the community diagnostic hubs and the rapid diagnostic centres are all in focus for this investment.

Lord McCrea of Magherafelt and Cookstown (DUP) [V]: My Lords, with radiotherapy being needed for over 50% of cancer patients and involved in 40% of cancer cures, what is being done to ensure that patients can continue to access this life-saving treatment throughout the Covid-19 pandemic? Are there plans to improve access to radiotherapy for the 2.5 million people currently living over the recommended 45-minute travel time to bring cancer treatment closer to people's homes?

Lord Bethell (Con): My Lords, during the Covid pandemic, radiotherapy services have continued. We are working to ensure that the need to travel to hospital is kept to a minimum, using drugs where they present an alternative to radiotherapy. The recovery of our radiotherapy services is massive and we are using the latest technology to ensure that this is delivered as impactfully as possible.

Lord Flight (Con): My Lords, is the cancer task force, now in the fifth year of its five-year programme, to become a permanent organisation? What is the basis for allocating funding and research?

Lord Bethell (Con): My Lords, the Cancer Recovery Taskforce I refer to is the group of people focused specifically on the recovery from the Covid pandemic. The overall cancer recovery programme will be published later in the autumn, and it will have budgets associated with it.

Lord Addington (LD): My Lords, the whole thrust of the Covid pandemic has been to make sure that the NHS stays in one piece. As we have fewer people referring to their GPs and fewer people being referred into the system, are we not creating a backlog that will affect the NHS's capacity to deal with problems? With that in mind, what will the Government do to ensure that people know that it is safe, or at least that the risk is low, to go to a GP in the first place and then go on to hospital?

Lord Bethell (Con): The concern is serious. However, I reassure the noble Lord that although those waiting longer than 62 days for an urgent GP referral increased to about 21,000 between the end of March and the end of May this year, it now stands at about 8,000, which represents a dramatic decrease in the backlog. We have invested in the "Help Us Help You" campaign, which is directed specifically at those who are most at risk from cancer. It is a massive campaign that we are rolling out shortly, and we will continue to invest in it if that is needed.

Lord Balfe (Con): My Lords, calculations by the charity Action Radiotherapy suggest that the cancer treatment backlog may cost more lives than the coronavirus itself—indeed, it estimates that it could be as high as 100,000. Can the Minister give us details—and if not, can he place them in the Library—of the investment in and expansion of radiotherapy services that is being considered and of the aim to reduce the number of machines that are beyond their 10-year lifespan?

Lord Bethell (Con): My noble friend is entirely right. The impact on cancer from Covid is extremely concerning. However, the backlog is being dealt with more quickly than the immediate figures perhaps suggest. The investment in radiotherapy is incredibly important; we have new treatments coming in all the time, and I reassure my noble friend that we will be retiring redundant machines as soon as they reach the end of their natural lifespan. I want to mention in particular stereotactic ablative body radiotherapy for small cell lung cancer and oligometastatic indications: I am told that this is a particularly exciting radiotherapy treatment

Baroness Finlay of Llandaff (CB) [V]: Following on from that, does the Minister recognise that about half the machines in the country are currently beyond their 10-year lifespan and urgently need replacing—including upgrading to provide stereotactic radiotherapy, which has lower side effects and better outcomes—and that there therefore needs to be at least £230 million ring-fenced for innovation in radiotherapy, quite apart from the other investments?

Lord Bethell (Con): The noble Baroness puts her case extremely well. We have a massive investment in the NHS that spans physical infrastructure and staff, hospitals and investment in nurses. This will have a big impact on the diagnosis of cancer, which we are committed to getting as early as possible, as well as on treatment for cancer. Treatment with radiotherapy will form an important part of that.

Lord McColl of Dulwich (Con) [V]: As there has been much more exposure to the sun this summer, there will be a greater incidence of melanoma. Does the Minister agree that screening is essential to detect melanomas before they spread rapidly and are fatal? If they are detected while they are less than 0.6 millimetres deep, they can be cured by a simple removal under local anaesthetic. Does he agree that this ought to be a priority for the task force?

Lord Bethell (Con): My Lords, I completely and utterly agree with my noble friend.

Lord Woolf (CB) [V]: I am pleased to hear of the arrangements made for treating the backlog of patients suffering from cancer. However, that is not the only backlog that exists; other conditions require urgent attention. I disclose the position of my 24 year-old grandson, who is studying for a doctorate in epidemiology. He was born with a condition which meant that, at a very early age, he had to be fitted with a pacemaker. Unfortunately, when changing his pacemaker, the wiring was found to have become embedded in his heart. It was therefore decided to leave the wiring in that position and to fit a second pacemaker. Towards the end of last year, his health deteriorated. He was eventually admitted to the Brompton hospital, and by that time was in a very serious condition. Fortunately, after five weeks in an induced coma, his condition dramatically improved and he should make a full recovery. However, it was touch and go. I make no criticism of anyone, but it is important that it is not only cancer that is regarded as important; other patients should also be regarded as important.

Lord Bethell (Con): I thank the noble and learned Lord for sharing that moving testimony. The broad point that he makes is entirely right—that Covid has an impact on our healthcare system that goes way beyond those who have Covid. It has an impact on the care and outcomes of all sorts of people who need important places in the healthcare system. That is why this Government are committed to the suppression of the virus and to protecting the NHS, and it is why, on behalf of everyone, we wish both the noble and learned Lord and his grandson well.

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

VAT Retail Export Scheme *Question*

12.30 pm

Asked by Lord Vaizey of Didcot

To ask Her Majesty's Government what assessment they have made of the financial impact on (1) the retail, and (2) the tourism sector of the decision to withdraw the VAT Retail Export Scheme from 1 January 2021.

Baroness Penn (Con): My Lords, the Government have announced that the VAT retail export scheme will not be extended to EU visitors and will be withdrawn for all non-EU visitors following the end of the transition period. The final costing, including behavioural assumptions and an assessment of the fiscal effects, will be subject to scrutiny by the independent Office for Budget Responsibility and will be set out at the next forecast.

Lord Vaizey of Didcot (Con): My Lords, I wonder whether the Minister has seen the research by the Centre for Economics and Business Research which says that this tax reform puts 128,000 jobs under threat and could see a fall of £6 billion in retail sales and cost the Treasury £3.5 billion, whereas if the scheme is kept and extended to EU visitors it could create 20,000 jobs and generate £1 billion of retail sales. Given the Chancellor's excellent work in supporting retail and manufacturing during the pandemic, I wonder whether the Treasury would look at this reform again.

Baroness Penn (Con): I am glad that my noble friend has recognised the support that the Government have put in for retail during the pandemic. Unfortunately, the Government disagree with the analysis in that report, and with two key assumptions in particular regarding the impact on non-EU visitor numbers. The first is that those numbers will reduce by 1.17 million. When the total number of users of the VAT RES is 1.2 million, that assumes that all users will no longer come to the UK. The second assumption, which is even more stretching, is that the number of non-EU visitors will reduce by 4.96 million—four times as many people as currently use the scheme who, it is assumed, will stop coming to the UK in response to the scheme's withdrawal.

Lord Mann (Non-Aff): The Government have to get money in as well as spend money out. Considering the hardship that many families are currently facing, does the Minister agree that this change is proportionate, fair and timely?

Baroness Penn (Con): I absolutely agree.

Lord Leigh of Hurley (Con) [V]: My noble friend the Minister might want to read the CEBR report again, because it is based on Global Blue's research and those assumptions have been verified. However, will she consider focusing on high-spending visitors? Twenty per cent of users are responsible for around 50% of all tax-free shopping, and the highest 1% of spenders spend an average of £60,000, saving themselves £12,000. Those people will choose to go to cities other than London such as Paris. Therefore, will she consider postponing the scheme for high-value purchases while further research is undertaken in a post-Covid environment?

Baroness Penn (Con): My Lords, of course purchasers can still benefit from the Shop & Ship method of VAT-free shopping. In addition, research from VisitBritain shows that cultural attractions remain the key motivation for visiting Britain, followed by the variety of places to visit. Tax-free shopping does not appear as one of the reasons in that research.

Baroness Bull (CB): My Lords, the Minister will understand the obvious link between inbound visitors' retail spend and the spillover effect on culture and visitor attractions. To take one example, a third of the 15 million West End theatre tickets sold annually are sold to overseas visitors. What assessment has been made of the impact of ending this scheme on culture, entertainment and visitor attractions, which are already suffering so badly as a result of the pandemic?

Baroness Penn (Con): My Lords, as I have just noted, it is in fact culture that drives visitors to the UK rather than VAT-free shopping. The route of VAT-free shopping is still available through Shop & Ship. To support the wonderful cultural sector in the UK, we of course have the £1.57 billion cultural recovery fund.

Lord Tunnicliffe (Lab) [V]: My Lords, when the UK withdraws the VAT retail export scheme, we will become the only country in Europe not to offer tax-free shopping to international visitors. The Government will have had representations on the effect that this might have, putting retailers and tourism providers at a competitive disadvantage when tourism hubs are already struggling due to Covid-19. Can the Minister outline what engagement was undertaken with businesses and their representative bodies and why the scheme is ending in January 2021 rather than later?

Baroness Penn (Con): My Lords, January 2021 represents the end of the transition period, and the Government have to make a decision on whether to extend the scheme to all visitors, including EU visitors, who do not currently benefit from it, or to withdraw it.

Our view was that extending the scheme could cost up to £0.9 billion, and we had to assess the value for money of that against other priorities that the Government have.

Baroness Kramer (LD) [V]: My Lords, this is kicking an industry when it is already down. As the Minister knows, there is great dispute over the numbers that the Treasury is working on and over the impact of this as an incentive to draw tourists to the UK. Will she consider, at least for a period, leaving the current scheme in place until there is genuine recovery in the tourism industry and in retail? Does she recognise the number of jobs that are at risk if the call that she and the Treasury have made is wrong and we see between 40,000 and 100,000 jobs lost?

Baroness Penn (Con): My Lords, the option to keep the current scheme in place does not exist. Either we need to extend it to EU visitors, which will attract a significant cost, or we need to end it. We have taken the decision to do the former. As I said, our understanding of the research is that visitors to the UK are driven by a wide range of factors, this not being the primary one. As I said in response to my noble friend's Question, the OBR will conduct an independent analysis of the Government's work on this policy.

Lord Davies of Gower (Con): I will follow the theme of the supplementary question from my noble friend Lord Vaizey. With the withdrawal of the scheme in January 2021 and the proposal that EU visitors be able to buy UK VAT-free goods from retailers only where the retailer arranges transport for the goods from the UK as an export, does the Minister agree that this potentially reduces footfall and places an additional burden on retailers, particularly high-street traders, when most are struggling to survive? Does she also agree that, given the present circumstances, the Government should perhaps think again in order to help small and large retailers?

Baroness Penn (Con): My Lords, our understanding is that the benefit from the VAT RES flows almost entirely to two places: central London and Bicester Village. High streets across the country need our support during the pandemic. That is why we have the future high streets fund of £675 million, and the towns fund, supporting 100 towns with £3.6 billion of funding.

The Earl of Clancarty (CB): My Lords, which business leaders and sector bodies support the decision to end the scheme?

Baroness Penn (Con): My Lords, the Government conducted a public consultation on the future of the scheme in which we took into account the views of business leaders and those within the sector. We also did our own analysis and had to weigh up the costs of extending the scheme against its potential benefits.

Lord Lucas (Con) [V]: My Lords, what research and monitoring will the Government undertake after 1 January so that they know what the effect of their decision has been? Does the Minister agree that Shop & Ship merely

[LORD LUCAS]

demonstrates the inevitability of goods being taxed effectively in the country where they are consumed—that being the logic of the internet—and that we ought therefore to give way on tax-free shopping but be much better at collecting tax from goods that people ship to the UK?

Baroness Penn (Con): Well, my Lords, I am sure that we will keep the impact of this decision under review. With regard to Shop & Ship, it is a much more effective way to deliver on the international norm when the consumption tax is paid in the country in which the good is consumed. The VAT RES is open to much more potential for fraudulent use compared to Shop & Ship.

Baroness Doocey (LD): My Lords, this issue was last considered in 2013, when tourism was benefiting from the prestige of the 2012 Olympics. Even at that boom time, HMRC strongly backed tax-free shopping, because it encouraged large numbers of high-spending international visitors to come to the UK. We need tourists now more than we have ever needed them before, and I have not met one person within the tourism industry who agrees with this; they totally disagree with what the Government are saying. So why are the Government insisting on doing this against the advice of the industry? Because the industry believes—and it does know what it is talking about—that this will lead to very significant job cuts.

Baroness Penn (Con): My Lords, the change in the position since 2013 is that the Government can no longer apply the scheme only to non-EU visitors. The end of the transition period and WTO rules mean that we are faced with the decision to extend it to all visitors or get rid of the scheme altogether. Given the costs associated with the scheme and our understanding of the primary drivers of people's reasons for visiting the UK, we have taken the decision that we have.

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

World Energy Outlook 2020 Question

12.41 pm

Asked by **Lord Ravensdale**

To ask Her Majesty's Government what assessment they have made of the report by the International Energy Agency *World Energy Outlook 2020*, published on 13 October.

Lord Ravensdale (CB): My Lords, in asking this Question I declare my interests as recorded in the register.

The Parliamentary Under-Secretary of State, Department for Business, Energy and Industrial Strategy (Lord Callanan) (Con): The *World Energy Outlook 2020* report examines

how the global energy system could develop under different scenarios in the coming decades. We welcome its focus on the impact of the pandemic and the choices needed to enable a sustainable recovery. We also welcome the focus on the path to reaching global net-zero emissions. We will continue to draw on the analysis as we work to accelerate the global energy transition, including through COP 26.

Lord Ravensdale (CB): My Lords, I thank the Minister for that response. The report recommends faster structural changes and the need for Governments to take decisive actions to accelerate clean-energy transitions, particularly over the next decade. First, can the Minister give any indication of when we can expect the transport decarbonisation plan and the buildings and heat strategy? Secondly, we have been promised an energy White Paper this autumn. I noted the thickening autumn leaves as I walked to Parliament today, so can he reassure the House that the energy White Paper will be with us before the end of November?

Lord Callanan (Con): My Lords, I am sorry to disappoint the noble Lord. I cannot give him a specific answer to that, but we expect the White Paper to come shortly.

Baroness Blackstone (Ind Lab): My Lords, do the Government accept that, while they must lead, changes in everyone's behaviour will be needed? So how do they plan to engage with citizens on what net zero looks like, and the changes in behaviour that will be needed to get there?

Lord Callanan (Con): The noble Baroness makes a very good point. It is important that everybody's behaviour is changed. There will be a number of campaigns, both by government and by various NGOs and interested parties in the run-up to COP 26, which we see as a major global lever that we can use to change fundamental behaviours.

Lord Taylor of Goss Moor (LD) [V]: My Lords, I draw attention to my interest in sustainable development and low-carbon heat, as listed in the register of interests. Can the Minister accept that it makes no sense to build literally a million or more homes over the next few years with carbon heating technologies when low-carbon technologies could be cheaply put in place today, leading to zero carbon by 2050, rather than facing householders and government with the enormous costs of retrofitting even more homes than those already built today?

Lord Callanan (Con): The noble Lord makes a good point; heating decarbonisation will be a crucial part of the race to net zero, and we will be bringing forward a detailed heating decarbonisation strategy shortly.

Baroness Neville-Rolfe (Con): My Lords, I was disappointed that this report neglects nuclear energy. Its reliable, emission-free 24-hour baseload provides an essential complement to solar and wind, which sadly can be absent for weeks at a time. At a time of unparalleled low interest rates, will the Government's

forthcoming energy White Paper grasp the nettle and propose government support for nuclear via direct government involvement?

Lord Callanan (Con): I thank my noble friend for her question, but the *WEO 2020* report suggests a 10% increase in nuclear between 2019 and 2030. Beyond 2030, the Paris compliance scenarios envisage small modular nuclear reactors taking a stronger role, alongside CCUS and hydrogen. Of course, we will address all these upcoming matters in the energy White Paper.

Lord Broers (CB) [V]: My Lords, the IEA outlook report points out that to achieve net zero in 2050 we need by 2030 to have 50% electric cars and 75% low-carbon electricity. These aggressive goals will be met only with international collaboration. It takes 50 times longer to charge an electric car than to fill a petrol car, requiring an immense number of charging points; at present too much carbon is released in making car batteries; and, to meet the 75% target, more nuclear power will be needed than is planned. Does the Minister think that there is a leadership role for the UK in achieving all of this?

Lord Callanan (Con): Indeed there is—and we have taken a leadership role by setting our 2050 net-zero targets, by setting a phase-out date for petrol and diesel vehicles, and by introducing policies to incentivise the electric vehicle market. Accelerating the clean energy transition globally is the focus of our work going up to COP 26.

Lord Grantchester (Lab): My Lords, the 2020 report shows above all that renewables will be integral to the future energy mix that will power modern economies. Yet, under this Government, clean energy investment plummeted by 56% in 2017 as a result of cuts to various renewables schemes, and it has fallen each year since. Can the Minister confirm what urgent steps the Government will take to promote clean energy investment? In particular, will the continually delayed national infrastructure strategy contain strong policies in this regard?

Lord Callanan (Con): Well, the Government's policies towards clean energy investment have been a resounding success. We are seeing record levels of deployment and the costs of clean energy are falling dramatically—we will see that during the next contracts for difference round next year—but, of course, we keep all these things under review.

Lord Teverson (LD) [V]: My Lords, a strong theme in this report in relation to Covid and energy is that, to quote from the report:

“The worst effects ... are felt among the most vulnerable.”

In the UK context, how will the Government protect our vulnerable people as we transition to a clean energy economy?

Lord Callanan (Con): The noble Lord makes a good point. We are investing record sums in helping vulnerable consumers. He will be aware of the new green homes

grant that will provide grants of £5,000, and indeed £10,000 for those on low incomes, to help them insulate their home and make it more energy efficient and, more importantly, get their bills down.

The Lord Bishop of Salisbury [V]: My Lords, the report from the IEA focuses on the impact of the pandemic on macro energy generation and distribution, and it emphasises the vulnerability of the national grid. The pandemic has emphasised the importance of the local, so how does the Minister see the Government's role in encouraging the rapid development of local micro energy generation?

Lord Callanan (Con): The right reverend Prelate makes a very good point. Local micro energy schemes will play a key role in our decarbonisation efforts but, of course, fundamental changes are required in the grid to enable us to move to a much more diversified model, away from key energy nodes, and considerable investment is taking place to allow that to happen.

Baroness Hayman (CB) [V]: My Lords, I declare my interests as set out in the register. Does the Minister agree that there are considerable opportunities for the creation of many sustainable jobs for the future in the infrastructure and technology projects needed to achieve net zero? If so, can he assure me that plans are in place for reskilling workers currently facing redundancy or the loss of their job to take up those sustainable jobs for the future?

Lord Callanan (Con): Indeed, I agree with the noble Baroness. In a previous answer I referenced the green homes grant: £2 billion worth of green stimulus investment that is going to generate hundreds of thousands of jobs. I have been in discussions with lots of contractors that are already expanding their workforce. We have provided training grants to enable them to upskill both existing and new employees. I agree with the point that the noble Baroness is making.

Lord West of Spithead (Lab): My Lords, nothing in the IEA's *World Energy Outlook 2020* changes the need for the UK to have a viable nuclear power sector producing about 30% of the future daytime electricity demand of 80 gigawatts by 2050, when, of course, we are planning to have net zero emissions. The provision of nuclear power needs planning and a clear programme of build and provision. That cannot be done at the last minute—often it takes decades—yet it appears that the plan for nuclear power is in disarray. When will the Government produce a clear statement of what is planned for the nuclear power provision required by 2050? Is it “shortly”?

Lord Callanan (Con): It is indeed shortly. We will provide more detail on nuclear power in the energy White Paper, but, as I said to my noble friend Lady Neville-Rolfe, we see much of the future being in small modular nuclear reactors.

Viscount Waverley (CB) [V]: My Lords, how is it believed the pandemic and its aftermath will reshape the energy sector? In that regard, does the Minister

[VISCOUNT WAVERLEY] have his magic wand as to the long-term outlook for the development of LNG, given the current downturn in energy demand in China and the Far East, as that could directly impact the Government's sustainable development strategy?

Lord Callanan (Con): The noble Viscount makes a good point. The short-term impact of Covid-19 on the global energy industry is a reduction in energy demand of something like 5% year on year, which has accelerated the movement away from coal towards renewables. The report highlights the fact that solar PV is now one of the cheapest forms of energy below carbon fuel. The other points that he makes are indeed very valid.

The Lord Speaker (Lord Fowler): My Lords, all supplementary questions have been asked. That brings Question Time to an end.

12.52 pm

Sitting suspended.

Covid-19: Information Sharing with Police Forces

Private Notice Question

1.03 pm

Asked by Lord Hunt of Kings Heath

To ask Her Majesty's Government what is the legal basis for their Memorandum of Understanding with the National Police Chiefs' Council which allows police forces to access information that tells such forces if a specific individual has been told to self-isolate due to the COVID-19 pandemic.

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 authorised the police, local authorities and NHS Test and Trace to share information where necessary for the purposes of enforcement. The Department of Health and Social Care and the National Police Chiefs' Council have agreed a memorandum of understanding so that, when given a report that someone is failing to self-isolate, the police can check with NHS Test and Trace whether the person in question has been formally notified to self-isolate.

Lord Hunt of Kings Heath (Lab): My Lords, I am grateful to the Minister but does he agree that sharing what is essentially health information with the police is a highly sensitive matter? This should not have been sneaked out on a Friday night without any parliamentary reference whatsoever. Was NHS experts' advice taken regarding the impact this might have on people prepared to take the test? Is the Minister aware of the advice given by the BMA and other health service organisations, particularly in relation to harder-to-reach communities, that this may dampen down the numbers of people coming forward for tests? Was that taken into account?

Lord Bethell (Con): My Lords, I reassure the noble Lord that no health information is shared. This is isolation information, not health information. I can tell that the noble Lord is not happy with that. I reassure him that people are asked to isolate for a number of reasons: it might be because they tested positive, or because they were close to someone who tested positive, so the fact that they have been asked to isolate has got nothing to do with the state of their health.

We are discussing this regulation on Thursday. That will give us an opportunity to go into it further, which I look forward to very much indeed. On the impact of taking the test, we have looked at public attitudes to the principle and enforcement of isolation. It enjoys an enormous amount of public support, and I think the noble Lord underestimates those in the BAME community and their response to this responsible approach to isolation.

Lord Morris of Aberavon (Lab) [V]: I welcome the principles set out in the memorandum of understanding on prosecutions, and Regulations 12, 13 and 14. In particular, I welcome the fact that there will be regular reviews, both locally and nationally, so that lessons can be learned. Will the reviews be published, and will the Minister confirm that there is a 12-month limit on prosecutions if evidence is available?

Lord Bethell (Con): My Lords, those are two very important and clear questions. However, I will have to take them back to the department and write to the noble Lord with very clear answers.

Lord Scriven (LD): My Lords, despite what the Minister says, this memorandum of understanding has undermined some people's trust in test and trace. The best way to deal with that is to shed the light of transparency on to what is actually in the MoU. Therefore, will the Government commit to publishing it?

Lord Bethell (Con): My Lords, I commit to publishing the memorandum of understanding; that is our intention. It has to be cleared of some officials' names and redacted accordingly, and, when we have gone through that process, we will publish it. I will address the noble Lord's central point, which is very reasonable, and I am glad he made it because he and the noble Lord, Lord Hunt, are entirely right: there is a balance here between the principle of consent, which is how we went about implementing a great many of our measures, and the principle of effectiveness.

We are quite late now in the stage of the epidemic. I think it reasonable to demonstrate the seriousness of the principle of isolation, to make what isolation means crystal clear—and, therefore, in statute—and for the sanction of the law to apply to those people who do not have a responsible attitude and have behaved irresponsibly. It is not our intention to rack up a large number of prosecutions in this area, as it has not been in other areas. However, it is our intention to be clear and determined and to make this incredibly important part of our breaking the chain of transmission as effective as possible.

Baroness Lane-Fox of Soho (CB) [V]: Understandably, this news has caused much confusion: you only need to take to social media to see people's anxieties. As I understand it, the app keeps all data locally on your phone and only when you upload a positive test does it then become more widely available, although anonymised. What measures are the Government going to take to make sure that communications are crystal clear, so that people can totally understand the privacy implications of what they are doing? It seems there is still much anxiety about exactly what can be done.

Lord Bethell (Con): I am grateful to the noble Baroness for her insight, but I reassure her that the information on the app is not covered by this memorandum of understanding. That is a principle that has been made very clear by the NHS app. This is the data held on CTAS, the Public Health England database, and it remains the property of Public Health England; the MoU is very specific about that. As the noble Baroness is aware, the app is a distributed source of information; it has extremely high privacy barriers, and this MoU does not in any way breach those barriers.

Baroness Thornton (Lab): It is disingenuous for the Minister to say, in answer to my noble friend Lord Hunt, that this is not a health issue. Following on from the question of the noble Baroness, Lady Lane-Fox, I imagine the police will have been concerned about the implications for data protection for both themselves and individuals. Therefore, I ask the Minister how personal data that is being handed over to the police is going to be stored. Who will keep it and how will it be handled? Are any discussions on data-sharing taking place or planned involving the Department of Health and Social Care, and the Home Office or Cabinet Office?

Lord Bethell (Con): My Lords, the data collected by PHE for the test and trace service is held, as I said, by the Contract Tracing and Advisory Service database—the CTAS database—and it will be provided to the police on request. It is not a question of a wholesale sharing of all data. The data that can be shared with the police are the recorded name and contact details of an individual who has been instructed to self-isolate, the date on which they were told to self-isolate and the date on which the period of self-isolation ends. No testing data or health data are shared with the police at all.

Lord Mann (Non-Aff): Do we have a defined national police strategy on the policing of breaches of self-isolation, or will we see a patchwork of implementation by different chief constables across the country?

Lord Bethell (Con): I thank the noble Lord for his question. The intention of this legislation is threefold: first, to increase public understanding of the importance of self-isolation; secondly, to help to support people to comply with self-isolation by making sure that they understand the consequences of breaking those rules; and, thirdly, to introduce fixed penalty notices for those who do not follow the rules. Our intention is not to enforce a surveillance culture around this; it is instead to leave it to members of the public to take it

into their own hands as to whether they would like to share instances of breaches with the police, and to give the police an opportunity to follow up those reports in a timely, accurate and efficient fashion.

Baroness Jones of Moulsecoomb (GP) [V]: My Lords, in an earlier answer to the noble Lord, Lord Hunt, the Minister seemed to suggest that the noble Lord was casting aspersions against the BAME community with regard to their willingness or not to sign up because of data-sharing with the police. Would he like to take back that slur? Could he also please tell me which BAME communities he spoke to before imposing these conditions?

Lord Bethell (Con): I am grateful for that important question. At no point would I ever wish to cast any aspersions or slur at the noble Lord, Lord Hunt, who I count as a close colleague and someone whose opinion I respect enormously. However, I was replying in response to his question about BAME communities. We are deeply involved in talking to a large number of those communities, which have traditionally been hard to reach. We are engaged with them on many levels to talk to them about how we can address the marketing challenge of getting our messages to them, how we can shape our messages so that they are fully understood, and how we can address any concerns they may have about the test and trace programme.

I can report to the noble Baroness that we have been extremely pleased by the very encouraging responses that we have had from those communities, which is why I do not think it is reasonable to assume that any particular community would be more or less suspicious of this programme than another.

The Lord Speaker (Lord Fowler): My Lords, all supplementary questions have been asked, and that brings the Private Notice Question to an end.

United Kingdom Internal Market Bill

Second Reading (2nd Day)

1.15 pm

Moved on Monday 19 October by Lord Callanan

That the Bill be now read a second time.

Amendment moved on Monday 19 October by Lord Judge

At end to insert “but that this House regrets that Part 5 of the bill contains provisions which, if enacted, would undermine the rule of law and damage the reputation of the United Kingdom.

Relevant documents: 14th Report from the EU Select Committee, 24th and 26th Reports from the Delegated Powers Committee, 17th Report from the Constitution Committee.

Lord Fox (LD): My Lords, yesterday we heard some remarkable speeches, not least from the two debutants: the noble Baroness, Lady Hayman of Ullock, and the noble Lord, Lord Sarfraz. Over eight hours

[LORD FOX]

we heard the Bill broken down into three areas of serious concern: its illegality, its threat to the union, and its structural limitations. The analysis of the noble and learned Lord, Lord Judge, backed up by many other legal Peers, was clear: this Bill establishes a position whereby the United Kingdom breaks international law.

The counterarguments were less numerous, and they were weak. On the one hand, they said that this is an anti-Brexit rearguard action—something easily dismissed by taking note of the powerful speeches of the noble Lords, Lord Howard of Lympne and Lord Lamont of Lerwick, neither of whom is publicly gripped by pro-EU sentiment. The other line taken was that because other countries have broken the law, we can too. It is the cry of the playground: “They started it!” My noble friend Lord Thomas and others demonstrated that that argument is neither here nor there.

This Bill transcends legal affront—and here we should thank the most reverend Primate the Archbishop of Canterbury, who, in his speech, set out a moral case against this part of the Bill. As he put it:

“Our reputation as a nation, our profoundly good and powerful influence and example ... will suffer great harm if law-breaking is pursued”.—[*Official Report*, 19/10/20; cols. 1293-4.]

That point was backed up by the noble and gallant Lord, Lord Stirrup:

“The Government exercise authority through the law; if they undermine respect for the law, they undermine both themselves and the stability of our society”.—[*Official Report*, 19/10/20; col. 1348.]

It is fair to say that the noble and gallant Lord knows a thing or two about the importance of moral courage.

This is not an academic argument. If we needed to be reminded how this Bill can affect the lives of people on the island of Ireland, my noble friend Lord Alderdice, speaking from his vast experience, set out what is at stake, and as my noble friend Lady Suttie said:

“The Northern Ireland protocol, which is far from perfect, is none the less a carefully constructed compromise to try to maintain peace and stability on the island of Ireland and to protect the Good Friday/Belfast agreement”.—[*Official Report*, 19/10/20; col. 1315.]

Quite.

Among yesterday’s speeches came a quite remarkable intervention from the noble Lord, Lord Barwell—a man with a unique window on this process. He recalled how, in a meeting with EU officials, Theresa May asked why the Northern Ireland backstop had to be set out in such operational detail. She was told:

“Because, bluntly, we do not think you will be there for much longer and we do not trust what is going to follow in terms of living up to any commitments”.—[*Official Report*, 19/10/20; col. 1359.]

So, far from sending the EU a stern message about the UK’s resolve, the Bill simply confirms its suspicions about our trustworthiness—or rather, our lack of it.

Moving on to devolution, the noble Lord, Lord Callanan, asserted:

“These powers are not designed to take powers from the devolved Administrations”.—[*Official Report*, 19/10/20; col. 1284.]

My noble and learned friend Lord Wallace of Tankerness and my noble friends Lord Bruce of Bannachie and Lord German and others made it clear that the reality is something quite different. The Bill pulls back power

to Westminster at the expense of the devolution settlement. Many Peers, such as my noble friend Lady Humphreys, pointed to the glaring absence of any reference to the common framework in the Bill.

For its part, the Constitution Committee is not convinced that opportunities for managing the UK internal market through the common framework process have been exhausted—and neither am I. By abstracting the internal market from these frameworks and pushing ahead unilaterally against opposition from devolved authorities, the UK Government are putting the common frameworks at risk. I have to ask: is that what Her Majesty’s Government want? That is what it looks like.

In light of progress being made with the common frameworks, my noble friend Lord Newby questioned, with considerable support, whether the Bill is needed at all. However, in his speech, the noble Lord, Lord Callanan, claimed:

“Without the Bill a Welsh lamb producer ... could end up unable to sell their lamb as easily ... Scotch whisky producers could lose access to supply from English barley farmers”.—[*Official Report*, 19/10/20; col. 1282.]

My noble friend Lord Purvis asked some specific questions regarding whisky. I would like to ask: what possible grounds are there to support the Welsh lamb claim?

Further, the noble Lord, Lord Callanan, also said that the Bill

“will allow professionals such as doctors and nurses, qualified in one of the UK nations, to work in any other”.—[*Official Report*, 19/10/20; col. 1283.]

If by this the Minister is saying that, without the Bill, English doctors will not be able to practise in Wales, I challenge him; if not, what is he saying? I think these comments are entirely baseless and I ask the noble Lord, Lord True, either to demonstrate that they are rooted in fact or to withdraw them.

The third element of the Bill is the role of the CMA as the home for an office for the internal market. As ever, I listened to my noble friend Lady Bowles on such issues. The Committee stage will see significant debate on this.

It will come as no surprise that noble Lords on these Benches will support the amendment in the name of the noble and learned Lord, Lord Judge, but as my noble friend Lord Newby made clear, it cannot stop there. This was backed by a strident call to arms from the noble Lord, Lord Butler. He and others made it clear that your Lordships have to be prepared to stand by the splendid speeches that we heard yesterday when we get to the sharp end of this Bill. In that regard, your Lordships’ House should be indebted to my noble friend Lord McNally for outlining the outcome of the Cunningham conventions. As he explained, we should not be inhibited in standing up to the Government.

The conclusions that I draw from yesterday’s debate are: the illegality of this Bill must be removed; Clauses 44, 45 and 47 should be excised and the Henry VIII clauses removed; the role of the common frameworks as the prime mover in a single market must be reinstated; and consensus must be sought on the principles of the Bill where the market is managed and disputes are dealt with. Finally, if there needs to be an office for the internal market, it needs a different governance structure from that proposed.

We all know that this Bill is illegal, flouts important constitutional issues and threatens devolution. More than that, we know that it has already eroded trust in our institutions and is damaging the reputation of this country, which promotes the rule of law. Finally, and perhaps most insidiously, we know that any law that seeks to permit the Executive to break laws is morally wrong.

1.22 pm

Lord Stevenson of Balmacara (Lab): My Lords, it seems a long time ago now, but I start by thanking the Minister, the noble Lord, Lord Callanan, for introducing the Bill. It was, as many noble Lords commented at the time, a little surprising that he did not cover Part 5, but he may have decided that others would focus on it—he was right. I thank too my noble friend Lady Hayman of Ullock and the noble Lord, Lord Sarfraz, for their excellent maiden speeches. We welcome them to full membership of the House.

We have benefited enormously from the advice of our Select Committees and our deliberations have been improved by the contributions of their members. I thank everyone, from all groups, who has contributed, and the House authorities and the technical wizards who made it all work seamlessly. It was a long but worthwhile day. It is an honour to wind on what I think will turn out to have been a significant debate.

There is usually little to say about why a Government, especially one recently elected with a huge majority, should bring forward a seemingly routine Bill for Parliament to consider. It would have probably appeared in their manifesto, it would have featured in the Queen's Speech, and it would have been preceded by consultation, a Command Paper or two and possibly pre-legislative scrutiny—although that, sadly, appears to be out of fashion these days. However, this Bill has left no such traces, apart from a vapid announcement and a pretty token consultation over the summer months.

During the debate yesterday, two rather different narratives emerged. On the one side was an assertion that this was a vital and necessary Bill that was required to ensure that the internal market within the UK worked smoothly with effect from the end of the transition period, with Part 5 tacked on just in case it became necessary to legislate if the joint committee failed to resolve issues related to the complex customs and single market situation in Northern Ireland. On the other side was a feeling that the Bill could not be supported as it stood because not only was it asking Members of this House to be complicit in a proposal to take powers to break the rule of law but it was damaging, possibly fatally, to the devolution settlement, was packed with egregious Henry VIII powers and was full of internal inconsistencies about how and to what effect the single market and state aid rules would operate after the transition period ended.

I am not by nature a believer in conspiracy theories, but the communique issued by the Cabinet Office after yesterday's withdrawal agreement joint committee meeting makes interesting reading:

"The UK reiterated its commitment to upholding obligations under the Withdrawal Agreement and protecting the Belfast (Good Friday) Agreement in all respects."

It is hard to accept that the Bill before us is just a cock-up, but perhaps only time will tell. Whatever its provenance, the elected House has asked us to consider it, and that is what we have to do.

Before we joined the EEC, we had a well-functioning internal market. We have now left the EU, and with that decision comes the imminent end of the rules governing the single market. How do we move forward, preserving the best of what we currently have? How do we ensure that consumers continue to benefit as they have in the past because of the way in which strong EU competition and state aid rules protected their interests? We do not believe that the proposition for a top-down, centralised standard-setting system contained in the Bill is right for the modern UK economy. The EU single market rules governed trade in goods and services across members states. They recognised the diverse economic, social and legal contexts of those states and harmonised practice, or set minimum standards, only where it was agreed that it was essential to support the market while observing the important principles of subsidiarity and proportionality. Why are these principles patently not in the Bill? The principles that are there, of mutual recognition and non-discrimination, are good in so far as they go, but they will not prevent local divergence or a race to the bottom on standards.

The sensible way of managing policy divergence within the UK internal market is by continuing to develop a suite of common frameworks; that is, agreed common approaches in areas previously governed by EU law but otherwise within the areas of competence of the devolved Administrations or legislatures. The common frameworks are intended to be agreed by consensus, and surely that is a prize worth waiting for. The UK Government have collaborated on a common frameworks programme for three years; many are close to final agreement, with the remainder being progressed at pace. Given how close we are to agreement, why does this Bill ignore rather than build on that programme? We intend to strongly challenge this approach. The Bill threatens to frustrate the progress made so far and to undermine future trust and co-operation because, to quote the chairs of the Constitution Committee and the EU Committee:

"The Bill provides the Government with powers to alter the competences of the devolved administrations and risks destabilising existing devolution arrangements."

The Bill also seeks explicitly to amend the devolution settlement to add the design and operation of a "subsidy regime"—it used to be known as state aid—to the list of reserved matters. This has been described as a "power grab", and it cannot be right for the UK Parliament to press ahead with legislation on an issue which is causing such genuine anger and concern. Again, it is difficult to see what is to be gained by pushing ahead with the Bill when so much needs to be determined about how and in what circumstances the UK wishes to evolve its state aid regime for the future. When we learn that the Government intend to follow WTO rules on state aid after 31 December, we ought really to start worrying. We will suggest that the new UK state aid system be run by an independent regulator with the power to rule against illegal subsidies, taking

[LORD STEVENSON OF BALMACARA]

an evidence-based approach to deciding when a subsidy is harmful or distortive. The OIM will not work unless it is independent, trusted and supported across the UK.

My noble friend Lady Hayter has outlined our approach to the CMA, and I repeat her call that the CMA's present structure is inadequate, not simply because it fails to represent the four nations but because it lacks a clear duty to place consumers at the heart of its work. Competition is undoubtedly an important way of avoiding consumer detriment, but it is not, and never will be, an end in itself.

As I have hinted, most of the speeches in this Second Reading debate have focused on the egregious Clauses 42 to 47. Despite amendments to the Bill in the Commons, it has not been improved by the additions made and the arguments put forward yesterday by a huge range of speakers from all parts of your Lordships' House were comprehensive and utterly convincing. As my noble and learned friend Lord Falconer and others reminded us, the tensions inherent in the protocol on Ireland/Northern Ireland were not hidden but were apparent from the outset. The breach of international law has been entered into knowingly. The Bill strikes at the heart not only of the protocol but of the withdrawal agreement. It could pose a threat to the maintenance of the Belfast/Good Friday agreement. In bringing forward the Bill, the Government alleged that the EU had not been acting in good faith, but they have not disclosed any evidence that it has acted in bad faith.

The government amendment in the other place does not alter the Bill's fundamental incompatibility with the withdrawal agreement. The Government's pre-emptive action has placed the United Kingdom in the wrong. The Bill has damaged the United Kingdom's international reputation as a defender of the rule of law. As my noble and learned friend said yesterday, we will invite the House to remove Part 5 of the Bill neck and crop, to use his colourful language, at the earliest opportunity, and we hope that thereafter we can work with all parts of your Lordships' House so that the House can do everything that it legitimately can to ensure that Part 5 remains removed permanently.

The amendments to this Bill put down by the noble and learned Lord, Lord Judge, and by the noble Lord, Lord Cormack, are supported by this side and, as far as I can judge, by the vast majority of your Lordships' House and by the country at large. If moved, we will support them. I expect that the Government will be humiliated by the size of the majority against them, and a message will go out to the EU and the world that at least this House has standards and principles that others can depend upon, even if the present Government have not. When the history of these troubled months comes to be written, it will not be kind to the current Prime Minister and his Cabinet.

1.31 pm

The Minister of State, Cabinet Office (Lord True) (Con): My Lords, obviously, I thank all those who have spoken in this long debate and, in particular, the noble Baroness, Lady Hayman of Ullock, and my noble friend Lord Sarfraz for their remarkable and uplifting maiden speeches. Sometimes all of us need uplifting, and long may they stay in this House to enlighten us.

This has been a serious debate, as is appropriate on serious matters of serious importance—the sustaining of the union of the United Kingdom and the building of prosperity in a climate of certainty and security for business. However, I had some reflections during the course of the debate, and at one point found myself asking whether Henry VIII's foundation of the Church of England was fully in accord with both our domestic law and international obligations.

I apologise if I cannot mention over 100 speakers by name when addressing the many issues raised, but I have listened carefully to every speech, shall respond as fully as I can on the main issues and will write to noble Lords on points of fact where that is not possible. First, I address points made on the main parts of the Bill, ably presented by my noble friend Lord Callanan, before I come directly to answer the amendments before us, on which the noble and learned Lord, Lord Judge, has indicated that—unusually—he wishes to divide the House at Second Reading.

I was pleased to hear understanding across the House for the purposes behind the Bill, even if we do not agree on it. There is agreement that commerce, services and professions must be enabled to operate freely across the whole United Kingdom. That is widely supported—indeed, demanded—by business, including in Northern Ireland. Without this legislation, there could be problematic divergence, putting at risk the seamless trade that businesses in Scotland, Northern Ireland, Wales and England enjoyed before we entered the EU, enjoyed in it and should enjoy hereafter. This Bill will protect trade and secure jobs across all parts of the United Kingdom after the end of the transition period. It will guarantee that UK businesses can trade unhindered in every part of the United Kingdom.

I assure those noble Lords who raised this that the Government will maintain the highest standards for consumers, workers, food and the environment. We have repeatedly stated our commitment to high standards. Under our proposals, the devolved Administrations will continue to have power to regulate within devolved areas, in so far as these do not cause a barrier to internal trade. We are committed to being a global leader in environmental protection and animal welfare standards while maintaining the high quality of our produce for consumers at home and overseas.

Some noble Lords, including those who spoke today, have questioned the need for the Bill, arguing that non-statutory arrangements may be enough. They fear that the Bill may restrict the freedoms of devolved Administrations. We have listened and will continue to listen to such concerns; we wish for close co-operation with the devolved Administrations—there is no so-called power grab here. Indeed, at the end of the transition period, hundreds of powers currently exercised by the EU will flow back to the UK, as the British people have asked. Many of the powers coming back from the EU fall within the competence of the devolved Administrations, which will see a major transfer of powers that before the EU exit they did not have.

As we set out in our White Paper, without an up-to-date, coherent market structure, economic barriers could block or inhibit trade in goods across the United Kingdom, and services could be significantly and detrimentally impacted. Future complexities could arise—

for example, differing qualifications for plumbers or technicians could limit access to skilled construction workers and make it harder for one nation's construction companies to bid for contracts in another. Such costs could ultimately reach consumers, increasing prices or decreasing choice. Significant and unmanaged economic barriers arising across the UK could not only cause serious harm to the interests of our business and consumers but threaten the prosperity of the UK economy as a whole.

I was pleased that so many noble Lords commended the common frameworks programme, which has been mentioned again today. It is an important process and one that will continue. We will update the House on progress as we work with our friends in the devolved Administrations in the months ahead and will study carefully the observations of your Lordships' Select Committees on this part of the Bill. I assure the House that this Bill does not make the common frameworks redundant, as many, including the noble Baroness, Lady Finlay of Llandaff, my noble friend Lord Dunlop, the noble Baroness, Lady Crawley, the noble and learned Lord, Lord Hope of Craighead, and the noble Baroness, Lady Andrews, fear. However, common frameworks do not replace the need for this Bill; they are a mechanism for collaborative policy-making in areas of returning EU law which intersect with devolved competence. They are sector-specific and allow for a deeper level of regulatory coherence, but they do so in a specific set of policy areas. While they remain a crucial part of our regulatory landscape, common frameworks alone cannot guarantee the integrity of the entire internal market.

The Bill ensures that areas without a common framework will still benefit from the regulatory underpinning and, crucially, market coherence will be provided for issues that fall around, or between, individual sector-focused frameworks. The Bill complements common frameworks by providing a broad safety net and additional protections to maintain the status quo of seamless intra-UK trade across all sectors of the economy. That will ensure maximum certainty for businesses and for investors, domestic and foreign. I am sure that all noble Lords support that objective. We look forward to pursuing these important issues in detail in Committee—and I give that undertaking.

Let me turn to the subject of most of the speeches yesterday—Part 5 of the Bill and the amendments before your Lordships. The future of our union and the sustaining of the Belfast agreement are at the heart of this Bill. A strong and open internal market with the ability to support all parts of our union and deliver prosperity for communities across the whole of the United Kingdom is something that we should surely all support. That includes Northern Ireland, as is affirmed in Clause 42 in Part 5. Support for free trade across the United Kingdom must extend to the good people and businesses of Northern Ireland; they are our countrymen and women, and part of our union. This Government will allow no foreign authority, armed with whatever pretext, high or low, to undermine the principle of free trade within our customs territory that has been fundamental since the Act of Union.

I am pleased to tell the noble Lord, Lord Browne, that EU state aid rules will not apply to Northern Ireland as they do today. State aid provisions apply

only to trade subject to the protocol, which is limited in scope to goods and wholesale electricity markets. Northern Ireland will therefore enjoy new flexibilities with respect to support for its service industries, including those with potential for rapid growth—for example, fintech and cybersecurity businesses.

I thank the noble and learned Lord, Lord Judge, and I hope that the House will forgive me if I send my good wishes to Lady Judge, and wish for a speedy recovery. I thank him for meeting me; I understand why he cannot be here today, and I thank him for sharing with me his thoughts on this part of the Bill. As we have heard, his objections fall not on the objective to safeguard our union and the Belfast agreement, but on his strongly held sense, held by other noble Lords who have spoken, that Part 5 of the Bill, sent to us by another place, undermines the rule of law.

We share a full and fundamental respect for and belief in the rule of law. That is not something handed to us from outside by some directive or convention. It was won in the sacrifice of civil war and affirmed in the Glorious Revolution, the Bill of Rights and the Claim of Right, since when our parliamentary Government and rule of law, as many have said, have been an inspiration to the world.

The Government do not believe that the limited, contingent proposals in this Bill change that position. They do not accept that these safeguard provisions render our country, as has been claimed, an international pariah, or justify, as was asserted, murderous actions by others. People are still talking to us. Indeed, your Lordships' Constitution Committee said in paragraph 171 that in

“domestic law, it is correct that Parliament may enact legislation which”

infringes

“international obligations.”

This Bill does nothing to abrogate our commitment. We are committed to implementing the withdrawal agreement and the Northern Ireland protocol, and have already taken many practical steps to do this. We continue, as the noble Lord opposite said, to work with the EU in the joint committee set up to address uncertainties and incompatibilities in parts of the Northern Ireland protocol. We hope we may resolve the outstanding issues and avoid the maximalist interpretations by the EU that might lead to a situation where tensions arise between our domestic obligations and our international commitments and we have to act to resolve them.

We cannot guarantee that agreement will be found. The fact remains that we have not reached agreement. Last Thursday the EU summit appeared explicitly to rule out a Canada-style deal. It effectively restated its opening position in the negotiation as its present position, and instructed the UK to move. As my right honourable friend the Prime Minister said last Thursday, the EU has

“refused to negotiate seriously for much of the last few months”.

We must therefore address the contingent possibility that a threat to the union and to the Belfast agreement might arise. The provisions in Part 5 of the Bill are about creating a legal safety net, taking powers in reserve whereby Ministers could act to guarantee the integrity of the United Kingdom and protect the

[LORD TRUE]

peace process. The Government never have and never will seek north-south barriers in Ireland; equally, we cannot accept east-west barriers in our customs territory. The imperative here is balance. The prerequisite is reason. In the difficult and highly exceptional circumstances in which we find ourselves, it is right that we take these precautionary steps now.

I can also confirm to the House, as asked by the noble and learned Lord, Lord Falconer, that we will take action, if necessary, in a finance Bill in 2020, to address the issue of tariffs.

We are clear that we are acting in full accordance with UK law and the UK's constitutional norms in our actions. We do not take this action lightly or without good reason.

Your Lordships will have every chance to consider these matters in Committee, and consider them we must. We cannot set aside our constitutional duty to scrutinise a Bill that has passed through the other place with a healthy majority, as was said by the noble Lord opposite. To do so would be a failure to fulfil our revising purpose. Neither amendment before your Lordships refuses that. They accept Parliament's right to receive and consider legislation such as this. The effect of the amendments is declaratory. As such, their purpose is to send a message. I hear the message about the importance of the rule of law. We can all assent to that. The noble Lord opposite used the language of "message". There is another message that some will hear; a message, as he said, to the European Union: if the UK Government and the elected Chamber refuse to accept the EU's most encroaching demands, your Lordships will deny the UK Government a contingent power to protect our union and safeguard the Belfast agreement.

That, and, still more, a threat to destroy this whole Bill, would be a heavy missile to launch at what is a profoundly delicate state of negotiations, when this Government are seeking to fulfil the firm resolution of the people of the United Kingdom that this country should be a fully independent state. That is the context of these proposals. I am deeply mindful of the wise words of my noble friend Lord Hunt of Wirral and the noble Lord, Lord Skidelsky, that this House should not tie the hands of this Government at this time.

It is the Government's sincere wish that these provisions need never be invoked. We have listened to the views of those concerned and amended the Bill so that Clauses 44, 45 and 47 can be commenced only following approval by the House of Commons. In addition, I can confirm to my noble friend Lord Lamont that regulations under Clauses 44 and 45 could be made only following approval by Parliament as a whole, which includes your Lordships' House. In circumstances where your Lordships have the power to set a staying hand, at a time when we will know the state of negotiations between the UK and the EU, it would seem quixotic to threaten, as the noble Lord, Lord Butler, did, to destroy the whole Bill now.

My noble friend Lord Bridges posed a question. The Government do not consider that these clauses, as and when the Bill is enacted, of themselves breach Article 4 of the withdrawal agreement, which requires

that those provisions of EU law made applicable by the withdrawal agreement are given effect in domestic law in the UK in the same way as they are in EU member states. However, there is a political question before us as well as a legal one, and a balance of judgment to be made in the national interest. I repeat: the fact remains that there is no negotiated agreement, and the Government must be realistic that we are barely more than two months away from the end of the transition period.

I do not accept strictures around morality, although I note with interest that I now have to seek moral guidance in the House journal of Mammon. It would be irresponsible not to have measures in place in our domestic law that allowed Ministers to protect the UK's internal market and the Northern Ireland peace process. The Government are making sure that the protocol is implemented in a way that works for Northern Ireland; that is, in a flexible, pragmatic and proportionate way, in line with the approach set out in our May Command Paper. That approach was broadly welcomed by the majority of businesses and political parties in Northern Ireland and is the basis on which we have been negotiating and will continue to negotiate with the EU. However, we cannot and will not allow harmful legal defaults under the protocol to take effect.

In all circumstances, Northern Ireland is and must remain part of the UK customs territory, with genuine unfettered access to the rest of the UK internal market. We must at the very least avoid the European Commission applying its state aid rules to companies in Scotland, Wales or England with no link, or only the most trivial one, to Northern Ireland.

As we have made clear, if these measures were ever needed, their commencement would be subject to a vote in the other place and a take-note debate in our House, as set out in the Government's Statement on 17 September. Your Lordships would have the opportunity to vote against the necessary statutory instrument, although I of course hope you would not be so inclined—one has to travel in hope.

The rule of law is a great matter, and the integrity of this union is also a great matter. There is a balance to be struck in these difficult times, and proportion to be found. We believe that these measures, with all the safeguards I have mentioned, strike that balance without tying the hands of the Government at a critical time.

What is potentially proposed is not an armed invasion of another nation but a contingent and potential power, subject to safeguards, which the Government have stated they hope need never be invoked. It is presented to Parliament fully in accord with our constitutional norms.

I urge noble Lords to support the Bill and not to support the amendments in the names of the noble and learned Lord, Lord Judge, and the noble Lord, Lord Cormack.

1.49 pm

Lord Judge (CB) [V]: My Lords, I thank everybody who has taken part in this debate, including those who disagree with me. I welcome the noble Lord, Lord Sarfraz, and particularly the noble Baroness, Lady Hayman—I am sure the noble Lord will not be upset with me if

I say that it is an absolute delight to know that there are now three Members of your Lordships' House who support Leicester City Football Club.

The debate has reinforced my anxiety about the Bill. If it is enacted, we shall be giving the Executive the most extraordinarily wide powers, and until the debate I had not fully appreciated the dangers to the union of giving the Executive in London effectively uncontrolled power over the way in which the internal market will work. That reinforces my anxiety. I wish to make just a couple of points.

I notice that the Minister has not resiled from the proposition which some of those who support him were keen to advance: that the Bill, if enacted, would not break international law or break the law. That it would not break the law seems a crucial element in this. The fact of the matter is that the law would be broken. The Minister in the other place said so; the Treasury Solicitor resigned; and the noble and learned Lord, Lord Keen, resigned. There can be no getting away from it, and, to be fair, the Minister in our House has not sought to do so. That is the starting point.

I then listened to a number of arguments suggesting that the Government are entirely justified anyway because the EU has been acting in bad faith. Although the Minister did not use those words, he just touched upon it by referring to the way in which the negotiations had broken down and to the Prime Minister describing how the EU was refusing to negotiate. If any of that has force, the remedies are there to be found within the Act, the agreement, the protocol and within the ordinary rules which govern international treaties where one side is breaking the purpose and spirit of the agreement. That is the remedy that should be sought if there is indeed bad faith by the EU.

I expect the negotiations to be tough—that is the whole point of them. I hope that our negotiators are being tough—that is what they are there for. That is a very far distant cry from bad faith. No evidence of that has so far been shown to any of the committees which examined these issues; indeed, apart from the most recent observation by the Minister before us today, there is no evidence. Therefore, we are dealing with a hypothetical situation, which is: “We may need these powers at some stage.” Maybe we will; I hope not. If we do, it is perfectly open to the Government to come back to us, to Parliament, to put before us emergency legislation and for both Houses to sit as long and as late as necessary to examine the proposals, and, if they are satisfactory, to endorse them.

I shall not go through the arguments that were deployed before your Lordships' House yesterday. I add merely that you do not have to be a lawyer to understand the rule of law, and you certainly do not have to be a lawyer to understand when you are giving powers away. That is what the Bill will do. You do not have to be a lawyer to understand the reputational damage to the United Kingdom. That is what this situation will do. We cannot resile from the fact that we are breaking the law if the Bill is enacted. That is what the Government say. That is why, while I quite understand the Minister's anxiety about the future and I share his concern about it, I will seek the views of this House.

Just before I finish, I thank the Minister for his courtesy and good wishes.

I seek the opinion of the House.

1.55 pm

Division conducted remotely on Lord Judge's amendment.

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Lord Judge's amendment agreed.

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2.08 pm

Lord Cormack's amendment not moved.

Motion on Second Reading, as amended, agreed to.

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

United Kingdom Internal Market Bill Order of Consideration Motion

2.09 pm

Moved by Lord True

That it be an instruction to the Committee of the Whole House that they consider the bill in the following order:

Clauses 1 to 10; Schedule 1; Clauses 11 to 17; Schedule 2; Clauses 18 to 30; Schedule 3; Clauses 31 to 56; Title.

Motion agreed.

2.10 pm

Sitting suspended.

Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 5) Regulations 2020 Motion to Approve

2.15 pm

Moved by Lord Bethell

That the Regulations laid before the House on 24 September be approved.

Relevant documents: 26th Report from the Joint Committee on Statutory Instruments (special attention drawn to the instrument) and 28th Report from the Secondary Legislation Scrutiny Committee

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, it was necessary to make these regulations against an increase in transmission at local and national level. Although the new local alert regulations have since superseded many of the provisions of the regulations, I welcome the scrutiny from this House on the changes that they brought in and, in particular, on key aspects that remain in force. These include regulations that introduced the 10 pm curfew in these areas—a measure that has attracted considerable interest in the Chamber, and I welcome the opportunity to give this component of a broad suite of important measures the scrutiny that it deserves.

The regulations, SI 2020/1029, tightened the No. 2 regulations in key respects that have attracted considerable comment. The important modifications were necessary due to an increase in the prevalence of the virus.

[LORD BETHELL]

The ONS estimated that coronavirus had doubled in this area in the month up to 13 to 19 September to one in 500 people. From Thursday 24 September, the day that the SI was made, the following changes came into force: early closure of premises selling food and drink between 10 pm and 5 am, the restriction in relevant hospitality venues to table service, the removal of exemption to the rule of six for adult indoor sport, new penalties on individuals for breaking the rules to a maximum of £6,400, and some other measures. Changes from Monday 28 September included changing the exemption to the rule of six for weddings and wedding receptions to a limit of 15 people, limiting life-cycle events to six people, and raising penalties to a maximum of £10,000 for businesses that are not following Covid-secure guidelines.

SI 2020/1057 came into force on 30 September with two main aims. First, it introduced household mixing restrictions in all indoor settings. The regulations prevented people from mixing with other households in any indoor settings, including venues such as pubs and restaurants. The regulations also moved local authorities in Merseyside and Lancashire from the north-east and north-west regulations into the north of England regulations, so that those areas were not subject to the additional household mixing restrictions. Secondly, that SI amended two sets of national regulations by disapplying some gathering provisions and defining “indoors”, which was necessary to bring parity to the rules for indoor settings.

Most of the amendments in both SIs are no longer in force because the local alert-level regulations have replaced them. However, SI 2020/1029 is still required because it increases the level of fines that would apply to those flouting targeted action to close specific outdoor public places. This has been one of the top demands of councils in their fight against coronavirus. Similarly, a majority of the measures in SI 2020/1057 have been replaced by the local alert-level regulations. However, some amendments continue to apply, such as those that insert a definition for “indoors”. It has been necessary to maintain these regulations to ensure that the requirements on business, as provided under the obligations of undertakings regulation, continue to support the Covid-19 response.

I also want to take this opportunity to say a word about the 10 pm curfew. SAGE has highlighted that alcohol consumption may increase the risk of non-compliance with social distancing, and that hospitality settings are therefore associated with increased transmission. Given my 10 years’ experience at the front line of the late-night entertainment industry, to me this feels like a statement of common sense.

This epidemic is unprecedented. It is not possible to run randomised trials or controlled experiments, so we rely on our recent experience for the science. The views of our analysts are clear. In a Centers for Disease Control study of symptomatic patients from 11 US healthcare facilities in July 2020, adults with confirmed Covid-19 were approximately twice as likely as control participants to have reported dining at a restaurant in the 14 days before becoming symptomatic. Public Health England data shows that, between 3 August and 27 September, at least 148 outbreaks occurred in

restaurant and food outlets. The PHE surveillance from 21 September to 27 September showed that 13% of those testing positive had eaten out around the time of their likely infection. Police data on street anti-social behaviour suggests that 10 pm is an inflection period in the night. Of course, we have the example of the Belgian authorities in Antwerp.

The prevalence of the disease in the younger demographic is a further clue to how the virus operates. Our initial experience suggests that the 10 pm curfew has struck the right balance, allowing businesses to trade for the majority of the evening while reducing the risk of compliance with social distancing measures breaking down. It has sent a signal to people, particularly young people, that socialising in a way that breaks social distancing is a sure way to transmit the disease. Engagement with local authorities is, and will continue to be, a key part of this and other response mechanisms.

We are not alone in our decision to ask pubs, restaurants and cafés to close early. Denmark, which had taken a more relaxed approach up to this point, is now asking hospitality settings to close at 10 pm. Urban areas in Spain and Germany have a curfew at 11 pm. Across Italy, there is a midnight curfew for all hospitality settings and a 9 pm curfew for those that do not offer table service. Nine cities in France, including Paris, have a curfew of 9 pm. In other countries, a curfew has been placed on other commercial and retail businesses. In Belgium and the Netherlands, there is an 8 pm curfew on the sale of alcohol. We are also seeing countries or areas that are experiencing steep rises in coronavirus cases go a step further in closing hospitality businesses altogether, allowing only takeaway services and outdoor dining. This is true for Belgium, France, Catalonia in Spain, the Netherlands and, most recently, the Republic of Ireland.

I am grateful for noble Lords’ contributions to these debates and continued patience and scrutiny. I take this opportunity to thank in particular the Joint Committee on Statutory Instruments for its reporting on both SIs, acknowledging that there were drafting errors in SI 2020/1029 and the Speaker’s letter being late for SI 2020/1059. We aim to meet our obligations to Parliament, the public and the statute book in making these regulations.

I have heard the numerous concerns from noble Lords. I commend the efforts of the usual channels to programme the business of the Chamber. I believe that these regulations are proportionate and necessary to protect the public from the spread of coronavirus. I beg to move.

Amendment to the Motion

Moved by Baroness Jolly

At end to insert “but that this House regrets that, given the significant impact on the hospitality industry, Her Majesty’s Government have not outlined the scientific evidence behind the 10.00pm curfew, and that they have not sufficiently consulted local authorities and law enforcement agencies to ensure that the provisions are effective and enforceable.”

2.23 pm

Baroness Jolly (LD) [V]: My Lords, I am looking forward to this debate. A two-minute speaking limit really focuses the mind and the pearls of wisdom do not get lost among preambles and conclusions.

It seems a very long time since we had our first Covid SI debate. SAGE, the Prime Minister, the Secretary of State and the Minister have all wrestled with various aspects of handling this virus. We know more about it now, yet we have not yet managed to tame it. Despite optimism, it will probably take some time before we will be safe and feel safe wherever we go. I suspect that localised flare-ups will be with us for some time.

Questions have been asked as to why restaurants and pubs that serve food might be closed to control outbreaks of Covid-19 when many outbreaks are in private households and very few confirmed outbreaks have been linked to settings such as pubs and restaurants. However, a leading public health expert has said that while the question is understandable, it arises from a misinterpretation of the data. Professor Philip Nolan, who chairs the National Public Health Emergency Team's Irish Epidemiological Modelling Advisory Group, has said the idea that very few cases are connected to such social settings

"is misreading and misinterpreting the data on outbreaks and clusters."

Professor Nolan explained that contact tracing resources are concentrated on where the virus is likely to spread to, rather than on where it has come from. He gave the example of someone who contracted the virus in a restaurant, saying it will then have "multiplied silently" inside them for three days before they

"started shedding virus, and potentially infecting others"

for two days, at which point they may then become symptomatic, self-isolate and, he hoped, get a test. If they test positive, contact tracers will usually ask them only about the previous 48 hours, when they were potentially infectious, and not the day five days earlier when they contracted the virus in the pub or restaurant. The individual's contacts will then be tested. If their family members test positive, it becomes a household outbreak. The original case is classed as a community transmission, even though the individual

"got it in a restaurant and brought it home."

We know that public health officials would like to go back and find out where people are getting the virus but we know they do not have the time or resources to pursue this exercise. International evidence shows that social settings, including bars and restaurants, drive community transmission. Unless we stop mixing in these settings, we know the disease could spiral out of control. All this is despite the hard work of those working in cafés, pubs and restaurants to minimise the risks, knowing that their livelihoods are at stake.

Indoor venues, including bars and restaurants, have long been considered particularly vulnerable to the spreading of the virus. Dr Julian Tang, a professor in respiratory sciences at the University of Leicester, says:

"Wherever you get people crowded together, for example concert halls, cruise ships, house parties, bars and pubs, you risk spreading a virus".

UK coronavirus cases were up by 17,540 on Thursday. Dr Tang says:

"If people are sitting near each other talking without face masks or coverings, it can maximise the amount of spit droplets that are transferred between people".

His research also highlights the potential risk if the virus is projected into the air while breathing and talking, where it stays suspended and may then be inhaled by others.

I have started to look at how other parts of world have been handling this epidemic. The case of Taiwan is particularly interesting. One of the main reasons for Taiwan's success in containing the virus is speed. I suspect that another reason is lessons learned from the 2003 SARS outbreak, when Taiwan was hit very hard and started building up its capacity to deal with major pandemics. Late in 2019, when it heard there were some secret pneumonia cases in China where patients were treated in isolation, it knew it was something similar. The island's leaders were quick to act as rumours spread online of an unidentified virus in Wuhan and unconfirmed reports of patients having to isolate. Taiwan began screening passengers arriving from Wuhan and early travel restrictions were put in place.

As much of the world waited for more information, Taiwan activated its Central Epidemic Command Center to co-ordinate different ministries in the emergency, and the military was brought in to boost mask and PPE production. The other major decision was to wear masks and promote handwashing from the outset, and to go into lockdown from 23 January. Those initial early responses to the outbreak in China were critical in preventing the spread of the virus in Taiwan, potentially saving thousands of lives.

Mask wearing is now normal in Taiwan, the washing of hands is second nature, and since April only seven Covid deaths have been recorded. Taiwan has no curfews and its residents eat in crowded restaurants. It seems that, from the outset, the population paid attention to public health advice and have reaped the dividend.

Taiwan looked at the evidence and asked its citizens to comply, and they did. Taiwan worked at messaging, as I am sure we have done, but it might be worth reviewing the messaging for the next time. I also commend Learning Disability England for the Covid materials that it has produced for people who find it difficult to read.

I look forward to the debate and I hope that the Minister will get some suggestions from noble Lords. Our major cities have been in the spotlight over the past few weeks: Leicester, Newcastle and now Manchester. I wonder how well the Prime Minister knows that city and, when he was the Mayor of London, what he would have felt if David Cameron had kept telling him what needed to be done.

My amendment states:

"this House regrets that, given the significant impact on the hospitality industry, Her Majesty's Government have not outlined the scientific evidence behind the 10.00 pm curfew, and that they have not sufficiently consulted local authorities and law enforcement agencies to ensure that the provisions are effective and enforceable."

As far as the data is concerned, I have found papers which suggest that close conversation is enough to transfer the virus, but the Government have chosen

[BARONESS JOLLY]

not to use it or quote it. Close quarters in a pub are part of the ambience, and for regulars it must seem galling to distance. However, I have also outlined what is possible if masks are worn, as in Taiwan. I beg to move.

2.33 pm

Lord Hunt of Kings Heath (Lab): My Lords, it is a great pleasure to follow the noble Baroness, Lady Jolly, because she has put some pertinent questions to the Minister—not least about the evidence behind the 10 pm curfew. He made a few comments in his introductory remarks, but I am still at a loss to understand the scientific rationale behind it.

I would also say to the Minister that the implications on the hospitality sector are absolutely devastating. Now that Greater Manchester is to have the imposition of tier 3 on it, without agreement with the mayor, the devastation of the hospitality industry in Greater Manchester will be profound. Surely, at the end of the day, we deserve some form of explanation about the scientific evidence behind the decision that has been made.

I shall turn to the West Midlands, which is the subject of the second order before us. The noble Lord will know that the Conservative elected Mayor of the West Midlands and the leader of Birmingham City Council, Ian Ward, are concerned about the implications of tier 2 because the big impact again will be on the hospitality trade, which is a massive employer in the region. From the figures, the number of infections caused from that quarter is very small when compared with family contacts. Given that the level of trust in government is—shall we say and to put it at its mildest—fragile, it is very important that we understand the rationale for these measures.

I will come back to the point that the Government turned down the SAGE advice for a sharp circuit-breaker. Yesterday, Mr Gove suggested that the Government have rejected circuit-breakers for all time. Can the Minister confirm whether that is now government policy?

2.35 pm

Baroness Barker (LD): My Lords, when introducing this measure in the Commons on 13 October, the Secretary of State, Matt Hancock, made a very important statement:

“The powers in SI 1029 are therefore revoked. In practice, the effect of SI 1029 is to deliver enforcement against individual places that have been flouting the rules, which is the one of the top demands of councils in their fight against coronavirus.”—[*Official Report*, Commons, 13/10/20; col. 199.]

Why has it taken six months for the Government to understand what it is that the people in charge of the local enforcement of these laws need both in local government and in public health?

I listened carefully to the way the Minister introduced this measure. The only data he has given us is about the increase in transmissions, and the only data we seem to have is about the Government’s failure. He talked about the fact that SAGE may regard this as being a way of controlling the virus and about the police saying that they think that 10 pm is an infection point. That is not a strong evidence base on which to

curb the liberties of individuals and is not one in which the public can have faith that what is being done is the right thing.

Last week, the Minister talked about how we still do not know how infections are getting into households because the major route of transmission is within them. We will not know until our track and trace system is much better than it has been to date, for all the money that has been thrown at it, and until we are as vigorous in using the data and getting measurements that are much more granular and detailed, and then giving that information to the people who really know how to use it rather than sitting on it within the NHS Test and Trace, which clearly does not.

2.37 pm

Baroness Altmann (Con): My Lords, I have sympathy with my noble friend on the Front Bench and I have great admiration for the work that he is doing in this area. But I also have sympathy with the statements which have already been made by other noble Lords. I have continually asked for a broad impact assessment of the damage being caused by these measures. How does the 10 pm curfew work? Why can cinemas stay open after 10 pm but not other hospitality venues?

We seem to have a hokey-cokey policy here. One minute, Durham is in while Gateshead is out, and Newcastle is in and Northumberland is out. On 22 September, Merseyside and the majority of Lancashire were in, and then on 26 September Blackpool went in as well. How are ordinary people who are living in these areas meant to keep up with all of this?

The ONS estimates that 85,400 people have died at home in England and Wales this year, some 25,000 more than the five-year average. That represents around 500 people a day. We seem to be trading off cancer deaths against Covid deaths, with bowel cancer endoscopies running at only 12% of their usual levels. Other checks, such as people not seeing their dentist, mean that head and neck cancers, breast and oesophageal cancers are not being spotted. This will lead to thousands of deaths.

I understand that the Government are facing difficulties in the current situation and that the desire to lock down is great, but just hiding people away is not necessarily the answer to solving the problems we are facing as a country not just from one illness but from all the other dangers that are around us.

2.39 pm

Lord Bilimoria (CB) [V]: My Lords, business and government must work in partnership to reduce transmission while keeping the economy moving. Business is keen to see maximum transparency on the evidence being used to make decisions. The Minister has attempted to justify the 10 pm curfew. Can he please explain why Public Health England data, starting from the week that pubs reopened in early July, showed that food outlets and restaurant settings had only 5.18% of cases, in which case the 10 pm curfew is unnecessary?

A major announcement was made yesterday, which I found tucked away on the seventh or eighth page of a major newspaper. The Government have secured up to

20 million 15-minute test kits to be fast-tracked to Covid hotspots. Will the Minister confirm the wonderful news that this new lateral-flow technology, which provides rapid results, can be used at airports, public venues, schools, factories and universities? Where are the Government planning to distribute these tests? Will they be made available to hospitals, care homes, schools and universities?

This is a game changer; it will help the economy to get back to normal and to fire on all cylinders. It is probably the most significant news we have heard, among all the doom and gloom of the past weeks and months. I believe it is called the SARS-CoV-2 Antigen test, manufactured by Innova, and tried and tested. This is excellent news. It is swab-based at the moment, but perhaps there will be a saliva version soon. I am told that it costs around £15 and that it is very accurate, with 100% specificity and 96% sensitivity. Could the Minister confirm this good news and when this can be ramped up around the country?

2.41 pm

The Lord Bishop of London: My Lords, I am grateful to the Minister for the work that he and others are doing to make decisions at this very challenging time. The regulations we are debating relate to health protection restrictions and fines. However, I wonder whether our approach to public health protection and restrictions during the pandemic needs to pay more attention to a bottom-up approach of wisdom, rather than simply relying on top-down pragmatism and the push and pull of financial incentives. Last week, the right reverend Prelate the Bishop of Manchester highlighted how policies, such as fines, are out of touch with many. It has led to frustration and resentment nationwide.

Our current crisis highlights the need for a whole-systems approach to public health. We need to reinvest in our public health practitioners on the ground, working in and with communities, such as public health nurses, who understand and work with their community to ensure that health and well-being are maintained. They can provide grass-roots insights, learning the needs of local people and business owners and, therefore, how to bring about change in behaviour. In this way, rules that come down from the top are informed by real experiences from those on the ground, from the bottom up—public health professionals, with their knowledge, skills and relationships, working with people and the population to promote well-being. This approach is often seen in those countries doing far better with Covid-19 than we are.

In times as fractured as these, we must extend trust and power to those most familiar with their situations and best equipped to bring about change and rely less on disengaged push-and-pull financial incentives to influence behavioural responses. What is being done to ensure that future restrictions are better informed by local wisdom as well as science?

2.43 pm

Lord Adonis (Lab): My Lords, it is vital that schools are kept open, wherever possible, and that full online learning is provided where they cannot be. I will ask the Minister five specific questions about what is going on in the schools sector. The first is on the

closure of schools. Under the tier 3 regulations, schools will be the last institutions to be closed. According to the Government's guidance, schools will be the last sector to shut, if further restrictions are required. But the Welsh regulations, which were introduced today, have closed secondary schools beyond year 8 for the first week after half-term. Will the Minister assure the House that similar regulations will not be introduced as part of tier 3 in England?

Secondly, even when schools are open, a lot of pupils are being sent home because of Covid infections, but there is no uniformity in the definition of the rules by which they should be sent home, how bubbles are defined and how many students are sent home, depending on how many have been infected. The latest figures show that only 68% of schools do not have substantial closures and one in 10 students is not in school, with whole year groups often being sent home because of one or two infections. I am told by head teachers that there is no adequate guidance on this from the Department for Education. They would like pupils to be sent home only when infections are traced to groups that sit together. This would dramatically reduce the incidence of pupils being sent home and schools being closed and would bring the state system in line with the private sector, where very few pupils are being sent home.

Thirdly, this time, unlike the last closure, the temporary continuity direction provides that there should be online learning, but there are no standards of provision for what it should constitute. Ofsted is inspecting online learning, which is a big step forward from last time. Will the Minister undertake to provide the lessons of that to all schools?

I will ask the last two questions quickly. Where online learning is required, because pupils have been sent home, the provision for laptops to be given to poor students is not uniform. Many schools are finding that they can apply for free laptops only after the pupils have been sent home.

Baroness Penn (Con): My Lords, could the noble Lord respect the time limit for his speech?

Lord Adonis (Lab): Will the Minister undertake that all schools are able to apply for laptops upfront, without having to wait until pupils are sent home?

2.46 pm

Lord Blencathra (Con): My Lords, I support these regulations, and I apologise to the Minister, because that is probably the most helpful thing I will say in the next two minutes. I am heartily sick of the media producing so-called experts who contradict everything Whitty and Vallance say within seconds of their briefings concluding. There is a never-ending stream of attention-seeking professors who are undermining public confidence in everything the Government do.

The others undermining government efforts are the police service of this country. I was a Police Minister and I defended the police every day of my life, but no more. They are a national disgrace, because they are deliberately refusing to enforce the laws passed by this Parliament. The *Times* revealed yesterday that, despite tens of thousands of breaches of the face-mask-wearing

[LORD BLENCATHRA]

rules in shops, in the last three months, three-quarters of the police force have not given a single fine for breaking the law, and only 28 fines have been handed out by the rest of the police. They have just handed out 18 fines for mass lawbreaking. No wonder Covid is on the rampage in some of our major cities, when people see the police turning a blind eye to blatant law-breaking.

Can we also stop these idiotic euphemisms of circuit breakers and fire breaks, which are just code for total shutdown again? Shutdowns do not cure Covid; they just suppress it for a few weeks, then it takes off again. We have to learn to live and die with it, and survive by using social distancing, face mask wearing and handwashing.

We are told by the Government that we have to save the NHS, but why? I thought the NHS was supposed to save us, not the other way around. We are told the NHS must not get overwhelmed, but it already is. In its fetish to empty hospitals in case Covid kicks off, it has dumped tens of thousands of cancer patients and people with heart attacks, strokes and other serious illnesses. Some 90% of operations and treatments have been cancelled. These people will die prematurely and that is a disgrace. We can all clap the NHS medical staff, but the incompetent NHS bureaucracy is still stuck in Soviet-style government.

2.48 pm

Lord Scriven (LD): My Lords, the 10 pm curfew is a bit like the captain of the “Titanic” using a hairdryer to try to melt the iceberg he is hurtling towards: the impact is marginal and it will not work. Now that this measure has been set and the law has been passed, what is being used to measure the impact of the 10 pm curfew empirically?

As I said in a previous debate, I believe in looking at real people in real communities up and down the country, so this time I will use the community I live in. It has a population that is about 40% transient professionals, young professionals and students and 60% permanent residents. We have noticed—this is not just students and young professionals, but other people as well—that the 10 pm curfew has had consequences that might be unintended, but I will warn the Government about.

More people are pre-loading—buying and drinking more before they go out to the pub. They are then concertinaing their drinking when they are at the pub because they know that there is the 10 pm curfew. They are then asked to leave at 10 pm, full stop. We have gone from Eat Out to Help Out to “drink up and sod off” at 10 pm. People are going out, playing cricket, watching football penalty shoot-outs, and congregating in great numbers. They are then going home and having parties above the number of six. The hospitality industry is suffering and so is public health, because it is concentrating people in homes and in areas outside at 10 pm.

It is quite clear that this is not working. It is having a detrimental impact on public health. I believe it is also having a detrimental impact on the hospitality industry. That is why I support the amendment to the Motion.

2.51 pm

Baroness Stroud (Con) [V]: My Lords, I have the greatest respect for my noble friend Lord Bethell, but I ask him to rethink the Government’s approach to the pandemic. China was the first country to be impacted by Covid-19 and its response has framed the context for the rest of the world. Its approach moved to withhold information about the virus, restrict the freedoms of a people and lock down its economic engine. Such actions are consistent with ranking 90th in the index for governance and 159th for personal freedom, but these are not the actions that build prosperity; they are the ones that weaken it.

As a democratic nation built on the principles of good governance and personal freedom, we should be finding ways through this crisis that speak to the power and strength of who we are and the values of our democracy. We need to have our eyes focused on what builds prosperity so that we emerge out of this crisis intact. Prosperity is built when Governments make decisions in such a way that engenders trust and with integrity, respecting the freedom of their citizens. Prosperous nations are ones where Governments govern with the agreement of the people and where citizens take responsibility. This should be borne in mind as discussions take place with Manchester and other cities.

Economic decisions must be taken responsibly to sustain an enabling environment for productive employment, sustained economic growth and personal development. Given that only 3% of reported cases come from the hospitality sector, we need to think again and at the very least make a distinction between restaurants and late-night activity, as the Minister referred to. The ease with which he listed the practice of curfews across different nations is chilling in the least. This should concern us.

The principles of personal responsibility and freedom go hand in hand. Citizens must be free and order their lives to take responsibility for their own families and communities. If we keep announcing rule after rule to our citizens, we will not allow the people of Britain to take responsibility and work with us.

Prosperous nations are built on trust and respect. Let us find a way to keep our restaurants open and businesses going. Let us create a way of working with the people of Manchester—

Baroness Penn (Con): My Lords, I need to remind the noble Baroness about the time limit.

Baroness Stroud (Con) [V]: Let us trust people to work with and take care of their own health. This is the sort of nation I believe us to be.

2.54 pm

Baroness Fox of Buckley (Non-Afl) (Maiden Speech): My Lords, it is a great pleasure to speak for the first time in your Lordships’ House. I thank all the wonderful staff here, especially the security guards, who have taken me under their wing and ensured that I have found everywhere from the Salisbury Room to the smoking outpost, and of course to the doorkeepers, who have gone out of their way to find me a seat each day so that I can watch the Chamber close up and learn.

I am particularly honoured that my two supporters are both renowned public intellectuals whom I have admired for years: the noble Baroness, Lady Wolf, whose invaluable educational research has ensured that those young people who do not go to university are not forgotten, focusing on the importance of training and the further education sector, where I lectured for many years; and the noble Lord, Lord Glasman, who has long been an inspiration, with his advocacy of communities and their values, and who never shies away from speaking truth to power.

And I thank you, my Lords, for being gracious enough to accept me. Let us be frank: my appointment is not uncontentious. I believe in speaking frankly, but mainly I stand before you as a democrat. While I am not formally accountable, I consider myself answerable to over half a million voters who elected me as a Brexit Party MEP for the north-west, and to the millions who recently declared forcefully, “We want more control over our laws, our lives, our liberties”.

These aspirations might have been temporarily suspended by emergency measures such as those being discussed today. However, the new normal should not mean riding roughshod over people’s freedom. Civil liberties, hard fought for by our forebears, should not be dismissed as a secondary inconvenience, some libertarian eccentricity. Regulations that pose a threat to the livelihoods, social bonds and public life of our fellow citizens need the fullest possible debate.

Debate is the bedrock of democracy and close to my heart. In 2000, inspired by the Enlightenment slogan “nullius in verba”—“on the word of no one”—I set up the Academy of Ideas. Since then, we have organised myriad conferences, salons, the annual Battle of Ideas festival and an international school debating competition, all to expand the boundaries of public debate.

However, debate is increasingly threatened by the mantra, “You can’t say that”. Friday’s barbaric beheading of a teacher in Paris is an extreme example of a growing censorious climate in which saying, “I find that offensive”, is used to silence people. I hope I will find allies in this House, with centuries of debate to its name, who will challenge this new cancel culture, which makes many fearful of speaking their minds.

Meanwhile, the assumption that there is only one correct view, whether on statues or lockdowns, makes a mockery of freedom of conscience. There is not only one way to deal with this pandemic, in fact, so let us not shy away from difficult conversations. Physical lockdown should not mean that free speech is locked down. I hope this House will lead robust national debates on Covid, but also on threats to freedom of expression itself. I am glad to be with you.

2.57 pm

Lord Moylan (Con): My Lords, it is a great privilege to speak after the noble Baroness, Lady Fox of Buckley, who brings to the House her experience of the European Parliament, where she represented the north-west of England. Like many of her constituents there, she is and has been a doughty defender of Brexit and taking back control of our laws. She also has the unique distinction of being the longest-serving panellist on the BBC’s programme “Moral Maze”, dispensing ethical

guidance to the nation. I am sure that if noble Lords felt they would like some ethical guidance, she would be willing to offer an open ear. She is a defender of free speech, as we have heard—a cause that must commend itself to your Lordships’ House, which manages to combine freedom from legal limitation on what it says with courteous and quintessentially rational debate.

On the subject of the Motion, the acid test is not infections but deaths. While these have been rising, they have been rising much more slowly than infections. For example, in the *Evening Standard* yesterday we learned that deaths in London over the past seven days have been running at a rate 1/50th of the height of the pandemic. This is good news, and we owe a great deal of that to the skill, experience and intuition of medical professionals, who have learned as time has gone on how better to treat and to care for those suffering from this dreadful disease. We owe them a great debt, as so often in this pandemic.

Mortality rates in ICU have come down from 40% to 15%. This points the way to the future, because while we would all like a silver bullet that will put an end to this pandemic, in practice we are much more likely to have to live with it for many years and rely on advances in care and treatment to make it ever less fatal. My question to the Minister is simply: can he assure the House that the Government’s attention is on improving treatment and care as much as on apps and vaccines?

2.59 pm

Baroness Massey of Darwen (Lab) [V]: My Lords, in the current difficult and stressful circumstances, mental health is a problem and it will become worse. To try to preserve their mental health, people will break the rules about socialising, especially as these rules seem to be confusing, as stated by so many other noble Lords. A few simple laws, as suggested by Liverpool leaders, may have had much more impact and it would have been possible to administer a brief, sharp circuit-breaker approach.

I have two concerns. Realistically, how are these restrictions going to be reinforced? Will it be by the police? They are overstretched already and should be tackling serious crime. Who will challenge behaviour? Which professionals will do that? My experience of travelling by train is that inspections are taking place in a limited way on trains and in stations.

My second concern is about students. The Minister said two weeks ago that student populations were not being monitored. Has this changed? It has been shown that among one student population, many tested positive who were asymptomatic. If this is a general aspect, then it is a real problem. But there is another problem for students. Research has shown that first year students in particular are vulnerable to mental health problems, some of which are severe—we had a recent suicide. What pastoral support is being given to students in these stressful times? Are discussions taking place between the Department for Education, local authorities, voluntary bodies working in mental health, universities and colleges, and also the students themselves, to develop an overall strategy on Covid for students? They are an important group and must not be ignored.

The Deputy Speaker (Baroness Fookes) (Con): The noble Lord, Lord McColl of Dulwich, has withdrawn, so I call the noble Lord, Lord Shipley.

3.01 pm

Lord Shipley (LD) [V]: My Lords, first, I congratulate the noble Baroness, Lady Fox of Buckley, on her maiden speech.

Clearly, we are at a critical point in the spread of the pandemic. The public will accept tighter restrictions on what they can do, but they need to have confidence that the decisions being made on such further restrictions for their area—in my case, the north-east of England—are grounded on clear evidence that they can understand. The experience of the past few days, with different interpretations of local evidence for Greater Manchester, has demonstrated that need.

Yesterday, one newspaper's front page said:

"Hospitals in north running out of beds, leak reveals."

Why do we have to depend on leaks? The NHS nationally and the NHS locally, and directors of public health locally, have a duty to publish as much information as they reliably can as soon as they can. That rule should apply to advice from SAGE as well. This way, conflict and misunderstanding can be reduced, and public support increased for actions that may impact directly on them.

We need all agencies to share publicly their trend analyses and the facts on which they are basing their recommendations to politicians. I said a few days ago that I thought the Government should publish minutes of all meetings between Ministers and civil servants with mayors and council leaders. In view of the experience of recent days, it would certainly help if these discussions were properly recorded and published to reduce spinning and attempts to manage news. Not only would that be in the public interest, it would focus much greater attention on the impact of decisions and the justification in terms of their economic impact on people.

3.03 pm

Baroness Bennett of Manor Castle (GP) [V]: I congratulate the noble Baroness, Lady Fox, on her maiden speech.

We are back to debating SIs implemented three weeks or more ago, some measures of which have already been superseded. In two minutes, I could bemoan the huge democratic deficit behind government by decree, and note that in reducing the UK's credit rating last week, Moody's said that

"the quality of the UK's legislative and executive institutions has diminished in recent years".

I could point to the chaos and suffering, or to the report on the impact on Generation X of the lockdown measures—a further perspective on the health versus economy debate that we hear is raging in the Cabinet. I could debate the 10 pm closing time, which is of great, indeed existential, concern to many businesses. There is a lack of information, clarity and data—as the amendment in the name of the noble Baroness, Lady Jolly, sets out—and a lack of signs that the impacts will be measured, as the noble Lord, Lord Scriven, said.

However, let us cut to the crucial issue. Expert advice tells us that this, and many measures in subsequent regulations, will not be enough. We will have to go

further. The virus is outpacing the Government in Westminster again. So I want to take a minute on the big picture, looking around from northern England. Look east: Wales knows what is happening and it has a plan; further east, so too does the Republic of Ireland. Look north: Scotland is producing a strategic plan that will be discussed with party leaders next week and then in Holyrood. Yet we are now debating regulations covering the north-west. Like many noble Lords, I am sure, I have been glued to social media and have just heard by tweet that the extremely heated Greater Manchester talks have concluded with black smoke emerging from the chimney.

In the debate preceding this one, the Minister, the noble Lord, Lord True, said in a different context that we need a steadying hand. That should clearly also apply to the approach to the SARS-CoV-2 virus in England. So my question to the Minister is simple: who is going to provide the steadying hand in England?

3.06 pm

Lord Moynihan (Con): My Lords, there is much in both these SIs and replacement local level regulations about permitted indoor sports gatherings. There has been significant publicity about differences between regions in the north when it comes to keeping gyms open. I would like to take this opportunity to emphasise how important it is to recognise that grass-roots sports and the safe use of gyms to sustain an active lifestyle are critical, not only for the financial security of these businesses but for the physical and mental well-being of everyone. The fitter we are, the stronger our resistance to Covid, the less exposed we become to the worst consequences of the disease, and the greater our chance of avoiding long Covid.

The positive influence of exercise is recognised alongside evidence that it is the fittest in society who are best placed to fight the disease. A recent publication in the *Lancet* concluded that the practice of any type of regular, moderate to vigorous physical activity appears to be associated with enhanced immunosurveillance and mucosal immune responses. This is likely to explain the significant risk reduction of community-acquired infectious diseases and infectious disease mortality, as well as an increase in the potency of vaccination.

I urge my noble friend the Minister and his colleagues across government in health, education and the DCMS to work closely together and back campaigns to reclassify gyms, pools and leisure centres as essential services. Some 400,000 signatories have been added to a petition today to stop the mandated closure of gyms in Merseyside, Wales and areas with tier 3 Covid-19 restrictions. I fully support the petition, for we must promote safe, healthy lifestyles among all sections of the population, and particularly the young, who have borne the brunt of the epidemic while, ironically, being the least exposed to its harmful effects.

3.08 pm

Lord Desai (Lab) [V]: My Lords, I welcome the noble Baroness, Lady Fox, to your Lordships' House. She will remember that we have known each other since before either of us got into the public eye—I will keep all her secrets if she keeps all mine.

The noble Lord, Lord Moylan, said many important things in this debate. What are we trying to minimise? Are we trying to minimise infections or deaths? Again and again, the infection numbers are published. The Prime Minister long ago said he wanted to flatten the *sombrero*, which is all about the rate of infections, whereas the real number that we are, I hope, trying to minimise is the mortality rate. Because a lot of our strategy has been based on the rate of infection, there has been neglect of other morbidities. As many people have pointed out, hospitals cannot cope with the non-Covid morbidities and we are losing people on that score.

So it would be very good if the Government specified whether the objective is to reduce infections or reduce mortality. If it is to reduce infections, of course the whole thing about 10 pm is very important—but the 10 pm measure actually increases crowding at closing time, which is a very bad thing. Since the elderly are more subject to mortality than younger people, let us see that older people do not get infected in any of the activities that they undertake, indoors or outdoors.

3.10 pm

Lord Bourne of Aberystwyth (Con) [V]: My Lords, it is a great pleasure to follow the noble Lord, Lord Desai, who made some very telling points. I have some specific points on these regulations, as well as some more general points. The first point is, in a sense, a general one, and relates to the scrutiny function that we are expected to perform. We are always looking at these regulations in the rear-view mirror. These regulations were passed on 24 and 30 September respectively, which is a considerable time ago. The Minister has told us, in terms, that for the most part they are ancient history. This disturbs me and may mean that some of the specific questions that I have are no longer relevant; I do not know. But it would be good to know—and I appreciate that the Minister is going to say that it is a matter for the usual channels to decide, but presumably he has some input into this—when we are likely to be in close or hot pursuit of the date when regulations are made. That is something that I think we all have an interest in.

On the specific points of the regulations, I have a point about the exemptions from some of the curfew requirements at 10 pm. One relates to corner shops, which keep featuring as an exemption. I cannot find any backing for this, but I assume that a corner shop does not actually have to be on a corner; my own local corner shop is not. But it would be good to have that confirmed by the Minister and, if he is unable to do so, perhaps he could do so later in writing, copying in other noble Lords.

I also have a question about the figures for weddings and funerals, which I think has been asked before. Why are weddings set at 15 and funerals set at 30? Is there any evidential reason for this, or is it just a rather arbitrary decision? Also, there is an issue about various snack bars being subject to the closure requirement. Does this include snack bars and juice bars at gyms? I have some sympathy with the arguments put forward on the general point on gyms by my noble friend Lord Moynihan.

On the broader front, on the evidential basis, I find the anecdotal arguments of the Minister not compelling. We would do far better to follow countries such as Taiwan—a point made very well by the noble Baroness, Lady Jolly. But I do support these regulations, with those caveats and provisos.

3.13 pm

Lord Mann (Non-Aff): Well, I hope that the noble Baroness, Lady Jolly, puts this to the vote, so that I and, I hope, a large majority, can vote against her. The government proposals are sensible, measured and thought through. Where I live they will work, and where I stay in London they are working. I am hearing some nonsense in terms of the evidential base against it, and some statistical nonsense about how Covid spreads. Of course Covid spreads most within the house, as it might do in any other institution including, worst of all, a care home. But how it gets in is the question, and where it comes from. By definition there will be more inside the house, because people are living together within a household. The question for government and, therefore, for us, is how it gets in.

I have minor disagreements with government strategy, and I shall repeat them quickly again. It is a nonsense that a coachload of pensioners can jolly around this and every weekend as if there were no problem in doing so. That should be restricted. It is a nonsense that, successfully, league 7 and below football teams can have crowds—so in my area we can have crowds, because we have rather less successful football teams—but we are not doing what the Germans have done to allow in a safe way limited numbers of fans into the outdoors. It is also a nonsense that we are not using GP practices for the primary healthcare related to this; it needs to be the case when it comes to vaccinations that we use GP practices.

Other than that, I think that the Government are getting it generally right, and we should be backing government in this, because the people certainly do.

3.15 pm

Lord Balfe (Con): My Lords, I would like to add a bit of nonsense for the noble Lord, Lord Mann. My noble friends Lord Blencathra and Lord Moylan, if I understood them correctly, said that we would have to learn to live with the virus. That is now the bottom line. The increase in infections is quite different from the increase in deaths and serious infections. The fact that the average age of death is 82.4 and that people have underlying conditions has not been lost on the young, who widely regard themselves as being pretty well exempt—and, if they do get it, it is a bit like a cold; they will sniff it off. I am sorry to say that this may not be lost on the young, but it is also not lost on the old that the health service is in a state of virtual collapse when it comes to treatments for cancer, heart problems, colonoscopies and many other things. We cannot carry on, and I would like the Minister to go back to his department and say, “Look, we really have to rethink this.”

The press and the public, and in particular what I think of as the “thinking classes”, are turning against the Government. You have only to read today’s *Times*—

[LORD BALFE]

and I am told that there are similar things in the *Daily Mail*—to work out that the Government are gradually losing the confidence of the commentariat, because these measures are seen as not working. I would ask for a coherent strategy, because local authorities are not enforcing; I do not think that the police in Cambridge have issued a single penalty notice, and they do not show any sign of wishing to do so. So it is time to reconsider, and maybe Professor Heneghan should be brought in to lead the Government's analysis of the science.

3.17 pm

Baroness Jones of Moulsecoomb (GP) [V]: My Lords, last week your Lordships' House considered three coronavirus regulations, in the hope that they would codify and simplify the vast system of laws, regulations and advice that has developed over the past six months. We are now considering yet more regulations that add to the confusion. Of course, last Friday the Government released something late—which is their way of hiding things that they think will be unpopular—namely, that they will be sharing data with the police. Now this is not something that we should be debating afterwards and, luckily, we have had a short debate today in the House.

The real problem is that the Government have not accepted that this is a health issue and not an enforcement issue. Anything that deters people from signing up for test and trace is going to be counterproductive. Surely it would be better to give people financial support rather than giving them penalties all the time. Meanwhile, testing information is not even given to local directors of public health—and I cannot understand how the Government can justify giving it to the police and not to local directors. We need a locally led, health-centred approach to this health crisis, not the centralised, privatised, jobs-for-the-boys system that this Government are running.

Finally, can the Minister tell me that all the regulations and advice will be rationalised and refined so that we can actually understand where we all are?

3.19 pm

Baroness Neville-Rolfe (Con): I congratulate the noble Baroness, Lady Fox of Buckley, on her maiden speech and her trenchant defence of free speech. In that spirit, I shall explain my increasing unhappiness. First, we are regulating punitively but often without evidence. I note the Minister's helpful summary of experience here and overseas, but we still lack firm scientific evidence to show that the measures adopted here—for example, requiring seated consumption of food and drink, or further limiting the number at weddings or funerals—will reduce the risk of transmission to any significant extent. We are sure, however, that such measures will make those affected unhappy.

Secondly, it is now clear that restrictions and lockdowns do not solve the problem posed by the virus. They delay things, but only at enormous cost, running into tens of billions of pounds, and in terms of unhappiness brought on by loneliness and lives lost due to the consequent neglect of other medical conditions. Since my noble friend represents the whole of health and social care, I cannot understand why so little attention

is paid to this aspect. Those in need of urgent treatment avoid seeking help, many GPs still only see people online, those who want a dental procedure or an operation often have to self-isolate, doctors have asked relatives to verify deaths via video calls, cancer patients and heart patients are dying for lack of early treatment, and partners are prevented from attending maternity scans or being with the mother of the baby throughout labour. When I raised this point with the Minister some weeks ago, he gave me a really promising answer, but bad stories abound, and I would like a progress report.

Thirdly, the rule of six is very inconvenient. Yet again, there is no evidence that it will work. Nevertheless, I am with the Government in believing that we need to avoid another national lockdown at all costs: all that will do is delay the virus wave in the slim hope that a vaccine will arrive in time. We need to learn to live with the virus and to continue to deal with it locally.

3.21 pm

Baroness Uddin (Non-Afl): My Lords, it is a pleasure to congratulate the noble Baroness, Lady Fox. In our younger days we shared many platforms in the antiracist movement. Of course, that was before she departed completely from my political principles, but I look forward to working with her on common grounds.

The Government must lead by consensus, with clarity of messages and adequate financial support for the millions of our citizens who are experiencing such draconian measures, financial collapse, and strain on their mental and physical well-being. The spat with Mayor Burnham has certainly taken attention away from the serious impact of these regulations, including the lack of an effective test, trace and track system.

From the outset, the Government have been utterly inconsistent in their dealings with leaders of local authorities, many of which are facing massive reductions in basic services for the elderly and people with disabilities, and the decimation of voluntary organisations that have been the backbone—the bedrock, actually—of vulnerable communities. Some local authorities are facing bankruptcy, as the noble Lord is well aware. The collapse of the hospitality sector and associated businesses has had a profound impact on local authorities, as has been mentioned, and will continue to have such an impact unless the Government provide sufficient financial measures for them in their critical role in underpinning and delivering these protection measures.

The Deputy Speaker (Baroness Fookes) (Con): I understand the noble Baroness, Lady Gardner of Parkes, has withdrawn, so the next speaker will be the noble Lord, Lord Bhatia.

3.23 pm

Lord Bhatia (Non-Afl) [V]: My Lords, this regulation enables the Health Minister to make regulations preventing dangers to public health from conveyances arriving anywhere and preventing the spread of infection or contamination. It also provides powerful regulations to give effect to international agreements or arrangements—for example, the World Health Organization's recommendations.

These are necessary powers for the pandemic, restricting travellers arriving from outside. The virus has now spread virtually all over the world. People arriving from outside the UK must conform to the regulations that have been made to protect the population. We must expect that people arriving from countries with a high level of coronavirus should be subjected to isolation for two weeks if there is any sign of a fever or cough when they arrive. It is the responsibility of the Government to protect their citizens.

3.25 pm

Baroness McIntosh of Pickering (Con) [V]: My Lords, I add my congratulations to the noble Baroness, Lady Fox of Buckley. I welcome her to the House and wish her a very happy and successful time in this place. I also add my congratulations to my noble friend the Minister for his stamina and patience in once again coming to present these regulations to the House.

It is not that I do not support regulations—I do—but I make a plea to my noble friend that the guidance could be much clearer. In particular, for example, when reference is made to “linked households” and “bubbles”, my noble friend referred me to the app, so I took his advice and went on the app, but it is not immediately clear where to find this guidance. When you look up “linked households”, it comes up with general advice about coronavirus, about household antibacterial chemicals linked to weakened bones and something about house dust linked to obesity, which I do not think is what my noble friend intended to direct me to.

I make a plea that there should be a one-stop shop, where those who are the target and recipient of the restrictions in these regulations can go for very clear, specific guidance. A specific example that received great notoriety was when Dominic Cummings visited the north-east, a place in County Durham, right at the outset of the original lockdown. Giving him the benefit of the doubt—perhaps he did not understand the rules—where would he look to find these rules in a very simple way, so that he could understand, as we could all understand as the recipients of these regulations, what, for example, constitutes a bubble and what constitutes a linked household?

3.27 pm

Baroness Thornton (Lab): I thank the Minister for introducing these regulations. It is, of course, the last possible day on which we can debate them, four weeks after the policy came into force, and some of them have already been overtaken by things that have happened since. Indeed, we have already had the opportunity to debate the policy thrust of these regulations, as they are largely replaced in SI 1103, which was debated and approved by the House last week as part of the new national tier system of regulations. It rather begs the question why this debate is necessary.

I understand that this needs to proceed, because it alone sets out the level of fines for offences relating to the ministerial power to close public places. Why were those provisions not included in the three tiers regulation? I can see no reason why they were omitted, given that they remain an important part of the regulations and that the tier regulations were supposed to condense

and simplify things. If there is a legitimate reason, perhaps it should have been explicitly set out in the accompanying Explanatory Memorandum. That leads me to think that this might have been an oversight and a correction. Of course, we know that corrections have been happening at quite a rate in these statutory instruments. Some 8.5% of them have been corrected or replaced; it was 12.5% in September.

Turning to the substance of the regulation, we support the measures, difficult as they are, but we have questions about the scientific evidence underpinning them, as many noble Lords have said. The Minister will be aware of the cross-party calls for the publication of the scientific evidence that informs the Government’s decision to implement these measures—specifically, whether Sage provided the Government with evidence regarding how the new curfews would impact upon virus transmission. My noble friend Lord Desai asked a very legitimate question: are the Government trying to reduce transmission of infection with the virus or deaths? It is a legitimate question to ask.

The Sage minutes published last week show that experts dismissed the idea of a 10 pm curfew for pubs, bars and restaurants as being likely to have “a marginal impact” before it was implemented across England. Last month, Professor Graham Medley, a leading member of Sage, said that the group had never discussed the 10 pm curfew, fuelling the belief that the Government adopted the measure alone, presumably based on what the Minister said about the curfew being “common sense”. Sources suggest a kind of pick-and-mix approach to “following the science”.

Last week the Health Secretary said that evidence from accident and emergency departments showed a reduction in alcohol-related admissions late at night after the 10 pm curfew, which he believed was evidence that there is less mixing and less drinking late at night. We have seen the pictures of people leaving pubs and venues and massing on the streets after 10 pm. The Health Secretary also attempted to defend those photographs by saying that that was largely outside, which seemed to miss the point—presumably because he has a ministerial car—that actually most of those people will have been using buses, tubes and other methods of getting themselves home, where maybe no form of social distancing was possible. The Government need to look again at these issues, perhaps at what is happening in Wales, where there is a drinking-up time, licensing sales are banned after 10 pm and there is no hard stop at 10 pm so things are staggered.

I want to address the concerns raised by the noble Baroness, Lady Jolly, in her amendment. It is deeply concerning—although, frankly, not surprising—that the Government have failed to consult local authorities and law enforcement agencies to ensure that the provisions are effective and enforceable. The Government’s disregard for local authorities has become a theme in the handling of this pandemic, and I resent on their behalf the repeated assurances from Ministers that somehow the leaders of local authorities who speak to the media are not being truthful about how the discussions are actually going with the Government, and that behind closed doors everything is wonderful. I think that is probably not true.

[BARONESS THORNTON]

I return to the issue that we have been raising since literally the beginning of this pandemic: the responsibility for contact tracing must be given to local public health teams, along with increased support and resources, particularly for those areas that are Covid-19 hotspots.

3.32 pm

Lord Bethell (Con): My Lords, I start by saying a massive hurrah to my noble friend Lady Fox of Buckley. I thank her for a rousing maiden speech, literally the best maiden speech that I have ever heard. She made a very clear case against cancel culture. She has identified herself as a free spirit, something that this Chamber values enormously, and has staked her claim as a champion for the transition from the EU. I know she joins many good friends in that cause here in the House.

I completely and utterly endorse the strong and heartfelt opinions expressed by the noble Lord, Lord Hunt, the noble Baroness, Lady Barker, and my noble friends Lady Altmann and Lady Neville-Rolfe on the hospitality industry. I have been part of the hospitality industry for a lot of my career. I care about it greatly and the sight of it ailing distresses me. I know those people who depend on casual labour from the hospitality industry to pay the bills; I have been one of them. I have no doubt about the profound impact at every level of society, from those who are poorly paid to those who own the businesses, of the restrictions that put those businesses under massive pressure—for some, maybe even terminal pressure. It would be completely inhuman of me not to address the economic and psychological distress of the result of that. I completely endorse their concerns on that matter.

However, I have to challenge some of the assumptions that seem to be in the ether. I have clear, positive evidence for the impact of Covid in late-night drinking. I wonder: what is the alternative, the counterfactual, that is being suggested in this debate? Is anyone really suggesting that late-night drinking is in some way conducive to social distancing? If so, they have very different memories from mine of times in the pub. Is anyone suggesting that late-night drinking somehow enhances the rule of six and brings discipline and a strict regime to people's social lives in the pub after 10 pm? Is anyone suggesting that pubs somehow get cleaner after 10 pm, with the virus somehow evaporating like Cinderella at that time, instead of actually getting dirtier and more contagious? Is anyone really suggesting that post-pub socialising somehow reduces, the more you drink and the later it gets? None of those things was my experience; nor is it the experience of those who have put these regulations together.

My noble friend Lady Altmann is quite right to ask for an impact assessment. I guide her towards PHE, which has published a really clear assessment on the direct and indirect impacts of Covid-19, written by the ONS, the Department of Health and other government people, and approved by SAGE. It is important reading. It spells out in clear terms the impact on mortality, on the economy and on secondary health outcomes, and I highly recommend it.

I shall address some of the many worthy and valuable questions asked in this debate. The noble Lord, Lord Adonis, asked, slightly off-topic but very importantly,

about schools. He is right: it is a source of concern that there is a balance to be struck between the discipline and requirements of keeping infection out of schools and the importance of keeping those schools going full-time. As a father, I can say that two of my children are out of school at the moment and there is a huge amount of pressure on the disciplines. I reassure the noble Lord that we are working intensively with teachers, schools, councils and the Chief Medical Officer's office to put together guidelines that can accommodate these very difficult situations.

I applaud my noble friend Lord Blencathra's commitment to consent but I remind him that we have hardened the legal framework; in fact, we were here discussing that a few hours ago. However, I utterly reject his characterisation of the NHS. Instead, I pay tribute to the doctors, the nurses and indeed the bureaucrats who keep the show on the road under extremely difficult circumstances. I warn everyone that any virus as vicious as Covid will be a huge challenge to any health system. I am extremely proud of the way that the NHS has stood tall in the face of this storm.

My noble friend Lady Stroud lifted the debate, characteristically, with extremely wise words on prosperity, trust and personal responsibility. These are very much the values that we seek to apply in our response to Covid. However, I remind her that we need to balance personal freedom with the public health imperatives, of which there are two in particular: first, my health affects your health; and, secondly, we can beat this virus only by acting together. It is by balancing those two imperatives—personal freedom and public health—that we go about our business.

I was extremely surprised by my noble friend Lord Balfe's comments, coming from someone who is normally such a sensible source of grounded wisdom. He somehow made the case for the thinking classes and the commentariat as if they should be running government policy—God forbid. In fact, I remind him that, as the noble Lord put it, these restrictions are working, they have had an impact on the spread of the disease, they are massively supported by the public and, as he knows, the alternative is a meltdown of our health service, and potentially hundreds of thousands of deaths.

My noble friend Lord Bourne is right to raise the difference between weddings and funerals. I can explain it briefly but I am happy to write to him in more detail: weddings are considered to be relatively voluntary but funerals are completely involuntary. That is why we allow a larger number of people at a funeral than at a wedding.

I would like to end on a note of optimism. My noble friend Lord Moynihan asked whether we were still focused on the actual care of people. I reassure him and the Chamber that we have made massive strides in the development of therapeutics to help us treat those with Covid. We understand more and more about the impact of long Covid, which is a terrible threat, and we understand better and better the ways in which we can diagnose this awful disease.

My noble friend Lord Bourne and the noble Baroness, Lady Jolly, both mentioned Taiwan. I share their respect and admiration for the way in which that small democratic island has gone about its public health challenge. There is a lot to learn for all of us.

I reassure the noble Lord, Lord Bilimoria, who has become an even greater evangelist for mass testing surveillance than me, that we are making massive strides. I pay tribute to the innovators around the world, but particularly the British innovators, who are bringing us incredible new testing technologies, and we are applying them at speed.

Finally, I ask the noble Baroness, Lady Jolly, to weigh heavily the tremendous commitment that we have to working with councils. In response to the noble Baroness, Lady Thornton, I do not think that I ever said that the discussions were easy or wonderful; I said that they were energetic. She has a point—these relationships are difficult and, as we speak, just how difficult some of them are is being played out. However, that does not mean that we do not care or that we have not tried. In fact, I hope that we can build on this engagement to create not only a stronger response to Covid but, ultimately, a stronger democracy. In that spirit, I ask the noble Baroness to withdraw her amendment.

3.41 pm

Baroness Jolly (LD) [V]: My Lords, as I expected, this has been an excellent debate with informed contributions from right across the House. I am happy to withdraw my amendment.

Amendment to the Motion withdrawn.

Motion agreed.

Health Protection (Coronavirus, Restrictions) (North of England, North East and North West of England and Obligations of Undertakings (England) etc.) (Amendment) Regulations 2020

Motion to Approve

3.42 pm

Moved by Lord Bethell

That the Regulations laid before the House on 30 September be approved.

Relevant documents: 27th Report from the Joint Committee on Statutory Instruments (special attention drawn to the instrument) and 29th Report from the Secondary Legislation Scrutiny Committee

Motion agreed.

Arrangement of Business

Announcement

3.43 pm

The Deputy Speaker (Baroness Fookes) (Con): My Lords, the hybrid proceeding will now continue. If the capacity of the Chamber is exceeded, I will immediately adjourn the House.

The proceedings on the consideration of Commons Reasons on the Agriculture Bill will follow guidance issued by the Procedure and Privileges Committee. When there are counterpropositions, any Member in the Chamber may speak, subject to the usual seating

arrangements and the capacity of the Chamber. Anyone intending to do so should catch my eye or email the clerk. Members not intending to speak on a group should make room for Members who do intend to speak, and all speakers will be called by the Chair.

Short questions of elucidation after the Minister's response are permitted but discouraged. A Member wishing to ask such a question, including Members in the Chamber, must email the clerk. The groupings are binding. Leave should be given to withdraw.

When putting the Question, I will collect voices in the Chamber only. Where there is no counterproposition, the Minister's Motion may not be opposed. If a Member speaking remotely intends to trigger a Division, they should make this clear when speaking on the group. Noble Lords following the proceedings remotely but not speaking may submit their voice, Content or Not-Content, to the collection of the voices by emailing the clerk during the debate. Members cannot vote by email; the way to vote will be via the remote voting system.

Agriculture Bill *Commons Reasons*

3.45 pm

Motion A

Moved by Lord Gardiner of Kimble

That this House do not insist on its Amendment 1, to which the Commons have disagreed for their Reason 1A.

1A: Because environmental objectives will be considered when setting out strategic priorities for giving financial assistance.

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, with the leave of the House, I will speak also to Motions C, C1, F and F1. At this juncture, I should declare my farming interests, as set out in the register.

I start by once again acknowledging the work of your Lordships in the scrutiny of the Bill. These debates have provided a valuable opportunity to clarify the Government's agenda of reform for agriculture in this country.

Turning to Amendment 1, I agree wholeheartedly with the intent behind the amendment of the noble Baroness, Lady Jones of Whitchurch. The strategic priorities of multi-annual financial assistance plans drawn up under Clause 4 will most definitely consider those objectives and those of future environmental improvement plans.

I turn to Amendment 11, and Amendment 11B proposed in lieu by the noble Lord, Lord Whitty, in Motion C1. The exacting process of scientific assessment applied to all pesticides specifically addresses the situation of those living near to where pesticides are applied. The Health and Safety Executive is the regulator covering the safety of chemicals, including pesticides. Staff working on pesticide assessments are scientists who specialise either in one part of the risk assessment, such as the fate and behaviour of pesticides in the

[LORD GARDINER OF KIMBLE]
 environment, or in interpreting the specialist findings to reach conclusions on a product's safety. No pesticide is allowed on to the market unless these scientists are satisfied that it poses no threat to the health of those living near farmland where it might be applied. This assessment process applies to all new pesticides, and the safety of existing pesticides is regularly reviewed.

Some noble Lords are concerned that the Government could face a gap in powers at the end of the transition period. I want to reassure your Lordships that that is not the case. We have the powers needed in this area. Section 16 of the Food and Environment Protection Act 1985 allows the Government to make regulations that prohibit the use of pesticides in certain specified areas. Section 17 of the same Act allows the Government to make codes of practice providing practical guidance on pesticide use. Other powers include Article 6 of Regulation 1107/2009, which allows the designation of areas where the use of plant protection products containing a particular active substance may not be authorised.

A wide range of monitoring activities takes place to ensure compliance with legal requirements, and intelligence-led enforcement action is taken where problems are identified. The Official Controls (Plant Protection Products) Regulations 2020 provide additional powers to enable the responsible bodies to operate proactive controls, targeting enforcement where it is most needed.

I turn to Amendments 17 and 17B, and Motion F1 in the name of the noble Baroness, Lady Jones of Whitchurch. The Paris Agreement was ratified by the United Kingdom in 2016 as a sign of its continued commitment to climate action and reductions of CO₂ emissions across the world. The Government are bound by it as an international environmental law treaty. The Climate Change Act 2008 set targets in domestic law, which were strengthened to include an obligation for the Government to ensure that the net UK carbon account is 100% lower than the 1990 baseline by 2050.

In previous debates, the Pensions Bill has been given as a precedent for the inclusion of a reference to climate change on the face of a Bill. I looked into this, and the duty is placed on trustees or managers of occupational pension schemes, not the Secretary of State, who is already bound by these obligations. On Thursday 15 October, the Government published their response to the Committee on Climate Change's *Reducing UK Emissions: 2020 Progress Report to Parliament*.

Amendment 16B requires the Secretary of State to lay a strategy outlining policies that will be taken towards net zero. I am therefore very pleased to confirm that our response to the Committee on Climate Change includes a new commitment to publish a comprehensive net-zero strategy ahead of COP 26, which will be a wide-reaching and cross-departmental document, making the most of new growth and employment opportunities across the United Kingdom. This will raise ambition as we outline our path to hit our 2050 target. I beg to move.

Lord Whitty (Lab) [V]: My Lords, I oppose the Commons deletion and commend Amendment 11B, which proposes a revised version of what was Clause 38 in the Bill as it left this House.

I thank the Minister for his explanation, and for his courtesy, throughout this discussion and when meeting me yesterday, but I am afraid that he has not yet convinced me. I appreciate that many in this House do not regard this issue as important enough to be dealt with at this late stage in the Bill's passage, but the Bill will define the future practice of agriculture in this country. We are dealing with agriculture's relationship with nature, the environment, the food trade and so on, but it also must be about its relationship with those human beings who live and work in our countryside alongside that agriculture. Too many of those rural inhabitants have had health effects from exposure to pesticides, which have been and remain a serious threat to their physical quality of life. They deserve at least the limited and straightforward protection which my amendment provides by requiring the Government to regulate the distance between them and pesticide operations.

There have essentially been only three arguments from the Government against this principle. The first is what the Minister has just said: that the EU authorisation process nowadays ensures that even repeated exposure to the application of legally authorised pesticides cannot lead to serious health effects. I regret to say that medical reports and evidence from rural residents, some of which noble Lords will have seen, suggest substantially otherwise. Noble Lords will also recall the powerful speech on Report by the noble Baroness, Lady Finlay of Llandaff, on the medical issues that residents and others affected by pesticide poisoning have suffered.

I accept that there have been significant changes in EU pesticide authorisation, but they are not sufficient. One of the easiest and most obvious ways to prevent such exposure from causing health effects is to ensure that the exposure to crop spraying is at a prescribed minimum distance from where people are most likely to be: in their own homes, their children's schools, and so on.

The principle of my original amendment continues to be supported by many in this House, if not all, including my original co-sponsors the noble Baroness, Lady Bakewell of Hardington Mandeville, of the Liberal Democrats, the noble Lord, Lord Randall, of the Conservatives, the noble Baroness, Lady Jones of Moulsecoomb for the Greens, and the noble Baroness, Lady Finlay of Llandaff. However, perhaps it was phrased a little loosely. The main objection in the other place by the Defra Minister, Victoria Prentis—she used slightly overstated terms—was that it would close every field to pesticide application. That was never the intention, so we have deleted the wording which gave rise to that objection and taken out what was originally subsection (1)(b). The only open spaces referred to now are those that are part of education or healthcare facilities. That should deal with the substantive objections that were made from the Government Benches in the Commons.

The other objection, repeated by the Minister just now and in the wording of the Commons reasons, is that Ministers already have these powers. I have two comments on this. There is a key word in my amendment—"must". If Ministers did have these powers, they have not used them. This amendment would require

them to produce draft regulations and to submit them to the usual consultations, and then to both Houses. At the last stage, and in correspondence, Ministers argued that they had possessed these powers since the EU directive in 2009 and the transposition of that in 2012. The Minister has just said that they have actually had these powers since the Food and Environment Protection Act 1985. There is no specific reference there to distance or to residential property—there is a brief reference to healthcare facilities—but even if Ministers are right, and they do in general terms have the right to prescribe distance, why have they not done so in the eight years since the transposition of the EU regulation, and in particular since that 1985 Act? If they are claiming that they already have those powers, they must explain to the House why they have not used them. If we do not pass my amendment indicating that they must introduce such regulations, we may have to wait another 35 years for rural residents to be protected.

I give notice—I should have done so at the beginning—that, unless I hear something different from the Minister, I intend to press this amendment to a Division at the end of this debate.

Baroness Jones of Whitchurch (Lab): My Lords, I speak to Amendment 17B, which would create a new clause for a strategy to reduce emissions from agriculture, having regard to our national and international obligations, and requiring an interim strategy for 2030 commensurate with meeting our 2050 net-zero target.

This is a clearer and simpler version of Amendment 100, which we passed by a 49-vote majority on Report. I have since had a further opportunity to reflect on the Minister's detailed response to my amendment, and I am also grateful for the meetings that he has arranged before today, and the promise of a future meeting. I have also read with interest what the Minister in the other place, Victoria Prentis, had to say about our amendments.

At the heart of our disagreement is whether individual government departments should be required to spell out how they are going to meet their share of the obligation to deliver net zero by 2050. In the debate on the Bill last week, the Commons Minister said:

“If we are to achieve the UK's net zero target, emissions reductions will be needed in all sectors. Not setting sector-specific targets allows us to meet our climate change commitments in the best and speediest way.”—[*Official Report, Commons, 12/10/20*; col. 74.]

Of course I agree that emissions reductions will be needed in all sectors, but I fail to see how this can be achieved unless you precisely set sector-specific metrics and outcomes. If not, you end up with precisely the criticisms levelled by the Committee on Climate Change, which said that the voluntary approach in agriculture has not worked, and that there is no coherent approach to emissions reductions in agriculture at present. The result, as noble Lords will know, is that our agricultural emissions have stayed static, at about 10% of the total, when we should be playing our part in driving emissions down. Given that the Climate Change Act was passed in 2008—12 years ago—we have quite some catching up to do. This is why our amendment introduces the concept of a strategy to be published for staged progress

to be delivered by 2030. Given that we seem to have made little progress in agriculture in the first 12 years, this interim strategy seems all too necessary, otherwise we risk getting close to 2050 and realising it is too late to take deliverable measures to meet our target.

4 pm

On Report, I referred to the 2020 report of the Committee on Climate Change, which helpfully sets out some recommended measures that would put us back on track to deliver on our target. I am now grateful to the Minister for drawing my attention to the publication last Thursday of the Government's response to that report. It is a considerable response that sets out the Government's approach nationally, but also department by department, for delivering net zero.

I welcome the Government's recognition of the urgency of the situation. As it says in the introduction:

“To limit the Earth's warming to 1.5 degrees Celsius, we need to halve global greenhouse gas emissions over the next decade.”

The challenge is there. I also welcome the following acknowledgement regarding agriculture:

“While farming processes inevitably create GHG emissions, there remains potential for reducing emissions and increasing sequestration of carbon in land and plants.”

It is this challenge that our amendment seeks to address, so I am pleased that the Government's report to the CCC echoes our concerns and begins to outline ways in which this might be achieved.

Our concern all along has been to tie down the Government's good intentions on climate change into deliverable policies for which they could be held to account. We still believe that linking the provisions for climate change in Clause 1 to our amendment would make that essential link. However, the Minister has previously argued that the right place for this is the Environment Bill, and that is the thrust of the Government's response to the report.

We have debated the role of the Environment Bill many times, and, of course, there is always a danger that we will simply kick the can down the road and never fully resolve this issue. As noble Lords will know, there is a lot riding on the Environment Bill, and the Natural Capital Committee has already been critical of the lack of meaningful metrics in the 25-year environment plan, which would be the vehicle for measuring progress on agricultural emissions. Nevertheless, I accept that it will provide another opportunity for bottoming out Defra's contribution to the climate change effort, so I do not apologise for pursuing this issue again. It is important that our sector plays its part in delivering net zero, and we believe that the strategy set out in Amendment 17B, whether in the Agriculture Bill or the Environment Bill, is a means of delivering this.

Since this is the only opportunity I have to speak on this group, I will add a few words on the amendment of my noble friend Lord Whitty. When we debated this issue, there was considerable support for this amendment. However, a few noble Lords and, indeed, the Minister argued that spraying of the kind described should not be happening because there were regulations in place to protect the public from spraying in adjoining areas. What these arguments fail to recognise is that,

[BARONESS JONES OF WHITCHURCH]

despite current regulations, dangerous spraying is still taking place, and there are enough reports to show that this is more than just an isolated incident.

The UN *Report of the Special Rapporteur on the Right to Food*, published in 2017, highlighted the fact that chronic exposure to agricultural pesticides is associated with a range of diseases, including cancer, sterility and developmental disorders. It drew attention to the fact that those who live near crop fields are particularly vulnerable to exposure to these chemicals. It seems that the current regulations and their enforcement are inadequate, so I hope the Minister will acknowledge the urgent need for the Government to review and update the effectiveness of these regulations and the associated code of practice. Otherwise, as I hope is becoming clear, this issue will not go away, and we will come back to it again and again. I look forward to the noble Lord's response.

The Deputy Speaker (Lord Russell of Liverpool) (CB): The following Members in the Chamber have indicated that they wish to speak: the noble Baroness, Lady McIntosh of Pickering, the noble Earl, Lord Caithness, and the noble Lords, Lord Carrington and Lord Krebs. I will call them in that order. I call the noble Baroness, Lady McIntosh of Pickering.

Baroness McIntosh of Pickering (Con): I wish to speak briefly on Amendments 1, 11A, 17 and 17B. I have a question for the Minister on Amendment 1, to which the Commons has disagreed. In Committee and on Report, I stressed that it is extremely helpful to have some guidance on what the environmental objectives are going to be, particularly as I understand we only heard very late in the day what the interim arrangements will be from January 2021. This gives farmers quite short notice as to what the new objectives are going to be for claiming

“financial assistance during the plan period.”

Therefore, if my noble friend is not minded to support the amendment to which the Commons has disagreed, it would be very helpful if he would set out what benchmarks farmers are being asked to observe in the new payments scheme, which will be until such time as the new ELM scheme comes into effect.

I still have the difficulties that I rehearsed at earlier stages about Amendment 11B, and I hope my noble friend will clarify matters in summing up. My understanding is that all new and existing pesticides are very heavily regulated, but this amendment does not have regard to the fact that railways and many other transport systems rely heavily on the use of pesticides, which do not come close to being dangerous to human or public health. If adopted, this amendment would prevent them being used as they are. My noble friend referred to this in summing up the debate on the original amendment to insert after Clause 34 the new clause on pesticides. It would be very helpful to understand that.

The problem I have with Amendment 17B—I know that the noble Baroness, Lady Jones, has gone to great lengths with it—is the underlying assumption, also inherent to her introductory remarks, that it is farmers who are causing the problem. I would like to have

much more regard held for, and tribute paid to, farmers because they are part of the solution, not part of the problem, as I think Amendment 17B indicates.

I emphasise the role that farmers and landowners can play, in a very big way, in sinking carbon under the new financial assistance schemes by rolling out projects such as the Pickering Slowing the Flow scheme. That will, I hope, have private funding from water companies as well as farmers, landowners, the Environment Agency, Defra and other bodies. I am quite excited about these new possibilities and a little conscious that this amendment seems to blame farmers rather than recognising the positive role that they play.

The Earl of Caithness (Con): My Lords, In the other place, my honourable friend the Minister, Victoria Prentis, criticised some of our amendments because they were badly drafted. That shows a huge weakness in the Government's argument. Our amendments are not necessarily badly drafted; we produce them, they are agreed by the House and, if the Government accept the principle of them, they get redrafted properly. That is the function of this House; it is not our function to be lawyers. However, the Government are being unnecessarily obstructive and intransigent on this Bill, and that is a huge sadness because they are alienating a lot of farmers and those who live in the country who see them as unnecessarily reluctant to accept any improvements to the Bill.

The Minister thanked us for our work, but our work has counted for nothing—despite the many hours we spent on this Bill, there has been just one small movement by the Minister. It seems to me that our work is not appreciated, or, if it is appreciated, it is certainly not acted upon.

My noble friend waxed lyrical about our scientists and their control of pesticides. How we miss the Countess of Mar. Many times, I listened to an Agriculture Minister on the Front Bench in this House, telling her that the scientists had said that sheep dip was safe, when clearly it was not. The Countess finally won her battle on this. So, I say to my noble friend, it is not surprising if one is a little sceptical of what the Defra scientists are saying.

As rightly mentioned by the noble Lord, Lord Whitty, and the noble Baroness, Lady Jones of Whitchurch, some pesticides, fungicides and insecticides, applied wrongly by farmers, are a hazard to health. The briefing that I have received says that the Government do not wish to accept the amendment because they have an integrated pest-management policy which will be a critical part of a future farming policy, giving farmers new tools to protect their crops. There is absolutely nothing in there about the health of human beings. I have talked to a lot of farmers who spray fields; they are not all in the same category as those on the farm of my noble friend Lord Taylor of Holbeach. He made excellent points at an earlier stage, but there are those who spray in the wrong conditions, who are rushing to get a job done and not carrying out the work as they should. The noble Lord, Lord Whitty, is absolutely right. If the Government have these powers, why have they not been used? That is a critical question, which my noble friend has to answer.

I support the amendment of the noble Baroness, Lady Jones of Whitchurch, on climate change. It is not blaming the farmers. Farmers have a hugely important role to play. In fact, the Scottish Government entered into consultation today with Scottish farmers and crofters to tackle this precise issue of climate change. There are huge opportunities in the way that one can feed stock, for instance, that would reduce methane emissions. This is not having a go at farmers but wanting to work closely with them. I rather like what the noble Baroness said, asking the Government to “turn good intentions into policy”. That is all this amendment is asking; I hope it succeeds.

Lord Carrington (CB): My Lords, I declare my agricultural interests as set out in the register, together with my membership of the National Farmers’ Union. I want to speak against Amendment 11B on pesticides, in the name of the noble Lord, Lord Whitty. This is a very broad and vaguely drafted amendment. It would be extraordinarily damaging to agriculture in this country and would add nothing of value to the existing regulatory regime; I urge its rejection.

As we have already heard, and according to some 100 experts at the HSE and the Expert Committee on Pesticides, the UK operates one of the strictest regulatory regimes in the world and pesticides are licensed only after extensive research. There is already a strict code of practice and incidents of harm and non-compliance are investigated. If there is a complaint, it is investigated. Operators must have the appropriate qualifications, and equipment is regularly tested under various protocols and assurance schemes.

Banning or limiting the use of pesticides would have devastating implications for food and crop plants, massively reducing the volume and quality of UK food, making large parts of farming economically unviable and thereby encouraging imports of food grown by overseas producers using the same pesticides that we are trying to ban or limit.

4.15 pm

Lord Krebs (CB): My Lords, I will speak very briefly in support of Amendment 17B in the name of the noble Baroness, Lady Jones of Whitchurch. She referred to the government response to the Climate Change Committee’s latest annual report, published earlier this month. I took a close look at it this morning to understand what the Government said about reducing emissions in agriculture. It comes in two parts. In the main body of the report there is helpful reference to various strategies and plans—for example the ELMs, the clean growth strategy, the 25-year environment plan, Henry Dimbleby’s national food strategy and the clean air strategy. That all looks very promising: plans are in place to tackle the problem of reducing greenhouse gas emissions from agriculture. However, I am afraid that the annexe, containing the detail of Defra’s response on agriculture and greenhouse gas emissions, looks as though it was drafted by Sir Humphrey Appleby. Let me quote a few phrases. The Government are: “looking at ways”; “considering a broad range” of options; “investigating mechanisms”; and “establishing expert groups”.

The noble Baroness, Lady Jones, said she hoped that the can was not being kicked down the road. The brief example I have just quoted from the Government’s response to the Climate Change Committee’s report highlights the danger that we will always be setting up groups and considering options. As far as I can see, the response does not give a single example of a concrete thing that the Government will do right now to meet the 2050 net-zero target, including the contribution from agriculture.

The Deputy Speaker (Lord Russell of Liverpool) (CB): Does anyone else in the Chamber wish to speak? No? I call the noble Baroness, Lady Boycott.

Baroness Boycott (CB) [V]: My Lords, I support the amendments in the names of the noble Lord, Lord Whitty, and the noble Baroness, Lady Jones. In my view, both are vital to our own safety: to the protection of our countryside, our health and our environment. As we know, pesticides are not benign. They are applied to our crops to kill insects and any other creature that might be around at the time. It is natural behaviour—if you deny the natural world its own food source. However, pesticides do not just kill the creatures that are feeding on the crops. They also damage us. Numerous studies document the associations between exposure to pesticides, increased incidence of respiratory problems, cardiovascular and renal diseases, as well as the ageing phenomenon, not to mention many cancers. If you are an ordinary member of the public who happens to live near a field, or a school kid in a playground that borders a field that is being intensively farmed, you are open to being occasionally sprayed by pesticides.

Let me give a tiny example. I used to live with my husband in a house that bordered an intensively farmed field. One day at the end of the year, when it was being sprayed to kill the cover crop, the wind changed. I kid you not: within an hour, the entire herbaceous border on to which the spray had come was lying in a muddy heap. It was completely destroyed. Any thought I had that there was anything healthy about these products vanished at that point.

Some 22,000 chemicals are registered and in use in Europe. In December 2018, high quality checks had been completed on 94 of them; half were declared unsafe. There are many large out-of-court settlements involving Bayer, the company that has taken over Monsanto. This leads many people to believe—cynically, some noble Lords might say, but I do not think so—that it is suppressing evidence of the chemical links between lymphomas and other common cancers. We have to protect the population from these serious and damaging chemicals. Without a doubt, we need strong mandatory levels for the areas in which they are sprayed.

I believe—and this takes me straight on to the amendment of the noble Baroness, Lady Jones—that farmers have very little choice at the moment in the way that they farm. The common agricultural policy, which thankfully we are coming out of, has paid people per acre, and therefore the striving has been to produce as much as possible, probably of monocrops. The result has been, since the “green revolution” after the war, the incredible use of more and more pesticides,

[BARONESS BOYCOTT]

insecticides and fertilisers. These have had the result of weakening our soil to the point that the World Health Organization has said that, across the world, we probably only have 60 harvests left. The soils are now working only if they are given chemical additives. The amendment from the noble Baroness is therefore vital, because there are many other ways to farm. As the noble Lord, Lord Krebs, and I found when we were doing our Select Committee on Food, Poverty, Health and Environment, a more healthy way of farming is also a more healthy way of eating.

Climate impacts are being felt across the world—you have to be blind not to see it—and our food supplies are going to be affected. We cannot keep our heads in the sand about it. Here, we have seen soil erosion, more flooding and coastal land inundation. We have also seen extreme weather—we have had it in the last year. We really cannot afford to wait. The proposed new clause provides that, by 2030, we have to start reducing emissions from agriculture, first, through better care of the soil, lower livestock emissions and reducing fertiliser; and also, crucially, by storing carbon in the land—so we need to plant trees. Soil sequesters carbon much better than anything else if left to its own devices. We must protect it, along with peat bogs.

There is so much that farmers can do if they are given the right incentives and the direction. However, we must have a target to ensure delivery. If we are to meet our Climate Change Act target for 2050, we have to get to 50% by 2030. If we do not, it will be too much for the world to take on. That means that the policies that we need must be laid down in this Parliament and the next—but primarily in this one. This amendment will complement the existing clauses in the Bill for financial support and for climate mitigation and adaptation, and it will confirm the Government's commitment to strong action, at a time when we will be hosting COP 26 next year.

Baroness Bakewell of Hardington Mandeville (LD)

[V]: My Lords, it is a pleasure to follow the noble Baroness, Lady Boycott. I am grateful to the noble Lord, Lord Whitty, for re-tabling his Amendment 11B as Motion C1, with some modifications. This is a really important issue. Unless they are extremely foolhardy, those who are spraying pesticides have protection in the form of personal protective equipment and respirators, and they will be in filtered tractor cabs during their work. Rural residents and communities have absolutely no protection at all from the cocktail of toxic chemicals sprayed on nearby crops.

We have in past years not acted on harmful substances being used in agriculture until it is too late for some people who have suffered extreme health problems. I am grateful to the noble Earl, Lord Caithness, for mentioning sheep-dip, and to the noble Countess, Lady Mar. Now is the time to make this change. The other place did not feel that it was necessary, saying that existing legislation was protection enough. I do not agree. The 2009 European regulations on pesticide use have not yet all been implemented. Those relating to dwellings are not scheduled to be carried over after 1 January next year. The Government are now quoting the Food and Environment Protection Act 1985 to

deal with the gap. That legislation is 35 years old and had not been referred to during previous stages of the Bill, nor in discussions with officials. At the same time, there is evidence of serious harms from pesticide chemical exposure resulting in out-of-court settlements due to cancers.

This proposed new clause is crucial for securing the protection of rural residents and communities from agricultural pesticides, especially the most vulnerable groups, such as babies, children, pregnant women, the elderly and those who are already ill or disabled, none of whom should ever have been exposed to these toxic chemicals in the first place. The petition to the Prime Minister and the Defra Secretary calling for this proposed new clause to be included has over 12,000 signatures, the majority of which are from affected rural residents. The petition has been supported by several prominent figures including Hillsborough QC Michael Mansfield, the Prime Minister's own father Stanley Johnson, Jonathon Porritt, Gordon Roddick and the Defra non-executive board member Ben Goldsmith, among others.

All the arguments have been made previously. I remain convinced that this amendment should be on the face of the Bill as the only way to properly protect the public. If the noble Lord, Lord Whitty, wishes to test the opinion of the House, we will support him.

I turn now to Amendment 17B proposed by the noble Baroness, Lady Jones of Whitchurch, in Motion F1. Again, the ethos of the amendment has been thoroughly debated in all previous stages of the Bill. This is a matter which has moved rapidly up the political and non-political agendas. The country has signed up to the Paris Agreement, and the Committee on Climate Change has thrown its weight behind moving towards achieving the country's 2050 target. As I have previously said, an interim target of 2030 is vital to monitoring progress and ensuring delivery. Agriculture has an important part to play in reducing emissions.

I have not yet read the Government's response to the Committee on Climate Change, but I am very disappointed by the news that the noble Lord, Lord Krebs, has brought to us about what it says. It is not just we unelected Lords who are concerned about this; the public are very concerned about climate change and the effect it is having on our land and shores. Sir David Attenborough wants us to act; the Duke of Cambridge wants us to act. We must act to give a strong message to the Commons that they must act now—not in 40 years' time, but now. This amendment should be on the face of the Bill.

Lord Gardiner of Kimble (Con): My Lords, I am grateful for the opportunity to cover these important points in a little more detail. It has been a very interesting debate. I start by referring specifically to Amendment 11B. I have already set out that the Government have the powers we need to maintain and develop appropriate regulations. I raised the 1985 legislation only because there was concern in your Lordships' House that there was a gap. I have made it very clear that there is no legislative gap, and indeed there is scope for the Government to act through that legislation. I thought it was only responsible to raise that as the noble Lord, Lord Whitty, and the noble Baroness, Lady Finlay, had suggested in a meeting

that there might be a gap. I was doing what I thought was my best endeavours to advise your Lordships that there was no legislative gap.

Before answering some of the questions, I should also say that the Government are committed to the continued development of the regulatory system for pesticides. We will therefore be consulting later this year on a comprehensive update of our national action plan. I think that the noble Baroness, Lady Jones of Whitchurch, was seeking reassurance on that point. There is continuing work. I say to noble Lords that I think the work undertaken by the noble Countess and others is the reason why certain pesticides which were previously used are no longer authorised. That is the point of the system. I was surprised to hear my noble friend Lord Caithness refer to Defra scientists. The Health and Safety Executive is an independent regulator with over 40 years' experience. Those are the people who we rely on. I am not a scientist, and I think that we all rely on that specialism. As the noble Lord, Lord Carrington, mentioned, no pesticide is allowed on to the market unless the scientists are satisfied that it poses no threat to the health of those living near farmland where it might be applied. I repeat that that assessment process applies to all new pesticides and the safety of existing pesticides and is regularly reviewed.

I should also say, because I have looked into pesticide monitoring, that there is very considerable monitoring, including the National Poisons Information Service and the Wildlife Incident Investigation Scheme. The pesticides usage survey monitors the use of each pesticide chemical on each crop. Those schemes collect and consider information on possible incidents. In particular, the National Poisons Information Service collects inquiries and reports from medical professionals and reports its findings. Those are considered by the Health and Safety Executive and the UK Expert Committee on Pesticides to see whether there are implications for particular pesticides or for the regulation of pesticides in general.

4.30 pm

With the work and the experts we have, I do not think it is reasonable to suggest, and I think this is why the other place also took this view, that there are no controls or regulation on the use of pesticides. I have emphasised that absolutely we have more work to do. Indeed, the consultation will commit us to supporting farmers in adopting the principles of integrated pest management, helping to ensure that pesticides are used only where strictly necessary.

The point here is that we want to have them with precision farming and integrated pest management so that we deal only with the pest. The noble Lord, Lord Carrington, was absolutely right: we must have safe agriculture and safe food, but we also have to produce food. I am an amateur gardener, and all I can say is that there are times when we have to use applications if we are to remain having food. Obviously, it needs to be applied properly. If misused, it will cause damage, and we must bear down on that, but I say genuinely to the noble Lord, Lord Whitty, because I respect what he and the noble Baroness, Lady Finlay, have said to me, that the mechanism by which these matters are tested is strong and robust and we have expertise. Some of the points raised relate to issues and cases in other countries.

On the issue of climate change and Amendment 17, the Government take this matter extremely seriously. I have the recommendations to Defra, so I would like to take the noble Lord, Lord Krebs, to one side afterwards and say that I do not think he is very generous to the 155 pages of the document and the 10 pages of recommendations in it specifically about Defra. I have noticed, because he challenges, some key targets and work that is being undertaken. One of them comes from Clause 1(1)(d), providing the power to give financial assistance for the purpose of

“managing land, water or livestock in a way that mitigates or adapts to climate change”.

In addition to committing to a net-zero strategy, the government response to the Committee on Climate Change recommendations included the Defra chapter, as the noble Lord said, including several actions that we will take through ELM, as well as through the £640 million Nature for Climate fund, the clean air strategy, the Nature Recovery Network and the England tree strategy. I should obviously mention, although we will come to it, the Henry Dimbleby's national food strategy.

I agree with my noble friend Lady McIntosh that none of this will have its fulfilment unless we have a robust and positive relationship with the people who are custodians and stewards of the land. That is why the relationship that we need to forge through the Agriculture Bill and the environmental land management system is absolutely about that collaboration, because it needs to be their schemes, too. That is the way we will address all the things that we need to do.

My noble friend Lady McIntosh asked about benchmarks for farmers. The Government are committed to maintaining a strong regulatory baseline for the sustainable farming incentive, as well as ELM. As a farmer myself—I have declared my interest—I know that farmers are looking to the announcements that I hope will be forthcoming very shortly on arrangements for next year and thereafter.

I conclude by saying that, while we are ambitious about what can be achieved for the agricultural sector, we believe it is right that climate change is addressed as part of a wide-ranging, cross-departmental strategy that will help to ensure that climate mitigation and adaptation are embedded as priorities right across government. This is a national endeavour, but it is also a global one, and it is therefore right that all that we are seeking to do through this Bill to address climate change must be seen within the context of our national and international efforts.

I hope I have provided noble Lords with a bit more clarity on some of these important matters. As I say on pesticides, there is further work to do. The national action plan and the consultation on it will provide many opportunities to consider the points that have been raised. As I said, we have a system in place and the scientists are experts in these matters. I hope that has provided some clarity, because all the points raised are extremely important issues, and I hope that I have taken this opportunity to show how they will be progressed. I therefore commend the Motion.

Motion A agreed to.

The Deputy Speaker (Lord Russell of Liverpool) (CB): My Lords, we come to Motion B. There is a mistake in the Marshalled List, but not one that affects our proceedings. Lords Amendment 9 was not after Clause 3; it was after Clause 17. I call the noble Lord, Lord Gardiner of Kimble.

Motion B

Moved by Lord Gardiner of Kimble

That this House do not insist on its Amendment 9, to which the Commons have disagreed for their Reason 9A.

9A: Because it is inappropriate to impose a duty to publish a National Food Strategy.

Lord Gardiner of Kimble (Con): The amendment raises the important issue of creating a healthy, more sustainable food supply chain. The Government have this aim in mind, and the Bill as drafted will allow us to reward farmers and land managers for adopting environmentally sustainable food production methods, and to support them to produce food in ways that make more efficient use of resources. Put simply, we are already doing this. The Government have commissioned an independent review into the food sector led by Henry Dimbleby. His interim report was released in July this year, and in the coming months your Lordships can expect a cross-departmental response to his report. It will include a full discussion on healthy food and the transformation of the food system.

The Government have made a firm commitment to publish a White Paper on food within six months of the final Dimbleby report, which is expected in the spring. This strategy will set out proposals that will aim to ensure that the food system delivers healthy, sustainable and affordable food for all. My officials have already established a cross-Whitehall working group for all relevant departments to discuss the development of the White Paper and to respond to the independent review. This will be overseen by a Defra director-general. We want to ensure that there is sufficient time to consider the findings and secure cross-government agreement.

I heard noble Lords loud and clear in earlier debates on this subject when they stressed the importance of creating an integrated policy on food. As your Lordships rightly warned, the problems that we face are urgent. We fully recognise this, which is why we are already working with the Department of Health and Social Care to ensure that improvements to public health are a core objective of government policy. On 27 July, the Government launched their new obesity strategy to set out practical measures to help to get the nation fitter and healthier, to protect people against Covid-19 and to protect the NHS. A coalition of partners is supporting delivery of the strategy through the Better Health campaign, which aims to encourage adults to change their lifestyle in order to attain a healthier weight.

On the availability of food, we already have under Clause 19 a duty on the Government to report to Parliament on the crucial subject of food security. The Government listened to the concerns raised in your Lordships' House and have committed to a three-year frequency of report and to publishing the first report on or before the last day before Christmas Recess 2021.

The report will provide analysis on the subject of household food security under Clause 19(2)(d)—“household expenditure”. It will analyse the ability of consumers to access and afford a healthy diet for themselves and, most importantly, for their children. It will draw on guidance such as the Government's own *Eatwell Guide* and from data sources as wide as the Food and Agriculture Organization of the UN and our own national statistics in the Living Costs and Food Survey and the Family Resources Survey. The latter will include for the first time in the 2021 publication data from the responses to a group of questions from the Food Insecurity Experience Scale, a world-recognised measurement of household food security which the UK Office for National Statistics will also use for reporting under sustainable development goal 2: zero hunger.

I hope that those points, in which I have registered the essential work of the Dimbleby report and, candidly, all that we need to do across Whitehall to address an issue that we are seeing starkly in our country today, will persuade noble Lords not to press their amendments. I beg to move.

Motion B1 (as an amendment to Motion B)

Moved by Lord Krebs

At end insert “but do propose Amendment 9B in lieu—

9B: Insert the following new Clause—

“National Food Strategy

Within 18 months of the day on which this Act is passed, the Secretary of State must publish a strategy that will set out proposals that will aim to ensure that the UK food system delivers healthy, sustainable and affordable food for all.”

Lord Krebs (CB): My Lords, I thank the Minister for his introduction to this debate and for two very helpful meetings that we have had during the past few days. I also thank the Defra officials who attended along with the Minister and the Secretary of State, who was at one of the two meetings.

On this matter, I think that we are landing in a good place. My original amendment on Report, Amendment 58, which passed with a majority of 62, set out in detail what a national food strategy should include. The much shorter version which we are debating today simply sets out the key aims of the strategy, which are to ensure that, through the functioning of the UK food system, everyone in this country has access to a healthy, sustainable, affordable diet. The Minister has accepted these aims by repeating them in his introduction, so I am delighted with that and thank him for it.

Such a strategy, if implemented, will put an end to food poverty in this country, ensuring that the poorest people are able to eat healthily, which at the moment they are not. It will ensure that the shocking burden of dietary ill health, including heart disease, type 2 diabetes and obesity, is reduced or perhaps even eliminated. It will ensure that our food system is environmentally sustainable, so that we can enjoy our food knowing that its production has not silenced the song of the skylark, destroyed wildflower meadows, polluted rivers and heated the planet.

Of course, the devil will be in the detail. Will the food strategy really deliver the rosy vision that I have just painted? I do not expect the Minister at this stage to be able to commit to any detail, but I want to flag up three questions for him to consider. First, we already have a good idea about things that work and things that do not. We know, for instance, that healthy eating messages on their own are not enough. The 5 A Day campaign has not altered fruit and vegetable consumption one iota over the last decade. On the other hand, the soft drinks industry levy has had a dramatic effect on altering consumption of sugar in soft drinks. I hope that when the strategy is published it will learn from past failures and successes and not shy away from tough interventions where they are appropriate.

Secondly—and the Minister referred to this—the strategy will require co-ordination across many government departments. Past experience indicates that this will work only if led by a high-level ministerial group. The Minister said that the cross-departmental group would be led by a director-general from Defra, who I am sure will be an outstanding individual who will do his or her very best, but the Government should recognise that, if this is really going to happen and if there really is to be cross-departmental collaboration to deliver a national food strategy, it needs a ministerial lead.

My third and final point for the Minister's consideration is on how we are to scrutinise and assess progress in delivering the national food strategy. I think that we would all agree that the Government should not simply mark their own homework, so they should in due course lay out exactly how we will be able to judge whether the food strategy is doing what it claims to do to deliver healthy, environmentally sustainable, affordable food for everyone. One possibility, for example, would be for the Government to produce an annual report debated in Parliament; another might be to give the job of scrutiny, assessment and making recommendations to an independent body as does the Committee on Climate Change in relation to the Climate Change Act. With those thoughts for the Minister to ponder on, I beg to move.

4.45 pm

The Deputy Speaker (Lord Russell of Liverpool) (CB): The following Members in the Chamber have indicated that they wish to speak: the noble Baroness, Lady McIntosh of Pickering and the noble Earl, Lord Caithness.

Baroness McIntosh of Pickering (Con): My Lords, I congratulate the noble Lord, Lord Krebs, on bringing forward a shorter amendment—I am always in favour of shorter amendments, as they leave less scope for interpretation. The noble Lord calls for a national food strategy within 18 months. I would like to see a response to the Dimbleby report before then and want to take this opportunity to urge my noble friend to produce such a response, even if it is informal.

Part 1 of the Dimbleby report has been extremely helpful in preparing for this Bill and the Trade Bill. It would be incumbent on the Government, even if it were just two departments—the Minister's department

of Defra and the Department for International Trade—to respond to the Dimbleby report in so far as it relates to obesity and the food strategy that Henry Dimbleby and his team, including the noble Baroness, Lady Boycott, who has played a sterling role in this regard, have set out. It would be important to hear from those two departments before this Bill and the Trade Bill left this place. I wonder whether there is any opportunity for my noble friend, even by way of a letter, to respond to the helpful conclusions of Henry Dimbleby.

I am slightly confused, because the reason that the Commons gave for disagreeing with the original Lords Amendment 9 is that

“it is inappropriate to impose a duty to publish a National Food Strategy.”

I thought that, in about 2010, the incoming coalition Government published something along the lines of a national food strategy—I forget what it was called—that was extremely well received and helpful. Is it not timely to have another stab at this within 10 years of the original?

I finish with a plea: that we do not wait 18 months from the day of passing this Bill before the national food strategy is presented. I commend the work of my noble friend's department, Defra, in this regard; I commend the work of Henry Dimbleby. We owe it to Dimbleby and his team to come out with an interim acknowledgement of and response to his proposals.

The Earl of Caithness (Con): My Lords, I served on the House of Lords Select Committee chaired by the noble Lord, Lord Krebs—the Food, Poverty, Health and Environment Committee. Many things struck me when we received evidence. Perhaps I may mention just two of them.

The first was how reluctant were some in the food and drinks industry to give us any evidence, which makes one entirely suspicious of their motives. They were reluctant to come to the table to discuss the problems and found every excuse not to co-operate. That came out pretty clearly in the evidence we received. As the noble Lord, Lord Krebs, has just said, it is only where the Government have taken firm action that the industry has made significant changes. I say to my noble friend the Minister, who I know has advocated, supported and encouraged this industry, as I do, that a very black cloud hangs over it with regard to this issue. He will have to kick it hard to get it to co-operate in the way that it should.

The second point that struck me was the need for a cross-departmental response. We took evidence from the Minister for Health and Social Care. She—or rather the department—has been sitting on reports and consultations for some considerable months, and blamed their lack of implementation on Covid. I therefore asked the Minister what would have happened if there had been no Covid. We received the reply, “I shall have further consultations”. Let us have some action. The noble Lord and his department may well be taking an active role, but I am not at all convinced that the Department of Health and Social Care is doing so. That is why I support what the noble Lord, Lord Krebs, said about the need for the cross-departmental analysis to be done at ministerial level. It is all very well doing it at official level but if it can be kicked into

[THE EARL OF CAITHNESS]

the long grass, I am afraid that it will be. This has to be driven politically by Ministers at the highest level, and probably chaired by someone such as Michael Gove as head of the Cabinet Office. That sort of impetus is needed.

I should say to my friend, the noble Lord, Lord Krebs, that 18 months is too long—I agree with my noble friend Lady McIntosh on that. We need a speedy reply. My noble friend the Minister has reassured me to some extent, but he has a much more difficult job than he anticipates, given the need to take the other government departments such as health, education and the Home Office with him on this matter.

Baroness Boycott (CB) [V]: My Lords, it is wonderful to hear that a food strategy will happen and be reported upon following Henry Dimbleby's initial reports. I too urge the Government to respond in less than 18 months; we really do not have time to waste.

Like the noble Lord, Lord Krebs, and other speakers, I believe that the strategy needs to be tough. The industry has had its own way for a very long time: it has been run on the politics of the supermarket and we have seen the chaos that this has caused, not just to our health and eating habits but to our agriculture, as we have just been discussing. I urge toughness, joined-up government, a strong position of leadership and a willingness to tread on some commercial toes as we start to look for other ways in which to grow and eat our food.

I am pleased to hear from the Minister that action on food security will include household food security. I thank him for the meetings that the noble Lord, Lord Krebs, and I have had with him in the past few weeks. I am glad that the issue of household food insecurity will be pegged to something, and that that something is the Government's Eatwell plate. Today, the poorest 20% of households would need to spend 39% of their disposable income on food in order to eat the diet that we recommend for people to be healthy. We all know that that will not happen. If you are in a rich household, it will cost you 8%. This is a really big issue and it would be pointless for household food security to be judged on whether one was getting access to enough sugary cereals and sweets. So I am very pleased to hear what the Minister said, in the Chamber, in front of everybody.

It has been a delight to work with the noble Lord, Lord Krebs, on this. I am very pleased to have witnessed this day, because I have spent most of my life working on food policy and, quite frankly, as I have said before, all I have done on the whole is put bits of Elastoplast over the bleeding wound. There is now a chance to reshape the food system for the better.

Baroness Bakewell of Hardington Mandeville (LD)[V]: My Lords, it is a pleasure to follow the noble Lord, Lord Krebs, and the noble Baroness, Lady Boycott. A national food strategy is not something that it might be nice to have; it is essential.

Like others, I am grateful to the Minister for his comments and support for a food strategy. As we enter the inevitable second wave of Covid-19 infections and

a possible second lockdown, food security is at the top of everyone's thoughts. Children affected by lockdown are struggling. Ensuring that they have enough to eat has become a national cause. The Welsh Government have announced that free school meal provision will be extended through every school holiday until Easter 2021. The vouchers provided to be exchanged for a meal must be for healthy food. The other nations in the UK should now follow the Welsh example. I can think of nothing worse than a child in the UK—one of the richest countries in the world—being hungry while others are overeating with the resultant health problems. During the national regimes of the 1940s and early 1950s, obesity and diabetes were hardly heard of. I am not suggesting that we return to those strictures.

I recently listened to an interview with a Durham University student who was in a unit with five other students. They had all paid for catered meals. Due to lockdown, they were virtually imprisoned in their accommodation, with a kettle and a toaster. They were provided with food boxes that contained "junk food"—the student's words, not mine—of Pot Noodles, crisps, snack bars and three apples, the only healthy food. The next box, supposed to last for 11 days, contained no fruit at all but the same selection of junk food. Never was it more obvious that a proper food strategy was essential in order to protect these students.

The other place has indicated that it wishes to wait for the final report from Henry Dimbleby and that the Lords amendment is unnecessary. I hope that our prodding will ensure that something is done, and done quickly, once that report is published. The grass appears to grow faster than we would like, and 18 months is far too long, as other Peers have said.

I fully support all the comments previously made on a national food strategy and am very grateful to the noble Lord, Lord Krebs, and the noble Baroness, Lady Boycott, for their expertise and perseverance in this important matter. I look forward to the Government's consultation once Henry Dimbleby's work has been completed. I agree with the noble Lord, Lord Krebs, that monitoring the outcome will be essential.

Baroness Jones of Whitchurch (Lab): My Lords, I am very grateful to the noble Lord, Lord Krebs, for pursuing this issue, which had considerable cross-party support when it was debated here on Report. Sadly, the Commons did not give it the prominence and attention it deserved last week. MPs obviously had other concerns and were focusing on the international issues around a food strategy, which we will consider later. Nevertheless, this remains an important issue for the health of our nation and needs to be integrated with the policies for growing food that are more clearly set out in this Bill.

Our concern all along has been that the work carried out in the Dimbleby review should be anchored and regulated by this legislation in order that it does not become just another worthy report. That is not to prejudge the outcome of the review but to ensure that a food strategy built around the considerable piece of work that Mr. Dimbleby is doing will result in guaranteed action. It has never been more important that we deliver healthy, sustainable food for all; the health

challenges were well explored in our earlier debate, and I will not repeat them here. I am therefore pleased that the Minister had a constructive meeting with the noble Lord, Lord Krebs, and the noble Baroness, Lady Boycott.

I agree that 18 months is too long and the Government's commitment to a White Paper within six months of the final Dimpleby report is welcome. Of course, that will still need to be followed through into legislation, but it gives us a strong platform on which to argue for the necessary changes.

It is also helpful to have clarification about the scale and depth of the three-yearly food security reports, which again will provide ammunition for the action that is necessary on food poverty and food insecurity. I welcome the challenges that the noble Lord, Lord Krebs, raised with the Minister this afternoon and look forward to his response on those issues. In time, I hope that this work could provide the foundation for a national food Bill to improve the health of the next generation. In the meantime, I welcome the assurances made and am pleased that the Minister repeated them for the record today. I therefore support the amendment.

5 pm

Lord Gardiner of Kimble (Con): My Lords, I thank noble Lords for another insightful debate. I say immediately that although Defra has the lead responsibility for food, many departments across government have a strong interest in this matter, as the noble Lord, Lord Krebs, recognised and as I did my opening remarks. The team is engaging across Whitehall as well as with partners across the whole food system—including academics, farmers, businesses, civil society and the general public—to develop the recommendations from Henry Dimpleby's independent review.

I am fully seized of the point that, in the end, Ministers will need to be fully engaged on this because this will be a cross-Whitehall, cross-departmental consideration. What I was really saying is that work is already under way in the department, with a director-general leading it, so that we are absolutely ready with a White Paper. I would not want the noble Lord, Lord Krebs, to think that this is it; there is much more to do, which is why I emphasise that work is already under way.

The noble Lord's amendment raises important issues. I repeat what I said in my opening remarks, particularly those to my noble friend Lady McIntosh: the Government will reply with a cross-departmental response to the interim report released in July this year. I cannot tell precisely in which month that will be but, as I said, in the coming months, there will be a cross-departmental response to the interim report that will include a full discussion on healthy food and the transformation of the food system.

These are hugely important matters. In this short debate, we have all recognised that this is clearly a matter of supreme urgency and seriousness. As I said before, Defra is committed to producing a food strategy White Paper setting out proposals that will aim to ensure that the food system delivers healthy, sustainable, affordable food for all. We have been clear that the Government will publish the White Paper within six months of the final report from the independent review

being published and—this is another point for the noble Lord, Lord Krebs—as with all White Papers, it will be available to Parliament and we can expect much debate in your Lordships' House and the other place on its contents. The Government have already asked Henry Dimpleby to review progress on the White Paper 12 months thereafter; obviously, that is an important feature because action is what is required, not a report—however worthy.

I hope that the noble Lord, Lord Krebs, and your Lordships find these further remarks helpful.

The Deputy Speaker (Baroness Pitkeathley) (Lab): I have received no requests to speak after the Minister so I call the noble Lord, Lord Krebs.

Lord Krebs (CB): My Lords, I thank the Minister for his helpful response in summing up. I thank all noble Lords who contributed to this short debate. I will be brief; I want to make a small number of points.

First, I apologise for putting 18 months in the amendment; clearly everybody thought that I was being too generous. This arose because the noble Lord, Lord Gardiner, said on Report that 12 months was too short. I thought that I would give him a bit of extra time but clearly I was wrong, so I apologise for that.

The noble Baroness, Lady Jones of Whitchurch, spoke about Henry Dimpleby's report. As everybody has said in this debate, the amendment builds on the fantastic work that Henry Dimpleby is doing. As the noble Baroness does, I hope that today's debate and the Minister's response have ensured that Henry Dimpleby's final report will not gather dust in a filing cabinet, as so many reports of this kind have done. Now we have a firm commitment from the Government to develop a food strategy based on Dimpleby's work.

On leadership, referred to by the noble Earl, Lord Caithness, and my noble friend Lady Boycott, I was very pleased to hear the Minister say that although the DG in Defra is leading the preparatory work, the Government and the Minister recognise that this will need ministerial oomph to get the thing done and deliver results.

Finally, on the review, the news that after 12 months Henry Dimpleby will mark the Government's homework on his exam, so to speak, is very welcome. However, I hope that the review process will carry on beyond 12 months because rethinking our national food system will not be completed by then. I hope that we will see early signs and green shoots of something new coming up, but I hope also that the Government will think seriously about how they can ensure that, on a long-term and regular basis, those of us who are concerned about the food system—not just people in the Chamber and Members taking part remotely but a large proportion of the population—can repeat the review process and have transparency on the progress being made.

With those comments, I thank the Minister and the noble Lords who took part in the debate, and I beg leave to withdraw.

Motion B1 withdrawn.

Motion B agreed.

*Motion C**Moved by Lord Gardiner of Kimble*

That this House do not insist on its Amendment 11, to which the Commons have disagreed for their Reason 11A.

11A: Because the Commons consider that the existing regulations relating to pesticides are sufficient.

*Motion C1 (as an amendment to Motion C)**Moved by Lord Whitty*

At end insert “but do propose amendment 11B in lieu—

11B: Insert the following new Clause—

“Application of pesticides: limitations on use to protect human health

(1) The Secretary of State must by regulations make provision prohibiting the application of pesticides for the purposes of agriculture or horticulture near—

(a) buildings used for human habitation; and

(b) public or private buildings and associated open spaces where members of the public may be present, including but not limited to—

(i) education and childcare nurseries; and

(ii) hospitals and health care facilities.

(2) Regulations under subsection (1) must specify a minimum distance from any of the locations listed under subsection (1)(a) and (b) to be maintained during the application of pesticides.

(3) Regulations under this section are subject to the affirmative resolution procedure.”

Lord Whitty (Lab) [V]: My Lords, I wish to test the opinion of the House.

5.07 pm

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 Howell of Guildford, L.
 Hunt of Wirral, L.
 Jenkin of Kennington, B.
 Jopling, L.
 Kakkar, L.
 Keen of Elie, L.
 Kilclooney, L.
 King of Bridgwater, L.
 Kirkham, L.
 Kirkhope of Harrogate, L.
 Lamont of Lerwick, L.
 Lancaster of Kimbolton, L.
 Lang of Monkton, L.
 Lansley, L.
 Leigh of Hurley, L.
 Lexden, L.
 Lilley, L.
 Lindsay, E.
 Lingfield, L.
 Liverpool, E.
 Livingston of Parkhead, L.
 Lothian, M.
 Lytton, E.
 Mackay of Clashfern, L.
 Maginnis of Drumglass, L.
 Mancroft, L.
 Manzoor, B.
 Marland, L.
 Marlesford, L.
 Maude of Horsham, L.
 Mawson, L.
 McColl of Dulwich, L.
 McCrea of Magherafelt and Cookstown, L.
 McInnes of Kilwinning, L.
 McIntosh of Pickering, B.
 McLoughlin, L.
 Mendoza, L.
 Meyer, B.
 Mone, B.
 Montrose, D.
 Morgan of Cotes, B.
 Morris of Bolton, B.
 Morrissey, B.
 Morrow, L.
 Moylan, L.
 Moynihan, L.
 Murphy, B.
 Naseby, L.
 Nash, L.
 Neville-Jones, B.
 Neville-Rolfe, B.
 Newlove, B.
 Nicholson of Winterbourne, B.
 Noakes, B.
 Northbrook, L.
 Norton of Louth, L.
 Pannick, L.

Parkinson of Whitley Bay, L.
 Patel, L.
 Patten, L.
 Penn, B.
 Pickles, L.
 Pidding, B.
 Polak, L.
 Popat, L.
 Porter of Spalding, L.
 Powell of Bayswater, L.
 Price, L.
 Rana, L.
 Ranger, L.
 Rawlings, B.
 Reay, L.
 Redfern, B.
 Ribeiro, L.
 Ridley, V.
 Risby, L.
 Robathan, L.
 Rock, B.
 Rogan, L.
 Rose of Monewden, L.
 Rotherwick, L.
 Saatchi, L.
 Sanderson of Welton, B.
 Sarfraz, L.
 Sassoon, L.
 Sater, B.
 Scott of Bybrook, B.
 Seccombe, B.
 Selkirk of Douglas, L.
 Shackleton of Belgravia, B.
 Sharpe of Epsom, L.
 Sheikh, L.
 Shephard of Northwold, B.
 Sherbourne of Didsbury, L.
 Shields, B.
 Shinkwin, L.
 Shrewsbury, E.
 Smith of Hindhead, L.

St John of Bletso, L.
 Stair, E.
 Stedman-Scott, B.
 Sterling of Plaistow, L.
 Stowell of Beeston, B.
 Strathclyde, L.
 Stroud, B.
 Stuart of Edgbaston, B.
 Sugg, B.
 Suri, L.
 Taylor of Holbeach, L.
 Taylor of Warwick, L.
 Tebbit, L.
 Trefgarne, L.
 Trenchard, V.
 True, L.
 Tugendhat, L.
 Ullswater, V.
 Vaizey of Didcot, L.
 Vaux of Harrowden, L.
 Vere of Norbiton, B.
 Verma, B.
 Vinson, L.
 Wakeham, L.
 Waldegrave of North Hill, L.
 Walker of Aldringham, L.
 Warsi, B.
 Wasserman, L.
 Watkins of Tavistock, B.
 Wei, L.
 Wellington, D.
 Wharton of Yarm, L.
 Whitby, L.
 Wilcox, B.
 Willetts, L.
 Williams of Trafford, B.
 Wyld, B.
 Young of Cookham, L.
 Young of Graffham, L.
 Younger of Leckie, V.

5.20 pm

Motion D

Moved by *Lord Gardiner of Kimble*

That this House do not insist on its Amendment 12, to which the Commons have disagreed for their Reason 12A.

12A: Because the Commons do not consider it appropriate to create new requirements for imports to meet particular standards.

Lord Gardiner of Kimble (Con): My Lords, with the leave of the House I will speak also to Motions E, E1, G and G1.

It is entirely right and proper that your Lordships should sometimes ask the other place to think again about a given issue. However, the House of Commons has voted on this matter twice already. An amendment with a similar effect to Amendments 12 and 16 was rejected by the other place in its earlier deliberations on Report, and its view on the noble Lord's amendment has been made equally plain more recently.

We have looked very carefully at Amendment 16B in lieu, proposed by the noble Lord, Lord Grantchester, which seeks that we ask trading partners to demonstrate equivalence across a range of policy areas. The intention here is well understood, but this amendment still amounts to seeking additional, and potentially expansive,

[LORD GARDINER OF KIMBLE]
 conditions from trading partners. Conditions such as these are not a feature of any other country's trade policy. I was very struck by this when I took further advice—because obviously this is not my specialist area. I repeat that conditions such as these are not a feature of any other country's trade policy.

Demonstrating and agreeing equivalence of rules is a complex, technical and resource-intensive task. For example, agreeing equivalence of a range of animal health and food safety rules with New Zealand has taken years. So, in theory, it is possible. However, we believe that doing so in the manner set out here would be disproportionate and in practice would likely mean adding years of such processes ahead of any ratifications. So this amendment could result in pressure to pursue an unrealistic negotiating objective.

On Amendment 18 and Amendment 18B in lieu—Motion G1—in the name of the noble Lord, Lord Curry of Kirkharle, like Amendment 16B, this raises the subject of parliamentary scrutiny. Once again, I make it clear that, under the Constitutional Reform and Governance Act 2010, trade deals under negotiation now and in the future must be laid before Parliament. As was confirmed by the International Trade Secretary in a Written Ministerial Statement on Monday 12 October, there will be a full scrutiny process. I have now read it in full, and I urge noble Lords to read it after this debate, because I thought it was a very comprehensive statement. This includes publishing objectives and initial economic assessments prior to the start of talks, and providing regular progress updates to Parliament; updates on the conclusion of negotiation rounds with the United States and with Australia are recent examples.

We will share a full impact assessment covering the economic, social, environmental and animal welfare aspects of each trade deal. This will be independently scrutinised by the Regulatory Policy Committee. We will also engage closely with the relevant Select Committees and will endeavour to ensure that they have at least 10 sitting days' advance sight of all agreements, on a confidential basis. The final agreement text will be laid before Parliament for 21 sitting days, giving Parliament time to scrutinise deals.

I am also pleased to be able to say that the Government are already conducting extensive consultation beyond Parliament, with a range of groups in place to advise on trade policy. These include the Department for International Trade's agri-food trade advisory group, which was renewed in July and which includes over 30 representatives from the food industry, and Defra's supply chain advisory groups. Of course, this scrutiny is enhanced by the Trade and Agriculture Commission. Recently, the commission launched a call for evidence to 200 relevant parties, covering several questions, including how standards can best be upheld while securing the benefits of trade.

Finally, I should also mention the important role that the FSA and FSS play in regulating imports. Indeed, I concentrated on some of this at a meeting last week with the chair and others in the FSA. The FSA draws on the expertise of 100 scientific experts and support staff and has recruited 35 additional members to its advisory committees. It also takes wider consumer interests into account, such as the

impact on the environment, animal welfare and food security, drawing on appropriate expertise and stakeholders to do so.

I can therefore confirm to the noble Lord, Lord Curry of Kirkharle, that the approach envisaged in Amendment 18B is already under way. With these remarks, I beg to move.

Lord Grantchester (Lab): First, my Lords, I apologise to the House that I was not present at Third Reading; I was engaged in Committee on the Trade Bill. I would also have liked to have thanked the Ministers, the noble Lord, Lord Gardiner, and the noble Baroness, Lady Bloomfield, for the patient and receptive way in which they guided the Bill through the House. I also pay special regard to Nathalie Sharman and her Bill team for the excellent advice they gave us on the many calls the Minister facilitated to fill in the gaps in our appreciation.

We are now down to the final key issues on which the future of British agriculture must be built. Once again, I declare my interests as having been in receipt of EU funds, and with interests as recorded in the register.

I thank the Minister for his introduction to this group of amendments and for explaining the Commons' reasons why it has chosen not to agree with your Lordships' House. However, the reason given is to misunderstand the amendment. I do not consider the amendment to create new requirements for imports to meet particular standards. Is that really the right answer, when the Government claims that the withdrawal Act puts into UK law all the present standards inherited as a previous member state? Of course, they can no longer claim that, as future standards can be changed through technical statutory orders. This reveals the direction of travel the Government wish to take in agreeing to a US trade deal. We seek to put in primary legislation what the Government have claimed is in the withdrawal Act. The answer comes back, "Why do you wish to legislate for what the Government have no intention of doing?" Well, that is the stated intention. We are all warned of unintended consequences, and it is not the intention of the previous amendment to be misinterpreted. So we have drafted the amendment in lieu for your Lordships' consideration.

It is clear that the amendment does not exclude cheaper products. It is open to other countries to sell food to the UK, provided that it meets the same legal thresholds in standards that presently pertain in the UK. Certainly, we can raise standards in time, but we cannot lower them. Price is for the market and for consumers to consider.

5.30 pm

The new amendment in lieu is also clear that it does not wish any interpretation to be used as a barrier to the Government rolling over more existing trade agreements. The UK has enjoyed being a member state of the EU and we look forward to more of those deals being completed. The same approach has been taken that the status quo must be maintained at the outset. It is also not the intention from the previous amendment to make the UK a barrier to trade with

less-developed countries. This amendment also excludes any interpretation that will make development difficult. We have raised millions of people out of poverty already, and we believe in the sustainable development goals.

The Government, in Section 10 of the Taxation (Cross-border Trade) Act, signalled their intention to replicate the EU's general scheme of preferences for less-developed countries. Schedule 3's list of countries is somewhat wider than the UN list. This amendment in lieu acknowledges this and rules out those countries from any possibility of being caught by an inadvertent consequence. This amendment, which I propose the House supports, is intended to bring certainty and continuity to the progression of trade, providing sustainable, healthy and affordable foods, with imports that meet the same standards of production for environmental protection and animal welfare to which UK production must comply.

The Government have replied with errors, excuses and absurdities. Of course tropical countries will not need to plant hedgerows to comply. The debate in the Commons clarified many of these points, and I am grateful for the way many speakers dealt with the issues there. Other trading blocs and nations insist on many conditions, which the Minister denies.

This amendment in lieu listens to key concerns, yet it is still important for parliamentary scrutiny and approval of trade deals to address food standards. This amendment still places a duty to seek equivalence on agri-food standards. Equivalence is the accepted process recognised by the WTO. The amendment makes the promotion of UK standards central, as a rolling negotiating objective. It also requires a detailed parliamentary Statement to explain what is and is not included in a trade deal.

I step aside momentarily to speak to the further amendment in lieu, G1, in the name of the noble Lord, Lord Curry. I will not take his opportunity to speak, but at this stage merely say that it develops on the theme and is complementary to my amendment. It requires a widespread consultation before the Government must produce a report. It is disappointing that the Commons did not get an opportunity to debate the initial amendment on the Trade and Agriculture Commission.

I return to this amendment in lieu to answer two further challenges. The imposition of differential tariffs does not provide a sensible answer. They can lead only to tit-for-tat trade wars, harming UK exports. The food industry can compete based on equal food standards and a level playing field. Food manufacturing and the supply chain is the largest manufacturing industry in the UK. It needs the backing of laws and Parliament, so that the Government can negotiate to bring in food from a position of strength. Nor does the promotion of labelling provide an adequate way out for the Government. Yes, more improvements can be made, but 50% of food is consumed outside the home in restaurants and catering outlets in the hospitality food service sector, where there is little labelling. As my noble friend Lord Rooker explained from his long experience in the Food Standards Agency, the Government have not yet even brought in mandatory food hygiene rating displays to be seen in all premises.

Without Amendment 16B under E1, the biggest threat is to the consumer, who will have to negotiate a minefield of food of differing standards, especially from potential US imports from the Government's imperative to align with America through a trade deal. We have heard of the practices undertaken there. In the US, there are 26,500 hospitalisations and 420 deaths a year from salmonella. Compare that to the EU, home of 120 million more people, where 1,766 hospitalisations and 10 deaths is the comparative figure. This would be a further challenge to the NHS.

I acknowledge that the Government are beginning to listen. Although in insufficient form, the Trade and Agriculture Commission has been set up and sector-specific trade advisory groups are now involved in the process. There is now the Select Committee on International Trade in the Commons and the EU International Agreements Sub-Committee in your Lordships' House. But the Government need to listen to the crescendo of voices that greeted the results of the Commons considerations with dismay: farmers; chefs; environmentalists; welfare proponents; consumers, individually as well as through their organisations; the farming unions; Sustain; Green Alliance; RSPCA; Which?; and the Future British Standards Coalition. The Government need to move further.

In a conversation with the Minister and the Bill team on Monday, which we thank the noble Lord for facilitating, the Minister expressed the view that the Commons has rejected standard amendments three times already. We discussed this and that it was perhaps only twice. I am grateful that the noble Lord acknowledged that, but he was perhaps right in his original assertion of three: there was a third occasion, which one of his Back-Benchers remembered in an earlier debate—back in 1834, on the corn laws, but that was before the Factory Acts, the rise of supermarkets and refrigeration.

Today, I call on the House to support the amendment in my name. It allows the Government to read their manifesto commitment again and to take action to fulfil it. As a nation, we cannot produce all the wholesome food we need. We wish the food that countries sell us to be at its best. In encouraging trade to supply our food, the Government must concentrate on promoting the best to come forward—nil satis nisi optimum. The Government's manifesto statement is not that old, so I ask the House to support this amendment with a resounding vote. Let us get standards done.

Lord Curry of Kirkharle (CB) [V]: My Lords, it is an honour to follow the noble Lord, Lord Grantchester, and I thank him for his support. I speak to Amendment 18B in lieu. My interests are as recorded on the register.

As has been noted already, it is deeply regrettable that Amendment 18 was unable to be tabled in the House of Commons last week, due to it being considered a breach of financial privilege. I very much appreciate the Minister giving me the heads-up that this would be a possibility. During the debate, many MPs expressed their disappointment at being denied the opportunity to debate the proposals contained in Amendment 18. As a consequence of that decision, I am now tabling Amendment 18B which, I am assured by our wise officials in this House, should be compliant.

[LORD CURRY OF KIRKHARLE]

The purpose of this new amendment is to place an obligation on the Secretary of State to lay before Parliament a report on each international trade agreement, which, importantly, confirms that the agreement safeguards our standards of production for food safety, the environment and animal welfare, and if it does not, why not? The amendment would also require the Secretary of State to consult widely on the merits of establishing a body, a trade and agriculture commission, to provide the said report and advise the Secretary of State. The options could be to extend the existing commission, which, as we all know, is destined to be binned at the end of this year, when it has completed its work and produced a report on the principles and standards that should be embedded in international trade deals. In addition, the Secretary of State could take the opportunity to review the composition of the body and consult on a revised membership and remit. There would be real merit in doing that.

I have listened carefully to the explanations from the Minister on why the previous amendment, Amendment 18, and this one are unnecessary. He has taken an enormous amount of time and has shown great patience, which I very much appreciate. I have also had conversations with the Secretary of State for International Trade who has tried to convince me that there is already enough rigour in the system; that is, that the existing bodies have been given an extended remit to scrutinise trade deals and report their findings, as the Minister has just reported. I remain unconvinced and I am not reassured. To bolt on additional responsibilities to a number of agencies in a piecemeal fashion is no replacement for a dedicated, independent body providing oversight with in-depth knowledge of the entire sector, a body that is able to measure up new trade deals against the principles and standards that will have been laid out in the report from the existing Trade and Agriculture Commission at the end of this year. What could be simpler?

Let me repeat briefly what has been stated during earlier debates on the Bill. The fear of cheap imported food undermining our standards of production as a result of trade deals that have not been adequately scrutinised has united all the key stakeholders from the entire farming community, as the noble Lord, Lord Grantchester, has stated. They range from the NFU and the CLA, to vets, chefs, environmental bodies including Greener UK and Sustain, and to the general public. Over 1 million voters have signed a petition. All of them are deeply concerned, and I cannot understand why the Government continue to resist this pressure and have not responded accordingly. That is fundamentally a bad ambition in relation to our aspirations as a country—a country trading in the global market outside the European Union. We have an opportunity to set the bar and to position ourselves as a global influence with a reputation for high standards in animal welfare and food safety, along with a commitment to continue to reduce dependence on antibiotics, to restore biodiversity loss, to be the first past the post in achieving net-zero ambitions if possible, and so on.

In addition to providing consumers in the UK with what they deserve and expect, we are much more likely to succeed in export markets if these are the characteristics

that mark our ambition and underpin our products. The alternative is a race to the bottom which will completely destroy that ambition and many businesses in the process. This is a crucial moment in our history and the Government's response to this amendment will either give hope and confidence to the entire sector that they share its ambitions, or create further suspicion and deep concern that those ambitions risk being sacrificed in the urgent need to compromise in order to agree trade deals. I will reserve the option of moving this amendment and testing the opinion of the House.

The Deputy Speaker (Baroness Pitkeathley) (Lab): I now have a list of Members who wish to speak. They are the noble Duke, the Duke of Wellington, the noble Baroness, Lady McIntosh, the noble Lords, Lord Trees, Lord McCrea and Lord Empey, the noble Earl, Lord Caithness, and the noble Lords, Lord Carrington and Lord Lansley. I will call them in that order.

The Duke of Wellington (CB): My Lords, I declare my agricultural interests as detailed in the register. I support the new amendment proposed by the noble Lord, Lord Curry, which has just been presented to us so eloquently. I am sure that he was as surprised as everyone else that his original amendment was ruled inadmissible. This one has been carefully drafted so as not to involve a charge on public funds. The earlier amendment, which was carried in this House with a very substantial majority, sought to establish a permanent statutory commission. Interestingly, the Commons reasons for rejecting that amendment refer only to it involving a charge on public funds and offer no further reason. All the other amendments that we are considering were rejected by the Commons for a specific reason. That is rather significant.

5.45 pm

The new amendment from the noble Lord, Lord Curry, might be rather helpful to the Government. It simply requires the Secretary of State to lay before Parliament a report on the implications of any new trade agreement negotiated by the Government—the implications for food safety, the environment and animal welfare. The Minister has just told us that there will be a lot of scrutiny and consideration, and that many advisory bodies will give their opinion, but what is advantageous about this amendment is that it requires specifically that the Secretary of State should lay before Parliament a report on those three matters.

Like other noble Lords, I have read in *Hansard* the debate held in the other place on 12 October. It is quite clear that many Members there deeply regretted not being able to debate this matter in the Commons, hoped that the Government might even enable a debate by tabling a finance Motion, if that is the right expression, and asked for a further opportunity to debate it. Today, in effect, if we pass this amendment we will give the Commons another chance to debate these issues. I feel therefore that those Members of this House who voted for the earlier amendment tabled by the noble Lord, Lord Curry, should seriously consider supporting this amendment because that will give the Commons another opportunity to debate this matter. If it is put to the vote, I will support it.

Baroness McIntosh of Pickering (Con): My Lords, I support Amendments 16B and 18B. I am somewhat perplexed. As a party, we went into the election last year on a manifesto commitment to maintain high standards of food production in terms of animal welfare, health and hygiene, along with environmental protection. That will mean nothing if we have cheaper imports that undercut us. As the noble Lord, Lord Grantchester, will remember, I tabled an amendment at an earlier stage that would have gone further than this and would have been totally in keeping with what the World Trade Organization dictates: in certain circumstances you can have higher standards. That is something that my noble friend the Minister must accept is happening in certain agreements now. Indeed, it is already reflected in some of our fair trade deals, in that we buy products from certain developing countries on those grounds.

It is extremely important that we differentiate between elements that my noble friend tends to couple together, but which I think it is wrong to do. He has repeated that the Food Standards Agency for England and Food Standards Scotland keep up standards of food safety; I applaud the role that Heather Hancock and her team have played in the agency. We have now established in debates on both this Bill and the Trade Bill that those safety standards, which I fully support, can be amended by the stroke of a pen through secondary legislation. We do not even need the Government to come back with primary legislation in the form of a Bill. The standards can be amended and removed by statutory instrument. That is why I believe that Amendment 16B should be adopted. I did urge my noble friend to bring forward an amendment to this effect on behalf of the Government.

The reason given by the other place for not supporting the earlier amendment in this regard is:

“Because the Commons do not consider it appropriate to create new requirements for imports to meet particular standards.”

These are not new requirements; they are requirements on which I believe the Government stood and won so convincingly last year. We cannot set high standards in this country and accept imports that might undercut them. Why? Because a Conservative Government did precisely this in the mid-1990s by banning sow stalls and tethers, only to be undercut by cheaper meat produced using sow stalls and tethers in countries where doing so was still perfectly legal. The public voted on price. I entirely support what the noble Lord, Lord Grantchester, said on labelling and the campaign that the noble Lord, Lord Rooker, has been running. Regrettably, I believe there is a need for Amendment 16B. I urge my noble friend to think again.

I pay tribute to the noble Lord, Lord Curry of Kirkharle, for persisting with his campaign, which I entirely support, with his redrafted Amendment 18B. As my noble friend the Duke of Wellington said, the reason given—

“Because it would involve a charge on public funds”—

is unacceptable. I am grateful to my noble friend Lord Grimstone for his reply in Oral Questions last week, which set out the budget for the Trade and Agriculture Commission as it currently exists, and for the Trade Remedies Authority. It begs the question why we need

the Trade Remedies Authority to be on the face of the Trade Bill, but we do not wish to see the Trade and Agriculture Commission in statutory form.

I actually wish that the amendment went further. I pay tribute to what the Minister said in summing up the debate next door. My honourable friend Victoria Prentis recognised that there might be a need to extend the current remit and tenure of members of the Trade and Agriculture Commission, but I believe in the advice of Henry Dimbleby in his interim report. He has done us a great service by saying that the Government should consider a stand-alone, purpose-built international trade commission, such as exists in so many of the other jurisdictions with which we seek to trade in this brave new world, having left the European Union.

I will move a similar amendment in Committee on the Trade Bill. I believe there is scope for the Trade Bill and the Agriculture Bill to reflect each other in this regard. I cannot believe that the Trade and Agriculture Commission's existing budget does not enable acceptance of this modest amendment in the name of the noble Lord, Lord Curry of Kirkharle, which, as I said, I wish went further. I will support it if he presses it to a vote.

Lord Trees (CB): My Lords, I shall speak in support of Amendment 18B in the name of my noble friend Lord Curry. The issue of maintaining animal welfare and environmental standards is of huge concern, as has been mentioned by many noble Lords. We have previously received a number of assurances from the Government, which are undoubtedly sincere, but there is legitimate concern to see that assurances are turned into deliverable action to create systems and mechanisms that provide a degree of independent advice and scrutiny to government.

As the UK starts negotiating its own trade agreements as an independent sovereign state, we have a chance to clearly demonstrate by actions, not just words, that we will negotiate on the basis that equivalent animal welfare standards and suitable environmental standards apply to the food we import, just as they apply to that which we produce ourselves. This is not about protectionism but giving our farmers a level playing field to compete on, and setting out a global exemplar position on animal welfare and the environment.

Last week, I had the pleasure, coming back from our local town, of passing a field of beef cows, with their well-grown calves at foot, contentedly grazing amid the woods and hills of Perthshire, all in a lovely wildlife-rich, biodiverse environment. Are we going to risk exchanging that for feedlot cattle that live their life on bare earth and are fed soya; or, worse, cattle reared not on natural grassland but on cleared rainforest? The UK is rightly proud of its climate change commitments, but what is the point of trying to reduce our agricultural carbon emissions if we import beef from cleared rainforests?

The creation of the Trade and Agriculture Commission was a welcome step and it will set out a framework for future trade deals, but it will cease to function by January. I submit that there will be a need for continuing advice and scrutiny. Why would any Government not want a readily available, very affordable pool of independent expertise to consult? For imported food, to protect our food safety, there is the Food Standards

[LORD TREES]

Agency. To protect animal and plant health there are the international sanitary and phytosanitary protocols. There is a deficit in independent oversight for animal welfare and environmental standards on imported products.

The amendment proposes that Parliament and a continuing Trade and Agriculture Commission should provide that oversight. If the Government object to this revised amendment, will they consider bringing forward their own suitable amendment in the other place? That would go a long way to assuage the very real concerns of the public—let us not forget the NFU petition which over a million people signed—and the legitimate concerns of the welfare and environmental bodies, the veterinary profession and our farmers. What is there not to like?

Lord McCrea of Magherafelt and Cookstown (DUP):

My Lords, I support Amendment 16B in the name of the noble Lord, Lord Grantchester, and Amendment 18B in the name of the noble Lord, Lord Curry of Kirkharle. We have the opportunity through this legislation to shape future policy on food production, standards, the environment and animal welfare. Surely it is imperative that we do so, ensuring that those who produce our food to the highest standard are protected from unfair competition.

The rejection of the previous amendment from the noble Lord, Lord Curry, was a blow for UK agriculture and consumers. I appreciate that the Government have on several occasions repeated their commitment not to lower food safety standards, which are presently safeguarded under UK law, but I cannot understand why they are so hesitant to strengthen their arm in putting this clearly down in legislation. Flooding the UK market with cheap imports, with lower standards, would have a serious and detrimental effect on our farming industry and place UK food and farming in serious jeopardy. It surely cannot be right to negotiate any international trade agreement without securing clear food, food safety, hygiene, traceability, and animal health and welfare standards.

Verbal commitments are insufficient and can be easily set aside, as we witnessed during other recent negotiations. We need to set the parameters without ambiguity. What happened in the other place was a missed opportunity and we must do our best to rectify it. There is absolutely no excuse for us not granting Parliament a firm and coherent role in any future trade deals. For the Government to demand the highest standards from their own food producers, with all the considerable cost implications, while not demanding the same rigorous standards from those importing food to the United Kingdom, is unacceptable. The House must endeavour to press the Government on this issue by supporting the amendments. They are not wrecking amendments; they are constructive and deserve our support. They would permit a level playing field for all food producers and grant the necessary protection for the consumer.

6 pm

Lord Empey (UUP): My Lords, I wish this Minister were Secretary of State. If that were the case, I think

most people in this House would be content and happy with the way of things. I hope that by saying that, I am not doing him any harm.

The Minister has gone out of his way on a number of occasions to tell us about standards in this country. He has referred both publicly and privately to the FSA and the Scottish equivalent, and I get that. However, I want to tell noble Lords of a little experience that I had a few years ago as a member of the TTIP all-party group, which concentrated on transatlantic trade. This happened in the year of the referendum but before it took place. The group was led by John Spellar from the other place, and the noble Lord, Lord Tugendhat, and other Members of this House were on the delegation.

We went to Washington DC and had a meeting with all the representatives of the US food producers, ranging from the cattle people to the grain people. There was a whole roomful of them, and they all have very powerful organisations based in Washington. I will spare the House: we came to the chap at the end of the row and he said, “I have 46 Members of Congress in my pocket. There’ll be no deal done unless I say so.” Are we seriously suggesting that we do an international trade deal with the likes of America, although it could be somewhere else, and then say, “You can bring your food in here but we’re going to put a tariff on it if we don’t like the cut of it”, or are we going to ignore it in a specific and limited way?

This is the problem that many of us have. Yes, we have good standards and we want to maintain them, but equally we do not want to see the hands of the Secretary of State for International Trade completely tied behind her back when doing international deals. However, to all intents and purposes some of us, in my part of the United Kingdom in particular, are left in the EU. The Prime Minister came over a year ago and said, “If you get pieces of paper, tear them up and throw them in the bin.” On 1 July this year the Government allocated £25 million to help us fill in those pieces of paper. By 29 August that had risen to £355 million. That is a lot of paper.

The first point I am making is that if we have already have sufficient powers to maintain standards, how can we do trade deals? Why are we not saying specifically that we do not want this in the Bill because it might tie the hands of the Secretary of State for International Trade? You cannot have your cake and eat it. Either we have those standards or we do not. The difficulty that my part of the United Kingdom is left in is that we have no choice and no say, and will have no say, in what regulations we have to maintain. I cannot imagine the US or anywhere else doing a trade deal and then meekly lying down and accepting that we put tariffs on their products. That is the antithesis of having a trade deal. You do your deal, and that is what the deal is.

The noble Lord, Lord Grantchester, made the point about equivalence: it does not have to be the same. If it were equivalent then that might be a way around, but if we just say bluntly, “We can bring in cheap food but we’ll put a tariff on it”, there is no point in doing a trade deal because no one is going to agree to it. I can say, from having seen these people in the US, that there are no circumstances in which they are going to be dictated to. Forget about the politics of it; it is the

reality of Congress and the people who come from the rural areas. They know which side their bread is buttered, even if we do not. I think we are living in a fool's paradise.

My second point is that I was quite upset that the House of Commons decided to hide behind a money measure in dismissing the original amendment of the noble Lord, Lord Curry. Yes, we have to be careful of the barriers between the two Houses, but that seemed an unnecessary way around it. They could have stated why they were opposed to it—a point made by the noble Duke, the Duke of Wellington. But to hide behind a money issue, when what we were talking about was trivial in comparison, was unfortunate.

The Minister and his colleagues have been exceptionally patient with, and helpful to, us all. But he must remember that for some of us, this is the difference between having and not having an industry. As far as Northern Ireland is concerned, this is our largest single industry, it has the largest manufacturing, and of all the companies in Northern Ireland, the top five or six are all based around the agricultural sector. That is why these amendments are important, and that is why I hope we can give the House of Commons another chance to look at this.

The Earl of Caithness (Con): My Lords, like the noble Lord, Lord Empey, I would very much like my noble friend Lord Gardiner to be the Secretary of State, but I have to disagree with him that it would make any difference. I think the die is cast; the Department for International Trade is against these amendments, as is No. 10. They do not get farming in this country, and it would not matter if my noble friend was Secretary of State. I think we are batting our heads against a brick wall. But let us continue to bat our heads against the brick wall, and we might finally get a crack in the brick wall.

Amendments 16B and 18B seek to increase the resilience and sustainability of UK food and farming, and that is to be welcomed. On the sustainability of UK farming, I would like to go on a quick tangent, because, as my noble friend the Minister knows, I am concerned about the sustainability of farming, and I think a lot of English farms, as a result of this legislation, will be turned into theme parks. My fear of that was heightened when I listened to “Farming Today” last week. I do not know whether my noble friend listens to “Farming Today”, but it was an interview about what was going to happen as a result of ELMS coming in. It took place with a Defra representative in Cumbria, and she said a farmer could take his sheep to a show, and he would be able to get a grant for that because that is engagement; it is under the heading of “heritage, beauty and engagement”. This is not farming; this is taking it to the extreme. So I ask my noble friend: if a farmer is going to be able to get an ELM grant for taking his sheep to the show—and good luck to my noble friend Lord Inglewood—would the farmer be able to claim the same engagement by taking his produce to the harvest festival service? There, in the church, everybody would be able to see his grain, his potatoes, his leeks; that is engagement of the highest kind, so surely the theme park managers will be able to benefit from that.

Let me return to the amendment. Again, in the committee I sat on, chaired by the noble Lord, Lord Krebs, it was quite clear that the hospitality industry is keen to buy the cheapest food at the cheapest price and sell it at the cheapest price, regardless of where it comes from and what the quality is, let alone the animal welfare standards. The noble Lord, Lord Grantchester—and I am happy to support him once again on his amendment—told us how much of the food we consume in this country comes from the hospitality side. That is a major concern. I have already described how difficult it was to get evidence from some of these people, but what evidence we did get did not fill me with any confidence for the future of farming and animal welfare standards in this country.

My noble friend the Minister, when opening, said that these amendments were disproportionate. If they are disproportionate, it means that the current system is adequate, and the current system is clearly not adequate, because we have heard of the bolt-ons that are going to be necessary and which are taking place. Surely, much the cleanest and best thing to do is to persuade the Department for International Trade and No. 10 that Amendments 16B and 18B should be included in the Bill.

It is absolutely right that there should be independent oversight of these trade deals, and that that body should report to Parliament through the Secretary of State. I have been in the Minister's position and, after a cross-party defeat—and, so far, the Minister has no supporters, and the noble Lords, Lord Grantchester and Lord Curry, have six each—I went to see Viscount Whitelaw, who was Leader of the House, and apologised for getting heavily defeated by a cross-party amendment. He looked at me and said, “Malcolm, perhaps they were right.” I wonder whether my noble friend could take that back to his Secretary of State.

Lord Carrington (CB): My Lords, I declare once again my farming interests, as set out in the register. I am extremely pleased to be able to support Amendment 18B, proposed by the noble Lord, Lord Curry. As we all know, the amendment has widespread support in this House and nationally, and, as it has returned in a slightly different format, it can be discussed accordingly.

I will make two very short points. I understand why the Government do not want to see their hands tied by a specific standards clause, as it would be wrong for trade deals to fail if one sector alone, accounting for a small proportion of GDP, has an implied veto. This amendment is a very sensible compromise, in that it enables a committee of experts to report to Parliament before a deal is signed, and then the pros and cons can be decided.

Secondly, other countries, notably the United States of America, have independent trade commissions that report to their assemblies, so no precedent is being set.

Lord Lansley (Con): My Lords, first, I apologise for intervening on our consideration of the Agriculture Bill at this stage, having played no part whatever in any previous consideration of it. But I intervene today because I have played a part in the consideration at

[LORD LANSLEY]

every stage of the Trade Bill—and, indeed, the previous Trade Bill, in the last Session. So I come as an emissary from the Trade Bill discussions.

Before I come to Amendment 16B, I will just say to my noble friend the Duke of Wellington that I have sat in a Reasons Committee in the House of Commons, and when such a committee is presented with a Lords amendment that breaches financial privilege, custom and the Standing Orders effectively require that it presents just that one reason. So he should attach no weight to the fact that no other reasons were presented. That is the form of how it is done.

On Amendment 16B, I start from the same place as my noble friend. We have a manifesto that commits us to the highest standards of environmental protection, animal welfare and food standards. However, I do not agree with her that we require Amendment 16B in order for this to happen.

I am a member of the EU International Agreements Sub-Committee of your Lordships' House. We are looking at the trade agreements as they come through. At the moment we have only the Japan agreement to look at as a new, as opposed to a rollover, agreement. Of course, these issues have not arisen with the rollover agreements. The Japan agreement would be covered by this amendment, because it relates to agriculture and food—there are provisions relating to tariff changes and so on. Are we really suggesting, as a consequence of this amendment, that the British Government will now not enter into a trade deal with Japan on the grounds that the Japanese Government will not—I am sure that they will not—accept that UK standards should be applied in Japan? Their view may well be that their standards are equivalent, but they will not sign an agreement that says that they are committed to that.

6.15 pm

As far as I can see, the effect of the amendment would also be to say that if we enter into a free trade agreement with the European Union, the European Union must accept our standards. I thought that the whole point of what people voted for in the referendum—I did not agree with them—was that we would not be bound by the European Union's standards. I have heard Ministers say that they want higher standards. So I am afraid that the amendment makes no sense. Now I might not win that argument—noble Lords want these standards built into trade agreements. Frankly, in many cases they are not negotiable, and the noble Lord, Lord Empey, said, I think perfectly correctly, that this is not a negotiable objective with the United States.

However, from my point of view today, in considering the Commons response to our amendments, the merits of the amendment are not the only issue. The fact is that the Commons debated it. The noble Baroness, Lady Jones of Whitchurch, said in effect that they did not debate the previous amendment very much because they devoted all their attention to this one—and they voted against it. The question is: should we ask them to think again? I say to noble Lords that we can ask them to think again but, if noble Lords want to do that, the proper place is on the Trade Bill, because this matter relates to trade.

I say gently to the noble Lord, Lord Grantchester, that I do not think that his amendment does what he thinks it does. For example, he talked about least-developed countries in the context of agreements notified under paragraph 7(a) of Article XXIV of the GATT, but of course the issue of a reduction in tariffs in relation to developing countries generally arises in the form of the generalised scheme of preferences, where we offer preferential tariff rates to eligible developing and least-developed countries. This is not an agreement notified through paragraph 7(a) of Article XXIV of the GATT. It is not a customs union or a free trade agreement; it is separate and unilateral. So the amendment does not bite on agricultural imports from developing countries under our preferential scheme.

I am afraid that now is the time for noble Lords to say, "Fine—the Commons did not accept our amendment to the Agriculture Bill. We will have a Report stage on the Trade Bill. We will have the opportunity to consider this properly in the context of the Trade Bill, and whether we should mandate Ministers in advance of their negotiations on future international trade agreements." My personal view is that we should not mandate them. My view—I think that the noble Lord, Lord Curry of Kirkharle, rightly suggested this, although I do not agree with his amendment because it is not necessary—is that Ministers will bring forward reports and tell us what their negotiating objectives are. They will report to us on the implications, including on agriculture, food, plant and other issues. We can scrutinise those implications and decide whether, in our view, it is right to ratify such an agreement, and the other place will have the power to reject it.

My final point is that no international trade agreement in itself changes UK domestic legislation. For that to happen requires these two Houses to make those decisions separately. So, directly, we cannot be put in a position where imports come into this country of a standard that is not acceptable under our domestic legislation. In that respect, I think that we should look at this as being about trade, pull stumps now and consider it further in discussion on the Trade Bill.

Lord Cormack (Con): My Lords, how very excellent it is to get back to something like the old House of Lords, where you do not have to put your name down for—and decide you are going to have an opinion on—a debate days in advance. I came in this afternoon to listen, but I have been moved to get up on my hind feet and say a few things because we are debating a crucial issue. I do this for two or three reasons.

First, like my noble friend Lord Lansley, I owe the House an apology. I took a fairly active part, as some noble Lords may remember, in Committee on the Agriculture Bill. I was here for most sessions and spoke a number of times—not quite as often as my noble friend Lady McIntosh but nevertheless a few times. Sadly, in September I was rather messed up by a couple of cataract operations and had to be in and out of hospital, so I did not play much part—two small speeches—on Report. However, I believe the issue we are debating today is of central and crucial importance.

My noble friend Lord Lansley made a very good point about the admirable amendment in the name of the noble Lord, Lord Grantchester, that has been

dismissed by the Commons. We will have a Report stage on the Trade Bill, which I have not yet taken part in, which would perhaps be the right moment to reintroduce that amendment. I am one of those who believe that the House of Lords has not only a right but a duty to ask the House of Commons to think again, but if it thinks again emphatically, one has to be very careful indeed before indulging in another round of ping-pong. I am very conscious that I said something different last night on a very different Bill, on which we will be wholly justified in engaging in some very serious ping-pong. I am glad to see my noble friend Lord Lansley nodding a degree of assent.

The amendment placed before us by the noble Lord, Lord Curry, is in a different category. My noble friend Lord Lansley is of course right about Reasons Committees and there is nothing strange or novel about the reason given being that it fell outside the financial parameters. Fair enough. However, the noble Lord, Lord Curry, has taken note of that and presented a very different amendment in emphasis and degree; I really think the Commons should have an opportunity to reflect on it, because a number of MPs expressed dissatisfaction—some expressed downright annoyance—that they were not able to debate it. They should be given that chance by your Lordships' House.

I was very taken last Thursday by a letter in the *Times* from one of the most admirable presidents the NFU has ever had, Minette Batters. She said she had had a cordial meeting with the Prime Minister the previous day and hoped he now recognised certain things—we do not know yet whether or not he does. There is a woman who is giving outstanding leadership, who was responsible for this petition, signed by a million people expressing their concern about food standards.

We know there is a danger—my noble friend Earl Caithness put it humorously tonight—of the “theme park farm” developing. What farming is about, and I made this point myself several times in Committee, is producing food for our people—food of a high standard and quality, produced in a way that recognises the livestock and does not seek to fill them with artificial hormones or to do other things. We are not exactly right, and I have referred before in your Lordships' House to those terrible scenes on the Wye earlier this year, when the effluent from intensive chicken farming destroyed, for a time at least, one of the most beautiful rivers not only in England but in the whole United Kingdom. We have to recognise that.

Minette Batters wrote in her letter to the *Times* that we just do not want the situation whereby things that would be illegal if produced in the United Kingdom were sold here and undercut our own farmers' produce. It was a powerful letter, but that is the fundamental, underlying concern of farmers in this country. I say that having represented a farming constituency for 40 years and living now in my native county of Lincolnshire, which is perhaps the greatest farming county of all.

Noble Lords: Oh!

Lord Cormack (Con): I knew that would arouse a few barbs, but it is a very serious and important farming county where, this year, they are battling in the wake of the worst harvest in half a century.

We have a duty to these people, and a duty to encourage them to produce food and not regard themselves as theme parks. If that is true of the United Kingdom as a whole, it is particularly true of Northern Ireland. My noble friend Lord Empey knows so much more about Northern Ireland than I will ever know, but I was chairman of the Northern Ireland Affairs Committee in the other place for five years and I travelled there a lot. I got to know and love that part of the United Kingdom very much, and all I can say is that everything that my noble friend said tonight about farming in Northern Ireland is, if anything, an understatement; we have to take that into account.

So I will support the amendment in the name of the noble Lord, Lord Curry, so that the Commons has a chance to think again. However, in order not to make my noble friend the Minister, for whom I have a very real regard, be too cross with me, I close by saying that I strongly support what my noble friend Lord Empey said about my noble friend Lord Gardiner. Would it not be a very good thing to have a Secretary of State, another Cabinet Minister, in this House? Would it not be particularly appropriate if the portfolio that that Minister held was for agriculture? I would like him to be, in the old way, the Minister for Agriculture, Fisheries and Food.

The Deputy Speaker (Lord Russell of Liverpool) (CB): Does any other Member in the Chamber wish to speak? If not, I call the noble Baroness, Lady Boycott.

Baroness Boycott (CB) [V]: My Lords, this has been a really excellent debate. I find it quite astonishing, however, at the time of a huge public health crisis—not just in our country but across the world—due to poor diet, as well as an environmental crisis, that we would ever consider importing into our country food that was of lower standards. It worries me, because I agree with all the words that have been said by the Minister—I wish he were higher up the food chain, as it were—and I also sincerely accept his words that these standards will be maintained, somehow or another, but if that is true, and, as the noble Baroness, Lady McIntosh, pointed out, it was part of the manifesto, what precisely is the real objection to writing such a clause into the heart of the Bill?

We have worked, in the food industry and, indeed, through outfits such as the FSA, once chaired by the noble Lord, Lord Krebs, and it has taken 20 years of UK public policy just to achieve clear front-of-pack labelling, yet right now we are considering doing trade deals with a country, the USA, that says it is concerned that

“labelling food with high sugar content ... is not particularly useful in changing consumer behaviour”.

Would anyone say that about the way we market cigarettes? Would anyone in this country say that sugar is not a primary cause of obesity—or, indeed, the primary cause of under-12s going into hospital to have all their teeth out?

As has been mentioned, including by the noble Lord, Lord Grantchester, 40% of the food we eat is eaten outside of the home. In most cases, of course, it means that we as consumers have absolutely no clue about how the food gets to us and what it is.

[BARONESS BOYCOTT]

Who remembers the horse meat scandal, which showed that the meat had travelled from some 10 destinations throughout Europe before finally ending up in burgers in well-known supermarkets? I do not see any way, unless it is written into the Bill, for us to stop this cheaper food coming here. Sadly, we know how often price affects the way people buy.

6.30 pm

The chemicals and additives that are added to the diets of American pork and beef animals are shocking. We all worry about antibiotic resistance and the prospect that the day might come when childbirth, or even a thorn in your finger that makes it go septic, could cause you to become very ill or even die. More than 50% of all the antibiotics consumed in America are consumed by pigs, cattle and chickens. It is no surprise that antibiotic-resistant illnesses are on the rise there. Surely that is something we need to prevent. Our standards in this respect are good. Our use of antibiotics is limited; we use them only in an emergency and not as a routine growth hormone.

There are other extreme examples of cruelty. I want to coin a phrase that was first said by the noble Lord, Lord Curry, about exporting our own types of animal cruelty. American pigs are given hormones to encourage them to run around and build up their muscle content because that makes them better to eat. I have often thought that if we did something like that to Labradors, the world would crash to a halt; having kept both pigs and Labradors, I would say that pigs have the edge in intelligence and sentience. If we allow this, we are also saying that we tacitly approve of this system of rearing animals, including in terms of what they eat.

As the noble Lord, Lord Trees, said, we must import or export our emissions. That means that we need trade standards that will examine how products have been grown and what they have necessitated. The finance industry is already way ahead of policy in setting targets on products that depend on deforestation or practices that actively encourage and cause climate change; as long-term investments over a 10-year plan, they will become stranded assets because the world will not deal with them. Surely, we should appreciate, enhance and deeply embed this principle in our Agriculture Bill.

As has been pointed out by many noble Lords, there is a huge weight of public opinion. People care about their food. They care about their farmers. They care about their standards. We need to be open with Parliament. Like the amendment in the name of the noble Lord, Lord Grantchester, the excellent amendment in the name of the noble Lord, Lord Curry, will allow us to have a commission that puts what is in a Trade Bill before Parliament if we need to examine it. We need both these things put into law; both of them need muscle and power. If we do not do this, we will not be able to level our playing field and carry on producing our own food to a high standard; it will be unfair to us, to consumers and to our children.

Baroness Bakewell of Hardington Mandeville (LD)

[V]: My Lords, I thank the Minister for his introductory remarks, and for his briefings and those of his officials.

I support the contributions from the Floor of the House asking to elevate him to the role of Secretary of State for Agriculture in our Chamber.

We have heard some excellent contributions this afternoon. In his Motion E1, the noble Lord, Lord Grantchester, laid out the arguments for Amendment 16B, which addresses how the UK's animal welfare, food and environmental standards will be protected in the negotiation of future free trade agreements. FTAs permit imports to be subject to conditionality based on animal welfare. We are nothing if not a nation of animal lovers. The Government have set themselves the goal of having the best animal welfare standards in the world. This is laudable, but action will need to be taken to ensure that this happens.

Earlier, we debated the previous incarnation of the Trade Bill, when the Government themselves proposed and passed an amendment ensuring that UK animal welfare and environmental standards would be protected in trade agreements. The noble Baroness, Lady McIntosh of Pickering, has referred to how standards can be changed during the statutory instrument process, and I agree that labelling is going to be vital. A broad range of NGOs and bodies representing the UK agriculture sector believe that the Government must protect our farmers and standards by requiring that imports meet UK standards. I support the amendment of the noble Lord, Lord Grantchester, which assists the Government to meet their stated aim of healthy, sustainable food for trade and communities, as he has indicated. There is a minefield to be negotiated here.

I now turn to Motion G1 and Amendment 18B, in the name of the noble Lord, Lord Curry of Kirkharle, whom I congratulate on his introduction. I was dismayed that the Government did not allow his previous amendment to be debated in the other place due to a technicality regarding the use of public funds. At no point during our deliberations in Committee or on Report was this raised as an issue. When the debate on the Lords amendments took place in the other place, although this amendment was not on the order paper, many MPs expressed support for its aim, as other Peers have said, including the noble Duke, the Duke of Wellington. The noble Lord, Lord Curry, has altered its wording, so let us hope that it will find favour with the other place and get an airing there.

British farmers work the land and stock; their animals are well looked after and the high standards that pertain here ensure that those purchasing home-reared products can have confidence in their produce. This amendment does not take away any of the power of the Government or the other place; in fact, the opposite is true. Sadly, I agree with the noble Earl, Lord Caithness, that the Government do not really "get" agriculture. The National Farmers' Union fully supports this measure, which protects farmers from poorer quality—and, possibly, cheaper—imports slipping in under the net of protection that British farmers operate under. The NFU's petition has attracted over a million signatures, as others have referred to.

While we welcome the Government's move to set up a Trade and Agriculture Commission, this had a very limited life and no legislative basis at all. It was not independent of government and had no teeth to implement its findings, as others have so eloquently

said. It would also have reported long before the move from the basic payments scheme to the environmental land management scheme had become fully operational. The transition of farmers from one scheme to the other is a source of anxiety among the agricultural community. The pilots that are currently running under ELMS have yet to be assessed, and farmers are unsure what the future holds for them.

Amendment 18B would require the Government to report to Parliament on the impact of trade deals prior to ratification, looking specifically at how food imports will be addressed under those deals and whether food produced to different standards will be allowed under their terms. This is important to ensure that our farmers are not undercut. It would set up the Trade and Agriculture Commission on a permanent basis, instead of as a non-statutory body, currently due to be disbanded in January 2021, and it will require the Government to consult fully on these powers.

What we have before us is a compromise, but it is a fair compromise, ensuring we safeguard our standards in future trade deals. It will not impinge on the primacy of the Executive in negotiating trade deals. It gives parliamentarians an important say on whether those final deals are in the interests of the British people before they come into effect. Surely, this is a key role of Parliament.

If we are to enter into trade agreements that do not meet the Government's manifesto commitments on environmental standards and animal welfare, where are we? When the noble Lord, Lord Curry, divides the House, the Liberal Democrat Benches will be supporting him fully.

Lord Gardiner of Kimble (Con): My Lords, I thank all noble Lords for a far more extensive debate, in terms of numbers, than I had imagined. It adds to the many other debates that we have had on this matter over the past months.

Some noble Lords could get me into considerable trouble, so I say, emphatically, that I work for an exceptional Secretary of State. Obviously, I do not take these things personally. Like many other Ministers with farming interests—I should also declare my membership of the NFU—I understand agriculture, because I come of farming stock. I understand the mindset of so many farming families and communities at this time. My noble friends Lord Lansley and Lord Cormack I hope knocked on the head the issue of financial privilege. I mention particularly to the noble Baroness, Lady Bakewell of Hardington Mandeville, that this is the procedure. My noble friends who were in the other place know this. I do not want any noble Lord to think that the points raised were not of interest, but simply to understand why it is as it is.

I get the mood of the House and, I imagine, the mood beyond it, but hope that some of the detail in my opening remarks and in what I say now will ensure that whatever the differences, we are all in agreement about the necessity and desirability of maintaining standards. I will not repeat, as I have on other occasions, the legal import requirements that we already have. We have import rules on antibiotic growth promoters in domestic law. I am sure that the noble Baroness, Lady Boycott, knows that, but the implication was

that this may not be part of our domestic law. To put the record straight, it is, and therefore the points that she made would relate to our import rules.

We have yet to explore fully the opportunity of trade across the world for British agriculture and horticulture. When I say “British”, I mean across the United Kingdom. England has a very strong agricultural sector, but my goodness, it is very strong in Wales, Northern Ireland and Scotland too. I say this to the noble Lords, Lord Empey and Lord McCrea.

My noble friend Lord Cormack rightly mentioned producing food at home, but when I speak to my noble friend Lord Grimstone, the opportunities for producing British food and drink across the United Kingdom for export are what he is so keen to grasp. As I have said before, some of the debate that we have had in this House has, on balance, been determined that everything will be grim, whereas I see considerable opportunities for British agriculture and horticulture.

I set out the range of rigorous processes that ensure full input into trade deals and to allow them to be effectively scrutinised. Our overall approach to scrutiny goes well beyond that of many comparable parliamentary democracies. The noble Baroness, Lady Bakewell, referred to a key role of Parliament. Parliament has enormous input and scope to say “No”. All treaties that require ratification are subject to scrutiny procedures under the CRaG Act 2010. Any legislation required to give effect to our FTAs must be scrutinised and passed by Parliament.

6.45 pm

The noble Baroness, Lady Boycott, spoke about examination. My goodness—the Government have already made additional commitments to transparency and to aid scrutiny of FTAs. These include: publishing objectives and initial economic assessments prior to the start of talks; providing regular progress updates to Parliament, as we have done at the conclusion of negotiation rounds with the US and Australia; engaging closely with the International Trade Committee and the Lords EU International Agreement Sub-Committee—I am so glad that my noble friend Lord Lansley is on that committee—throughout negotiations to keep them abreast of developments; publishing a final impact assessment; and allowing time for the relevant scrutiny committee to publish a report. Where the committee indicated that the agreement should be subject to a debate prior to the commencement of parliamentary scrutiny under CRaG, the Government would consider and seek to meet such requests—that is, when these requests are made within a reasonable timeframe and subject to parliamentary timetables.

I am interested in the point that we always have to run to someone else to consider these matters. This is where the base of authority lies—in Parliament. It is our job to scrutinise. It is the job of our committees. I believe noble Lords would say that the committees of our House are invaluable. What always concerns me is that we run to other people when we should take so much more responsibility for that scrutiny.

The Trade and Agriculture Commission in particular contains an authoritative body of expertise and is already playing a very important role in our trade policy. It was established to run with a fixed term and

[LORD GARDINER OF KIMBLE]

a well-defined remit. This was a deliberate decision, which avoided creating a permanent quango duplicating existing government functions and, in particular, the trade advisory groups. It is interesting that noble Lords have not mentioned these groups, which are a permanent mechanism through which stakeholders can feed into FTAs.

I am concerned that the noble Lord, Lord Curry of Kirkharle, used the words “race to the bottom”. At no point in my five years of existence at Defra—how much longer that will be, goodness knows now—has there been the idea that this Government, or any Government, should want to race to the bottom. I have outlined all the scrutiny that will take place. The noble Lord knows that I have not only regard but affection for him. The Veterinary Medicines Directorate, the Animal and Plant Health Agency, the Food Standards Agency and Food Standards Scotland are all very well-regarded regulatory bodies. Their functions are very clear. As I said, I had a meeting with the chair and the chief executive of the Food Standards Agency only last Friday. We discussed what it needs to do, and will do, with Britain being an independent third country, as well as the absolute imperative of standards across the range, as I described in my opening remarks. I emphasise again the importance—indeed, the essential nature—of the bodies we already have.

I say to the noble Lord, Lord Trees, that we will take account of animal welfare considerations during negotiations and will use the most appropriate levers available to achieve our objectives. Whether it is the Foreign Office or our department, pressing for improvements in standards across the globe has often very much registered with other countries. We should be mindful of that.

I am a pragmatist and a realist, and I know the mood of this House. I can only say that the Government will continue to consider all these matters and other points that are made in the light of the very extensive scrutiny I have outlined. That scrutiny really is additional. I say again, and it is not meant to sound churlish, that the Government have offered so much more scrutiny. Having studied what other countries have provided, I would, as I said, be very interested to hear later whether any noble Lord can cite a country that has even more rigorous scrutiny. I would be very interested to investigate that. I am mindful of the mood of the House but, on this occasion, I commend the Motion to the House.

Motion D agreed.

Motion E

Moved by Lord Gardiner of Kimble

That this House do not insist on its Amendment 16, to which the Commons have disagreed for their Reason 16A.

16A: Because the Commons do not consider it appropriate to create new requirements for imports to meet particular standards.

Motion E1 (as an amendment to Motion E)

Moved by Lord Grantchester

At end insert “but do propose Amendment 16B in lieu—

16B: Insert the following new Clause—

“Duty to seek equivalence on agri-food standards in relation to future trade

(1) When negotiating any international trade agreement containing provisions relating to the importation of agri-food products into the United Kingdom, it shall be a negotiating objective for Her Majesty’s Government to secure terms that provide for equivalence with standards applicable to domestic producers in the areas of—

- (a) animal health and welfare,
- (b) protection of the environment,
- (c) food safety, hygiene and traceability, and
- (d) plant health.

(2) Before an international trade agreement can be laid before Parliament under section 20 of the Constitutional Reform and Governance Act 2010 (“the 2010 Act”), a Minister of the Crown must lay before both Houses of Parliament a statement confirming—

(a) that Her Majesty’s Government has, in the Minister’s opinion, fulfilled the requirement under subsection (1),

(b) whether equivalence with domestic standards has been achieved,

(c) any exemptions provided for individual products, and

(d) in relation to subparagraphs (b) and (c), the Minister’s reasons for this being the case.

(3) Subsections (1) and (2) shall not apply if—

(a) the international trade agreement is a continuation or revision of an agreement to which the United Kingdom was a party prior to IP completion day, whether as a direct signatory or by virtue of membership of the European Union, or

(b) the international trade agreement is with one or more least developed countries and, in the Secretary of State’s opinion, seeking equivalence on standards would present an unfair impediment to trade for the country or countries.

(4) In addition to the requirements under the 2010 Act, chapters of a relevant international trade agreement may not be ratified unless the conditions in subsections (5) and (6) have been met.

(5) The condition in this subsection is that the chapters have been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown.

(6) The condition in this subsection is that a motion for the House of Lords to take note of the chapters has been tabled in the House of Lords by a Minister of the Crown and—

(a) the House of Lords has debated the motion, or

(b) the House of Lords has not concluded a debate on the motion before the end of the period of five Lords sitting days beginning with the first Lords sitting day after the day on which the House of Commons passes the resolution mentioned in subsection (5).

(7) In this section—

“chapters” means any individual section or sections of an international trade agreement;

“international trade agreement” means—

(a) an agreement that is or was notifiable under—

(i) paragraph 7(a) of Article XXIV of the General Agreement on Tariffs and Trade, part of Annex 1A to the WTO Agreement (as modified from time to time), or

(ii) paragraph 7(a) of Article V of the General Agreement on Trade in Services, part of Annex 1B to the WTO Agreement (as modified from time to time), or

(b) an international agreement that mainly relates to trade, other than an agreement mentioned in paragraph (a)(i) or (ii);

“least developed countries” means any country on the United Nations Committee for Development’s List of Least Developed Countries, as amended from time to time;

“Lords sitting day” means a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“ratified” has the same meaning as in the Constitutional Reform and Governance Act 2010.””

6.51 pm

Division conducted remotely on Motion E1

Contents 282; Not-Contents 244.

Motion E1 agreed.

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7.04 pm

*Motion F**Moved by Lord Gardiner of Kimble*

That this House do not insist on its Amendment 17, to which the Commons have disagreed for their Reason 17A.

17A: Because the Commons consider that the existing law on this matter is sufficient.

*Motion F1 not moved.**Motion F agreed.*

*Motion G**Moved by Lord Gardiner of Kimble*

That this House do not insist on its Amendment 18, to which the Commons have disagreed for their Reason 18A.

18A: Because it would involve a charge on public funds, and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.

*Motion G1 (as an amendment to Motion G)**Moved by Lord Curry of Kirkharle*

At end insert “but do propose Amendment 18B in lieu—

18B: Insert the following new Clause—

“Trade and standards

(1) The Secretary of State must produce a report relating to each and any international trade agreement agreed, negotiated or concluded by the Government at any time after the commencement of this Act, prior to such an agreement being ratified, considering its impact on the trade of agri- food products.

(2) A report under subsection (1) must—

(a) assess the terms of the international trade agreement under consideration and its impact on the Secretary of State’s ability to promote, maintain and safeguard standards of agri-food production, including in relation to food safety, the environment and animal welfare; and

(b) include a register of all agri-food products—

(i) that are provided with preferential access to the UK market, at any time, under the international trade agreement under consideration, and

(ii) that may be produced to lower standards of food safety, animal welfare or environmental protection than those that are in force in any part of the UK at the time the report is laid under subsection (3).

(3) The Secretary of State must lay any report under subsection (1) before Parliament on the date of publication, and a Minister of the Crown must move a motion to consider the report in each House of Parliament prior to the relevant agreement being ratified.

(4) The relevant international trade agreement may not be ratified within 21 sitting days of a motion being moved under subsection (3).

(5) The Secretary of State must consult on the merits of the establishment of a Trade and Agriculture Commission to undertake the duties in subsections

(1) and (2) on their behalf.

(6) The Secretary of State must lay a report before Parliament containing the outcome of the consultation conducted under subsection (5) within two months of the day on which this Act is passed.

(7) In producing reports under either subsection (1) or (6) the Secretary of State must consult with—

(a) the general public;

(b) the devolved administrations;

(c) representatives from—

(i) the farming sector;

(ii) the food industry;

(iii) consumer and public health groups;

(iv) environmental organisations;

(v) animal welfare organisations;

(vi) farm assurance and certification bodies; and

(d) any other individuals or organisations the Secretary of State considers appropriate.

(8) Reports under subsections (1) and (6) must include summaries of the submissions of the consultees listed in subsection (7).

(9) “International trade agreement” means—

(a) an agreement that is or was notifiable under—

(i) paragraph 7(a) of Article XXIV of the General Agreement on Tariffs and Trade, part of Annex 1A to the WTO Agreement (as modified from time to time), or

(ii) paragraph 7(a) of Article V of the General Agreement on Trade in Services, part of Annex 1B to the WTO Agreement (as modified from time to time), or

(b) an international agreement that mainly relates to trade, other than an agreement mentioned in paragraph (a)(i) or (ii).”

Lord Curry of Kirkharle (CB) [V]: I beg to move and I wish to test the view of the House.

7.06 pm

Division conducted remotely on Motion G1

Contents 278; Not-Contents 200.

Motion G1 agreed.

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older people. Cases continue to rise among the over-60s, who are most likely to end up in hospital or worse. I am very worried that the cases per 100,000 among the over 60s is 401 in the Liverpool city region, 241 in Lancashire and, in Greater Manchester, has risen over the past week from 171 to 283. That is why the Government have been working so hard to act, and I am very glad that we have been able to agree, across party lines, the necessary measures in Liverpool and Lancashire, and we are working hard to reach such an agreement in Greater Manchester.

We are doing everything in our power to suppress the virus, support the economy, support education and support the NHS until a vaccine is available. That is the right strategy, charting a path that allows for the greatest economic and social freedom while protecting life. The director general of the World Health Organisation said last week:

'Allowing a dangerous virus that we don't fully understand to run free is simply unethical.'

I agree. I know that this is difficult and I know that it is relentless, but we must have resolve, see this through and never stop striving to support the science that will one day make us safe.

I was at Chelsea and Westminster Hospital this morning meeting NHS colleagues who are caring for patients with such dedication, as they always do. I heard from them how important it is for everyone to support the NHS by keeping the virus down so that the NHS is not overwhelmed by Covid patients and it can deliver all the essential non-Covid care that people need. I am glad to report that the number of people experiencing a long wait for cancer treatment has been brought down by 63% since its peak in July. I want to thank all the cancer teams who are working so hard to ensure people get the cancer screening, diagnostics and treatment that they need, even in these difficult circumstances, but the best way to protect cancer treatment and all the other treatments in the NHS is to keep the prevalence of coronavirus down.

In doing this, of course, we are taking as localised and targeted a way as possible. Our local code alert level system means that we can have different rules in places such as Cornwall, where transmission is low, and Liverpool, where transmission is high and rising. On Thursday, I updated the House about several areas of the country that we are moving into the high alert level and today I would like to inform the House at the earliest possible opportunity that Lancashire has now moved into the very high alert level. Infection rates in Lancashire are among the highest in the country and are continuing to rise rapidly, including in the over-60s as I mentioned. Both the number of cases and the number of hospital admissions are doubling almost every fortnight, and the number of Covid patients in intensive care beds in Lancashire has already reached nearly half the number seen at the height of the pandemic earlier this year. So we knew we had to take rapid action to suppress the epidemic in Lancashire.

We have always said that we stand side by side with any local area that agreed to move into this third tier and offer substantial support to local authorities, including for testing, tracing, enforcement and business support. I would like to thank local leaders in Lancashire who

7.20 pm

Baroness Bloomfield of Hinton Waldrist (Con): My Lords, the House will now adjourn until 7.30 pm when we will return to hear my noble friend Lord Bethell answer questions on the Covid-19 update.

Sitting suspended.

Covid-19 Statement

The following Statement was made in the House of Commons on Monday 19 October.

"I would like to make a statement on coronavirus. As winter draws in, the virus is on the offensive: 40 million coronavirus cases have now been recorded worldwide. Weekly deaths in Europe have increased by 33%, and here in the UK deaths have tragically doubled in the last 12 days. The situation remains perilous.

While the disease is dangerous for all adults, especially with growing evidence of the debilitating consequences of long Covid, we know it is especially dangerous for

[BARONESS BLOOMFIELD OF HINTON WALDRIST] have been working with us so constructively, and I am sure that their willingness to put politics aside in the national interest, and in the interests of the people whom we serve, will save lives and protect livelihoods at this difficult time.

Following the successful introduction of measures in Liverpool and Lancashire, talks continue this afternoon with Greater Manchester, led by my right hon. Friend the Secretary of State for Housing, Communities and Local Government. This week, further discussions are planned with South Yorkshire, West Yorkshire, Nottinghamshire, the north-east and Teesside.

Sadly, over the weekend, we have seen very directly the impact of this disease. I was shocked to learn on Saturday of the sad death from coronavirus of Bill Anderson, the brother of Liverpool Mayor Joe Anderson. My heart and, I am sure, the sympathies of the whole House go out to the Anderson family and the people of Liverpool, who have lost a brother. All our thoughts are with our colleague, the hon. Member for Bolton South East (Yasmin Qureshi), who is in hospital with pneumonia after testing positive for Covid-19. We wish her a speedy recovery and send all our support to the NHS in Greater Manchester, which is caring for her and so many others.

I would also like to provide an update on testing—another vital line of defence. We are testing more people than any other country in Europe. We are now doing over 300,000 tests a day, up from 2,000 a day in February, and we have opened over 500 test sites, including new walk-in centres in Dundee on Friday, in Edinburgh on Saturday and in Newcastle this morning.

Alongside that important work, we are working hard to discover and evaluate new testing technologies that are simpler, faster and cheaper. Some of these tests can produce a result as quickly as in 15 minutes, and we will make them available to local directors of public health as part of our strategy for local action, starting with areas in the very high alert level. We are rolling them out across hospitals and care homes, to test patients and residents yet more regularly and keep people safe, and for schools and universities, so that we can keep education open safely through the winter. These tests have shown real promise, and we are both buying them now and ramping up our ability to produce them at scale here in the UK. We will stop at nothing to support this extraordinary scientific and logistical endeavour, which can give us hope on the path back to normal life.

Finally, I would like to inform the House that on Friday, we laid regulations to support the roll-out of both the flu vaccination and any Covid vaccination. While, of course, no vaccine technology is certain, we must be prepared to deploy a vaccine as soon as one is safely available. The new regulations provide for a wider range of clinically qualified people to administer vaccines and for the Medicines and Healthcare Products Regulatory Agency to grant a UK licence for a vaccine before the end of the transition period, should that be necessary. We wish all our scientists well in this vital work, and we will give them all the support they need.

We are once again at a decisive moment in our fight against coronavirus. While our scientists work round the clock on the solutions that will finally bring this

crisis to an end, we must all play our part, come together and work together to keep people safe, suppress the virus and save both livelihoods and lives. I commend this statement to the House.”

7.30 pm

Baroness Thornton (Lab): My Lords, first, I declare my interests in the register.

I thank the Minister for taking both these Statements, because we are in fact updating ourselves on Thursday's and Monday's Statements. Without doubt, the virus continues to grow. The R rate is now between 1.3 and 1.5, unless it has increased in the past 24 hours. We on these Benches welcome the advances in saliva and LAMP testing, of course. Indeed, I join everyone in being in awe of the work being carried out in our universities.

I will briefly describe the real-life experience of Test and Trace that happened to a neighbour of mine and her family in the past few weeks. After the first member of the family tested positive, they were given one ID and told to isolate for 14 days as a contact of that family member. The remaining members of the family tested positive four days later. They were given a second ID as a positive contact and told to isolate for 10 days. They all then gave each other's names to Test and Trace as contacts—of course they did; they live in the same house—and were given a third ID. They were then rung up and told to isolate for another 14 days. When they put their test results into the app, they were given a fourth length of time to isolate, which did not match up with what they had been told on the phone. The various Test and Trace staff did not seem able to collate the information that they were being given or to join it up—although some of them tried, it must be said.

It is not surprising, then, that a significant number of people are not complying with self-isolation advice. They may not even understand it. This family, all of whom were being contacted several times a day by phone and text, felt that they were caught in a Kafkaesque world where they were given different advice daily. One said that when the Test and Trace adviser rang her to say that she could go out on Saturday morning, she was afraid to leave the house until the day after because that was what the app told her.

Everyone in that household wanted to get this right; indeed, they tried very hard to do so. What is being done better to make sure that people are being given clearer advice and to ensure that the Test and Trace system is keeping up with people's changing circumstances? What efforts are being made to match up what the app tells people and what they are being told to do over the phone?

While all these resources are being expended on one family, we know that others are finding it difficult to get tests at all. The Government promised millions of tests a day. Now, 300,000 are happening per day, with the Secretary of State telling us that there will be 500,000 tests a day by the end of the month. Despite the hard work of Test and Trace workers on the ground, we know that the system is in chaos. People are not getting test results within 24 hours, and many people are still having to drive miles to a drive-in centre to get a test. If they send away for a test, it can take up to a week between ordering the test and

getting a result back, especially if the test is delivered at the weekend. People are also being urged to take a test only if they have symptoms, yet we already know that up to 80% of people who have the virus have no symptoms. Once people test positive, they are being given contradictory advice about isolation times.

This virus spreads with speed, so testing must be quick, yet results are not being turned around within 24 hours. Again, when will that happen? Contacts must be traced quickly and those who are traced must be given support to isolate. Yet, to be frank, we have a badly designed system that is failing to trace sufficient contacts, has cost £12 billion so far and is paying consultants £7,000 a day. The Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office, the right honourable Michael Gove, justified these failings on “The Andrew Marr Show” by saying that, when the virus is escalating,

“any test and trace system of whatever kind has less utility.”

I wonder what on earth that means. Perhaps the Minister can explain it to me.

Do the Government have confidence in the leadership of Test and Trace, now that we know that so much money is being spent on it? The Minister’s honourable friend Sir Bernard Jenkin MP said yesterday:

“May I also emphasise that one of the reasons why public confidence in the Government’s strategy is somewhat in decline is that we have yet to see the transformation of the leadership of test and trace, which I have discussed with the Secretary of State many times?”—[*Official Report*, 19/10/20; col. 784.]

The Secretary of State did not seem to have any answer to his honourable friend’s question. Perhaps the noble Lord could have another go.

What is the estimate of the number of Covid-19 tests that will be delivered per day by the end of the year? As winter is coming, healthcare workers will also need constant testing. Can the Minister guarantee that all healthcare workers and care workers will be able to have quick Covid tests this winter? The Secretary of State has said that quick tests are now being bought. When will they be ready and rolled out?

I understand that a Statement is being made right now in the Commons about the situation in Manchester and the lack of support for low-paid workers and the self-employed if they move to tier 3. If a person works full time for a minimum wage, their take-home pay will be based on £8.20 an hour. If that is reduced to two-thirds, it is £5.47 an hour. Does the noble Lord think that that is a reasonable amount of money for a family with children? Why do he and his colleagues feel that it is acceptable to ask their fellow citizens to live on such a small amount? Why are we not continuing the furlough scheme?

If the mayor, Andy Burnham, and the leaders of all the boroughs in the Manchester area seem to be angry, it is because they know and understand the hardship which the noble Lord’s Government are visiting upon their communities—people who are already living on low wages—and the effect that this will have on them and their children.

Baroness Jolly (LD) [V]: Next week is half term. If one looks at the graphs, the south-west looks to be a good destination for the week. I live in Cornwall and tourism is vital to our economy, which was already

blighted in the earlier holiday seasons this year. We need visitors and we are ready. What guidance would the Minister give those visitors about the need for social distancing and the wearing of masks? In the summer, there was a reluctance in some cases to comply; many just said that they were on holiday.

7.38 pm

The Parliamentary Under-Secretary of State, Department of Health and Social Care (Lord Bethell) (Con): My Lords, I am grateful for the questions from the noble Baroness, Lady Thornton. If the noble Baroness, Lady Jolly, returns, I shall be happy to answer her questions, too.

The noble Baroness, Lady Thornton, asked a lot about the testing programme. Let me reassure her with some statistics about last week’s processes. Some 1,892,000 tests were done in the week from 1 to 7 October—I repeat, 1,892,000 tests. That is a colossal number, and the vast majority of them were done promptly, accurately, and to the satisfaction of those involved. Of those, 89,874 results were positive, which is a substantial increase of 64% compared to the previous week. That is 89,874 people who would not have had a test six months ago, because we simply did not have the capacity, the knowhow or the systems to do that.

The number of people transferred to the test and trace programme since the beginning of August has increased by 10 times; 67,511 were reached, of whom 57,000 provided details of one or more close contacts. In other words, 67,511 people were taken out of the chain of transmission and asked to isolate, were provided with a financial supplement to care for them and were phoned—sometimes many times, it would appear but, generally, once or twice a week—in a pastoral call to ensure that they had access to local authority, charity and financial support. Of those non-complex cases, 55.9% were reached within 24 hours. That is not good enough, and we need to work on it more, but 55.9% is enough to make a serious impact on the progress of this virus. Without the test and trace programme, we really would not be match fit to combat this virus at all.

The story that the noble Baroness told of her friends was distressing. Anybody who has had the virus will know that it is a miserable affair. For the entire family to have had it is very sad, and my feelings are sincere when I say that I am sorry to hear about her friends who have had coronavirus. But the guidance is relatively straightforward. You are to isolate for 14 days from the original infection. That would have been the advice that they had on the telephone and, if their app said otherwise, the telephone supersedes anything that the technology might have told them.

On getting tests at all, I acknowledge that the general public are not at the top of the priority list right now. The top priority is to protect clinicians and NHS workers, as well as those in hospital care who have the threat of nosocomial infection. Secondly comes social care—protecting those who are vulnerable and live either in residential or domiciliary care. Those people are at the top of the list. We are building our capacity dramatically; we are on course to hit our ambition of 500,000 tests per day by the end of October, and many more beyond that.

[LORD BETHELL]

The tests that the noble Baroness, Lady Thornton, described are incredibly impressive. The saliva testing is much easier to use, and the LAMP testing is phenomenally accurate. The capacity for those LAMP tests to be rolled out across social care and hospitals is enormous, and we are investing considerably in that.

The noble Baroness, Lady Thornton, also asked about Manchester, and there the situation is distressing. I cannot hide the fact that the increase in prevalence in Manchester is a source of enormous sadness, but I reassure her that the extra measures that have been taken there have been accompanied by the offer of extremely generous financial measures.

Those financial measures have been accepted by Lancashire and by Blackpool—but not, it seems so far, by Manchester. We hope very much indeed that Manchester will remain at the table. The negotiations being undertaken by the Government are generous and open hearted. We have already made available £465 million to help local authorities implement and enforce restrictions. Greater Manchester will definitely receive £22 million of this, and we will continue to work with the Greater Manchester councils to ensure that testing and local contact tracing are allocated in the right way. We will continue with those negotiations. The negotiations with Manchester were entirely proportionate to the support that we have given to the Liverpool City Region and to Lancashire, and it is a source of enormous regret that the mayor decided to reject it.

The Deputy Speaker (Baroness Henig) (Lab): We now come to the 30 minutes allocated for Back-Bench questions. I ask that questions and answers be brief so that I can call the maximum number of speakers.

7.44 pm

Lord Lansley (Con): My Lords, the figures today for the number of cases and deaths are deeply worrying. It is a 20% increase in the week in the number of cases and, of course, the number of cases that we have seen in recent weeks is now tragically leading to a much-increased number of deaths, so there are no grounds for complacency. However, as I think we all understand, this is a marathon, not a sprint, and there is an inevitable tension in the question of how far businesses can be shut down on a permanent basis—and we want to avoid that.

I put it to the Minister that to support businesses that are Covid-secure and keeping open, we need compensating measures to try to limit the transmission in social circumstances. Would the Government consider extending the advice across England that, when indoors, people should mix only in their own household and social bubble, and that the rule of six, while continuing to apply, is not sufficient indoors? We need to limit the mixing of households indoors.

Lord Bethell (Con): My Lords, my noble friend's observation is entirely right. In Manchester alone there have been more coronavirus infections already in October than in July, August and September combined. The average daily hospital admissions in Greater Manchester are now higher than they were on 26 March, and there are now more Covid-19 patients in Greater

Manchester hospitals than in the whole of the south-west and the south-east combined. These are illustrative of one region but it is a story that has already played out in others, and we naturally fear that it will play out in others in the future.

My noble friend's advice on the mixing of households is very perceptive. One thing with that we cannot do anything about is the kind of infection that the noble Baroness, Lady Thornton, described among her friends, where it spreads within a household. That is something that no household can reasonably fight against. However, stopping the spread of disease between different households is something that we can lean into. It requires an enormous amount of social distancing and a return to the kind of lockdown measures that we had at the beginning of this year. That is something that we are extremely anxious to avoid because it has enormous social impact, it is disruptive to our way of life, and it has an economic impact because it has implications on social distancing and on some businesses. Still, my noble friend is entirely right that that is exactly the kind of area that we will need to look at if we are to contain the spread of the virus.

The Lord Bishop of London: My Lords, from my background as a former Chief Nursing Officer, I am aware of the difficult decisions that Her Majesty's Government are required to make, as well as of the importance at this specific time of good public health action. However, I have heard the concerns expressed by my colleagues in the north-east and the north-west of England, including some of my right reverend friends in your Lordships' House: Covid-19 is disproportionately affecting the vulnerable and, unfortunately, so are the restrictions. There are significant concerns about their compliance with regulations that they do not feel are fair. The Government have frequently made assertions about public health behaviour and science without publishing the evidence or properly engaging with people in the communities affected. The interventions may well be right but the implementation seems to be failing. The Government must genuinely engage with, listen to and learn from people affected at a local level. Without such local buy-in, public health actions will not happen.

There is also some concern that the restrictions are impacting on those least able to manage the health and economic impact. There are concerns that movement into tier 3 will continue to exacerbate matters such as child poverty, deprivation, economic and health inequalities and poor mental health. If the perception is allowed to grow that certain sections of the economy or society can be allowed to bear the substantive weight of fresh regulations without levels of financial support, the consensus will not hold. Will the Minister reassure your Lordships' House that, as areas move to tier 3, local voices will be listened to and everything will be done to ensure that the risk to the most vulnerable is minimised?

As I have already said in your Lordships' House, the local public health nurse can inform top-down rules with local experience. What is being done to ensure that when the ring-fencing of funding that was passed to local government for public health comes to an end at the end of this financial year, it does not lead to further disinvestment in public health?

Lastly, faith communities, like public health nurses, are part of local populations and areas, and should be used more as experts to help leverage insights that they gain on the ground to support the public health action and interventions needed. I again encourage the Government not to neglect the whole-system approach to public health, as we work together on the challenge of Covid-19.

Lord Bethell (Con): The right reverend Prelate puts it extremely well. We completely recognise that not only does the virus attack the most vulnerable, but those who are least fortunate bear the huge brunt of the lockdown and the measures needed to crack down on the virus. In these matters, I emphasise that it is worth stepping back and reminding ourselves that the Government are not the source of the problem; the virus is. All the Government can do is take measures to save lives, protect our healthcare service and keep our schools open. In that way, it is not right to demonise central government for taking measures.

Central government can take measures to help protect the vulnerable, and I acknowledge the right reverend Prelate's point on this. I reassure her that we have put in place the Job Support Scheme to ensure that those affected by business closure are still paid; we have made £465 million available to help local authorities implement and enforce restrictions; we have provided £1 billion of extra funding to local authorities across the country; and we are committed to working with local authorities to allocate testing and tracing locally.

On the message the Government deliver, I recognise the phenomenon described by the right reverend Prelate, but I reassure her that there is no intent by government to make an association between poor behaviours and results. The data is there. We have published every piece of data we can and, to an extent, it does not lie. It is an uncomfortable truth, but some communities have consistently higher prevalence and infection rates. There is some responsibility on those communities to address the causes of that. It is an intent shared by government, local authorities, communities and individuals. There is no avoiding the fact that you cannot pin responsibility on any one of those four pillars.

Lastly, the right reverend Prelate is entirely right that faith communities pay an important role. I pay testimony to those faith communities in cities such as Leicester and Bolton, which have worked with us to great effect. We continue to put our relations with faith communities at the centre of our outreach to communities.

Baroness Andrews (Lab) [V]: My Lords, is the Minister aware that, today, a highly respected member of SAGE, Professor Stephen Reicher, said that the three-tier system is

“the worst of all worlds ... where there is no sense of clarity. There is a growing sense of inequity and resistance”?

Wales has decided to go for a circuit break, with the situation deteriorating, and a poll suggests that public opinion is very much moving towards recognising that this is necessary and will support it. What evidence can the Minister provide to show Professor Reicher that he is wrong?

Lord Bethell (Con): The noble Baroness makes her point well, but I will defend the three-tier system. It is an important mechanism to avoid a national lockdown, which is our objective. It was designed in close collaboration with local authorities and stakeholder groups. It has proved effective in a number of areas, and there is evidence of infection rates coming down where local lockdowns have been effective. But I completely agree with her analysis of public opinion. There is a growing sentiment that decisive action may be necessary, and an enormous amount of support, despite what one reads in the newspapers, for decisive action by the Government to restrict the spread of this virus.

Lord Rooker (Lab) [V]: I will change the subject. Early in the Statement yesterday, the Secretary of State referred to the shortening of the wait for cancer treatment since the long waits in July. I support the Secretary of State in thanking all the cancer teams working so hard, and indeed single out the staff of Hereford County Hospital in charge of my treatment, which started in Christmas week last year. Can the Minister confirm that the two-week cancer diagnosis plan is still functioning, and will he do more to encourage people to attend their GP, as I did, not guessing what was wrong? They do not have to be uncertain or have a suspicion, but if they know something might be wrong, the GP and the specialist will find it out. People need to be encouraged to do that and not be put off by the pressures on the NHS from the virus.

Lord Bethell (Con): My Lords, I am enormously pleased to hear that the noble Lord's cancer treatment has progressed so well. Like him, I pay tribute to those at the Hereford County Hospital who participated in his treatment, and in fact to all those who have maintained an incredibly high level of cancer treatments through the difficulties of the pandemic. Broadly, cancer treatments were maintained at around 85% of their normal practice during the summer months, and the restart has come on a long way. In July 2020, 87.8% of patients saw a cancer specialist within two weeks following a referral from their GP, and 94.5% of patients received treatment within 31 days of a decision to treat. However, I completely agree with the noble Lord's analysis: more could be done. That is why we are backing the Help Us, Help You campaign, which is a very high-profile marketing campaign, to try to drive up attendance rates and ensure that no one is put off by fear of hospitals or GP surgeries when they have a tell-tale sign, and that they go and get the referral that they need.

Baroness Pidding (Con) [V]: My Lords, we have clear evidence that obesity is a real hazard with regard to Covid-19. Tackling obesity and promoting the benefits of exercise, both for our physical and mental well-being, are quite rightly priorities of this Government, both now during this pandemic and beyond. Does my noble friend the Minister agree that we need to do all we can to ensure that gyms remain open as long as they can operate in a Covid-safe environment? Can he also confirm my understanding that we have two regions that are both currently in tier 3 with differing restrictions: Merseyside where gyms are closed, and Lancashire where gyms are open? Surely we need clarity of message.

Lord Bethell (Con): My noble friend illustrates the complexity of trying to work with local authorities and the impact of giving local authorities the discretion to make decisions on their own. In this area, in tier 3, we gave discretion to local authorities on their gyms. Merseyside decided to close its gyms and Lancashire did not. It is entirely appropriate for them to make their own assessment. I confess to feeling a real and genuine dilemma when it comes to gyms. My noble friend is entirely right that activity is important, particularly at a time of lockdown. However, medical advice on hygiene is that the spray from exertion and sweaty bodies is very difficult to contain, even in a well-meaning and well-managed gym. That is why we have given local authorities that choice and why we keep the matter under review.

Lord Dubs (Lab) [V]: My Lords, I have two brief questions. Somebody I know received the following message on their mobile phone:

“Possible COVID-19 exposure. Verifying exposure info. The app has accessed the date, duration and signal strength of this exposure.”

Can the Minister say what this means? Is the recipient supposed to do anything about it or is this some maverick message? My second question is on a different point. Does the Minister agree that there are people in this country who are too apprehensive about the possible quarantine to go abroad and so have to quarantine on their return to this country? Could we not adopt the system, which certainly seems to be working in Germany, that we offer testing for people arriving from areas where they are liable to be quarantined, possibly testing them two or three days later? That means they would not have to be in quarantine for two weeks and risk losing their job, and so on. Could we not adopt that simple expedient?

Lord Bethell (Con): I reassure the noble Lord that his friend’s notification came from a new feature of Apple phones called “Exposure Notifications Express”. This is something that we have worked hard to incorporate in the existing app. I slightly suspect that, if she has a new version of the NHS app, she will not receive these notifications any more. We are grateful to Apple for enabling its phones to work in developing countries, but there has been some turbulence with our own app, which we think we have resolved.

On quarantines, I say that, as a follower of these debates, the noble Lord will know that the CMO’s view is that testing on arrival will capture only 7% of infections, and it is very difficult to apply quarantines to get people to commit to staying longer. However, we are committed to running pilots to try to open the kinds of schemes that he describes, and I would be happy to report back on their development.

Baroness Wheatcroft (Non-Aff) [V]: My Lords, at the beginning of this debate, the Minister gave a very spirited defence of the test and trace system. This morning, my daughter and her 15 month-old daughter were tested, and it was very efficiently done, but they were told that they should expect results in two to three days’ time. The Minister mentioned 24 hours; what timetable are the Government trying to operate

on for test and trace because, clearly, if there are two days that are fallow, an awful lot of people risk being infected?

I will also address the issue of gyms. The noble Baroness, Lady Thornton, talked about the lack of clarity at the beginning of this debate. If people are to stick to the rules, they need clarity. I do not understand why gyms are open at all, quite honestly. It seems to me—as the Minister indicated—that they are potential hotbeds for coronavirus. However, we are told that discretion is given to local authorities to decide what they do and do not allow. I recall that Manchester was absolutely determined that it would like to stop alcohol sales at the same time that, if not sooner than, pubs were forced to close, but it was not given discretion over that. I would be grateful if the Minister could explain when local authorities do and do not have discretion.

I also wonder whether the Minister could tell the House the position on travel to work. Office workers are told to work from home if it is possible for them not to work from the office, but there does not seem to be a ruling that says, “Do not go to work in an office unless you absolutely have to”. What counts as essential? What instructions are the Government giving to civil servants about whether they should travel to work? We are told that gatherings that are “reasonably necessary” can take place in office environments with no limit on the numbers involved. In the circumstances, that seems crazy. If the Minister could clarify the position, I would be grateful.

Lord Bethell (Con): I reassure the noble Baroness that 24 hours is our objective, and it is clear that a 24-hour target is right. Having swift turnaround is conducive to effectiveness, and that is what we are trying to do. There has been a very large increase in demand in the last 11 weeks, which has put pressure on our operations and pushed back some of our turnaround times. We are working extremely hard to address that; new capacity is coming on-stream all the time, and we are hopeful that that can be turned around very quickly.

The noble Baroness is entirely right to raise her point on clarity, which is very similar to those raised by others, including the right reverend Prelate. There is a really important balance that we have to get right here because to have communal buy-in to our measures, we need to somehow mobilise leaders that people trust, from their faith community, their local community or other leadership groups that they subscribe to.

However, to give people a role in the decision-making about what measures are to take place in one area or another, there will be an uneven application of regulations—what happens in one place will not be the same in another. We have made a commitment to a partnership between national and local government, and we are trying to manage that complex partnership at the moment. As noble Lords know from the discussions in the other place and our conversations with Manchester, this is an extremely bumpy affair and it does not always work out well.

However, we are committed to doing this precisely for the reasons the noble Baroness described: to have buy-in, we need to mobilise all the country and all the

people who are respected by those who adhere to the rules. That is why we take the approach we do. It means that gyms will be open in Lancashire but not in Merseyside. It is argued that this is a complexity that the British public can handle. It also takes us into very public conversations about funding, the allocation of resources and the establishment of new testing facilities. We believe it is worth the administrative and political effort to try to do that. There are also delays to the implementation of some of the restrictions. The British public will form their own judgment on their politicians and whether that is worth their while. These are the prices and friction costs to the local/national partnership that we are committed to, which has been advocated on the Benches of this Chamber for many months.

Baroness Bennett of Manor Castle (GP) [V]: My Lords, the noble Lord, Lord Lansley, referred to the risk of mixing indoors. From the housing department, the noble Lord, Lord Greenhalgh, today kindly answered a Written Question from me about ventilation standards in building regulations in the light of Covid-19. It referred to the most recent SAGE paper on aerosol transmission, dated 22 July. The science on aerosol transmission has moved on a great deal since then. The noble Lord indicated that a new paper is being prepared by the SAGE Environmental and Modelling group. I note that German schools, for example, have strict conditions about opening windows regularly, even in the coldest conditions. Is the Minister confident that the current strength of advice on levels of ventilation, particularly to businesses where people are mixing, either retail premises, offices, or gyms, as we have been discussing, and to schools, is adequate?

Lord Bethell (Con): The noble Baroness is right to raise questions about the way in which the disease is transmitted. We have put a huge amount of effort into studying it. I pay tribute to the epidemiologists who have crafted sophisticated models and have sought to test them in practical ways in order to establish, for good, the really important questions of how one person's conversation, breathing and spoken word might transmit the disease to another person either through the air or on surfaces. Understanding that is absolutely essential in order for us to put in place the right kinds of Covid

safety measures. However, at this stage it is an imprecise science. For instance, there is some evidence that transmission from hygiene and surfaces can play a very important role, perhaps meaning that we have to invest more thought and commitment in cleaning measures. The guidelines we have for workplace and school testing reflect the very best provable standards according to scientific evidence. We continue to invest in these important epidemiological insights, and I welcome very much the contribution of the scientists on SAGE and all those who continue to try to gain a better understanding of this issue.

Lord Hunt of Kings Heath (Lab) [V]: My Lords, in the first Statement that we are debating, the Secretary of State spoke about the strategy being to suppress the virus and support the economy and the NHS. He did not specifically mention the vaccine programme, although clearly it is an important part of our approach. Although the Government have secured early access to, I think, over 300 million doses, there will not be enough for the entire population to receive them immediately. The Joint Committee on Vaccination and Immunisation has published interim advice on a prioritisation programme. Will the Government follow that advice, and can the Minister say more about what work is being undertaken to encourage a high uptake?

Lord Bethell (Con): I thank the noble Lord for his interest. The JCVI is, as he described, the agency responsible for giving advice on the prioritisation plan. Our policy is to follow that advice, and I pay tribute to those on the panel for the hard work they are putting into that. The interim advice is extremely thoughtful and follows the best values and standards of this country. We are putting a lot of work into trying to raise adoption rates of the vaccine. We face a challenge from those who would like to query the science or have some form of national or commercial vested interest in undermining confidence in the vaccine. We are putting a lot of work into mitigating that risk. That is not work that I would like to discuss at the Dispatch Box but I would be very glad to share some of it privately at a later date.

House adjourned at 8.11 pm.

